



UNIVERSITY OF NAIROBI

MA IN ARMED CONFLICT AND PEACE STUDIES

**ASSESSING THE INFLUENCE OF DEVELOPMENT ACTIVITIES ON
KIPSIGIS-LUO BORDER CONFLICTS AT SONDU, 1999-2016**

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M.A PROJECT

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DECLARATION

I declare that this project is my original work and has not been presented for an award of a degree at any university.

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C50/72937/2014

This research project has been submitted with my approval as university supervisor,

Signature.....Date.....

Dr. GEORGE GONA

DEDICATION

To my loving and supportive wife Joyce Muga, to my children Alvin and Gillian who have encouraged me to push on and on with the studies.

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I would like to thank God for the life and strength which helped me to complete this project. There are also people that I would like to thank for their assistance during the writing of this project. First, I would like to thank my supervisor, Dr. George Gona for his consistent guidance while writing this work. I also would like to mention department lecturers who in one way or the other supported my work.

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LIST OF ACRONYMS

ACC	Assistant County Commissioner
AIG	Assistant Inspector General
ASTU	Anti-Stock Theft Unit
CVS	Crime and Victim Surveys
IDP	Internally Displaced Person
IDS	Institute of Development Studies
JKML	Jomo Kenyatta Memorial Library
HSC	Head of State Commendation
KANU	Kenya African National Union
KENGEN	Kenya Electricity Generating Company
KES	Kenya Shillings
KIWASCO	Kisumu Water and Sewerage Company
NEDG	Nyakach Elders Development Group
NGAO	National Government Agencies and Officers
NGO	Non-Governmental Organizations
NYANAS	Nyakach-Nandi Water Project
OCS	Officer Commanding Police Station
ODM	Orange Democratic Movement
OGW	Order of Grand Warrior
RVCA	Rift Valley Catchment Area

OPERATIONAL DEFINITION OF KEY TERMS

Activities- Is used to refer to socio-economic events or undertakings by the Kipsigis and Luo communities for their mutual wellbeing. The activities may bring about disputes and conflicts.

Border relations- Is used to refer to the activities and interactions of the Kipsigis and Luo communities which share a distinct boundary.

Cattle rustling- This term is used in the study to mean the acquisition of livestock for cultural obligation or for economic gain. In section 278 of the Penal Code, Laws of Kenya, it is a criminal offence.

Commercial rustling- is the stock theft for the purpose of profit-making when livestock is stolen from owners.

Conflict- Is used to refer to the incompatibility of values between two or more persons. People would be compatible because of interests, goals, values, opinions, and so on.

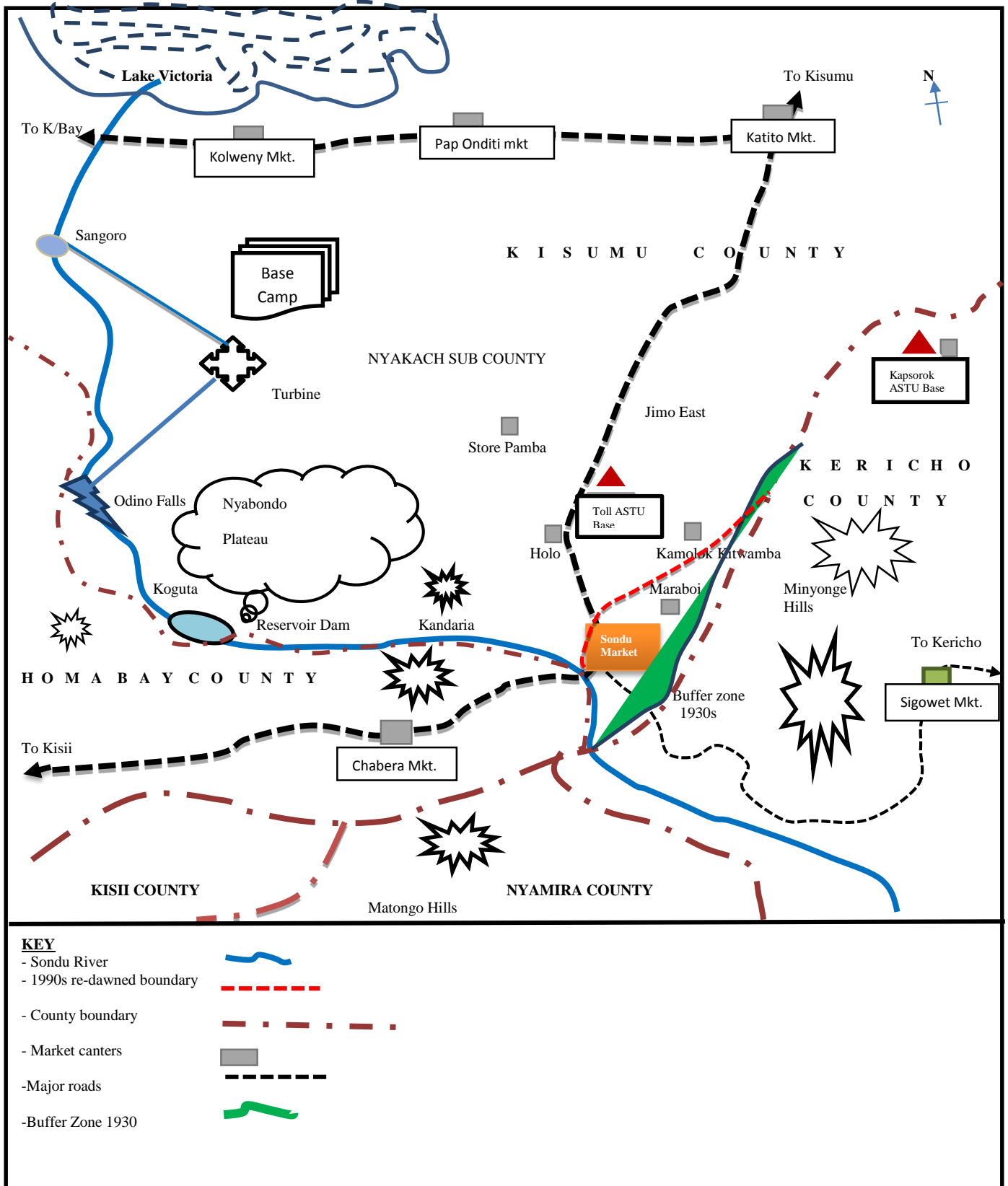
Development- Is used to refer to the process of using an area of land or space profitably by building or constructing a facility or premise to benefit the community.

Pastoralist conflicts- Is used to refer to disagreements and violence revolving around grazing areas and water points among households rearing large numbers of livestock.

ABSTRACT

This study assessed the influence of development activities on Kipsigis-Luo border conflicts at Sondu. Based on oral interviews and supplemented with secondary sources, the study established that conflict in Sondu has both traditional and modern-day causes which are mostly development-related. The study further reveals that the influence of development activities on relations in the area takes two dimensions; positive resulting into cooperation and negative resulting into conflictual relations. To resolve the conflict, several strategies such as local peace initiatives spearheaded by elders from the two communities and community policing activities have been adopted over time. The interventions by non-governmental organization and state apparatus have been in place though not all have succeeded in solving the nexus between development activities and conflictual relations along Sondu common border line.

SKECH-MAP OF NYAKACH SUB-COUNTY IN KISUMU COUNTY



Source: Researcher

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Colonisation of Africa by European powers had wide-ranging and profound effects on the development of the African continent. One of the lasting impacts of the European colonialism has been ethnicised conflicts. When the European imperialists imposed formal borders throughout Africa in 1885, the seeds for ethnic conflicts in independent Africa had already been sown. The drawing of the boundaries was done with little to no consideration of the actual distribution of local indigenous ethno-cultural groups. With the end of colonial rule, the emerging independent African countries, with their colonial boundaries still intact, transformed themselves into some of the most ethnically fragmented countries in the world.¹

As such, ethnic conflicts have repeatedly influenced most of wars that have taken place in Africa since the wave of decolonization began to sweep the continent after World War II. Consequently, the number of ethnic conflicts in Africa has continued to grow at a steady rate since early 1990s, remaining consistent with the overall trend witnessed since the 1950s.²

Ethnic conflicts over time immemorial have engulfed communities residing in the same geographical area, same territorial boundaries, and more so immediate neighbours sharing common recourses in such an environment. The societal differences that lead to conflictual relationships range from political factors, socio-economic factors, psycho-cultural factors and even religious aspirations. Psychological dimension of such conflicts by large, are

¹ Blanton, R, 2001. Colonial Style and Post-Colonial Ethnic Conflict in Africa. *Journal of Peace Research*, Vol. 38, No. 4, pp. 473-491: Sage Publications, Ltd.

<http://www.jstor.org/stable/424898> Accessed: 22/01/2010 13:10

² Sadowski, Y., 1998. Ethnic Conflicts. *Journal of Foreign Policy*, No. 111, pp. 12-23: Washington post. News-week Interactive, LLC <http://www.jstor.org/stable/1149375>

characterized by intractable and deep rooted undertones that are more than politico-economic factors that may be seen in the surface as driving the conflict.³

According to Safeworld, the use of negative ethnic attitudes by leaders during election-related campaigns is one of the factors that contribute to ethnic polarisation. Because of the intense competition, politicians often resort to exploitation of perceived differences among communities in order to appear like they are defending the interests of the locals, though they do this for their own political aims. Many a time, most communities and people continue to rely on negative ethnicity to perpetuate their hegemony and dominance in an environment characterised by fear, scarce resources and prejudice.⁴ This is the situation that the Kipsigis and their Luo neighbours face as they share a colonial-demarcated border engulfed with intense political differences among other challenges.

This study focused on conflict between the Luo and the Kipsigis residing at the border of Kisumu and Kericho counties. It sought to understand the causes of the conflict, the influence of developmental projects on the conflict, as well as the role of indigenous peace initiatives in peace building in the area.

1.1 Historical background to the Conflict

Traditionally, Luo and Kalenjins enjoyed periods of peaceful coexistence as well as periodic conflicts. Conflict between the two communities dates back to the age of migration, characterised by conquest and displacement. According to Nyakach elders' chairman Okech Odingo, even after the period of conquest and displacement came to an end, there remained long-standing mistrust between the Luo and Kipsigis communities ranging from cattle raids to

³Yagcioglu D., 1996. Psychological Explanations of Conflicts between Ethno-cultural Minorities and Majorities. An Overview: Athens, .p 1

⁴ Saferworld Briefing: Kisumu County Conflict Analysis, June 19, 2015: pp2-3.

political differences⁵. Thus, the major source of conflict in the area, in the period following migratory wars was the sporadic cases of cattle rustling along the borderline. Such conflicts were mainly perpetuated by youths from both sides working independently or at times together. These conflicts sometimes negated the aspects of ethnicity as the youths from both sides worked together in raiding households from the two communities. In fact, in most cases, Luo thieves often steal livestock from Luo homesteads before delivering them to their Kalenjin counterparts for further processing.⁶ Same system also happens in Kalenjin homesteads where their ‘sons’ still from them before handing the stolen loot to Luos for delivery to destination points. These incidences occasionally led to violent clashes and counter raids, each time claiming lives and displacing households on the border area. These conflicts though periodic, were rampant around River Sondu.

River Sondu physically demarcates the border between the Luo and the Kipsigis neighbours living across the river and share a roadside trading centre. At the border of both communities, the residents share one another’s language, share food stuffs during droughts and have common markets.⁷ It is this close interaction at social practices such as intermarriages that in the past defined the peaceful coexistence among the communities.

However, since the early 1990s, the two neighbouring communities have witnessed an upsurge of ethnic-based conflicts. The conflicts, commonly known as ‘ethnic clashes’ in Sondu border can be traced back to the early 1990s period during which clamour for multipartyism was rife following decades of KANU one party rule. Kenya’s transformation from a one-party system to multipartyism coincided with violent conflicts which assumed the form of ‘ethnic’ and ‘land’

⁵Alal, M. The Star Newspaper 20th Jan, 2017. “Luo, Kalenjin leaders propose intermarriage to end cattle rustling.” http://www.the-star.co.ke/news/2017/01/20/luo-kalenjin-leaders-propose-intermarriage-to-end-cattle-rustling_c1491208. Accessed 09.08. 2018.

⁶Okungu, J. March 2012. Kalenjin-Luo Clashes: Where is the government? <http://africnewsonline.blogspot.co.ke/2012/03/nandi-luo-clashes-where-is-government.html> Accessed 1.1.2020

⁷ibid

clashes. The most profound of such clashes happened in 1991 at Miteitei Farm in the then Nandi District. The Farm was one of the few settler farms that had been sold off to Kenyans in the 1960s. In October 1991, a disagreement over ownership of shares in the Miteitei land buying company escalated. By 29th of that month, several houses had been razed down and a score of people killed or injured.⁸ Those targeted in the attacks were mainly labourers who had migrated from other Districts. Related incidents followed suit other in other cosmopolitan regions beyond South Rift.⁹ With the advent of multi-party democracy, the Luo and Kipsigis in Sondu also experienced some of the deadly skirmishes during the area's history.¹⁰

In 1999, Kenya government began process of installing Sondu-Miriu Hydro Electric Power Plant at Kusa along Sondu River in Nyakach sub-county. The plant produces 40MW to the national grid. Its water is drawn from the Rivers Sondu and Miriu and dammed at the Nyabondo plateau. The plant site at Thurdibuoro location and adjacent locations of South West and West Nyakach saw a face lift in terms of emerging developments. The residents were compensated for land used for the plant and were able to invest the money in improving their lives.

There has been construction of schools, hospitals, rural access roads, development of new markets and trading centres. River Sondu emanates from the Western side of Mau escapement in Kericho County and other tributaries from Kisii highlands.¹¹ Since the plant became operational, there has been an increase in the frequency of conflicts in the area.

⁸Abdullahi, M.A. 1997. Ethnic Clashes, Displaced Persons and the Potential for Refugee Creation in Kenya. A Forbidden Forecast" in *International Journal of Refugee Law* Vol 9 No.2 Oxford: Oxford University Press, pp. 196.

⁹Republic of Kenya, "Report of the Judicial Commission of Inquiry into Tribal Clashes" (The Akiwumi Report), Nairobi: Government Printer, 1999.

¹⁰Republic of Kenya, 1999. "Tribal Clashes". Government Printer.

¹¹Africa Water Network (22 December 1999). "The Impacts of Sondu-Miriu River Hydro-Electric Power Project on the People of Nyanza". *Internationalrivers.org*. Retrieved 5 April 2016.

Thus, Kericho- Kisumu border at Sondu has seen violent clashes since the onset of multipartyism in the early 1990s. This, together with periodic cattle raids laid the basis for conflicts that have characterized the area for decades.¹² Though the area has persistently witnessed ethnic conflict, the recent establishment of Sondu Miriu power project has coincided with increased conflicts. The conflicts have become intense and rampant. In response, government has taken various counter measures including establishment of police posts in the area. Despite this, the conflict rages on systemically.

The aim of this study was to evaluate the influence of development projects such as Sondu Miriu Power Plant on the recent conflicts in the area. The study also sought to assess how such development projects have alleviated conflicts in the study area. Conflict resolutions mechanisms undertaken in resolving the conflicts were also analysed. To achieve its goal, the research moved away from the narrow explanations to disputes that focus on ethnicity that uses instrumentalism and lack of critical information as explanatory elements to these disputes, to study other issues particularly development activities that drive African conflicts.

1.2 Statement of the research problem

Kenya is not new to conflicts. The history of conflicts in the country predates colonialism and could be traced ages back to migration and expansionist wars. From various studies done, it has been noted that the origins of conflicts are manifold, complex and usually encompass economic, political and social parameters. In general, the causes and consequences of violent conflicts that occur in Kenya are hard to categorize. However, they often fall under general

¹²Republic of Kenya, "Report of the Judicial Commission of Inquiry into Tribal Clashes" (The Akiwumi Report), Nairobi: Government Printer, 1999.

categories such as economic, social, political, religious, psychological as well as environmental realms of life.

One region that has experienced conflict in Kenya is the Sondu area of Nyakach Sub-County. The conflicts in the area have been identified to have a multiplicity of traditional causes. However, though the conflict in the area has had a past analyses, majority of the previous studies are general and tend to focus more on the question of cattle raids, as well as cultural and political indifferences and not development induced.

Furthermore, other studies that have been done on the nature of African conflicts have attributed them to political differences, disagreements over natural resources (particularly land) and livestock. It can only be speculative to imagine these issues apply to most African conflicts and especially when African lives are mediated by modern developments such as the hydro-electric plant at Sondu. Additionally, literature on the conflict between the Kipsigis and Luo in recent times is scarce. Few studies have dealt with the question of development programs undertaken either by governments or development partners within communities that indicate a rise in conflicts or changed relationships between them. This necessitates an investigation into these dynamics of conflicts in Sondu and their resolution.

This study sought to address this limitation through interrogation of the influence of the emergent economic dynamics and introduction of development projects on conflicts in the study area. In addition, government interventions in such conflicts have taken a security angle (establishment of Kenya Police Service's Anti-Stock Theft Unit-ASTU) and seem to have realised very little success. Thus, such interventions were interrogated against other possible peace interventions that have been adopted. This is the line that this study adopted.

1.3 Key research questions

Analysis of documents on communal conflicts in Sondu area has brought out a number of questions in need of answers. They include;

1. What is the nature and historical background of Luo-Kipsigis conflicts?
2. What are the activities causing conflictual relations along the Luo-Kipsigis border?
3. How do development projects relate to conflict situation in Sondu area?
4. What are the implications of the conflict under study, and what strategies have been used to resolve it?

1.4 Objectives of the study

1. To examine the nature and historical background to Luo-Kipsigis conflicts.
2. To assess events causing conflictual relations along the Luo-Kipsigis border at Sondu.
3. To assess the nexus between development projects and conflict in Sondu area.
4. To evaluate the implications of conflict in Sondu, and mechanisms adopted to address the conflict.

1.5 Justification of the study

Conflict between the Luo and Kipsigis at Sondu is not a new phenomenon. However, there has been a recent change in the nature and causes of the conflicts that has not been appreciated in the current literature on conflict in the area. The fact that scholars on the topic have failed to factor in the influence of developmental projects on the current conflict has necessitated this study. The findings of the research will hopefully fill the existing gaps in available literature on the conflict between the Luo and Kipsigis by assessing the influence of development projects. Other than this, the findings of the study are relevant in policy making on matters related to development-based conflicts and conflict resolution.

1.6 Scope and limitations of the study

The study is on assessing the influence of development activities on Luo-Kipsigis conflicts at the border of Kericho and Kisumu counties. The study period ranged from 1999, when Sondu Miriu Hydro Electric power plant was launched and 2016 when the area witnessed massive violence that resulted to burning of houses, displacements and deaths. The study was conducted in Nyakach sub-county, an area that has seen prevalence of conflict and thus offered reliable sample that provided data used in analyzing the causes of the conflicts, the nexus between development and conflict, and conflict resolution mechanisms applied in resolving the conflicts in the study area.

During the course of the research, some challenges were faced. The main one was location of respondents among the general populace as most respondents feared victimisation due to the perceived sensitivity of the topic. However, availability of an authorisation letter indicating the academic nature of the study helped ease the fear.

1.7 Literature Review

This section reviews documented material on conflict in Kenya, and the relationship between development and conflict, and finally resolution mechanisms applied in resolving conflicts in Africa.

1.7.1 Conflict in Kenya

According to Ojwang, ethnic conflicts in Africa are not necessarily an outcome of national or continental boundaries enclosing many ethnic groups. According to him, ethnic conflicts and negative ethnicity result from ethnic-based grudges. He notes that in the past, ethnic-related conflict management mechanisms in Africa tended to focus less on the root causes and more on the effects thus becoming less effective. He further asserts that there are many political and

socio-economic grudges within and between many communities in Africa.¹³ This underlines some fundamental factors that continue to make conflict a permanent feature of African communities. Instructive to note that grudges may play a role in African conflicts but we hasten to add that they may not cut across communities. And it is also important to remember that the grudge issue is being treated as a given and not varied over time and space. These were among the issues this study sought to investigate in the Luo-Kipsigis conflict.

Barasa Nyukuri observes that it is reality that many regions of Kenyan regions are affected by ethnic conflicts both currently as well as in the past. This according to him is partly due to the fact that different ethnic communities continue to depend on negative ethnicity to perpetuate their hegemony and dominance in an atmosphere characterized by fear, scarce resources and prejudice.¹⁴ According to Bienien, reliance on communal solidarity is yet to be destroyed in Kenya. As a result, social change and economic development have given great salience to ethnic alignments.¹⁵ This reality, therefore, is partly the reason why land ownership and ethnicity have remained very explosive and sensitive aspects of Kenya's contemporary and historical political economy. These assessments corroborates with the Luo-Kipsigis conflict which at times adopts an ethnic orientation. The authors bring out various factors that inform conflicts in Kenya. However, unlike the author who focused on negative ethnicity, this study sought to answer questions like, does the introduction of development projects influence the way people perceive each other? Does this influence conflict?

