

Land tenure conflict in Kenya turning into strong inter-ethnic territorial claims

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North-West Kenya's Mount Elgon district has since the 1970s been the arena of a lurking land access conflict which boiled up at the very heart of the Saboot community, the majority ethnic group in that part of the country. The past two years or so have seen the conflict take on an extra dimension. An IRD researcher, working jointly with the Kenyatta University of Nairobi reviews its origins and the reasons for its recent intensification.

Kenya's recent history has been dotted with several intense episodes of land-ownership conflict, starting in the early 1950s with the bloody repression of the Mau Mau movement by the British colonial power. This conflict caused 11 000 deaths among the rebels and also prompted the first regrouping of agricultural lands in Kenya. Access to land in this former European colony is still to this day a particularly hotly disputed issue.

The colonial heritage also found expression in an administrative tradition where territorial control was paramount of all priorities. Stemming from this, interior boundaries defined exclusive territories, both in the form of nature reserves (forest, national parks) and "ethnic reserves", which often took on the aspect of administrative bodies. The result was a sectorization which certain repercussions on the distribution of the different communities which populate the country.

This situation has become a source of inter-ethnic tension. And it is particularly portentous in the Chebyuk area of the Mount Elgon district

where an IRD researcher has been conducting a long-term study on the origins of the conflict over access to arable land which opposes the Kalenjin language communities (Sabaots, Ndorobos and Soy), and whose emergence is closely linked to identity affirmation.

The fertile, well watered Chebyuk region on the southern slopes of Mount Elgon, about 2000 m high, was until 2006 home of a population of 35 000 over a 10 km² surface area. Following primary forest clearance which had begun in the 1970s, crops of maize, cabbage, onion and potatoes, for export to Kenya's large towns and cities, developed steadily. Since that time, the geographic area has represented an agricultural front for families coming mainly from the Sabaot community, settled on either side of the frontier between Kenya and Uganda. To meet people's demand for farming plots, in the 1970s a committee of elders, co-opted by government authorities, organized a first land distribution operation. However, from the mid 1980s, rivalries rose up over ownership of this expanse of land.

Pressure from the Sabaot community led to the settlement and clearance of a more extensive zone than the legally delimited area. In 1989, complaints about the misappropriation of these land allocations prompted a government decision to reorganize the attribution of the farming plots. It was a time when tensions came to a head and houses were burned down. Tensions broke out with rival land claims which were arbitrated by a politico-administrative class which persisted in maintaining a system of partiality.

The 1989 land reform therefore provided for the redistribution of all land in the localities of Emia and Chebyuk. It was organized in three phases, each corresponding to a particular area of Chebyuk: the lists of beneficiaries of phases 1 and 2 were finalized in 2004; the one for phase 3 was made official in 2006, marking the end of what was a 30-year-long land redistribution programme (see Map). It was subsequent to this

final reorganization that the conflict rose to the surface, ending in a form of spatial segregation that rent asunder the apparent unity of the Sabaot community.

Towards the end of 2006, clashes between the Sabaot and Ndorobos, a new ethnic identity that had gradually emerged from among those of the Sabaot group who had been cast aside, resulted in the displacement of 60 000 people and the death of 200 others. The region's inhabitants assimilated with the Ndorobos then took refuge on the high moorland expanses of Chepkitale and in the forest reserve area at the boundary of the Trans Nzoia district. Others, assimilated with the Soy, went over to the plains not far from the Ugandan border (Cheptais), the main town of the district (Kapsokwony) or the neighbouring district of Trans Nzoia.

More recently, the violent stresses associated with the December 2007 elections, expressed locally by rival factions' taking up of arms, played a role in the magnifying the conflict. Those long battles for land nevertheless find their origin more in the history of State schemes for regulating access to land ownership, rooted in practices of political favouritism and authoritarian methods employed to implement land redistribution operations. Land appropriation battles in the Mount Elgon region stem in the end from repeated episodes of land allocations and evictions which gave rise to frustrations that are now boiling up into ethnic territorial claims.

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