¹³Ojwang' J.B. and Mugambi, J. 1989. *The S.M. Otieno Case: Death and Burial in Modern Kenya*, University of Nairobi Press.

¹⁴ Nyukuri B. Kundu, 1997. *The Impact of Past and Potential Ethnic Conflicts on Kenyan's Stability and Development*. A paper prepared for the USAID Conference on Conflict resolution in the Greater Horn of Africa. pp. 2-3.

¹⁵Bienien, H. 1974. *Kenya: The Politics of Participation and Control*. Princeton University Press, New Jersey, p.131

1.7.2 Causes of Conflict in Kenya

Stanley Diamond notes that the British colonialists' strategy of divide and rule or indirect rule polarized Kenya's ethnic groups. He adds that the unfortunate thing is that post-independence politics adopted the divide and rule policy that were more magnified in the multi-party politics of the 1990s and after.¹⁶ It is this polarization of communities against each other that the study sought to assess viz a viz the current political dimensions which adopts similar leadership approaches in some instances.

Other than politics, land is another major cause of conflict in Kenya. Leo Christopher notes that there is inherent link between political interference in land ownership and distribution practices, economic dependency on land and the weaknesses in land policy leading to rise in grievances and evictions. As a result, land affairs remain highly politicised and contested with high levels of violence often accompanying the disputes.¹⁷ The role of land in fuelling conflicts in Kenya has been brought out by the authors. This study assessed the influence of this factor in the Kisumu-Kericho border conflict.

The other source of conflict in Kenya is unequal resource distribution. Hazlewood Arthur notes that apart from their easy access to land, communities with strong connection politically enjoy economic success which most of times is not accessible to other ethnic groups. Such communities also enjoy abundant schools, good roads and improved educational facilities, clean piped water, electricity, modern health services and among other forms of infrastructural facilities.¹⁸

¹⁶Stanley D., et.al (eds) 1966. *The Transformation of East Africa*: pp.64, 183, 186.

¹⁷Leo C., 1984. *Land and Class in Kenya*. University of Toronto Press.

¹⁸Hazlewood, A. 1979. *The Economy of Kenya: The Kenyatta Era*. Chapter. I, pp.46.

The case in point is the Kikuyu who visibly outdistanced other ethnic groups economically during President Kenyatta's rule at a pace that immediately posed risks to their newly acquired economic and political positions in the structures of government. Similar trends of unequal distribution of infrastructure, land and other national resources were prominent during the reign of President Moi, where the Kalenjin ethnic groups were supposedly benefitted more from government programs than others. The same applies to job distribution whose Kenyanization agenda at independence was simply, 'Kikuyunization' and later 'Kalenjinization' during President Moi era. The feeling of betrayal by the Kikuyu and Kalenjin communities as they are perceived to have benefited more from independence has often led to conflict.¹⁹

The same sentiments of ethnicized-based crave for resources are made by Barasa Nyukuri in his 1997 work on Conflict in Kenya. Here, he asserts that the historic zero-sum politics in which the community producing the president takes everything has heavily polarised the country ethnically creating room for conflict. Thus, unequal resource distribution results in conflict as discussed by the author. This study assessed how distribution of resources from Sondu Miriu power plant has negatively or positively influenced relations in the area.²⁰

Water as a resource is another source of ethnic conflicts in Kenya. Water sources influence conflict in two-folds; first there is access-related conflict; and secondly, conflicts over issues influenced by competition for access. This is mostly the case when certain groups seek exclusive ownership or access of a water point or to benefit alone from a development project located at a certain water point. Another source of conflict is insensitive development programs. For example the installation of irrigation schemes which divert water causing a

¹⁹ Nyukuri B., 3rd April 1993. "Of Ethnicity and Leadership in Kenya." An article published by the Daily Nation newspaper's Weekly Platform, Nairobi. Accessed 11.11.2018.

²⁰ Nyukuri B. Kundu, 1997. *The Impact of Past and Potential Ethnic Conflicts on Kenyan's Stability and Development*. A paper prepared for the USAID Conference on Conflict resolution in the Greater Horn of Africa.

reduction in its availability in other areas. Sondu area has River Sondu which is shared by both Luo and Kipsigis neighbourhoods. Since the construction of power generating project on it, the frequency of conflict between the communities has increased.²¹ This study assessed the influence of Sondu Miriu power plant and other development projects on the relationships of the two communities in Sondu.

Additionally, Kenya has witnessed various ethnic conflicts associated with agro-pastoralism. For instance, the contrast in land use by pastoralists and cultivators has been a major player in local level conflicts across many regions in Kenya.²² Luo community at Sondu is primarily agricultural while the Kipsigis are mixed farmers. This study assessed the prospective influence of contrasting economies recent conflicts in Sondu.

1.7.3 Relationship between Environmental, Developmental factors and conflicts

Scarcity in environmental resources mostly known as resource scarcity is escalating globally. Homer-Dixon pinpoints the definition of this term by arguing that resource scarcity is the decline in availability of renewable natural resources such as soil, fresh water, fish and forests. In effect, a reduction in the quality and or quantity of such a resource diminishes the resource, with an increase in population further subdividing the scarce resource into even smaller pieces among more people.²³

Unequal resource distribution on the other hand refers to the situation where some groups of people disproportionately get larger portions of the available resource. Therefore, increased

²¹ Africa Water Network (22 December 1999), "The Impacts of Sondu-Miriu River Hydro-Electric Power Project on the People of Nyanza". Internationalrivers.org. Retrieved 5 April 2016.

²² Berger R, 2003. Conflict over natural resources among pastoralists in northern Kenya: a look at recent initiatives in conflict resolution, Policy Arena.

²³ Homer-Dixon, T. 1994. Environmental Scarcities and Violent Conflict. Evidence from Cases, International Security, 19(1)

resource scarcity caused by either reduction in the quantity of the resource or unequal distribution may result in several consequences, which in turn often generate domestic and /or armed conflict. Developmental conflicts arise out of conflict over use or distribution of benefits arising out of a project.²⁴ Sondu area has witnessed several development-related projects. The link between development and conflict was investigated by this study.

According to Stewart on his book, the Root causes of violent conflict in developing countries, most of the third World countries have in the past experienced, and continue to experience violent conflicts partly due to their underdeveloped nature. He suggests that 8 out of 10 poorest states globally are struggling with cases of disorder, including revolutions, civil wars, and bloodsheds, with a great social cost and negative influence on development.²⁵ Stewart believes that conflict in Third World states could be informed by four varying factors namely, group inequality, failure of the social contract, private motivation and the green war hypothesis. All these variables cause or influence the dynamics of conflict. It was interesting to find out how these forces play out in the study area of Sondu common border between the Kipsigis and Luo communities.

For Malone and Berdal, the economic factor in conflict is not solely relevant. According to them, conflicts create conditions in which different individuals and groups such as officials, traders and international actors gain considerable wealth, with the consequent outcome of further impoverishing the poor part of the society. Many times, the conflict country justifies behaviour and crimes that would in peace times, be punished by the laws.²⁶ As such, many who

²⁴ Maphosa, S.B., March 2012. Natural Resource and Conflict: Unlocking the economic dimension of peace-building in Africa. *Policy Brief* No. 74. P. 5.

²⁵ Stewart, F. (2002). *Root causes of violent conflict in developing countries*. BMJ; 324(7333): 342–345. Available: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1122271/>

²⁶ Berdal, M. and Malone, D. M. (2000). *Greed and Grievance. Economic agendas in Civil Wars*. United States of America; Lynne Rienner Publishers, Inc. Available: <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/23397/IDL-23397.pdf?sequence=1&isAllowed=y> Accessed 21 August 2021.

could take advantage of the situation benefit while those who can't get even more impoverished. Berdal and Malone give the case of DRC and Angola in which they observes that the main reason for the endless conflicts the two countries is the control of natural resources, particularly mineral zones. The groups and individuals involved in this sort of trafficking most times seek profit outside, with the aim of self-enrichment.²⁷ This literature by Berdal and Malone formed a good background on why conflicts in resource-rich areas take place and why they are hard to resolve. Moreover, it focus on mineral rich areas meant that it could not be directly applied to the Kipsigis-Luo border as this area still has no abundant minerals like Angola or DRC. However, the literature was good as it helped understand how prospecting for minerals in the study area could be partly responsible for the conflicts.

1.7.4 Resolution of ethnic conflicts in Africa

Akinwale noted that there are reasons that make government the most appropriate institution for resolving conflicts. These include its control over security forces and national resources.²⁸ States often respond to violent conflicts in their areas of jurisdiction in a number of ways.²⁹ Oftentimes, state security forces are deployed in conflict zones order to end or lessen the violence. Such deployments comprise longer-term operations aimed at disarming conflict parties and monitoring the conflict situation once calm has been restored. In conjunction with security force deployments, state representatives sometimes mediate in conflict or cooperate with local actors in organising peace talks/conferences. The government can also resolve conflict through judicial means, such as *ad-hoc* judicial panels or through the court systems.

²⁷ Ibid.

²⁸ Ikelegbe, A. O. 2003. Civil Society and Alternative Approaches to Conflict Management in Nigeria. In T. A. Imoghibe (Ed.), *Civil Society and Ethnic Conflict Management in Nigeria* Ibadan: Spectrum Books Limited. Pp 53, 64.

²⁹ Abdulrahman, I., & Tar, U. A. 2008. Conflict Management and Peace-building in Africa: the Role of State and Non-state Agencies. *Information, Society and Justice* 1(2); 190-193

State's relationship with local conflicts is often problematic and highly complex. Case studies reveal that in most cases, the response of a state may aggravate the conflict situation rather than resolve it. For example, the deployment of security forces in reaction to inter-communal conflict is at times associated with abuse of human rights, as has been noted in Kenya.³⁰

Sometimes, the government turns out as a biased actor in search of peace; this may be done particularly in instances where the government is deemed to benefit from having the conflict escalate while in other cases it is biased by being purely in favour of one of the conflicting groups.³¹ In this case, the regime may intervene in the conflict only superficially or refrain entirely from intervening, so as to create the external image of trying to be impartial in addressing the conflict. The weaknesses of the conventional state interventions have therefore, repeatedly paved way for local, often traditional interventional mechanisms as happening in Sondu area.

Based on the discussion considerations, the governments do not appear to be suitable mediators/facilitators in case of inter-communal conflicts, as they are unlikely to create the level of trust needed for the conflict parties to move towards integrative solutions. Nevertheless, though local conflict resolution mechanisms may provide a better framework for negotiation, more resources may be required for the conclusion of a successful peace process. Conventional assumption in the field of local conflicts indicates the significance of material benefits of peace, security guarantees and monitoring of agreements.³² These factors matter most in the case of local inter-communal conflicts. This type of third-party functionaries are mainly associated with powerful actors in the conflict who may rely on leverage to manipulate

³⁰Akinwale, A. A. 2010. Integrating the traditional and the modern conflict management strategies in Nigeria. *African Journal on Conflict Resolution* 10(3), 126.

³¹Kalyvas, S. N. 2003. The Ontology of Political Violence. *Perspectives on Politics*, 1(3), 475-494.

³²Ohlson, T. 2008. Understanding Causes of War and Peace. *European Journal of International Relations*, 14(1), 133-160.

the peace process, for instance by applying sticks and carrots. In the case of international conflict resolution, third party functions are most a times performed by major organisations or regional or global powers. However, in the case of local conflicts, the state armed well enough to fulfil these roles, given its control over security forces and national resources.

Numerous case studies conducted in recent years point out the advantages of locally-driven conflict resolution processes in Africa, especially in areas where state institutions are absent or weak. Most of the studies look into customary or indigenous institutions and mechanisms, such as spiritual leaders, chiefs or elders mediating in local conflict situations. For example, Ibrahim and Jenner have listed successful cases of local conflict resolution process based on customary mechanisms in pastoralist communities living in the Horn of Africa.³³

In other cases, Morton notes that, civil society actors such as NGOs and religious organizations play a vital role in conflict resolution. However, just a few of the studies on customary approach to conflict resolution have adopted a systematic comparative approach in analysing the circumstances under which third party activities are less or more likely to succeed.³⁴ This is the sort of question this study endeavoured to answer.

According to Boege, customary-based conflict resolution approaches usually emphasize consensus-making, restoration of relationships, reciprocity and restorative rather than retributive justice. He asserts that traditionally, mediation is conducted by people of high respectability, commonly elders or chiefs, who use their facilitative skills and social legitimacy rather than sanctioning and manipulation to reach agreements.³⁵ This is significant since

³³ Ibrahim, D., & Jenner, J. 1997. *Wajir Community Based Conflict Management*. Paper presented at the USAID Conference on Conflict Resolution in the Great Horn of Africa.

³⁴ Morton, J. R. 2008. *Religious Peace building Interventions in Sudan: A Comparison of Intra-religious and Interreligious Conflict Resolution Initiatives*. Master.

³⁵ Boege, V. 2006. Traditional Approaches to Conflict Transformation - Potentials and Limits. *Berghof Handbook for Conflict Transformation*. pp7-9

literature on third party mediation reveal that although leverage and power may be more effective in terms of reaching formal agreement, integrative/facilitative approaches are more suited to resolving conflicts and promoting long-term stability.³⁶ In line with this, Akinwale adds that customary-based mediators are better than state-led interventionists to resolve and address the causes of conflict³⁷ and they may give rise to more legitimate and sustainable peace agreements.³⁸ How such customary practices have been applied in resolving the Kipsigis-Luo conflict was an object this study assessed.

1.8 Theoretical framework

This study used Strain theory. Its proponents include Robert Merton and Richard Conklin. According to Robert Merton, in every society, there are goals and norms which are also values, purposes and interest that members aspire to achieve. Further, there are means which are institutionalized as the acceptable way to attain the existing goals. But the contradiction is that society from time immemorial has been unable to provide means for everybody to achieve their goals. Thus, crimes in society such as commercial cattle rustling, armed robbery among others may be understood in this context in that those engaging in such deviance behaviour are responding to societal demands to realise their norms/goals in an environment with structural inadequacies.³⁹

The frustration and inability to achieve the goals through legitimate and acceptable means creates an adaptation model where the individual rebels against society. The rebellion revolves around rejecting the legitimate means, acceptable cultures to prosper and the rebel replaces

³⁶ Beardsley, K., et al. 2006. Mediation Style and Crisis Outcomes. *Journal of Conflict Resolution* 50(1), 58-86.

³⁷ Akinwale, A. A. 2010. Integrating the traditional and the modern conflict management strategies in Nigeria. *African Journal on Conflict Resolution* 10(3), 123-146.

³⁸ MacGinty, R. 2008. Indigenous Peace-Making versus the Liberal Peace. *Cooperation and Conflict*, 43(2), 155, 158.

³⁹ Conklin J.E. 2007. *Criminology 9th Edition*. New York: Allyn and Bacon. p, 135

them with their own defined means. Societal rebels (non-conformities), therefore, will claim that it is the society which has inhibited their socio-economic progress and the vice is or ought to be acceptable by the same society. This has alarmed many states and governments as whenever the citizens are demanding socio-economic justice and equity, they have been branded criminals, rebels or terrorists.

Despite its relevance, Strain theory attracts great criticism. One of the major criticisms is that the theory is based on weak empirical support thus inadequate values in the society does not automatically lead to deviance.⁴⁰ According to Bernard, on the theory is that the theory does not predict relationships at a personal level between frustration and crime. The theory predicts a relationship between characteristics associated with social structures and crime. However, such social structural characteristics do not necessarily explain crime at the individual levels. Furthermore, the argument is that strain theory only explains some types of delinquency and crime but not all.⁴¹

The theory was applicable in the understanding of the conflict at the Kipsigis-Luo border at Sondu in Kenya. The Kipsigis and the Luo are close neighbours who have reciprocal relationships including inter-ethnic marriages and trade. This peaceful co-existence is undermined by un-seen issues that affect their relations. The conflict is mainly associated with socio-economic, political or developmental factors which could be attributed to strains in available resources. Due to strains on these resources, there is a likelihood of competition resulting in conflicts that takes a communal connotation.

⁴⁰Burton Jr. and F. T., Cullen. 1992. Empirical Status of Strain Theory | Office of Justice Programs. Available at: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/empirical-status-strain-theory>

⁴¹ Bernard, T.J., 1987. Testing Structural Strain Theories. Available at, <https://journals.sagepub.com/doi/abs/10.1177/0022427887024004002>

The socio-economic effects of development projects on the people of Nyakach have also contributed to the rising poverty levels. This strain has motivated the poor, semi-educated youths to engage in crime to fend for themselves. The projects have in other instances created more wealth than poverty rendered more people comfortable making them vulnerable to criminals who target their wealth. The rebels as the theory describe them becomes easily mobilized for political activities and are incited against opponents thus creating an environment of political intolerance.

The theory was thus, significant in helping understand how strains on socio-economic resources and perceived benefits development projects have created an ample environment for conflict in the study area. It also helped understand how development activities could serve as fountain of peace in conflict area.

1.9 Research hypotheses

In this study, the following hypotheses will be tested;

1. Luo-Kipsigis conflicts have a historical background.
2. There are several factors influencing the current Luo-Kipsigis conflictual relations.
3. Development projects influence conflict and peace in Nyakach sub-county.
4. Indigenous peace initiatives have played a role in resolution of conflict in the area.

1.10 Methodology

The study used a descriptive research design since much of the data collected was qualitative. The study aimed at evaluating the causes of conflict between the Luo and Kipsigis at Sondu area. Sondu lies at the border of Kericho, Kisumu and Nyamira counties. The study was conducted in the epicentres of the conflict which include Nyakach Sub-county of Kisumu County and Soi/Sigowet Sub-county of Kericho County. Key respondents in the study include

elders from the two communities, women groups, youth groups Kenya Electricity Generation Company officials, Anti-Stock Theft Unit personnel National government administrative officials, Civil Society Organisations, Kipsigis council of elders and Peace Committee members from the study area.

The study used both primary and secondary data. Secondary data was obtained from books, journals articles, and newspapers. The sources for the data were sourced from Jomo Kenyatta Memorial Library (JKML), Institute of Development Studies Library (IDS), Macmillan Library, and Kenya National Archives on Moi Avenue.

Primary data was obtained from the conduct of field work research in the study area. Primary data encompassed interview notes and observation reports. NGO reports in the area were reviewed, Newspapers reports on topical issues and editorial letters were also reviewed. Other sources for this set of data included government reports, civil society organisations' reports, academic theses and project papers, internet databases and other unpublished scholarly works on the topic. Data collection instruments on the study entailed the use of interview guides and observation.

In collecting primary data, the researcher first sought necessary permits and authorization letters from the University of Nairobi and the Ministry of Education. Afterwards, the researcher in the month of November 2018 visited the area to lay the ground for field work. In the month of October 2019, the researcher returned to the study area visiting the selected locations which included Sigoti, Koguta, Thurdibuoro, Jimo and Anding'o. These areas were chosen due to their proximity to major development projects influencing the relationships in a conflictual or cooperative manner which were the focus of the study. Interviews with respondents were conducted across the residents of the two communities encompassing all age and gender

groups. Subsequently, three focus group discussions recommended by key respondents were also conducted.

The key interviewees were selected specifically because the researcher deemed them to possess the knowledge needed to realize the study objectives and being people in positions of leadership in the area of study. While in the field, the researcher first met with Michael Sati- chief for Sigoti location who later referred him to George Omulo- a retired chief and assistant chief Andrew Polo all from Thurdibuoro location. The retired chief further pointed the researcher to Andrew Chika, the resident engineer for Sondu Miriu power plant in Thurdibuoro. Engineer Chika also introduced the researcher to Mr Theuri, a senior security officer based at the power plant.

With the help of Mr. Sati, the researcher was introduced to the Inspector in-charge of the Anti-Stock Theft Unit detachment at Toll Camp in Holo. The Inspector further introduced him to other officers in the Camp as well as to members of community policing from Tabaita location in the Kericho side of the border.

From the ASTU Camp in Holo, the researcher was introduced to Mr Kimalel Arap Too, the head of Kaplelartet sub-location Council of Elders who further introduced the researcher to various traders in Sondu market originating from Tabaita location in Soin-Sigowet. This snowball approached continued with further interviews with Nyakach East Assistant County Commissioner (ACC), the Officer Commanding Sondu police station as well as Mr Vincent Dudi - head of community policing in Jimo East location.

In addition, Non-Governmental Organizations (NGO) and Faith Based Organizations (FBO) with activities in the area such as National Council of Churches of Kenya (NCCCK), Local Capacity for Peace (LCP), World Vision, Kenya Red Cross Society and Tabaita Community

Based Organization were also consulted on the subject of study. The researcher concluded interviews and focus group discussions when the responses from the respondents began to be mostly repetitive of those that had been made by those interviewed previously. At that point the researcher had collected data he deemed sufficient to fill in the gaps the researcher sought to address.

Finally, the findings of the study were analyzed qualitatively through pictures, tables and description of main development activities and events influencing conflicts in the study area.

CHAPTER TWO

HISTORICAL BACKGROUND TO KIPSIGIS-LUO CONFLICT

2.0 Introduction

Kenya as a country has historically faced a number of challenges key among them being conflict and violence. These include low levels of persistent violence; high levels of sexual and gender-based violence and of communal violence; cycles of election-related violence; and currently rising numbers of terror attacks. The incidence, intensity and gravity of violence and conflict have been increasing in recent years.⁴² This chapter seeks to provide a historical background to conflict between the Luo and the Kipsigis of Kenya. The aim is to develop an understanding hitherto of traditional and modern variables influencing conflicts in Kenya in general, and Sondu area in particular.

2.1 The Luo

The Luo are an ethnic group in western Kenya. The name *Luwo* originates from *Jo Luwo* (translated as those who follow-the lake and river), which has with time been reformed into *Lwo* and then, to *Luo*, which is easier to pronounce. The Agiriyama – who acted as porters to the British when they first came to Western Kenya referred to the Luo as Kavirondo because the Luo would squat when basking in the sun. They called the act of squatting as, “*Kaa virondo*”, and they therefore referred to Western Kenya as the territory of people who ‘*kaa virondo*’ and the Whiteman adopted the name Kavirondo. The name Nyanza-homeland of the Kenyan Luo came about as a result of reference to the lake region by the same Giriama porters. They called the region, *Nyasa*, which is Bantu language for lake.⁴³

⁴² Rohwerder, B. 2015. *Conflict Analysis of Kenya*. Birmingham, UK: University of Birmingham. pp 1, 2.

⁴³ Ojijo, J. 2012. *The Luo Nation: History & Culture of Joluo (the Luo People of Africa)*. Tirupati Mazima Mall, Nsambya, Ggaba-Road: Kampala, Uganda. Accessed 20.2. 2019. P 10.

The Luo comprise the fourth largest ethnic community in Kenya.⁴⁴ Their population stood at 5,066,966 people in 2019 according to Government census.⁴⁵ The main economic activities for the Luo are pastoral herding, farming and fishing. Outside Luoland in western Kenya, the Luo make up a significant number of East Africa's skilled and intellectual human capital in several professions. A majority of them also work in the region as tenant fishermen, urban employees and small scale farmers. Among their cultural activities include wrestling (*dhao* or *yii*) mostly organised for boys aged between 13 and 18 in their age sets. Their primary rivals for Kenyan Luos in the 18th century were Luo Lango, the Highland Nilotes, who engaged them in fierce bloody battles, which mainly originated from livestock rustling.

The Luo speak *Dholuo* - a Western branch of the Nilo-Saharan language family used by other Luo-speaking peoples, such as the Acholi, Lango, Alur and Adhola (all of Uganda and parts of Eastern Congo and South Sudan). The four major waves of Luo migration into east Africa were primarily from the four Luo-speaking groups, especially Padhola and Acholi. *Dholuo* is considered to be the standard and proper version of the Luo language because it contains elements from all other Luo branches. It is approximated that Dholuo has 83% lexical similarity with Lep Achol (Acholi language); 93% with Dhopadhola; 90% with Lep Alur (Alur language); 81% with Lango language, 74% with Anuak, and 69% similarity with Dhi-Pari (Pari) and Jurchol (Luwo).⁴⁶

Culturally, the Luo traditionally did not circumcise their youth into adulthood, though this has changed in recent years. Initiation in Luo community implies removal of the six front teeth. In terms of inheritance, the aspect of seniority was highly respected. The eldest son receives the

⁴⁴"2019 Kenya Population and Housing Census (2019 KPHC)".

Available at, <http://statistics.knbs.or.ke/nada/index.php/catalogue/55/study/description>.

⁴⁵ Gordon, J., Raymond G. 2005. *Ethnologue: Languages of the World, Fifteenth Edition*. Dallas, Texas, USA: SIL International. ISBN 978-1-55671-159-6.

⁴⁶ Ibid

largest share, the rest following in the order of seniority. When it comes to the division of land, for example, the senior son gets the middle piece, the second the land to the right hand side of his father's homestead, and the third son takes the one to the left side. Once the father dies, the senior most sons assumes leadership responsibilities in the family. The Luo groups when considered in terms of genealogy form a group of people sharing the same grandfather, and are known locally as *Jokakwaro*. They have common sacrifices conducted under the leadership of the senior son. If this son is dead, the next one in seniority takes over the leadership of the deceased senior brother. The prestige and responsibility position of leadership puts one into the primary position in cultivation, harvesting, as well as in eating certain parts of the slaughtered animals, mostly the best parts. It is the senior brother in leadership who first owns the fishing boat. Because it's he who communicates with the ancestors of their grandfather or father, it is he who leads or conducts the sacrifices of religiosity of the family boat.⁴⁷

In terms of religion, the Luo traditional religion was an outcome of the people's life and temperament connected with their traditions and social institutions. The people have no centralized political system but enjoy homogeneity of culture, the morality of which is based upon the sanctity of the communal life amounting to strong ties through blood kinship (*wat*) and the observance of social rules (*chike*) and acts (*timbe*). The individual is committed to the affairs of the community, and the observation of the social sanctions (*kweche*) is the essential condition of the life of every individual.⁴⁸

⁴⁷ Ocholla A., 2013. Traditional Ideology and Ethics among the Southern Luo. *Posted online on 2013-10-13. Available at: www.nai.diva-portal.org/smash/get/diva2/280191.*

⁴⁸Ibid

2.1.1 History and Migration of the Luo People

The Luo belong to the Nilotic group of people, who separated from other members of the East Sudanic family by the 3rd millennium BC.⁴⁹ Within Nilotic group of people, the Luo forms part of its Western contingent. Within the Luo, a southern and Northern group is distinguished. "Luo proper" or Dholuo is the language of the Southern Luo people. Northern Luo is majorly spoken in South Sudan. Southern Luo groups are said to have migrated southerly from the Bahr el Ghazal region around 1200 AD.⁵⁰

Even though the Luo of Tanzania and Kenya are linguistically related to other Luo groups, they are the only ones classified as the river-lake Nilotes. They originated from Bahr al Gazzal in Sudan and are probably the first inhabitants of the greater Sudan. They are also believed to be the founders of Shilluk kingdom and descendants of the ancient Egyptians who were directly related to the Kingdom of Shilluk. In Bahr el Gazzal, in the land of Shilluk they these Egyptian Shilluk were referred to as *Oro*, while among the Nuer and Dinka they were referred to as *Liel*. The Luo of Kenya moved into western Kenya in 5 waves through the eastern Uganda route with the first wave arriving in Kenya at around 1500 AD.⁵¹

Between 1500 and 1800 AD, other Luo groups migrated into modern-day Kenya. They established residences in the areas around the banks of Lake Victoria. According to local story, these groups of Luo were under the leadership of a warrior chief named Ramogi Ajwang. Arrivals were made within approximately the same era but at different times. First arrivals in Western Kenya settled at Alego, in 1600. In the same area were Bantus who had migrated earlier from Uganda. The Luo displaced the Bantus, and settled at *Got Ramogi* (Ramogi Hill).

⁴⁹ John, D. C., 1984. *From Hunters to Farmers: The Causes and Consequences of Food Production in Africa*, University of California Press, p. 31

⁵⁰ Ogot, B., *History of the Southern Luo: Volume 1 Migration and Settlement*. East African Publishers, Nairobi.

⁵¹ Ibid

Proof of this can be deduced from the similarity of names between towns in Homa Bay (South Nyanza) and Gem (Central Nyanza) that are of Bantu origin. For instance, names like Nyangweso, Asumbi, Yimbo, among others are of Bantu origin.⁵² The modern-day Luo of Kenya traditionally consists of 27 sub-groups, each made up of several clans and sub-clans (the prefix "Jo-" translates to "people of").⁵³

Throughout the 19th century, the Luo migrated and settled into the area they currently occupy in Kenya. They left lower Savannah grasslands for cooler and higher regions which had reliable rainfall. Because of this migration, their traditional reliance on cattle keeping was supplemented by crop cultivation. Settling closer to Bantu agriculturalists helped this move as the two groups increasingly interacted exchanging many customs along the way.

Early contact between British the Luo was sporadic and indirect. Relations only intensified following completion of the Uganda Railway which confirmed British intentions and largely removed the need for local alliances. In 1896 a punitive expedition was launched in support of the Wanga king Nabongo Mumia in Ugenya against the *Umira Kager* clan led by Gero. An estimated 200 people were quickly killed by Maxim guns accorded the Wanga by the British; later about 300 people were killed during Uyoma resistance against confiscation of the livestock to feed Indian Coolies building the Uganda, by an expedition led by Sir Charles Horbley.⁵⁴

By 1900, the tense relationship between the Luo and the British had cooled off with Luo chief Odera supplying 1,500 porters for a British expedition against the Nandi. In 1915, the Colonial Government sent Chief Odera Akang'o of Gem, to Kampala, Uganda for an observation

⁵²Ogot, B.A. 1967. *History of the Southern Luo: Volume I, Migration and Settlement...* East African Publishing House, Nairobi. P10.

⁵³ Ibid

⁵⁴ Ibid

mission. He was much impressed by the British settlement there and on his return to Gem, he initiated a forced adoption of western styles of "schooling, dress and hygiene". This led to the sporadic education of the Luo in English ways and the English language.⁵⁵

Unlike communities in the so-called "White Highlands", generally, the British did not dispossess the Luo of their land, avoiding the land annexation agony that befell the pastoralist ethnic communities occupying the Kenyan "White Highlands". Despite this, many Luo played important roles in the decolonisation process in Kenya, though their involvement in the 1950s Mau Mau Uprising was relatively silent in comparison to Mount Kenya communities. Instead, a number of Luo people used the education they had acquired in colonial-established schools to advocate for independence in Kenya. For instance lawyer G. Argwings-Kodhek, used his legal expertise to defend Mau Mau fighters in court.⁵⁶

2.2 The Kipsigis

The Kipsigis sub-group is one of the sub-tribes of Kalenjin ethnic group. According to Seroney, Kalenjin as a language is used by about 6 million individuals in Kenya and a significant number in Tanzania and in Uganda. Seroney classifies Kalenjin linguistic families in Kenya as Tugen, Nandi, Terik, Marakwet, Sabaot, Kipsigis, Keiyo, Sengwer, Pokot and Ogiek.⁵⁷ Towett classified Kalenjin Language into nine related dialects: Keiyo, Nandi, Sabaot, Kipsigis, Tugen, Marakwet, Sengwer, Ogiek and Pokot. This grouping was widely accepted by the Kalenjin sub-groups.⁵⁸

⁵⁵ Simon S., 1992. *Kings of Disaster: Dualism, Centralism, and the Scapegoat King in Southeastern Sudan*, BRILL, p. 53.

⁵⁶ Ibid

⁵⁷ Seroney, K. 2009. *Samburtaab Ngaleekab Kaleenchin: Kalenjin Dictionary*. Nairobi: Mvule Africa Publishers.

⁵⁸ Towett, K., 1975. *Kalenjin Nouns and Classification with Notes on Phonology a Noun Class Appendix*. University Of Nairobi: M.A Dissertation.

The Kipsigis people are classified under the Highland Nilotic group of people and occupy the southern part of the Rift Valley. They are neighbours to the Gusii, Maasai, Luo and the Kikuyu.⁵⁹ According to Sambu, the Kipsigis were traditionally a pastoral community but because of high population and pressure on land they have become mixed farmers living off farming and pastoralism. They are located to the Southern part of the Rift Valley, and as the name suggests, they are the most populous. The term 'Kipsigis' means: 'one who reproduces'.⁶⁰

Many of the Kipsigis people live in the counties of Nakuru, Bomet, Kericho, and southern parts of Narok County. Their mother-tongue is 'Kipsigis'. The Kipsigis society is patrilineal with the man being the head of the family and the sole owner of the family property. The Kipsigis highly value the virtues of respect, truth, morality and hard work. Those who disobey rules face punishments of different degrees depending on the mistake.⁶¹

In the past, every homestead had a shrine located to the East of the compound which was divided into two sides one for the men and the other for the women where they would offer their prayers just before the sun rose. They believed in a supreme being who was referred to as '*Asis Chepkochor*' loosely translated as 'Sun who rises.'⁶²

The Kipsigis traditionally practised polygamy but with the influx of Christianity a few still practice it. Those in a polygamous set up are taught to respect each other as members of the same family. The Kipsigis are organised in clans with some having special roles of blessing and others of cursing. It is a taboo for members of the same clan to get married hence such

⁵⁹ Mwanzi, H.A. 1977. *A History of the Kipsigis*. Nairobi: East African Literature Bureau.

⁶⁰ Sambu, A. K. 2011. *The Misri Legend Explored: A Linguistic Inquiry into the Kalenjin Peoples Oral Tradition of Ancient Egypt Origin*. University of Nairobi Press, p.7.

⁶¹ Soi, C.F 2014. *A Stylistic and Pragmatic Study of Kipsigis Proverbs*. University of Nairobi, Pp1-2.

⁶²Ibid.

cases are very rare. The Kipsigis used to carry out raiding activities as a way of adding more wealth. These were carefully planned with the help of those who had the ability to foretell the future. If they were advised not to go, the wise ones would heed the advice. An example is that of the “battle of Mogori” in which the warriors had been advised not to go as the fortune teller had seen vultures following them but they were adamant saying the vultures were going to feed on their enemies. It is said that many Kipsigis warriors were slain in this battle.⁶³

The Kipsigis people had many rituals that were done in different occasions many of which required the slaughtering of an animal. Traditionalists still carry out these rituals in ceremonies like marriage, funerals, circumcision, cleansing and others. In these rituals, the ancestors are invited through chanting and beer pots are set aside for them.⁶⁴

Generally, the Kipsigis people are known to be secretive and of few words. Details of their rituals or plans are not supposed to reach the wrong ear and that is why many of them used codes or proverbs. A common idiomatic expression is ‘*ma malaat kot*’ translated as ‘the house is not sealed’ to signal the presence of strangers or people who should not hear. Another one is ‘*tumdonyon ma nai chi*’ to mean ‘our secret rituals.’ Traditionally, the Kipsigis were mostly pastoralist, herding cattle, sheep and goats on communally-owned land. When maize was introduced in the late 1920s, they shifted rapidly to an agro-pastoralist economy leading to individual land tenure system particularly among men.⁶⁵

The Kipsigis practice patrilineal inheritance and hold polygamy in high esteem. Land and livestock were exclusively owned by men in the past and passed to a man’s wives’ or each of

⁶³ Ibid

⁶⁴Soi, C.F 2014.A Stylistic and Pragmatic Study of Kipsigis Proverbs. University of Nairobi.

⁶⁵Sambu, A. K. 2011. *The Misri Legend Explored: A Linguistic Inquiry into the Kalenjin Peoples Oral Tradition of Ancient Egypt Origin*. University of Nairobi Press.

his wives' sons at his death (or sometimes before). Culturally, Kipsigis homesteads lie in close proximity at approximately 200-300 metres from each other. This homestead is made up of the households of related men (usually married brothers and their families or a man, his married sons), the wives of these men, and their unmarried children.⁶⁶

In December of every year, a circumcision ceremony is held in the community. The cultural process involved a cutting the foreskin of boys' penises after which they were seclude for a period during which they were schooled on community virtues and their role in society as men. Women traditionally underwent clitoridectomy (circumcision) operation in the same month. Women underwent this operation immediately after reaching 12 to 20 years and would spend a number of months in seclusion prior to being freed to get married.⁶⁷

During the traditional marriages, the Kipsigis men (groom) would pay bride price for their wives. The size of the bride wealth was agreed upon after protracted negotiations between the families of the groom and the bride. The sum of bride wealth represented about one third of a man's material wealth. During marriage, it is the groom's father who makes bride wealth payment often consisting of goats, cows and (since 1960s) money (often in Kenyan shillings) to the father of the bride. Payment for subsequent marriages was to be made by the groom and not his father. Once marriage ceremony is concluded, the bride moved from her parents' home to her husband's. She is expected to obtain her subsistence from her husband's cattle and land, and bears him children with divorce being almost unknown in the period prior to the last quarter of the 20th century.⁶⁸

⁶⁶ Muller, M.B. 1989. Early Maturing Kipsigis Women have Higher Reproductive Success than Late Maturing Women and Cost More to Marry. *Journal of Behavioral Ecology and Sociology*. Rackham Building, University of Michigan, Ann Arbor, Pp 145-146.

⁶⁷ Ibid.

⁶⁸ Ibid.

2.3 Geography of the Sondu Area

Sondu area lies on the border of Kisumu and Kericho counties. It borders Homa Bay County to the south-west with Sondu River acting as a borderline to the south. Sondu town is transport hub between Kisii, Kisumu and Kericho towns as the Kisumu-Kisii highway passes through it.⁶⁹

Sondu-Miriu River basin lies within latitudes 01°10'S and 00°23'S and longitudes 35°45'E and 34°46'E.⁷⁰ River Sondu is the main source of water in the basin - a river which is fed by various tributaries originating from the South-west Mau forest block. Sondu River crosses the basin in an east-west direction and generally draining its waters into Lake Victoria. The Sondu basin generally lies within Lake Victoria South Catchment Area (LVSCA) which is located at the south-western part of Kenya bordering Lake Victoria North catchment Area (LVNCA) to the north and the Rift Valley Catchment Area (RVCA) to the east.⁷¹

Sondu River is located in the three counties of Kisumu, Bomet and Kericho. River Sondu is bordered by Kuja to south and south east, Awach-Kibuon to the west and south west and Gucha-Migori to the south east. The basin area is estimated to be 3500 square Kilometres and has a length of approximately 173 square Kilometres. The river originates from Mau forest complex - known for being a broad water tower in which several rivers draining into lakes Bogoria, Nakuru and Natron originate.⁷²

The landform around Sondu basin is made up of low-lying plains near the lakeshore which rises eastwards to form volcanic plateaus with rugged terrain with V-shaped valleys and deep

⁶⁹JICA, 1987, *Water resources /transportation / Energy. The study of integrated Regional Development master plan for the Lake Basin Development area*, Final report Vol. 5, Sector Report 3.

⁷⁰Ibid

⁷¹Ibid

⁷² Ibid

gorges in the upper eastern sections and dissected margins in the middle parts of the catchment.⁷³ This landform comprises the Londiani Mountains on the eastern side and the Kano plains on the western side which form the upper and lower Sondu catchment areas respectively. Land elevation in the Sondu basin varies from 1134 metres at the lakeshore to about 2900 metres above sea level at the top of Londiani Mountains. This facilitates the fast flow of water from the upper to the lower streams. The basin generally has flat landform areas towards Lake Victoria though it slopes from east towards west in the upper sections. The relative flat terrain towards Lake Victoria facilitates easy spreading of flood water hence inundating the low-lying areas.⁷⁴

The Sondu-Miriu River catchment area can be categorised into three major climatic regions: semi humid, sub humid and humid considering its rainfall and temperature characteristics. The rainfalls in two seasons with the average yearly rainfall of about 1,000milli metres. Carious studies however, show that a third rain season is experienced in the three months starting from June to August. The long rainfall season is from April to June - a period which experience high peaks in rainfall compared to the other two seasons. The short rainy season is experienced from October to December. The seasonality in rainfall is, however, much clearer in the lower region compared to the highland areas. The highland areas are known to receive approximately 1,835 millimetres of rainfall annually since it lies in the Mau catchment zone. The high rainfall leads to high river discharges from the upstream to the narrow channel downstream leading to constant floods. The amount of rainfall often decreases to approximately 1,500millimetres annually towards the lowlands.⁷⁵

⁷³ Ibid

⁷⁴JICA, 1987, *Water resources /transportation / Energy. The study of integrated Regional Development master plan for the Lake Basin Development area*, Final report Vol. 5, Sector Report 3.

⁷⁵Ombogo, L.A, 2016. *Rainfall Trends and Flooding in the Sondu Miriu River Basin*, University of Nairobi. pp 19-20.

Temperature in the Sondu-Miriu basin ranges from 16°C in the upper parts (such as Timbilil) in July to 24°C in the lower parts (such as Kisumu) in March. The warmest month in the basin is March while the coolest one is July. The mean temperature of the catchment area is least 18°C, hence the region is considered throughout the year. The difference in seasonal average temperature in the catchment area is small (standing at 2.2°C) while the variation between day time and night temperatures is large (averaging 12.4°C) hence the area is seen as being in a tropical-type of climate zone.⁷⁶

The primary water course in the basin is Sondu River which is fed by various tributaries originating from the Mau forest block. The tributaries contribute most of the waters flowing downstream. The major tributaries include the *Yurith* River which drains parts of Kisii, Kericho and Bomet and Kipsonoi River which drains parts of Homa Bay and Nyamira counties at Ikonge where they form River Sondu River. The river then flows downstream from the confluence covering a length of 173 Kilometres. The river flows through narrow hilly gorges by-passing Nyakach escapement, and then meanders into the Odino falls known for its steep drop at Sangoro hills before entering the flood-plains of Nyakwere and eventually draining into the Winam Gulf of Lake Victoria at Osodo⁷⁷.

The upper area of River Sondu has an altitude ranging from 1686 to 2003metres above sea-level and experiences humid climatic conditions. The zone is primarily covered by woodland and forests while the lower parts are under tea, both in form of small-holder and plantation farms.⁷⁸ The middle zone lies within an altitude ranging from 1496 to 1630metres above sea level and experiences sub-humid conditions. The zone is majorly hilly covered by herbaceous

⁷⁶ Ibid

⁷⁷<https://iamfesto.blogspot.com/2011/09/sondumiriu-hydro-electric-power-plant.html> Sunday, September 25, 2011

⁷⁸ Ibid

vegetation. Nevertheless, most of the natural vegetation has been cut down and replaced by exotic tree species, primarily eucalyptus trees inter-cropped with food or commercial crops⁷⁹.

The practice of cultivating steep slopes with disregard for soil conservation measures has promotes soil erosion resulting into sedimentation along channels of the river and rapid generation of surface runoff which leads to constant floods in the low-lying areas of the river. The lower areas with an altitude range of 1137 to 1394 metres falls within the semi-humid climatic regime. This zone generally is semi-arid with bare soils covered by sparsely distributed shrubs and acacia plantations. The sparse vegetation poses the risk of flooding in this area. The inhabitants of the zone practice subsistence agriculture of both livestock and crop.⁸⁰

The prevailing land use practices in the Sondu-Miriu basin include dairy and crop farming. Large parts of the basin have undergone deforestation mainly for agricultural purposes. The local economy is primarily subsistence farming supplemented with large and small scale tea plantations and other seasonal crops that are mostly rain dependent. Other economic activities in the zone include sheep rearing, dairy farming, industrial activities and fishing. The river is also a source of water for irrigation, hydroelectric power, supports domestic and livestock activities. The combined effects of human practices and their increased intensity and scale down the years have imposed many threats to Sondu River channels and the general ecology around the river. The land-use practices have important effects on the hydrological regime of the catchment zone as they destroy the natural vegetation cover leading to reduced infiltration, faster overland flow, less ground water recharge, more erosion and hence reduced discharge during drier seasons, and frequent floods witnessed during wet seasons.⁸¹

⁷⁹ Ibid

⁸⁰ Ombogo, L.A, 2016. Rainfall Trends and Flooding in the Sondu Miriu River Basin, University of Nairobi.

⁸¹ Ibid

2.4 History of Conflict between the Luo and Kipsigis at Sondu area

Kisumu County is primarily an ethnically homogenous with most parts experiencing calm with few incidences of politically instigated violence particularly during electioneering periods. Large unemployed rates among the youth, particularly in the city, are exploited by politicians, who use violence to intimidate their opponents. Violent conflicts and tensions have also been experienced in the county especially along the Nandi/Nyakach border and Sondu area inhabited by Luo and Kipsigis due to boundary-related disputes, cattle rustling and land challenges.⁸²

Approaching the year 2007, there was a decline in politically-related violence between the two neighbouring communities. It was observed that since the two communities were perceived to share a common political interest in the Orange Democratic Movement (ODM) party winning the year's general elections. This would later change when the party did not win the elections followed by the fallout between the then Eldoret North MP Hon. William Ruto, the de-facto Kalenjin leader and a senior member of ODM party, and Hon. Raila Odinga, then Kenyan Prime Minister and considered the de-facto Luo leader.⁸³

The use of negative ethnicity by leaders at election times contributes to ethnic polarisation, especially during campaign periods. Politicians resort to exploiting the differences between the two communities for their own political interests, though they create the image of championing the interests of the locals. Many Luo and Kipsigis people on Kisumu-Kericho border continue to rely on negative ethnicity to perpetuate their hegemony and dominance in an environment characterised by prejudice, fear and scarce resources.⁸⁴

⁸² Kisumu County Peace and Conflict Profile, National Steering Committee on Peace-building and Conflict Management (NSC), 2013.

⁸³ Ibid.

⁸⁴ Saferworld Briefing: Kisumu County Conflict Analysis, June 19, 2015: pp2-3.

According to Nyakach elders' chairman Okech Odingo talking to news reporters, there has been long-standing mistrust between the Luo and Kipsigis communities. However, though the previous conflicts were associated with political incitement, recent conflict between the Luo and Kipsigis in Sondu area have taken a new twist. Cattle raiding phenomena has taken precedence. The raids have also been supplemented by land conflicts, a factor that was never previously a source of conflict in the region⁸⁵.

The conflicts have also become quite rampant as observed in the period between 2009 and 2012 which resulted in massive displacements and deaths. The role of development projects such as Sondu Miriu Power Plant at the border have also been argued as possible sources of conflict. In response, the government has taken initiative such as the establishment of Anti-Stock Theft Unit (ASTU) at Kapsorok on Kipsigis side to act as a buffer zone. However, despite the existence of such security measures, conflicts have continued to take place at the border area.⁸⁶

The first instances of Kipsigis versus Luo conflict was witnessed in 1992, in a year characterised by land clashes and ethnic conflict in several parts of Kenya. The conflict was over territorial boundary in the area. Other than land, there are several other factors that have sustained conflicts in the area.⁸⁷

Traditionally, the main cause of conflict in the past was the sporadic cases of cattle rustling along the borderline. The raids are mainly perpetrated by members of the neighbouring Kipsigis community who collude with some youth from the Luo community. The youth from

⁸⁵ Alal, M. The Star Newspaper 20th Jan, 2017. "Luo, Kalenjin leaders propose intermarriage to end cattle rustling." http://www.the-star.co.ke/news/2017/01/20/luo-kalenjin-leaders-propose-intermarriage-to-end-cattle-rustling_c1491208. Accessed 23rd January 2019.

⁸⁶ Kisumu County Peace and Conflict Profile, National Steering Committee on Peace-building and Conflict Management (NSC), 2013.

⁸⁷ Akiwumi Report, Op cit.

Luo community offer information on the location and availability of the target livestock, while the Kipsigis conduct the actual stealing. The two groups then divide up the proceeds of the loot once the stolen livestock are sold. These incidents have resulted in violent clashes and counter clashes which have in recent years led to the death of about 20 people and the displacement of 500 more from their homes at the common border of the two communities.⁸⁸

For instance, between February and April 2014, there were cases of cattle rustling and boundary disputes that led to deaths and displacement of several people and homesteads in the two communities. The discovery of oil deposits in Kericho and Nyakach, along the contested boundary has increased tensions as pieces of land in the potential oil zones are experiencing ownership contestations as more people aspire to move in and acquire a piece for speculative purposes. Political tensions between the two communities have also increased as elections approach due to the fact that the two groups support opposing political parties and candidates. Following the deployment of different Units of police in the area, uneasy calm has slowly returned in the area.⁸⁹

Despite various efforts by government, religious and civil organisations to bring about peace in Sondu, the threat to conflict has always remained a dominant presence. The conflicts have in most cases claimed lives and destroyed property and resulted in massive displacement in the area.⁹⁰

2.5 Conclusion

This chapter established that ethnic identities are unchanging and unfixed recent constructs that have genuine capacity to negatively influence inter-group relations. Nevertheless, they enjoy a

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Oral interview, Gordon Opiyo Youth leader, Ayweyo sub-location, Nyakach Sub-county, 13th October 2019

primordial or natural appeal, and their potential to divide and unite depends on assumed differences and commonalities of culture and history. The Luo and Kipsigis communities at the Sondu border area have traditionally co-existed peacefully, albeit interrupted by periodic instances of cattle raids by members of both communities. They share a lot include trading centres and sometimes leased agricultural land to each other. However, things took a turn after the constitutional amendments of early 1990s which re-established multi-party politics. Since then, the Luo and Kipsigis have repeatedly experienced conflicts, especially during election times. Land and cattle rustling have also been bases of conflicts in the area. Such conflicts have had overbearing effects on the local populations as people have died, property destroyed, populations displaced and a culture of hatred engrained among the previously peaceful neighbours. This has affected cooperation and sharing of common resources.

CHAPTER THREE
EVENTS RESPONSIBLE FOR CONFLICT ALONG THE KIPSIGIS-LUO
BORDER IN SONDU

3.0 Introduction

Youth violence is one of the most profound forms of violence in society today.⁹¹ However, the highest rates of crime related to armed robbery in Africa in 2006 were reported to have been committed in Kenya with Nairobi having (37%). Because of the high rates of violence and crime in the region, contemporary societies spent large resources to law enforcement and violence prevention. Nevertheless, to improve the effectiveness of the investment in prevention of violence/crime, it is necessary that the determining factors be established.⁹² This chapter looks at current events influencing the conflict in Sondu area at the border of Kipsigis and Luo communities. The chapter assesses emerging crimes and how they have shaped relations within and between the two communities.

3.1 Factors affecting relations in the Sondu area

Geographically, Sondu is an area that is located in between three Counties i.e. Kisumu, Kericho and Homa Bay with Nyamira border not far away. The area is densely populated with major communities being the Luo, Kipsigis, Kisii and Luhya communities. There are several socio-economic and cultural activities that ordinarily takes place along the borderline. These include:

3.1.1 Cattle Rustling

In Kenya, there is a long history of cattle rustling and competition over diminishing and scarce pasture and water resources which has been taking place between communities. Traditionally, this social activity was less violent. However, ‘commercial’ cattle raiding, involving excessive

⁹¹ Reza A, et al. 2001. *Epidemiology of Violent Deaths in the world*, 7:104–111.

⁹² Ibid

violence on the victims to subdue them completely and to enable the cattle collected by lorries and ferried far to the market, is a recent undertaking among the Luo and Kipsigis neighbours.⁹³

Cattle rustling has intensified in the recent past and developed into either “*shingo ama ng’ombe*” (your neck or your cattle) activity as one of the victims narrated in Nyakach, a threat he said the criminals who are mostly unemployed young men executes without blinking an eye, if pushed further⁹⁴.

Despite its recent adoption of violence, cattle rustling are a perennial activity in Nyakach, pitting mainly the Luo and the Kipsigis of Nyakach and Sigowet/Soin Sub-Counties respectively. The ripple effects at times affect the neighbouring Luos from Homa Bay County. Due to the sensitivity of land, at times the conflict engulfs the neighbouring Kisii community in Nyamira sub-county and the disputed boundary.⁹⁵

Cattle raids have become a hot political campaign tool on both sides particularly in Nyakach and Soin/Sigowet constituencies where a Nyakach political aspirant who promises to deal with cattle rustling if elected is likely to win the hearts of majority voters than those who ignore the topic⁹⁶.

Traditionally, after passing an age set, men set out to steal animals which were used to pay dowry, and as a source of wealth. This vice has resulted into loss of life and property whereby the perpetrators use traditional bows and arrows, machetes and *rungus* to retain the animals. It has been observed that the use of superior and lethal weapons such as rifles have been deplored

⁹³ Rohwerder, B. Conflict Analysis of Kenya.2005. P, 4.

⁹⁴ Ibid

⁹⁵ Kamau J.N. 2008.Embracing the Practice of Conflict Sensitive Approaches. Analysis of the Kenyan Context. *Conflict Sensitive Consortium (UKaid Kenya)*. p 63.

⁹⁶ Ibid

to acquire the livestock. The stolen animals often go as far as Nandi, Nyamira and Nakuru counties⁹⁷.

When interviewed for this study, Mzee Kimalel Arap Too of Tabaita location acknowledged that rustled cattle are tied at the mouths before being led out on marked paths at night after which they are tethered in the expansive forest in the area. The chain of disposal is often that the cattle are slaughtered and meat products packed in sacks and transported in probox cars to places such as Ojola in Kisumu town. From here, they are distributed to pre-identified butcheries for sale.⁹⁸

Chief Michael Sati of Sigoti Location adds that the Kipsigis side of the geographic divide is bushy and sparsely populated. This provides conducive hiding dens in the forests where the animals are grazed for a while before being loaded into tucks and ferried to the markets alive or slaughtered for local butchers.⁹⁹ Animals in the area are stolen for various reasons including: theft for commercial purposes; traditional or common stock theft purposes such as payment of pride price; inter-tribal animosity/revenge thefts and slaughter for subsistence/use during ceremonies¹⁰⁰.

According to Peter Onyango, the areas which are mostly affected with cattle rustling in the sub-county are Chabera, Matongo, Othoro, Kadiang'a, Kibwon, Kandaria, Store Pamba, Ngunda and Oboch.¹⁰¹ However, incidences of cattle rustling have significantly reduced in Central, West and South West locations of Nyakach in the last decade. These areas according to Tobias Polo, Assistant Chief of Thurdibuoro sub-location, have benefited greatly in terms

⁹⁷ Oral interview, Officer Commanding Sondu Police Station, Kericho County, 14th October, 2019.

⁹⁸ Oral interview Kimalel Arap Too, Kaplelartet Village, Kericho County, 12th October, 2019.

⁹⁹ Oral interview, Michael Sati, Chief Sigoti Location, Nyakach Sub-county, 13th October 2019.

¹⁰⁰ Ibid

¹⁰¹ Oral interview Peter Onyango, Kandaria sub-location, Nyakach sub-county, 22nd January 2019

of employment opportunities, building of schools, churches, hospitals and roads by the KenGen power generating plant located in the area.¹⁰² The Assistant Chief notes that:

Since most youths in the areas next to the KenGen Plant are employed, there is little motivation for engaging in crime. Cattle rustling is a dangerous endeavour to both the victim and perpetrators. If someone is caught, the price could be as high as life. As a result, a young man earning a legal salary will be hard to convince to engage in such a risky activity.¹⁰³

3.1.1.0 Recent Trends of Cattle Rustling in Nyakach

Cattle theft is a constant practice in the study area with perpetrators cutting across all ages, though most are youthful. The following are crime statistics comparison figures for three years.

A report on the trend of crime and stock theft cases in Sondu at ASTU Headquarters-Gilgil reveals various trends in cattle rustling activities in the area. The trend is depicted as:

a) Stock theft/killing cases

Year	2014	2015	2016
Cattle theft cases	22	30	27
Cattle killing cases reported	3	1	0

Source: ASTU Crime Records

This report indicates that most of the livestock stolen in 2016 were sold for other activities other than slaughter in the region.

b) Number of stolen/killed stock

Year	2014	2015	2016
Number of stolen cattle	119	98	81
Number of recovered cattle	17	30	58
Number of cattle killed	5	1	0

Source: ASTU Crime Records

¹⁰²Oral interview Tobias Pollo, Thurdibuoro sub-location, Nyakach sub-county, 23rd January 2019

¹⁰³ Ibid

c) Value of stolen/recovered stock (Ksh.)

Year	2014	2015	2016
Value of stolen cattle	2,415,000	3,724,000	2,835,500
Value of recovered cattle	646,000	1,900,000	1,330,000
Value of killed cattle	190,000	35,000	0

Source: ASTU Crime Records

The above reports indicate a reduction in the number of livestock stolen over a period of three years. The report indicates an increase in the number of livestock recovered following thefts. This, according to the officer in charge of crime records in Gilgil is based on increased anti-cattle theft activities by the police in the area. The officer observes that government has many taken initiatives such as the establishment of Anti-Stock Theft Unit (ASTU) at Kapsorok and in Holo on Kipsigis and Luo sides respectively to act as buffer zones¹⁰⁴.

Following increased outcry over cattle theft in 2010, the police intensified preventive and recovery activities constantly combing the area in search of stolen cattle and the perpetrators. This is the reason for the reduction in theft cases and increased recovery.¹⁰⁵ The police in the area have also strengthened the capacity of Community policing programs to further enhance the fight against cattle rustling. Though partly successful, several challenges have also been encountered during these activities. Vincent Dudi- Community Policing leader in Jimo East adds that:

One of the challenges in the effort against cattle rustling is that most of the time, stolen livestock are recovered without the criminals behind the theft being apprehended. Once they suspect that they are close to being arrested, they elope leaving the animals behind. The police and villagers, interested in the cattle, often fail to pursue the culprits further.¹⁰⁶

¹⁰⁴ Oral interview, the Officer in charge of Crime Records, ASTU Headquarters-Gilgil, September 2018

¹⁰⁵ Ibid

¹⁰⁶ Oral interview, Vincent Dudi, Community Policing member, Jimo East, Nyakach, October 2019

ASTU headquarters reports further reveal that as a result of the measures put in place by the stake holders, only seven (7) cases were reported in Nyakach in 2019 in which 72 heads of cattle were stolen out of which 63 were recovered. The trend has drastically reduced from a 14% recovery rate in 2014 to 87.5% in 2019.¹⁰⁷ According to area chief Mr Onyango Aluoch, anti-cattle theft efforts have been successful in Sondu as opposed to other areas with similar cases because of a number of factors, including good road networks, better communication systems, high levels of education in the area and existence of alternative economic activities.¹⁰⁸

Violence and crime associated with cattle theft in Sondu area deeply affects not just its victims, but their communities, families and friends also caught in the midst of the vice. Its impacts are seen not just in disability, death and illness, but in terms of reduction of quality of life also. Cattle theft violence adds immensely to the costs of welfare and health services, decreases the value of property, reduces productivity, undermines the fabric of society and disrupts provision of a range of important services in general.¹⁰⁹

Communal conflicts along the Sondu border have resulted to violent clashes and counter clashes which between 2013 and 2015 alone, led to over twenty deaths and displaced more than five hundred people. This development, according to Kisumu County Commissioner, has forced security officers to use lethal force. As a measure of their daring, in early March 2015, a seven man gang of rustlers raided ASTU officers patrolling Kisumu-Kericho border, who managed to fatally injure one of the raiders while three of his accomplices escaped with gunshot wounds.¹¹⁰

¹⁰⁷ Ibid

¹⁰⁸ Oral interview, Onyango Aluoch, area Chief, Sondu, Nyakach sub-county, 23rd January, 2019

¹⁰⁹ Oral interview, Peter Otieno, an Anti-Cattle Theft activist in Sondu, 23rd January 2019

¹¹⁰ Amukhale E. "Police intensify manhunt for suspected cattle rustlers in Nyakach". The People Daily, 2015. p, 22. Accessed 24.10.2020.

According to majority of respondents in the study, cattle rustling, which have increased ethnic tension in the region, mainly originate from the Kipsigis side, though with the help of Luo youths. Motivations for the crime are many and varied though cultural and need-based reasons rank highly. Thus the non-fulfilment societal expectations in terms of set goals and norms as discussed in Strain Theory is useful in explaining the frequent cattle raids in the study area. Akiwumi report of 2008 confirms this argument and observes that ethnic clashes of 1992 were as a result of different perceptions, behaviours or attitudes, poor distribution of national resources, lack of basic human needs, ideological differences based on religion or political parties and different interests. Kadiang'a village elder Samson Mak'Onyango, discussing cattle rustling in the area noted that:

Cattle rustling has been such a constant problem that the Anti-Stock Theft Unit in Nyakach has seen rapid changes in the constituent of its officers in the few years that it has been in existence. Established in 2009, some of the police personnel in the camp have been accused of participating in cattle rustling in the past.¹¹¹

Mzee John Okang'a of Store Pamba village added that:

The police participate in the rustling thus become reluctant to pursue the raiders or deliberately follow wrong leads during follow-up activities. Cases of footprints of stolen livestock being traced to the Unit's camp without further explanation are rife.¹¹²

However, Sigoti/Holo youth group members note that recent cattle rustling is often used as a smoke screen to cover for other crimes. They trace the history of cattle theft in the area back to 1913 where it was mostly conducted by one or two individuals and had no organisation at all.

However, according to them:

Today, cattle rustling in the area has lost its cultural aspect and become predominantly economic and highly organised with a connection among butchers, hoteliers, livestock traders and in some cases low-level politicians. It is no longer done at night, but conducted at times in broad daylight in

¹¹¹Oral interview, Samson Mak'Onyango, Elder Kadiang'a village, Nyakach Sub-county, 13th October 2019

¹¹²Oral interview, John Okang'a of Store Pamba village, Nyakach Sub-County, 13th October 2019

which the owners of the livestock are killed before their livestock are taken. Additionally, stealing has moved from purely cattle theft to include chicken, which are preferred because they leave no tracks behind unlike cattle. One can also carry more chicken around quickly than driving livestock into the hideout. Bearing in mind that one chicken costs KES 1,000, stealing of chicken has become profitable and safer than livestock.¹¹³

They were supported by Sicilia Ndare, a member of *Nyoluoro* Women Self-help group in Kandaria village who observed that:

Illicit brews rampant in the area have helped in nurturing chicken thieves who seek quick and easy money to quench their thirst. The brew dens also serve as discussion points, where the thieves and raiders meet and discuss subjects like potential targets and striking time.¹¹⁴

She further describe how Kipsigis raiders enter a brew den, buy drinks to Luo drinkers then offer to escort the drunken Luos back home:

When the Luo lock their houses, the Kipsigis resort to stealing livestock. The drunken Luos also have a habit of telling their secrets to the Kipsigis “friends” who use the secrets to steal property.¹¹⁵

She also decried the events at Nyabondo hospital in Nyakach where:

The Kipsigis at the border take their patients to Nyabondo Hospital. While visiting their patients, they would stay till late, after which they engage in livestock theft on their way back home. The proceeds from the theft are also used to settle hospital bills.¹¹⁶

To steal the livestock, the Kipsigis raiders work together with Luo youths who act as spies, identifying the better priced animals and observing the owners’ movement before alerting the raiders to break through. For this, they are paid something between KES2000 to KES5000, depending on the size of the loot. Beyond these, other participants include family members.

On this point, Gordon Opiyo a youth leader in Ayweyo location observed that:

¹¹³Focused group discussion, Sigoti/Holo youth group , Nyakach Sub-county, 13th October 2019

¹¹⁴Oral interview, Mama Sicilia Ndare, *Nyoluoro* women self-help group, Kandaria villageNyakach Sub-county, 13th October 2019

¹¹⁵Ibid

¹¹⁶ Ibid

Even relatives participate in livestock raids. This is true mostly in polygamous marriages where children of one wife feeling ignored by their father may organise raids on their father's herd just to teach him a lesson.¹¹⁷

Chief Sati notes that traditionally, stealing was mainly confined to the Kipsigis, but that has changed as the Luo have also seen the significance of the cattle raid and joined in it. The need for quick money, drug abuse, joblessness and family jealousy are motivations for joining according to the Chief. The Luo side of the divide is sparsely populated but has large numbers of cattle. This is why it is mostly targeted. Another factor raised by the Chief for the supposed targeting of Luo by Kipsigis raiders is that the Luo side has more schools and majority of Luo are well educated in comparison to Kipsigis. He gives a case of Tabaita Sub-location which took a year to find an Assistant Chief since majority of the residents did not have the minimum Form Four certificate required. Sati noted that areas in Kipsigis land such as Kimosong, Talilbei, Sumek, Kibuku, Tibet and Kaplelartet have very few churches and schools, something he feels contributes to the high number of riders bred there.

To resolve cattle related differences, elders from both communities come together to discuss the issues and in some instances, it ends with curses being pronounced on perpetrators. This helps to reduce the instances, even if it's just for a short while. The Kipsigis have the *Mooyiot Council of Elders* while the Luos have the *Nyakach Elders Development Group* (NEDG) which assists in resolving inter communal conflicts in the area. Absalom Nyakiti, the chairman of the elders group notes that:

Though, some Kipsigis elders participate in raids by 'blessing the raiders', majority of the rest are genuinely good people who would want to see the problem resolved for good.¹¹⁸

¹¹⁷Oral interview, Gordon Opiyo Youth leader, Ayweyo sub-location, Nyakach Sub-county, 13th October 2019

¹¹⁸ Oral interview, Absalom Nyakiti, NEDG chairman, Agoro location, Nyakach Sub-county, 12th October 2019

This sentiment was also echoed by Michael Cheruiyot - an elder and shop owner at Sondu market - who observed that indeed some elders directly or indirectly support raids for various benefits. He also agreed with view that the Anti-stock theft Unit personnel in the area were players in the raiding activity. He said the police help the perpetrators or in most cases, sell recovered livestock. They will sell the animals in their possession and claim to have somehow lost them. He argued that the problem could be resolved for good if those involved agreed to do their job in the way it should be done.¹¹⁹

On their part, the police at Toll Camp blamed poor living and working conditions in the camp for the poor success rate in fighting cattle rustling in the area. The police lack basic amenities such as houses, toilets, water and electricity with many living in tents with a single pit latrine they construct by themselves serving thirty officers and their families¹²⁰.

Furthermore, the officers speaking on condition of anonymity blamed political interference for retarding the war on cattle rustling in the area. It was pointed out that some MPs from the area have expressed opposition to the camp and even raised motion to have it closed. The MPs are said to play a role in the rustling or using the rustling menace to gain political leverage during elections. The politicians use raiders to disrupt voting patterns by driving away voters belonging to their opponents.¹²¹ Chief Michael Sati of Sigoti also accused some chiefs and assistant chiefs in the sub-county of involvement in the raids. He gave a case in which foot prints of stolen livestock were traced to the homestead of an Assistant Chief and his brother in the area. He said, the two are rumoured to be cattle raiders who help in transporting stolen cattle to the market in their pick-up track.¹²²

¹¹⁹Oral interview, Michael Cheruiyot, Sondu market, Kericho county, 13th October, 2019

¹²⁰ Oral interview, ASTU Police, Toll Camp, 13th October, 2019

¹²¹Ibid.

¹²² Oral interview, Michael Sati, Chief Sigoti Location, Nyakach Sub-county, 13th October 2019

3.1.2 Armed Robberies and Burglaries

According to a UN-Habitat report, from May 2000 to April 2001, 37% of the households in Kenya were victims of armed robbery.¹²³ The incident of robbery in places like Sondu is fundamental as it just doesn't lead to loss of property and injury to the victims but it also increases the level of fear of crime among the general population. According to the Officer Commanding Sondu Police Station (OCS), this armed robbery is a vicious crime aimed at obtaining a thing of value or property from a person by use of actual force or threat of it.

The crime often occurs in the presence of the victims. In Sondu, such crimes often take place in market places or in dark alleys and are perpetrated mainly in night hours. These sort of violent crimes are mainly carried out by the youths and involve youths from both the Kipsigis and the Luo communities.¹²⁴

Burglary is seen as a crime act where perpetrators break into the victims' house with the intention of committing felony like destruction of property and stealing. This may be carried out in the absence or presence of the victim. Burglary is therefore, a kind of individual to individual crime. This is both a property as well as a physical crime as during the process of burglary both injuring of the victim takes place in addition to the economic harm/loss incurred.¹²⁵

In Sondu area, burglary is committed mostly by individuals operating alone or in small groups. This is considered basic theft and those arrested are mostly punished by the

¹²³UN-HABITAT, 2007, "Global Report on Human Settlements: Crime and Violence at a Glance." Available at: www.UNHABITAT.int.org

¹²⁴ Oral interview, Officer Commanding Sondu Police Station, Kericho County, 14th October, 2019

¹²⁵ Ibid

victims or village elders. However in extreme cases, such cases are reported to area chief or the police station.¹²⁶

3.1.3 Assaults and Sexual Violence

In Sondu, in more than half of all reported cases of sexual violence and assaults, the victim and the offender reportedly knew each another. In all incidents reported, female victims were reportedly less likely to have been attacked with firearms unlike male victims. These violent criminal acts are mostly aimed at groups, persons and families based on their sexual, ethnic or disability identities and orientation. Thus addressing them is very difficult as at times, the perpetrators and victims are relatives and often resort to use of indigenous resolution mechanisms.¹²⁷

3.1.4 Gang Violence and Vigilantism

Rapid changes in political system in Kenya is often connected to crises in leadership fuelling unemployment and reduced capacity of police and the security actors in general to offer necessary protection. This in turn leads to the rise of vigilante groups, predatory gangs and other illegal self-defence groups. According to Margaret Odhiambo the laxity of security sector including the police has influenced the emergence of vigilante organisations and gangs in Sondu in the pretext of providing protection to the residents of poorer and insecure areas. The presence of vigilante groups and criminal gangs in the area is therefore, based on public fear over the high levels of crime in their locations residence and the laxity of police in confronting elements responsible for crimes such as cattle rustling and armed robbery.¹²⁸ She adds that:

Due to the growing threat of armed robbery and the inability of the police to provide adequate protection, relatively well-to-do individuals and many businesses are engaging private security firms. In most centres here (Sondu area), citizens are organizing themselves into neighbourhood self-protection groups,

¹²⁶Oral interview, Eliud Obonyo, Village elder, Sondu area, Nyakach sub-county, 23rd January, 2019

¹²⁷Oral interview, Langat Sitienei, trader Sondu Market, Kericho county 23rd January 2019

¹²⁸Oral interview, Margaret Odhiambo, fish monger, Sondu market, 23rd January, 2019

and in extreme cases, as vigilantes. These vigilante groups and private security firms sometimes bypass the law and authority of government and often take the law into their own hands.¹²⁹

3.2 Triggers of crime and violence in Sondu

There are various factors that influence the incidences of violence and crime. They include political and economic factors that produce incentives and opportunities for violent behaviour and criminal acts, together with circumstances that shape victimization. Cultural and social factors also mediate or exacerbate crime. Other triggers of crime and violence, particularly in urban areas include unemployment, poverty, inequality, intergenerational transmission of violence as is the case with parental abuse in childhood, poor urban design, planning and management, the rapid pace of urbanization, exponential increment in youth population, and the concentration of political power in the hands of a few who exploit it to engage in corruption.¹³⁰

Several studies have been conducted in an attempt to establish the root sources of crime. From the studies, majority of scholars argue that crime is a complex undertaking and therefore, finding its roots is quite hard. These academic revelations are supported by Jones S. who insists that the idea of a root source of crime and violence must be approached with care.¹³¹

Of all the factors known to cause crime, poverty is the most significant factor associated with increased violence and crime. While crime is sometimes a survival strategy in the case of immense poverty, there are poorer people and communities around the world in areas where levels of crime are low since behaviour is guided by informal social and cultural values. In this

¹²⁹Ibid

¹³⁰UN-HABITAT, 2007, "Global Report on Human Settlements: Crime and Violence at a Glance", pp 1-2

¹³¹ Jones, S. 2000. *Understanding Violent Crime*. Buckingham: Open University Press.

case, inequality is a more significant factor in the perpetration of violence and crime than poverty.¹³²

Unemployment is also another significant issue associated with violence and crime rates among the youth. Many research works reveal that unemployed young people are highly likely to perpetrate, as well as be victims of violence and crime. The growth in the gap between the poorest and richest members of society is as fundamental as poverty in influencing violence and crime. Closely related with inequality are the vital exclusion factors related to unequal access to education, employment, basic infrastructure and health.¹³³

Another factor known to regularly cause crime is the transition to political democracy. Studies indicate that most homicide rates have increased at almost the same time as political democracy has become prevalent. Evidence supporting this notion comes from studies tracking significant increase in homicide cases in Kenya after the return to political democracy in the country in the 1991.¹³⁴

A wealth of research data, further suggests that violence and crime are hugely associated with the proportion and growth of youthful people, particularly, young males. The percentage of youths in the group and their level of success are cumulatively more significant in highlighting the variations in homicide especially in poor countries like Kenya.¹³⁵

3.3 Conclusion

Kenya is a country with a history heavily associated with crime and violence, though it is mostly during elections, referendums and other political activities that such violence especially

¹³² Ibid

¹³³ Ibid

¹³⁴ Jones, S. 2000. *Understanding Violent Crime*. Buckingham: Open University Press.

¹³⁵ Ibid

around the Luo-Kipsigis border becomes common. This chapter looked at cases of violence and crime in Sondu area. It established that there is a high rate of crime in the study area. Crimes such as cattle rustling burglary, pick-pocketing among others have been reported. There are various influencers of these crimes in the area, the main being political incitements, poverty and youth unemployment. Furthermore, complacency on the side of both County and National Government Agencies and Organizations (NGAO) has heightened the problem of insecurity as perpetrators know they can circumvent the justice system when in trouble.

CHAPTER FOUR
THE NEXUS BETWEEN DEVELOPMENT ACTIVITIES AND RISE
IN CONFLICT IN SONDU

4.0 Introduction

Previous studies reveal that, there is no single definite cause of conflict and crime. Scholars note that conflict is a hugely complex phenomenon that changes across time and across cultures. For instance, habits that may be legalised in one country may be illegal in some. As cultures change with time, activities that were once criminalised may be decriminalised and then criminalised again. Social values and norms determine what is criminal or not and help guide law-makers and judges when defining what constitutes crime as well as when recommending punishments. However, social values and norms change with time, and often differ from country to country. This implies that behaviours and actions considered as crimes also change with passage of time. This chapter looks at development-related factors that influence or reduce conflict in Nyakach area.

4.1 Development-related Causes of Conflict in Sondu Area

Sondu is a cosmopolitan region comprising of Luo, Kipsigis and Kisii residents, though the Kisii are a minority in relation to the others. The name “*Sondu*” was coined from the name of the river, ‘*risonto*’ (meaning ‘a big river’) which was used as a boundary by the colonist to separate the Kipsigis and the Luo, thus the white man pronounced *risonto* as *Sondu*. Established in 1938, Sondu became a common market for the three ethnic groups. According to Nyakach Assistant County Commissioner, Sondu area is primarily an ethnically heterogeneous locality that’s for some parts of the year very calm with flares of politically instigated violence particularly during election times. Moreover, the large population of unemployed youth are

exploited by political elites, who use them to cause violence to intimidate their opponents. Nyakach sub-county has also witnessed increased tension and violence due to boundary disputes, incidents of cattle rustling and a mix of inter-communal rivalry between the Luo and Kipsigis.¹³⁶

4.1.1 Competition for political-based development programs

According to Okanda Oduol, a resident of Nyakach, competition for political power and gains is a major source of interethnic conflict in the area. This is because in most cases, politics have been along ethnic lines i.e. tribal politics where each ethnic group wants to support their own candidate so as to benefit from the development that the locals believe only comes through political influence. He stated that:

The 1992, 1997 and 2002 ethnic conflicts experienced in Sondu were highly influenced by ethnic politics; this was because the Kipsigis were supporting retired president Moi while the Luo were affiliated to 'their own' who was Odinga senior and later Hon. Raila Odinga and whomsoever he supported. This led to clash of interest. During 2007 elections, there was interethnic peace between the Luo and the Kipsigis since they were both in the same political group Orange Democratic Movement (ODM). That year, only the Kisii were attacked and evicted from the area after a delegation of Hon. Ruto were chased away in Kisii town and this marked the beginning of ethnic animosity between the Kipsigis and the Kisii in Sondu leading to eviction of some of the Kisii in Sondu area especially in Sigowet division that year. The Kisii were evicted and had their properties destroyed by the Kipsigis.¹³⁷

This view supports, previous finding by Fjelde Hanne which reveals that elections increase the probability of intergroup conflict that is, in Nigeria, years with election are significantly more prone to experience interethnic violence than non-election years.¹³⁸ The findings also concur

¹³⁶ Oral interview, Assistant County Commissioner , Nyakach Sub-County, 13th October, 2019

¹³⁷ Oral interview, Okanda Oduol, Agoro Location, Nyakach sub-county, 14th October, 2019

¹³⁸ Fjelde, H. 2009. Sub-National Determinants of Non-State conflicts in Nigeria, 1991-2006

with Oucho who stated that conflict is politically instigated by the manipulation of the borders.¹³⁹

Competition over scarce resources was also reported by the two communities as a major source of conflict. Moore, in an earlier study, quoted in Barasa Nyukuri's work on "The impact of past and potential ethnic conflicts on Kenya's stability and development: A paper presented to the USAID conference on conflict resolution in the Greater Horn of Africa" stated that the existence of impulses of ethnic conflicts among different ethnic groups is in many cases caused by competition over scarce resources like land, institutions, infrastructure and even power.¹⁴⁰

Revenue collection in the market was identified to be one of the major sources of conflict in the area. The conflict come about as a result of distribution of the revenue collected in which 80% of cess collected goes directly to the Kericho County government and only 20% goes to the Kisumu County government and yet majority of the buyers and sellers originate from Nyakach sub-county of Kisumu County.¹⁴¹

In the event, Akiwumi Report indicates that ethnic conflicts in Rift Valley in 1992 were triggered by competition over land. Barasa Nyukuri writing on Kenyan conflicts stated that inequality in resource distribution is a potential cause of instability in the country.¹⁴²

4.1.2 Land

Land holds a significant position in the social and economic wellbeing of most Kenyan communities. Among all the Kenyan communities, land is the channel for survival as it provides the means through which the subsistence needs are met whether among the

¹³⁹ Oucho J.O 2002b. Undercurrents of ethnic conflict in Kenya Leiden, Netherlands: Brill Academic publishers.

¹⁴⁰ Nyukuri, B., 1997. The impact of past and potential ethnic conflicts on Kenya's stability and development: A paper presented to the USAID conference on conflict resolution in the Greater Horn of Africa.

¹⁴¹ Ibid.

¹⁴² Ibid.

pastoralists or cultivators. Land has also been used as a measure of wealth and a source of prestige in the society. Without land, one is considered as poor. Land also lays a foundation for identity and association with one's kin which are established through links with one's ethnic group, lineage and clan members. It is also associated with continuity between generations.¹⁴³

In the pre-colonial period, land-ownership was communal and traditional obligations and rights ensured free access for all. Since colonial incursion in Kenya, land has become a thorny political and economic issue. Ogendo writing on, "The Land Question in Kenya: Critical Issues on the Eve of the 21st Century", argues that land disputes in Kenya have their origins in colonialism, since the colonialists desired to turn the country into a country for white men. Colonialism disrupted the traditional communal ownership of land by assuming that all land without documents as evidence of private ownership was ownerless.¹⁴⁴ Mwangi and Njuguna writing on "Sporadic Ethnic Violence: Why Has Kenya not experienced a Full Blown Civil War? Inter-Region Economic" argued that, the colonial regime parcelled out over seven million hectares of land comprising the most fertile pieces in Kenya and set them aside for European settler cultivation. The areas would later be referred to as white highlands.¹⁴⁵

The findings concur with the work of Barasa Nyukuri who notes that due to massive land alienation practices during the colonial era most cultivating communities were forced into the 'infertile' and dry native reserves that were not conducive for farming. The displaced groups became casual workers, farm labourers, squatters as well as tenants in the established plantations and emerging urban centres at the time. The practice of land alienation also

¹⁴³Mbithi, P. and Barnes, C. 1975. Spontaneous Settlement Problem in Kenya. Nairobi: East African Literature Bureau (EALB), pp 78-79.

¹⁴⁴ Ogendo, O. 1999. *The Land Question in Kenya: Critical Issues on the Eve of the 21st Century*. Nairobi: DFID, East Africa.

¹⁴⁵ Mwangi, S. and Njuguna, S., 2005. Sporadic Ethnic Violence: Why Has Kenya not Experience a Full Blown Civil War? *Inter-Region Economic Network (IREN)*.

extended to the pastoralist communities like the Nandi and other Kalenjin-speaking groups.

During an interview with Tabaita council of elders in Sigowet location, they argued that:

By settling in the area under study, the Europeans separated the inhabiting communities the more; hence, worsened their pre-colonial rivalries. The Europeans created a buffer zone between the communities for fear of the communities re-uniting against them being a common enemy. The British utilized the divide and rule strategy in what was sweet-coated as indirect rule. They divided the two communities along ethnic lines for easy management and to discourage unity of the communities. On the other hand, they promoted separate development of separate ethnic groups.¹⁴⁶

Additionally, Chepchumba Jeruto, a trader who has been in Sondu market for the past four decades argued that:

The European economy in the area under study was skewed towards animal production. As a result of massive land alienation among the Kipsigis, many of them became squatters on the European farms. This saw many Kipsigis work on the European farms due to their knowledge of livestock keeping.¹⁴⁷

At this point, Collins's ideas on the analytic conflict theory came in handy to explain the causes of strained relations between the two communities. Collins argues that, individuals strive to maximize their share of scarce commodities. Those who possess a greater share of the goods, try to consolidate their position and maximize their interests and dominate the structural arrangements by various means. These come with the people's social status, the groups they belong to and their numerical power and the intensity of interpersonal attraction. The two communities developed more strained relations between them due to privileges that one group received than the other. The Kipsigis struggled to protect their land and the opportunity to work on European farms.

¹⁴⁶ Focused group discussion, Tabaita council of elders, Sigowet village, Kericho County, 12th August 2019

¹⁴⁷ Oral interview, Chepchumba Jeruto, Sondu market, Kericho County, 12th August 2019

On the eve of independence, during the 1962 second Constitutional Conference, all Kenyan tribal communities renounced their claim to land which was theirs during the pre-colonial period but had been grabbed by Europeans.¹⁴⁸ In the area under study, John Mitei noted that:

It was at this point that the Kipsigis and Luo developed strong discontent towards each other based on land. When the Whites went, the land that they left became the issue of contention as both the Kipsigis and Luo laid claim to it. The squatting Kipsigis claimed that the land had been left to them by the Whites. On the other hand, the Luo claimed that, it was no-man's land; hence, the need to sub-divide it among them.¹⁴⁹

As Barasa Nyukuri asserts, the colonialists feared that if issues of land were not properly handled, it could trigger civil strife as many ethnic groups scrambled to recover the lands they had lost to European settlers. At independence, the colonial government formulated a formula of transferring previously alienated land to Kenya's indigenous groups that had lost them. The colonial government came up with a special grant aimed at facilitating land re-distribution, especially in the white highlands. The land transfer took numerous forms, starting with small holdings then medium and lastly large holdings. During the Moi regime, the land issue was politicized and it came to the fore as a campaign tool. As Mitei observed:

Local politicians in our community incited us against the Luo that they should move from our land, especially that on the borders. They told us that the land belonged to our community before independence. We were made to believe so because some places in Luoland were named after Kipsigis. This proved to us that it was truly our land, hence, the need to acquire it at whatever cost.¹⁵⁰

According to Mzee Rafael Obunga of Chabera village:

Dispute over colonial boundary in Sondu area is historical. In February 1939, there were land clashes in the area that saw the arrest of Nicodemus Tambo - a leader of Luo resistance against the boundary alterations at the time. He died at Kodiaga Prison. In 1992 land clashes his son Simeon Gori Tambo Rtd. Police Officer was brutally murdered along the border at Holo area. In 2014 February, his family was

¹⁴⁸ Mwangi, S. and Njuguna, S., 2005. Sporadic Ethnic Violence: Why Has Kenya not experienced a Full Blown Civil War? *Inter-Region Economic Network (IREN)*.

¹⁴⁹ Oral interview, John Mitei, Kaplelartet Village, Kericho County, 11th October 2019

¹⁵⁰ Ibid

again attacked and one of his wives died and they were forced to relocate. This border dispute was ignored particularly during KANU era. However, this changed with time as Kipsigis appetite for land grew. The Kipsigis don't need extra land as they have enough for pasture. They simply expand their territory for communal prestige.¹⁵¹

James Onyango of Holo area in Nyakach also noted that:

Ethnic sentiments based on land always found a fertile ground during the electioneering period when politicians incited the Kipsigis against the Luo. They always (and still do) believed that the Luo could stay as from Sondu. But the Luo believe the tribal boundary lies at Sondu Police Station, which currently lies deep into Kericho County. It was the political attachment given to land that led to the conflicts between the two communities. This was because the politicians understood the cultural and economic importance of land among the two communities. To popularize themselves among the electorates, they used land as a campaign tool not taking into consideration how the locals could react thereafter.¹⁵²

According to Juma Abudho:

Land has also raised issues where members of the same family particularly from polygamous families in the Luo community collude with Kipsigis cattle rustlers to steal from their father when they feel he is favouring one wife against the other(s). This has intensified conflicts in the areas as the Luos often blame the Kipsigis of stealing even in cases when the matter is internally organised.¹⁵³

4.1.3 Unemployment

Unemployment especially among the youth was also identified as another trigger of the conflict between the Kipsigis and the Luo. Apart from feeding the poverty trap due to huge rates of unemployment, low levels of literacy also contributes directly to the cycle of conflict.

According to the findings by the Kenya Red Cross Society:

A high number of unemployed youth are a ready source of warriors (*Morans*) that are involved in cattle raids and battles. Some of the youths are ignorant due to the increasing school drop-out rate. This has created a lot of idleness at Kamukunji market which has forced many of them to engage in drug abuse more especially alcohol and bhang. With no source of livelihood,

¹⁵¹ Oral interview, Mzee Rafael Obunga, Chabera village, Nyakach sub-county, 12th October 2019

¹⁵² Oral interview, James Onyango, Holo village, Nyakach sub-county, 13th October 2019

¹⁵³ Oral interview, Juma Abudho Nyakach Sub-county, August 18th 2019

these youths have been forced to engage in vices like raiding in order to meet their needs.¹⁵⁴

Local Capacity for Peace in Kisumu (LCP) supported the findings and added that:

Majority of the youth from Luo areas are learned but jobless. Owing to the small sizes of land, they could not engage in commercial farming. Some of them joined the raiding cartels from the Kipsigis community so as to earn a living and during elections they are preyed upon through the manipulations of politicians. This more often, contributed to conflicts that turned violent where there were competing inter-community political agenda. In addition, politicians capitalized on the youth unemployment, hiring them to intimidate opponents during campaigns.¹⁵⁵

When mobilized to engage in violence, they are often promised pay for the activities and services rendered. Some of the youth also benefitted from the looted property acquired during the chaos. This meant that, the unemployment among the youth worked to the disadvantage of both communities. Other than engaging in raiding, the unemployed youth were a ready force that was manipulated by the politicians in the electioneering periods. They were used in campaigns and in violence against their perceived enemies at the expense of the political elites from their communities. All these were aimed at their survival in the harsh economic environments. They aimed at creating wealth in order to maintain their status in the society.

However, it was established that Lower Nyakach Divisions have lower rates of unemployment than upper Nyakach due to the presence of development projects like Sondu Miriu Hydropower plant which has incorporated youths into its work force. This correlates to reduction in levels

¹⁵⁴Kenya Red Cross Society Report, Nyakach sub-county Elders and Youth forum on peace building, 15th April 2014, Pap Onditi.

¹⁵⁵ Minutes from a Local Capacity for Peace in Kisumu (LCP) Peace Building Meeting, Assistant County Commissioner's Office, Nyakach Sub-county, 22nd April 2014.

of major crimes such as cattle rustling as the population near the KenGen plant have meaningful socio-economic engagements.

4.1.4 Sondu Market

The location and ownership of Sondu market has been a major source of tension in the area. Established in 1930s, the market was initially placed in Kamolok area. At the time, the market was known as Kituamba. There was hostility in the area leading Ramet Khan the founders, to emigrate to Rachuonyo. The Khans eventually returned and opened the market near the banks of River Sondu, where in currently lies.

Today, the market is cosmopolitan with Kipsigis, Kisii, Luos and Luhyas operating from it. Luos compose 80% of Sondu's residents and form its business backbone. The market was thus, initially owned by the Luo as it was in their land. But in the 1990s, the Kipsigis, with the help of president Moi took over the control of the market as the historical boundaries were redrawn. Currently, administratively, Sondu market is in Kericho County therefore the cess and other taxes are collected by Kericho county government. This has been highly contentious and escalates tensions in the area. Luos feel that they should pay taxes to Kisumu County government due to their dominance in the market and its history at large. Mzee Jackson Omanyia who owns a Posho-mill in Sondu market notes that:

The economy of Sondu revolves around the Luo who own most of the property. He notes that even most of the apartments in the market area are Luo-owned and the Kipsigis only come to trade and return home. They do not stay in the area. However, the collected revenue goes to Kericho County in which the market lies. The Sondu of 1932 predominantly lied within Luo land.¹⁵⁶

¹⁵⁶Oral interview, Jackson Omanyia, Sondu market, Kericho County, 13th October 2019

Sondu market locality sentiments were further alluded to by Richard Magero, a local contractor who added that:

The boundary between the two communities was where the current Sondu Police Station is. However, the police station which is in the uppermost part of the market is currently in Kericho County. The Kipsigis want to possess the market to increase their claim on more land and other resources in the area. By owning the market, the Kipsigis have been able to lay claim to development programs in the area, in which their youths have been recruited. Sand harvesting is also thriving at Asawo river-bed along the border on Luo side. It is transported and utilised in Kisii, Nyamira, Kericho and parts of Kisumu town. Our neighbours have tried, without success, to have a stake and get control of the proceeds of sand business for sometimes now.¹⁵⁷

4.1.5 Sondu Miriu Power Plant, Oil Exploration and Water Projects

Sondu Miriu Power Plant was officially established in 1999. The Plant is owned and maintained by KenGen. The Project was the first main hydro power plant in Nyanza region located approximately 60 kilometres south of Kisumu along Lake Victoria. The power plant has a capacity of 60 Megawatts and an average yearly energy production of 330.6 GWh produced from two units. Feasibility study for the project was conducted in 1985. According to the plan, water is diverted from River Sondu at the entry through a 6.2 kilometres long tunnel built under the first phase of the hydro power project. The water is taken down Nyakach escarpment by a surface-mounted penstock to the Power Plant downstream. To harness the head and the water in the powerhouse, turbines are rotated to generate electric power. The water is then reverted back to River Sondu approximately 13 kilometres below the intake through a 4.7 kilometres long Outlet tunnel.¹⁵⁸ According to Eng. Andrew Chika, the project objectives are:

¹⁵⁷Oral interview, Richard Magero, Sondu market, Kericho County, 13th October 2019

¹⁵⁸<https://iamfesto.blogspot.com/2011/09/sondumiriu-hydro-electric-power-plant.html> Sunday, September 25, 2011

To be an employer of choice to thousands of people and give back to the communities in which they operate in: To be market leader in the provision of reliable, safe, quality and competitively priced electric energy in the Eastern Africa region: To efficiently generate competitively priced electric energy using state-of-the-art technology, and skilled and motivated human resource to ensure financial success: To achieve market leadership by undertaking least cost, environmentally friendly capacity expansion. Consistent with their corporate culture, core values were to be adhered to in all their operations. The plant has achieved most of these objectives benefiting a lot of people.¹⁵⁹

Kimalel Arap Too of Kaplelartet village deep in Kipsigis region noted that benefits generated from the plant should benefit all communities on the border in terms of electricity and irrigation activities as they help sustain the flow of the water. The other disturbing project is Nyakach-Nandi Water Project in Sondu area. The land on which this project lies was owned by a Luo-man known as Andrea Okal at Maraboi who sold it for the project. Later the boundary was altered moving Maraboi to Kipsigis side implying that the project lies in Kericho County. However, the Kipsigis have a feeling that the projects have given them a wide berth. Pipes of the project head to South-East Nyakach and Nyakach North. There were plans for the project to extend to Muhoroni and then to Nandi but that has been altered. Nancy Chepkemoi, an activist in Tabaita supports this notion arguing that:

Development projects related to water in Nyakach area are controversial to say the least. The Kipsigis help sustain the flow of River Sondu yet they don't benefit from projects downstream. Our people do not benefit in terms of water or anything from the project, despite its foundation lying in Kericho County and its pipes passing on the immediate border between the two communities. Our people on the border are thirsty for water just like their Luo counterparts but have, all the same been ignored.¹⁶⁰

In 2013, with the coming of devolve governments, Kisumu County under Kisumu Water and Sewerage Company (KIWASCO) took over the Nyakach Nandi Water Supply project

¹⁵⁹ Oral interview, Eng. Andrew Chika, KenGen Plant, Thuridibuoro village, Kisumu County, 23rd January, 2019

¹⁶⁰ Oral interview, Nancy Chepkemoi, Tabaita, Kericho County, 12th October 2019

(NYANAS). This was in response to complaints and petitions from Nyamaroka, Plateau and Sigoti complex locations which were excluded from the initial design. According to Assistant County Commissioner Nyakach Sub-County, Kisumu County government has secured funding from World Bank at a tune KES 34 million and the county sourcing the same amount totalling to KES 68 million for the project. The new project is designed to include a big reservoir at Sigoti plateau and supply water through gravity to Nyabondo, Holo up to Katito areas.¹⁶¹

According to responses from a FGD conducted in Kaplelartet, the change of NYANAS design by KIWASCO has aggrieved many people on the Kipsigis side of the borderline with a majority of the youth saying:

The Corporate Social Responsibilities from water projects exclude the Kipsigis side. There is no development project on our side. For instance, Tabaita location is backward in education as most people still rely on herding. They cannot compete with Luo or Kipsigis from other sections as the youths here do not go to school and those who do, only score Ds. With that, the rate of unemployment or youth delinquency is high in Kipsigis side of the border. This illiteracy is among the factors that increase crimes such as cattle rustling. These idle youths are also easy victims of political incitement and are duly used to cause violence in election times.¹⁶²

Another bone of contention in the area in recent years has been oil exploration activities along the basin between Nyabondo plateau and Kapsorok hills. The report according to Onyango Kandida shows that oil concentrates in Kisumu area but extends slightly into Kericho area. This has raised cases of land claims, with Kipsigis claiming more lands in Nyakach area so as to benefit from the oil boom once compensation for land acquired for the project begins.

According to Ouma Okinda, a resident of Kandaria in Nyakach Sub-county:

The prospect of oil and its alleged benefits have raised tensions as individuals from each community lay claims to parcels of land on the border suspected to potentially harbour oil. It is claims and counter claims that have further deepened the sense of inter-communal distrust as

¹⁶¹ Ibid

¹⁶² Ibid

politicians have taken advantage of the situation to incite the members of the two ethnic communities to dispossess the other of such lands.¹⁶³

Standard Gauge Railway (SGR) designed to pass through the area has also initiated various construction activities as part of its Corporate Social Responsibility. The SGR management has committed to construct modern structures in part of Sondu market. Both the Luo and Kipsigis have offered land around the market for construction and improvement. The two communities both want Sondu to be a railway station to benefit their side of the divide. Expansion of the Kisumu-Sondu-Kisii road has also been a cause for conflict as the Kipsigis accuse constructors of only hiring youths from the other community.¹⁶⁴

4.2 Role of Development Projects in Alleviating Conflict in the Study Area

Despite the associate developmental causes of conflict in Sondu, there are instances in which developmental projects and activities in the area have reduced conflict whether intra- or inter-communal. The case in point is Sondu Miriu Power Plant at Thurdibuoro in West Nyakach Division. According to retired Chief George Omulo who was in office in 1999 when the project was launched, there were conflicts in the area pitting the Luo and their Kipsigis over cattle rustling activities. Within the Luo community, there were also intra-clan resource-based conflicts. The locals in Nyakach West, Central Nyakach and South West Nyakach vehemently opposed the project based on perceived environmental and cultural uncertainties posed by its presence in the area. The community also feared that the Kipsigis could attack and destroy the plant since it wasn't directly beneficial to them. Chief Omulo narrates that:

Culturally, the diversion of the river occurs upstream at the breath-taking Odino falls. The community attaches a lot of cultural values and beliefs to the falls. According to the community, the falls is the harbinger of good and bad omen. It is the home of prosperity or death.

¹⁶³ Oral interview, Ouma Okinda, Kandaria, Nyakach sub-county, 12th August 2019

¹⁶⁴ Oral interview, James Onyango, Holo Village, Nyakach Sub-County, Kisumu County, 13th October 2019

The KenGen resident Engineer in Nyakach also admitted of the existence of environmental impact. He observed that:

The hydrological and ecological formation of the river was greatly disturbed when the river was eventually diverted. Wildlife, especially the Columbus monkey and hippopotamus, dependent on the river water were forced to seek water sources at the lower populous Nyakwere plains disturbing their habitat. Their populations have greatly reduced since that move.¹⁶⁵

To address challenges related with activities of the plant, KenGen has been involved in several corporate social responsibilities as noted by Andrew Chika:

The KenGen administration in line with its CSR policy has undertaken several projects in Nyakach aimed at assisting the local population. For instance, KenGen organises sporting activities for the local populations. There is a KenGen Club which is open to the members of the public. Furthermore, KenGen distributes free seedlings to the locals as part of its afforestation programs. The company has also constructed and renovated schools, hospitals and churches in the area. These include Thurdibuoro Primary and secondary schools as well as Thurdibuoro AIC church. Most of these projects are prioritized to the immediate locations neighbouring the power generating plant.¹⁶⁶

KenGen Chief Security officer Mr Theuri concurs with Engineer Chika and adds that:

There are other programs by KenGen where bright students in all primary and secondary schools in Nyakach sub-county are fully sponsored for secondary or university education. Those who join university under this program are paid stipends for the entire university period. The university students sponsored by KenGen are also eligible to direct internship and apprenticeship at the power plant or any other company facility. Those students who score First Class honours at the University are directly absorbed into the KenGen workforce if they so wish. This area used to be known as a stock theft hot spot. It is worth noting that we have an armed police detachment that guard the power plant and associated installations in addition to our internal security guards. We also conduct security patrols in the neighbourhood and responds to the communities' distress calls. As a result, serious crimes are hardly reported meaning the presence of the power plant has increased the level of safety and security in the area¹⁶⁷

¹⁶⁵ Ibid

¹⁶⁶ Ibid

¹⁶⁷ Oral interview Mr Theuri, KenGen Power Plant, Thurdibuoro Nyakach, 14th October 2019

Corporate social responsibility programs by KenGen have also improved soil conservation reducing incidences of soil erosion that were prevalent especially in the mountainous Upper regions. Additionally, the afforestation program sponsored by the power plant has attracted rainfall in the area leading to improved yields. To this end, retired chief Omulo argued that the outcome of concerted technical intervention efforts from KenGen has done wonders. He observed:

The lowland areas where most rivers head to Lake Victoria that had been eroded by construction of the power plant have been rehabilitated. People displaced during the construction of the plant have also been duly compensated or given alternative settlements. The plant compensated the displaced populations at the land market rates at the time. This also helped in addressing family and clan-land feuds that characterized majority of the disputes handled in the area in the past. However, the greatest impact that the plant has had in the area is creation of job opportunities for the locals. KenGen employs the youth from the area in most of its activities.¹⁶⁸

The job opportunities created by KenGen in Central Nyakach, West Nyakach and parts of South-West Nyakach have reduced incidences of major crimes in the three divisions.

According to Mary Adhiambo, a beneficiary of KenGen programs in the area:

Having this plant has really brought a lot of development and peace here. Before the establishment of the project, insecurity characterized the area. We had even stopped keeping cattle as they attracted rustlers into your compound. You couldn't walk past 7 pm without being ambushed by a band of thieves. However, since most youths are employed, the motivation for engaging in crimes like stock theft or accosting women returning from markets is a thing of the past. The only crimes that still exist are mainly petty such as stealing of chicken or farm produce like green maize plucked from the shamba.¹⁶⁹

Mercy Anyango, a youth leader in Nyakach West notes that the corporate social responsibility programs by KenGen as well as its policy of hiring youths from the area has lessened the extent to which conflicts and crime take place in the sub-county. According to her:

¹⁶⁸ Ibid

¹⁶⁹ Oral interview Mary Adhiambo, Casual employee at KenGen, Nyakach Central, 14th October 2019

KenGen constructed piped water to villages near the plant drawn at designated water points. The water is treated for domestic use and villagers access the water throughout the year free of charge. Maintenance of the water pumps is done by company with main distribution centres at Thurdibuoro and Sangoro areas. Before this, locals could compete with animals at times leading to drowning in the open dams. These accidents and incidences have reduced and complaints against the projects have also dropped considerably.¹⁷⁰

The KenGen has extended their activities to construction of new roads, tarmacking some, grading others to accessible murrum level and building of bridges which have increased transport and communication in Nyakach sub-county. According to Brian Ochieng, a Boda Boda operator at Kolweny market along the main Kisumu-Homa Bay road, the good roads have increased mobility thus:

Majority of the youths here are engaged in Boda Boda business and some have Kiosks selling basic consumables and commodities. Ferrying of patients or visitors to Nyabondo Mission Hospital has been easy as the road from Kolweny meandering uphill to Nyabondo was tarmacked by KenGen. Transporting of goods to the upper plateau villages has been increased and we make good profits. Incidences of serious crimes are very rare as the area has become safer since establishment of the power generating plant with a capacity to employ many youths altogether.¹⁷¹

The life expectancy has also improved remarkably with the coming of the power plant. KenGen renovated Kusa Dispensary to a Health Centre accommodating Inn-patients, Maternity ward, Laboratory and X-ray services. Furthermore, KenGen constructed a well-equipped and staffed Health Centre at the Base Camp in Thurdibuoro. The facility is open to the neighbouring populations who are offered free medical services. According to Susana Akomo of Thurdibuoro Women self-help group, the benefits of proximity to the power plant are many:

Motherhood has never been a problem here. We get both antenatal and postnatal services from the Base Camp hospital. Even serious cases can be referred to Kusa and the worst can still be taken to Nyabondo Hospital easily by use of the tarmacked roads which enhance movement. For some of us who are on family

¹⁷⁰ FGD Mercy Anyango, Youth leader in Thurdibuoro Women self-help group, Nyakach West, Sangoro, 15th October, 2019

¹⁷¹ FGD Brian Ochieng, Boda Boda rider and runner for Thurdibuoro Women self-help group, Kolweny market, Thurdibuoro location, 15th October, 2019

planning, the services are available and our children get all the immunizations required and they are healthier today.¹⁷²

4.3 Conclusion

This chapter analysed the development-related factors that have influence inter-communal as well as intra-communal conflict and crime in Nyakach sub-county. From the discussion, cases of water construction projects, sand harvesting, proposed extension of Standard Gauge Railway and Sondu market ownership were raised as development projects with conflict dimensions. It was also revealed that prospecting for oil and other natural resources in the area has raised concerns as individuals from the different communities have been scrambling for portions of land in oil-rich areas hoping to gain from the boom once the drilling begins.

However, contrary to popular findings, this study also established that development projects such as the KenGen Power Plant have also played major roles in smothering conflicts in the area. Central Nyakach, West Nyakach and South-West Nyakach sub-regions or rather wards have experienced relative calm during the post-construction phase of the power plant due to socio-economic gains made from the presence of the project. The company has also endeavoured to deliberately fulfil their objective of giving back to the community. Thurdibuoro village of Nyakach sub-county is testimony to this development.

¹⁷² FGD Susana Akomo, Thurdibuoro Women self-help group Thurdibuoro location, 15th October, 2019

CHAPTER FIVE

IMPLICATIONS OF THE KIPSIGIS-LUO CONFLICT AND RESOLUTION

STRATEGIES USED TO ADDRESS THE CONFLICT

5.0 Introduction

Kenya has experienced inter-ethnic conflicts for a long period of time. The conflicts have impacted the lives of many locals. This chapter discusses the implications of the conflict in Sondu on the perpetrating groups and affected populations at large. The chapter also looks at the conflict resolution strategies in place to address the ensuing conflict.

5.1 Implications of Conflict in Sondu Area

The Kipsigis and the Luo have experienced the consequences of conflict and violence for a long time. The victims of such conflicts face many challenges. Among the implications of the conflict in the area include:

5.1.1 Distrust on Security Apparatus in the Area

Most of the interviewed respondents on Kipsigis-Luo conflict expressed feeling that the security officers in the area are either impartial or reluctant in carrying out their duties. The locals therefore have lost confidence in them as the police in particular are implicated in cattle raiding activities where they benefit from the spoils. They are accused to working in cahoots with the raiding cartels or simply abet the crime by failing to respond in time during distress call. As a result of the ineffectiveness of the security apparatus in enforcing law and order and the resultant loss of trust in them, there have emerged vigilante groups. The vigilantes have become influential and powerful, thanks to the support they command locally. The role of these vigilante groups has grown beyond local crime prevention activities that were intended in the first place. In the recent pasts, their operations have mutated into militias ready to undertake political-related activities. According to Ouma Okinda, a resident of Kandaria:

Most villages often have a vigilante group which are trusted and considered more efficient than the police in quelling insecurity. The most prominent of these groups are small vigilante groupings formed to curtail cattle raiding by keeping night vigil over their villages. They are involved in disciplining those suspected to be involved in raiding activities in their localities. Sadly, the mostly youthful vigilantes are often hired as hooligans, spoilers or used in any other way that the political elite in the affected areas may deem fit threatening the very security they are trusted to uphold.¹⁷³

This finding supports the belief that security dilemma among the Luo and Kipsigis communities has contributed to the conflicts in the area leading to the rise of vigilante groups. While villagers (particularly of advanced age) trust their security in the hands of the youthful vigilantes whom they at times fund, these young people often turn against the expectation and become sources of insecurity as they are hired to cause chaos by elites or simply raid cattle from within the community whenever they become broke. Ouma Okinda further argues that:

The vigilantes are hired by wives particularly in polygamous marriages to eliminate co-wives whenever there are wrangles. Business differences are also addressed through the help of vigilantes who can be called upon to handle a competitor whenever someone thinks he/she has been cheated out or double-crossed.¹⁷⁴

The police are accused of partiality where they are perceived to protect some individuals such as chiefs and assistant chiefs who are fellow national government apparatus or their relatives involved in raids in the area. This has made the locals to regard them as accomplices in the cattle raiding. Chepchumba Jeruto noted that:

This has subsequently made people to distrust them and find ways of protecting their communities often, by arming themselves. The residents thus, tend to trust the vigilantes more than the police as their crude methods are deemed more effective in maintaining security.¹⁷⁵

¹⁷³ Oral interview, Ouma Okinda, Kandaria, Nyakach sub-county, 12th August 2019

¹⁷⁴ Ibid

¹⁷⁵ Oral interview, Chepchumba Jeruto, Sondu market, Kericho County 12 August 2019

The findings are different from police perspectives who argue that limited resources notwithstanding, they have managed to contain the emerging conflicts between the neighbouring communities along the common border.

5.1.2 Breakdown of Social Networks

Due to the conflicts between the Luo and Kipsigis communities, there has emerged a rise of fear and insecurity among the locals. This is in addition to the animosity, fear and hatred that have long existed between them from the pre-colonial period. Mary Koima, a Kipsigis from Sondu notes;

There has always been a sense of mistrust between Kipsigis and Luo in the border areas. However, the conflicts which have recently characterized the communities have increased anxiety, fear and a sense of being insecure. The police often take sides, as innocent locals are killed and their property destroyed. Several people in the affected areas on either sides of the border have moved in with relatives in the interior sections or left for urban centres. But these are those with capacity, those without are often left 'there' like lambs awaiting slaughter.¹⁷⁶

The security concerns in Sondu area have far-reaching effects on the Luo and Kipsigis communities around. As the two communities develop more hatred and animosity, fear and insecurity is bred. As a result of the security concerns, and with the feeling of inadequate security personnel to effectively protect the locals, some members of the two communities often act on their emotions without necessarily taking into consideration the costs / benefits of their reactions. As Peter Ndege et al. observed:

Fear among ethnic communities, especially that affected by clashes is translated into bitterness and lack of mutual trust and confidence. The fear and insecurity lead to more detrimental effects on both populations irrespective of age and gender.¹⁷⁷

¹⁷⁶ Oral interview, Mary Koima, Sondu market, Kericho County 12 August 2019

¹⁷⁷Ndege, P. Chelanga, J., Singo, S. 2009. *The Crises of Governance: Politics and Ethnic Conflicts in Kenya*. Eldoret: Moi University Press. Research Paper Series 1 (1).

The respondents stated that social ties have been weakened resulting into the mistrust and reception of interethnic relations with suspicion. This has led interference with social functions such as inter-communal marriages, which are nowadays avoided at every cost.

5.1.3 Interruption of School programs

According to Agnes Achieng, a Luo from Nyakach, education of children from both communities has been negatively affected by the conflict, suspicions and anxiety that have built over time in the area. This was illustrated by Onyango Ademba who argued that:

The Luo preferred to take their children to the schools across the border as they are better equipped than those in Luoland, thanks to President Daniel Moi's ethnic based development approach. This however, drastically changed over time owing to fear and mistrust between the two communities. Some of the Luo transferred their children to more secure places and boarding schools. Due to the conflicts between the Luo and Kipsigis, I was forced to close down a secondary school that I had opened along the border in my village. This was due to low enrolment as parents from both communities withdrew their children due to insecurity concerns across the border. Other public schools along the border also experienced the same problem.¹⁷⁸

During conflicts, schools located along the border areas are many times destroyed, and some others closed. Children are therefore forced to stay at home due to security concerns or families are trans-located to areas without education facilities. This has affected performance of students in schools in border areas who perform poorly in national exams relative to those in secure regions within the two counties.

In extreme cases, school children have been forced to join in the fighting or participate in the activities of the fighters in different capacities such as collecting of stones or moving around materials needed in sustaining the fighting. Majority of them have few options at this point

¹⁷⁸Oral interview Onyango Ademba, Gunda village, Nyakach sub-county, 22nd January 2019

beyond becoming migrant workers and farm labourers. This affects the schooling of children in a number of ways particularly in terms of access and reintegration in schools.¹⁷⁹

5.1.4 Displacement and Gender-based Violence

Conflict on Luo-Kipsigis border has traditionally led to displacement of affected households. For instance, the 1992 conflict at Sigowet led to displacement of Luos as the Kipsigis pushed them towards the lake claiming that they are fishing and not agricultural community. James Onyango, a veteran of Holo village noted that:

In doing this, the Kipsigis heavily borrowed on the history of the Luo which tends to restrict their migration to the flow of the Nile River and later Lake Victoria as they majorly practised fishing. As a result, the Kipsigis, following in the footsteps of their Nandi cousins who had set the clashes in motion in Miteitei in 1991, evicted the Luo from border regions pushing them into the interior of Luoland. The Kipsigis, guided by the belief that majority of land in the area were left to them by the Whites - as they used to tend cattle for the colonialists - took advantage of the skirmishes to further advance their territorial claims.¹⁸⁰

Mika Kipkemboi adds that:

On the eve of the 1992 general elections, there was chaos triggered by political difference between the Luo and the Kipsigis (alongside other Kalenjin subgroups) tribes. In Sondu and neighbouring areas, there has been no relocation of the IDPs (exclusively the Luo) who had temporarily been held at Thessalia Mission after their displacement in the clashes. Although it appeared that the problem would be resolved through Moi-Oginga co-operation, it persisted after Jaramogi Oginga Odinga died in January 1994. The displaced persons were never returned.¹⁸¹

Thus, politics also influences the conflict. Political elites use violence to instil fear in their rivals and to warn them against the consequences of voting in unwanted patterns. The finding indicates that people from the Kipsigis and Luo communities are constantly displaced by repeated conflicts in border areas of Sigowet and Nyakach.

¹⁷⁹Oral interview Agnes Achieng, Fish Monger, Sondu Town, Kisumu County, 22nd January 2019

¹⁸⁰Oral interview, James Onyango, Holo Village, Nyakach Sub-County, Kisumu County

¹⁸¹Oral interview, Mika Kipkemboi, Sigowet Sub-county August 18th 2019

While entire communities are affected by the conflict, girls and women are particularly most affected because of their status in society and gender.¹⁸²

During the conflicts, women affected often struggle to support their families.¹⁸³ Their new role as primary providers exposes many women to further abuse. Thus, the conflicts shatter the comfort of daily life and livelihood activities of women.

According to Wilson Rugut:

In cases where husbands are killed or missing, women face tremendous difficulties in maintaining the families. Besides losing the breadwinner, the workload for women increases substantially. In addition to the tasks they perform traditionally, they end up having to attend to new ones. They have to not only perform their share of work, but also do what missing men are supposed to do. For instance, they have to plough the land and prepare for planting; fix and change roofing, as well as deal with economic management too.¹⁸⁴

Violence and rape of women were cited as some of the main effects of conflict in the study area. According to Moses Cheruiyot:

Many women in Sondu experience sexual violence during violent clashes. Sexual violence against women is one of the most serious outcomes of clashes between Luo and Kipsigis in the area.¹⁸⁵

James Abudho who has witnessed many violent confrontations in the area including the 1992 and 2014 conflicts noted that:

During the violence, Sondu market became a hotspot of conflict due to its cosmopolitan nature. As the conflict ensued, men increasingly went to the front to defend their communities. Women were left behind to care for children. Unfortunately, as the conflict intensified, women and young girls became “soft targets” for revenge attacks. Sexual harassment was extensive throughout the area. My young daughter was forced into early marriage after conceiving as a result of rape. Worse still, some of the women who were raped during the conflict contracted HIV/AIDS and some have been abandoned by their spouses for that.¹⁸⁶

¹⁸² Oral interview Agnes Achieng, Fish Monger, Sondu Town, Kisumu County, 22nd January 2019

¹⁸³ Akinyi, P., Kabongah, G. O., & Ombok, O. 2011. *The invisible violence in Kenya: A Case Study of Rift Valley and Western Regions*. Nairobi: Konrad Adenauer-Stiftung

¹⁸⁴ Oral interview, Wilson Rugut, Kaplelartet Village, Kericho County, 2nd November 2018.

¹⁸⁵ Oral interview Moses Cheruiyot, Sigowet Sub County, Kericho County, August 18th 2019

¹⁸⁶ Oral interview, Juma Abudho Nyakach Sub-county, August 18th 2019

When there is a conflict between the Kipsigis and the Luo, women from both groups report cases of trauma often manifested in form of depression, constant chronic fatigue, listlessness, stress and anguish.¹⁸⁷ Women respondents highlighted psychological challenges as a constant problem that lingers in many who have directly witnessed the recurrent conflicts. Mary Anyango argued that:

My life was shattered completely when my home was attacked and razed down by Kipsigis raiders who stole all my cattle in a previous attack. I sought refuge in a neighbouring village with my children. After three months I relocated to Sondu market, where I lived in a one roomed house with five members of my family. I then started a small green grocery business, which enabled me to bounce back to economic stability. However, the trauma worsened when a year later, I was caught up in another ethnic clash. This time, the worst happened as I lost my last born son who went missing when we scampered for safety during one of the vicious attacks.¹⁸⁸

Displacement of residents has simultaneously affected girl child education as schools going girls are displaced and teachers belonging to the ‘other’ community forced to transfer to safer zones. Poor sanitary conditions of the displaced have led to spread of communicable diseases like cholera increasing the death toll.

5.1.5 Injuries and Death

The real impact of inter-ethnic conflict in Nyakach is felt most at personal and family level. Due to the insecurity, there are indiscriminate killings. Respondents cited unreported killing of their family members, most of whom were never accorded a respectable sent off. For example, Mzee John Rono whose two sons were killed during one of the conflicts, noted that to date he is still traumatised about that loss. It was reported during a Focus Group discussion in Holo

¹⁸⁷Maendeleo ya Wanawake Organisation. 2011, *Women and Conflict*. Nairobi: Soloh Worldwide Inter-Enterprises Ltd.

¹⁸⁸Oral interview, Mary Anyango, Nyakach Sub-county, August 18th 2019

that eighty-four people had sustained physical injuries, with some being life threatening in the 2014 skirmishes in the area. At the time, thirty-nine households were left homeless and landless, with seventeen women and girls reporting sexual abused.¹⁸⁹

Furthermore, the study revealed that during the intense fights, two men from the Kipsigis community suspected to have participated in cattle raids were lynched. The retaliatory attack by the Kipsigis left six Luos dead, fifty seven houses burnt, and approximately three thousand two hundred people displaced on both sides of the border, according to area Assistant County Commissioner report.¹⁹⁰

According to Vincent Dudi - a member of community policing in East Jimo, villagers often defend themselves against criminals before police arrive. The community members often engage the criminals until help from security forces arrive. He reiterates that:

Locals engage in war-cries to alert ASTU or other nearby police stations of imminent or actual attacks. Police often come in later to urge people to go back and leave the matter to them. Suspects apprehended by the public are sometimes subjected to extrajudicial punishments which may end up in death or serious injuries if they are lucky. In 2013 for example, Kipsigis men raided a Luo home in broad daylight, alarm was raised and Luos responded and accosted one attacker who was unlucky. After two days, the Kipsigis retaliated by burning homes along the border and by the time calm was restored, five Luos were lying lifeless. That is the danger of locals taking the law into their hands.¹⁹¹

The state of insecurity was established to be interfering with the day-to-day socio-economic activities, politics and schooling within the affected areas before normalcy is restored.

189 Ibid.

190 Edward S. 2014. Nyakach sub county youth forum on peace building: Organized and coordinated by Kisumu County Commissioner Office. Report. p.1

¹⁹¹ Oral interview, Vincent Dudi, Community Policing member, Jimo East, 12th October, 2019

5.1.6 Political and Economic Impact

Constant conflict in Sondu area has led to political polarization as politics in the area are ethnicized. Each community rally along one of their own during political contests particularly, in border constituencies. On this topic, Wesley Cheruiyot noted that:

Support for contestants from other communities or dominant political parties are very limited for fear of dividing votes. Here political competition is associated with developmental gain. Having one of your own in office corresponds to more development activities in your section of the territory.¹⁹²

Other effects of conflict in the area identified include, ethnic rivalry/hatred, loss of interest in electoral activities. Several of the respondents stated that they lost trust in political leaders who incite the locals and often do not wait to feel the heat of the violence felt by the victims. The economic effects of communal conflicts are multifaceted. According to Ben Mutai:

Such impact include decline in economic production as a result of disruption in agricultural activities as potential farmers flee from production areas due to insecurity. Destruction of property/business occurs as business premises are looted and set ablaze or even completely destroyed. Additionally, transport and communication channels are disrupted as Matatu - largely owned by the Luo suspend service along affected routes hindering transfer of goods. This leads to hiking and fluctuation of prices of essential commodities. Some individuals take advantage of the chaotic situation to grab land belonging to persons from the ‘enemy’ community.¹⁹³

In the same regard, the Kipsigis were mentioned to have chased away the Luo away from their land on the border creating a class of poor landless Luos. Environmental degradation was also mentioned as an outcome of the conflict. Kimalel Arap Too noted that:

The environmental aspects of the conflict that occur include destruction of vegetation cover by victims as a defensive strategy to destroy the hiding grounds of the attackers. This has led to massive pollution of the environment and environmental degradation, in the process affecting

¹⁹²Oral interview, Wesley Cheruiyot, Sondu market, 13th October, 2019

¹⁹³Oral interview, Ben Mutai, Kaplelartet Village, Kericho County, 11th October 2019

agricultural productivity in the area. Farm produces are also burnt down in the fields during clashes laying waste to the land.¹⁹⁴

The findings on the consequences of conflict in Kisumu-Kericho border, concurs with the findings of Barasa Nyukuri that inter-communal conflicts in Kenya affects all aspects of life.

5.2 Resolution Strategies adopted in resolving Conflict in Sondu area

Several conflict resolution strategies have been attempted in resolving conflict in Sondu area of Nyakach sub-county. The first line of response has often been state related. This confirms earlier findings by scholars such as Akinwale who reveal that due to its control over security forces and national resources, government is expected to play a crucial role in managing ensuing conflict.¹⁹⁵ States respond to violent conflict within their territory in a variety of ways. Most times, security apparatus are deployed to bring the violence to an end. In other times, state representatives cooperate with local actors in mediating the conflict through arranging conferences or peace talks. Government could also resolve the conflict by referring it to judicial systems, such as the court channels or *ad-hoc* commissions.¹⁹⁶

All the above channels have been put in place in Sondu. The government began by establishing an ASTU camp at Toll area in Holo. The camp has 34 police officers comprised of an inspector (the officer in charge), four Non Commissioned Officers (NCOs) and thirty police constables (PC). According to the officer-in-charge:

The camp was established in 2009 with the key mandate of curtailing stock theft and livestock related criminal activities in the area. At the camp, we've one old Toyota land cruiser vehicle and we are given 200 litres of fuel monthly for the patrols. Since this camp was established "*wanainchi*" have claimed that there is relative peace since we act as a barrier between the fighting factions.¹⁹⁷

¹⁹⁴ Oral interview, Kimalel Arap Too, Kaplelartet Village, Kericho County, 12th October, 2019

¹⁹⁵ Ikelegbe, A. O. 2003. pp. 53, 64. Op cit

¹⁹⁶ Abdulrahman, I., & Tar, U. A. 2008. 190-193 Op cit.

¹⁹⁷ Oral interview, Officer in charge, ASTU Toll Camp, Op cit.

According to a fellow officer who had been there for over one year, most victims of cattle rustling and other crimes also report to Chiefs and Assistant Chiefs whenever they are in distress. He observed that there is a shared responsibility between the camp and the Chiefs who normally summon community policing personnel and local informants to pursue the rustlers. Out of fear, victims of crimes – which mostly take place at night – wait till day break before reporting to necessary authorities. This often complicates the search and recovery process as rustlers and other forms of criminals have learnt to dispose-off their loot as fast as they can.¹⁹⁸

Other than the ASTU and other Police formations, elders from both communities are also involved in coordinating recovery activities. The elders and security leaders have formed Community Policing Forums to address some of the programs. Mzee Kimalel Arap Too of Kaplelartet, argue that *Wazee* in the Kipsigis side have been counselling young men against crime. They at times threaten to or use curses against the wayward Kipsigis youths. There was a time when Kipsigis raided from themselves. The elders went and cursed the suspects and afterwards, the intra ethnic stock theft has drastically reduced.¹⁹⁹

Several local and international NGOs are also involved in preaching peace in the area. The NGO's according to a FGD in Holo help in creating conducive environment for dialogue. The NGOs preach peace and encourage joint activities such as crusades. They also supply affected populations with foodstuff, funeral expenses and building materials. The NGOs active in the area include World Vision, Peace initiative organizational, the Red Cross, local capacity for peace (LCP) and Tabaita Community Based Organisation. Red Cross often help by bringing blankets, utensils and provide First Aid to the victims.²⁰⁰

¹⁹⁸ Oral interview, Sergeant LK , ASTU Toll camp, Nyakach sub county, 12th October 2019

¹⁹⁹ Focus Group Discussion, Sigoti Chief's Office, 15th October 2019.

²⁰⁰ Ibid.

On ineffectiveness of ASTU police in resolving the crimes in the area, the Officer-in charge observed that there is willingness from his officers to offer assistance as shown by their timely response to the crime incidents. However, he admits that they are facing logistical challenges. He says that the 200litres a month fuel they are provided with is not enough to conduct patrols in the expansive border line. According to him, there are no police stations between Sondu and Papa Onditi besides them, implying that other than stock theft cases; the Toll camp also handles other ordinary crimes before they are referred to appropriate stations for further action. They also handling traffic accidents along the Kisii-Kisumu road marked as an accident hotspot.²⁰¹

A visit to the Toll camp established an impression of an unmotivated police base. The living conditions of the officers are quite poor. Other than this, having one old Toyota land cruiser that is not leased means that whenever there is no fuel or when the vehicle needs repairs, no security operation can be conducted as there is no other vehicle within the vicinity. This is contrary to the base at Kapsorok ASTU base which has a leased Toyota land cruiser and a lorry. It therefore, means that the Toyota land cruiser at Kapsorok is regularly fuelled and repaired free of charge by national government and their ability to respond to distress calls is thus more enhanced than at Toll camp.²⁰²

5.3 Conclusion

Conflicts in Sondu have heavy implications on the affected households. The affected families have paid a massive price in loss of human life and social, economic and political disintegration. Children and women suffer unspeakable atrocities including interruption in their schooling activities. To bring the conflict and its impact to an end, several resolution approaches have been adopted including establishment of Anti-Stock Theft police Unit camps

²⁰¹Oral interview, ASTU Police, Toll Camp, 13th October, 2019

²⁰²Feedback of FGD Holo, Nyakach East, 16th October 2019.

in the border areas. Furthermore, efforts by elders and community policing forums have also been intensified in an effort to lessen the frequency of the conflict and resulting effects.

CHAPTER SIX

CONCLUSION

A major source of conflict in most societies is over the access to resources. Conflicts over resources between groups can increase the likelihood of violence. Over the long run, such conflicts, particularly over access to national resources are likely to lead to ethnification of politics as a whole where the political salience of ethnic identity increases.²⁰³

One of the countries that have witnessed repeated conflicts albeit in different forms is Kenya. Violent conflicts in Kenya are frequent, though many occur at small scale. Conflicts in Kenya are caused by a number of factors including political incitement, divisive policies, land disputes, access to pasture and water for pastoralists, common crimes like theft, cattle raids and absence of alternative economic sources.²⁰⁴

Kenya's TJRC has affirmed that natural resources are the main causes of conflict in the country. Resources, particularly land have been at the root of conflict in 1992, 1997 and 2007/08 and in between these periods. Being a country characterised by diverse cultures, many regions of Kenya are significantly inhabited by indigenous groups who claim historical ownership of those regions. They therefore, consider those who do not speak their language as 'outsiders' or 'invaders'. Traditionally, resource conflicts were peacefully resolved through negotiations by local leaders. With passage of time though, things have changed difficult due to factors such as climate change and population growth which have made resources scarcer. The increasingly monetised economy matters too when it comes to violence in Kenya. The monetary importance of land and other resources has made them more valuable and easy to fight over. This study

²⁰³ Kamau J.N. 2008. Embracing the Practice of Conflict Sensitive Approaches. Analysis of the Kenyan Context. *Conflict Sensitive Consortium (UKaid Kenya)*.

²⁰⁴ Kamau J.N. 2008. Embracing the Practice of Conflict Sensitive Approaches. Analysis of the Kenyan Context. *Conflict Sensitive Consortium (UKaid Kenya)*.

focused on four objectives, namely, to examine the historical background to Luo-Kipsigis conflict; current events responsible for conflict along the Luo-Kipsigis border in Sondu; to assess the influence of development projects in the study area on conflict; and finally to evaluate the cost of conflict in Nyakach and mechanisms adopted to address the conflict.

On objective one, the study established that the Kipsigis and the Luo in the study area have resident- resident relations in that they have lived together for long periods of time. Despite this closeness, the study determined that the border region of Kericho and Kisumu counties inhabited by these people face constant conflict and instances of crime. Historically, the Kipsigis is a sub-tribe of Kalenjin community and are the largest Kalenjin population. Kipsigis is a tonal language, classified as Nilotic with its origin believed to be near Lake Baringo. According to Liyong T.L, the Kipsigis displaced the Luo, Kisii and Maasai, whom they referred to as “*puniik*” meaning “*enemies*” or “*strangers*”. However, the *puniiks* have turned out to be Kipsigis’ current neighbours to the west and south.

The study revealed that the Kipsigis are culturally a cattle-raising people with traces of cultivation of food and cash crops including tea and coffee. Livestock including goats and sheep are valued by the Kipsigis and they are used to pay bride wealth. Milk from domestic animals on the other hand is a favoured food, which is considered crucial for the welfare of the young children. The growing market for milk sold through cooperatives to the government creameries has also been a determinant of livestock farming. Trade for livestock at weekly cattle markets have also contributed to this form of farming giving it economic sense. Finger millet and sorghum used to be their staple food. This has been replaced by maize, which is nowadays grown in large scale for cash or on small scale for home consumption, where land is scarce.

Luo on their part are primarily fisher-folks with traces of cattle herding even though they till the land for food crops. Their primary crops are maize and sorghum. They also grow cash crops, which include sugarcane, coffee, cotton and rice. They rear animals like goats, sheep, cattle and chicken. Cattle are used mostly for bride wealth. Fish from Lake Victoria and its streams are also treated with importance, especially tilapia. The traditional Luo community relied on fishing and small-scale farming as their means of production.

The relationship between the Kipsigis and the Luo was traditionally mainly hostile frequented with cattle raids and fight for grazing land. The raids were so consistent in the past that the Luo nicknamed the Kalenjin “*onjelo kwalo dhok*” meaning “*Kalenjins are cattle raiders.*” This name became familiar with local famine and food insecurity within the region. It is based on cultures such as the “*puniik*”, “*onjelo kwalo dhok*” and other name-calling that conflict between the Luo and Kipsigis has been sustained. The desire to outdo each other in resource control and political influence is also built on that prejudice in which some sections of Kipsigis in Luo dominated areas are uncomfortable at being led by their “*enemies*”. The centrality of land, crop production and animal husbandry in the Kipsigis economy has also influenced the conflict as land encroachments and cattle raids often lead to violence. The Kipsigis still hold so dearly to their ancestral land that a man will find it hard to sell a portion of his land if his wife or elder sons object. A threat to this land means a threat to the existence of not only the family but clan and ultimately the entire group.

Despite this sense of hatred, previous animosity between the two groups did not end their relationship as they intermarried and occasionally adopted one another’s children. However, the cordial relationship has in recent years been uneasy due to several factors including political polarizations amongst others. The study was thus, successful in putting the nature and context of Luo-Kipsigis conflict into perspective from the historical point of view.

On the objective on the influence of crime on relation in the study area, the study observed that the study area is cosmopolitan and densely populated; two factors that influence crime. Among the main crimes perpetuated in the area include cattle rustling. The study found out that traditionally, this social activity was less violent. However, commercialization of has seen cattle rustling develop into either “*shingo ama ng’ombe*” (your neck or your cattle) activity as rustlers often execute their victims if they attempt to resist.

As a result, cattle rustling have become a hot political campaign tool on both sides particularly in Nyakach and Soin/Sigowet constituencies. A Nyakach political aspirant who promises to deal with cattle rustling if elected is likely to win the hearts of voters than those who ignore the topic. The study established that rustled cattle have their mouths tied after which they are driven out on marked paths at night to the expansive forest in the area from where they are slaughtered. The meat is then packed in sacks and transported in probox cars to Ojola in Kisumu town from where it is distributed to pre-identified butchereries for sale.

Another account noted from another set of respondents revealed that the Kipsigis side of the geographic divide is bushy and sparsely populated. This provides room for hiding stolen stock. Once in the forests, the animals are grazed for a while before being loaded in cattle tucks and taken to market as far as in Nakuru and Narok counties or slaughtered and their meat distributed to butchers. It was established during the study that animals in the area are stolen for various reasons including: for commercial purposes; for traditional purposes like payment of pride price; for revenge purposes; and for subsistence/use during ceremonies.

The study found out that violence and crime associated with cattle theft in the study area deeply affects not only its victims, but also their communities, families and friends caught in the midst of the vice. Its effects are seen not only in illness, death and disability, but also in terms of reduction of quality of life. Violent conflicts involving cattle theft adds greatly to the costs of

welfare and health services, decreases the value of property, undermines the fabric of society, reduces productivity and disrupts provision of a range of essential services.

Besides cattle-related cases, other crime found to be endemic in the study area is armed robbery. In Sondu, such crimes often take place in market places or in dark alleys and are perpetrated mainly in night hours. These sort of violent crimes are mainly carried out by youths from both the Kipsigis and the Luo communities. The case of robbery in Sondu is significant as it not only causes loss of property and injury to the victims but also because it raises the level of fear of crime in the area. Gang violence and vigilantism on their part were established to be prevalent mainly during election period where aspirants hire youths whom they manipulate with alcohol and promises for jobs to harass their opponents. According to respondents, the laxity of the police has contributed to the emergence of gangs and vigilante groups in Sondu in the veil of providing security to threatened inhabitants. The existence of vigilante groups and criminal gangs in this area is therefore, founded on public anxiety over the high levels of crime within their areas and laxity of police in confronting criminal elements responsible for crimes such as cattle rustling and armed robbery.

Burglary was also found to be rampant in Nyakach sub-county particularly in Luo inhabited areas. This, the study found out was because the Luo are deemed to be rich and with possessions that could be resold off. This is both a property as well as a physical crime as during the process of burglary both injuring of the victim takes place in addition to the economic harm/loss incurred. In Sondu, burglary is committed mostly by individuals operating alone or in small groups. This is considered basic theft and those arrested are mostly punished by the victims or village elders. However in extreme cases, such cases are reported to area chiefs or nearby police stations.

Assaults and sexual violence are the other type of crime found to occur in the area. These crimes occur mostly among people known to each other with ordinary home-made implements the most used weapons. These violent crimes are mostly directed against groups, persons or families because of their sexual, ethnic or disability identities. Thus addressing them is very difficult as at times, the perpetrators and victims are relatives and often resort to use of indigenous resolution mechanisms. The study found out that there are several factors that influence ones involvement in crime in the study area. These include poverty, rising unemployment and political polarisation.

Objective three moved away from analysis of Luo-Kipsigis conflict on the basis of traditional causes and focused on the influence of development activities on conflict in the study area. On this, the study determined that development project have contributed to intensification of conflict and violence while also helping mediate and address conflict in the host communities. The shift away from cordial symbiotic relationship between the inhabitants of the study area, with intermittent conflicts to anxious, conflictual relationship since the adoption of various development projects formed the basis for this study. The focus was on how the development activities in the border areas intertwine with other factors to intensify or bring down conflicts.

The study determined that there are several development programs or assets that have intensified conflict in the study area. These include, land, ownership of Sondu market, distribution of job opportunities on road construction projects in the area as well as benefits from water projects along river Sondu. Resource and development-based competition and conflict in Sondu arise out of the factor that the area is cosmopolitan with its population comprised of the Luo, Kipsigis, Luhya and Kisii populations, all of whom compete for the few available opportunities including political power.

The study reveals that competition for political power or gains has been the primary cause of interethnic conflict in the area. This is because in most cases, politics have been along ethnic lines i.e. tribal politics where each ethnic group wants to support their own candidate so as to benefit from the development that the locals believe only comes through political influence. Conflict over ownership of Sondu market has a historical background with the market being pushed to Kericho and Kisumu numerous times due to the boundary changes that have over the years taken place in the area. During this study, it was established that revenue collection in the market is a major source of conflict in the area. The conflict comes about as a result of distribution of the revenue collected in which 80% of cess collected goes directly to Kericho County government with only 20% going to Kisumu County government and yet according to respondents from the Luo community, majority of the buyers and sellers operating in the market are of Luo origin from Nyakach sub-county of Kisumu County.

The study established that since the construction of Sondu Miriu Power Project began in 1999, the conflict dynamics in Sondu area was significantly altered. The plant owned and maintained by KenGen, is the first major hydro power project located in Nyanza region along River Sondu. Despite lying on a river that flows between two communities, the Kipsigis feel that only the Luo are benefiting from it in terms of employment opportunities, water and cheap electricity yet they too help sustain the flow of the river on which it is built upon. They argue that the fact the project lies deep inside Luoland shouldn't imply that only the Luo should benefit from the resulting benefits.

The other contentious project is Nyakach-Nandi Water Project in Sondu area. The land on which this project lies was in Kisumu County. Later the boundary was altered moving it to Kericho County. However, the Kipsigis have a feeling that the projects have given them a wide berth as pipes for the project head to South-East Nyakach and Nyakach North. There were

plans for the project to extend to Muhoroni and then to Nandi but that has been altered with the coming of devolution. Thus, the Kipsigis who host the initial project feel that those to benefit with cheap clean water and irrigation programs are Luo downwards yet they host the reservoirs. Discovery of oil and gas deposits on the border areas of the two counties have also seen a rise in land prices in the area. This has also increased contention of the lands on the border that in the past saw little to no interest or contention. These have independently and cumulatively increased interpersonal and ethnic tensions in the hotspot areas.

Despite increasing chances of conflict, development projects in the area have also helped reduce conflict and crime in the study area. The major case in point is Sondu Miriu Power Plant at Thurdibuoro in West Nyakach Division. The KenGen administration has undertaken several projects in Nyakach aimed at assisting the local population. For instance, KenGen organises sporting activities for the local populations. There is a KenGen Club which is open to the members of the public. Furthermore, KenGen distributes free seedlings to the locals as part of its afforestation programs. The company has also constructed and renovated schools, hospitals and churches in the area. These include Thurdibuoro Primary and secondary schools as well as Thurdibuoro AIC church. Most of these projects are prioritized to the immediate locations neighbouring the power generating plant. The plant also sponsors poor but bright students to pursue high school and university education. They have also been employing locals for both technical as well as manual jobs. This has reduce the factors such as unemployment and poverty which are known to increase cases of crime and conflict’

The study observed that the concerted efforts by KenGen to plough back to the community through CSR programs have registered dividends. The renovation of nearby schools, churches, hospitals and other social amenities have improved living conditions of the residents of South-West, Central and West Nyakach locations. A majority of residents have found formal

employment at the power plant. Sponsoring of bright students means several young men from the said locations have continued their education and are rarely enticed to criminal activities. On the other hand, the locations of East and South East Nyakach that are far from the KenGen power plant and border the Kipsigis in Kericho County have experienced insecurities that include cattle raids, theft of other small stock like chicken and armed and gang violence and burglary with far-reaching consequences. This fulfils the study's hypothesis that development projects in deed influences conflict dynamics within host communities.

However, while the aspect of Sondu Miriu Project and associated benefits are key to understanding the current conflict dynamics in Sondu, this study also established that other developmental factors such as road constructions, ownership of Sondu market, oil explorations, land claims as well as the endemic livestock raids have played a telling influence in the growth of the conflicts. In all these factors, politics remained a constant trigger factor as cases of incitement by politicians were heavily reported.

The final objective of the study examined the cost of conflict in the study area and measures taken to address the conflict and crime in the region. The study established that the conflicts have had several impacts on the locals in the affected areas. These include entrenching a sense of anxiety, hatred and suspicion that has interfered with social activities such as interethnic marriages. Displacement of residents on the border areas was also mentioned as a key outcome with most of the displaced persons moving in with relatives or relocating to urban centres. In general, the conflict in the area has affected education, economic productivity, political dynamics, gender relations and violence, have led to indiscriminate loss of lives while also leading to status inversion as women widowed by the conflict increasingly take up male-related responsibilities. These findings concurs with the previous findings of Barasa Nyukuri on the

Impact of Past and Potential Ethnic Conflicts on Kenya's Stability and Development, which demonstrate that conflict in Kenya has far reaching impact and affect all aspects of society.

As a result of the destructive nature of the conflict, the study observed that various conflict resolution mechanisms have been put in place to address the conflict situation, though most emphasis has been put on members of the National Government Administration Officers (NGAO) and Police. This top-down approach in resolving the conflict has resulted in minimal success marked by sporadic resurgence of conflicts from time to time. Increasingly, the Anti-Stock Theft Unit set up to intervene and curb cattle rustling in the area has been sucked into the problem and has become a problem itself. The unit has been accused of either bias in approaching the problem or being accomplice in the crimes committed in the area particularly, those of economic nature such as cattle rustling. As a result, it is needful that the conflict resolution approaches in Nyakach and Soin-Sigowet sub-counties of Kisumu and Kericho counties be relooked into with an aim of finding a balanced locally-owned resolution strategy that can resolve the challenge once and for good.

APPENDIX 1: Pictorials



Source: The Researcher (in checked shirt), a Village Elder, Vigantes and ASTU officers at ASTU Toll Camp, with two recovered bulls that had been stolen the previous night.. Sunday 12th October, 2019 at 12.14.13 PM



Source: Traditional stone baricade cow shed on the left and a modern cow shed on the right constructed to deter rustlers seen in Sigoti location, Plateau village. Photo taken on 13th October, 2019, 04:04:49 PM



Source: The Researcher (in specs and handbag), interviewing some community leaders and is shown the boundaries between the Kipsigis and Luo at Holo village. Photo taken on 14th October, 2019, 03:27:17 PM

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- Oral interview Andrew Chika, KenGen Resident Engineer, Thurdibuoro, Nyakach Central, 14 October 2019
- Oral interview, Absalom Nyakiti, NEDG chairman, Agoro location, Nyakach Sub-county, 12th October 2019
- Oral interview, Assistant County Commissioner, Nyakach Sub-County, 13th October, 2019
- Oral interview Wilson Rugut, Kaplelartet Village, Kericho County, 2nd November 2018
- Oral interview Chepchumba Jeruto, Sondu, Kericho County, 12th August 2019
- Oral interview James Odhiambo, Sigoti sub-location, Nyakach sub-county, 21st January 2019
- Oral interview Kimalel Arap Too, Kaplelartet village, Kericho County, 12th October 2019
- Oral interview Mr Theuri, KenGen Power Plant, Thurdibuoro Nyakach, 14th October 2019
- Oral interview, Eliud Obonyo, Village elder, Sondu Township, 23rd January, 2019
- Oral interview, George Omulo Rtd. Chief Thurdibuoro Location, 14th October, 2019
- Oral interview, Gordon Opiyo Youth leader, Ayweyo sub-location, 13th October 2019
- Oral interview, Jackson Omany, Sondu market, Kericho County, 13th October 2019
- Oral interview, James Onyango, Holo village, Nyakach sub-county, 14th October 2019
- Oral interview, John Mitei, Kaplelartet Village, Kericho County, 11th October 2019
- Oral interview, John Okang'a, Store Pamba village, Nyakach Sub-county, 13th October 2019
- Oral interview, Juma Abudho Nyakach Sub-county, 18th August 2019
- Oral interview, Langat Sitienei, trader Sondu Market, Nyakach sub-county 23rd January 2019
- Oral interview, Mama Sicilia Ndare, *Nyoluoro* women self-help group, Kandaria village Nyakach Sub-county, 13th October 2019
- Oral interview, Margaret Odhiambo, fish monger, Sondu market, 23rd January, 2019
- Oral interview, Mary Anyango, Nyakach Sub-county, August 18th 2019
- Oral interview, Mary Koima, Sondu market, 12th August 2019
- Oral interview, Michael Sati, Chief Sigoti Location, Nyakach Sub-county, 13th October 2019
- Oral interview, Mika Kipkemboi, Sigowet Sub-county, Kericho County, 18th August 2019
- Oral interview, Mzee John Onyango, Holo, Nyakach East Division, 13th October 2019
- Oral interview, Nancy Chepkemoi, Tabaita, Kericho County, 12th October 2019
- Oral interview, Officer Commanding Sondu Police Station, Kericho County, 14th October, 2019

Oral interview, Okanda Oduol, Agoro Location, Nyakach sub-county, 14th October, 2019

Oral interview, Onyango Aluoch, area chief, Sondu, Nyakach sub-county, 23rd January, 2019

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Oral interview, Peter Onyango, Kandaria sub-location, Nyakach Sub-county 22nd Jan 2019

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Oral interview, Samson Mak'Onyango, Elder, Kadiang'a village, 13th October 2019

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