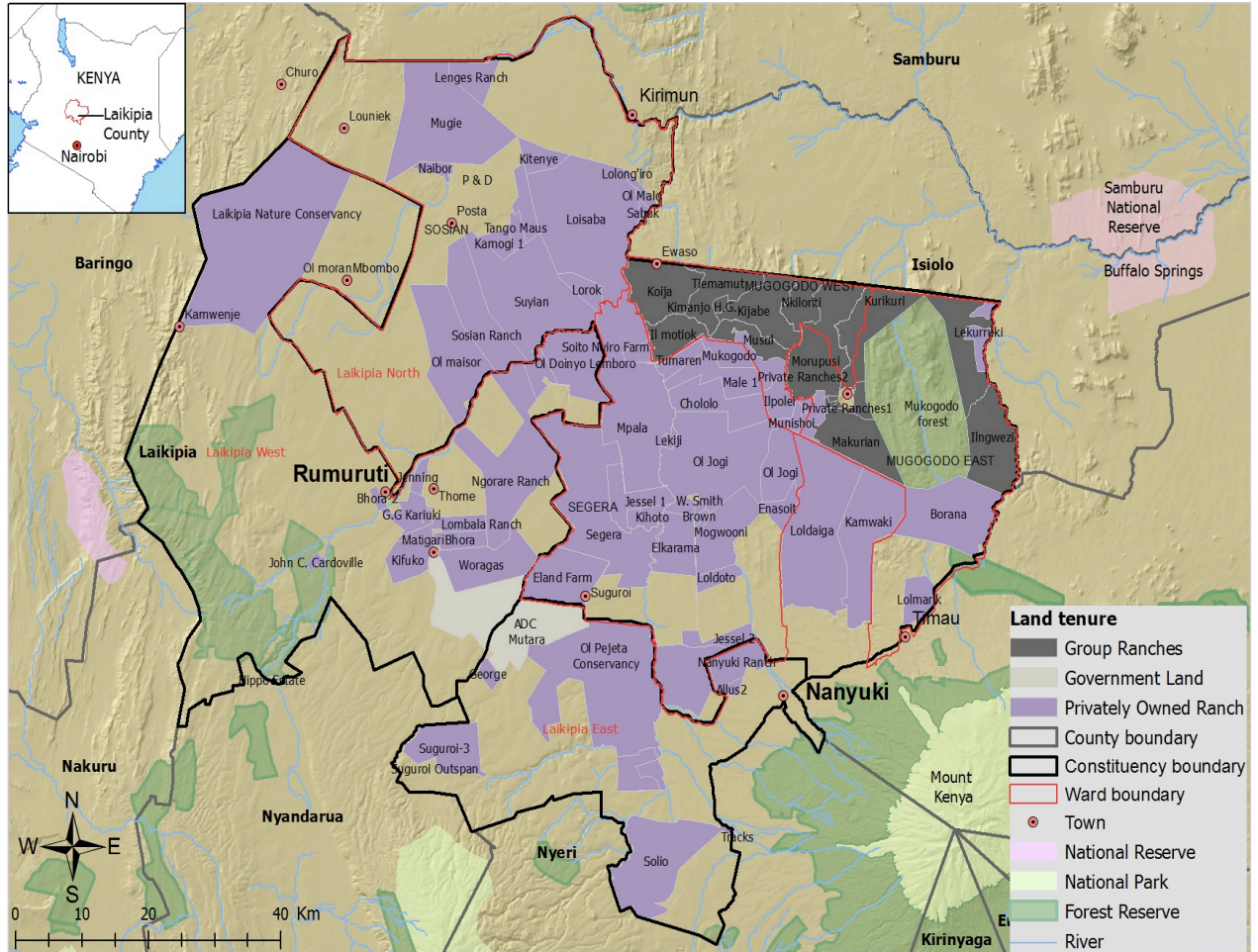


**Cattle Barons**  
**Political Violence, Land Invasions and Forced Displacement**  
**in Kenya's Laikipia County**

**May 2017**

## Map of Laikipia County



## Executive Summary

Laikipia's present insecurity is at the hands of armed land invasions by the Samburu and Pokot tribes from counties to the north and west, as well as from within parts of Laikipia itself. This has evolved against a backdrop of a pastoralist crisis in Kenya. In particular, the status of young Samburu men and Pokot men, who have traditionally served as warriors and cattle keepers for their communities, under the control of the community elders, has been reconfigured in recent years through their encounter with the modern state. The introduction of technology – specifically mobile phones, Mpesa and social media, incomplete education, militarisation through a proliferation of weapons across northern Kenya, and a population explosion, have brought about problematic mutations of their customary ways of life. One outcome of this has been an erosion of the customary modes of authority that govern and sanction their behaviour.

Into this power vacuum has stepped a network of pastoralist elites from Laikipia, Samburu, Baringo and Isiolo counties, belonging to Kenya's political establishment including its parliamentary and security architecture. They operate collectively in a cartel-like fashion that transects party politics. Their pursuits are in turn facilitated within localities at the county level via a diffuse network of local agents, embedded within strategic communities and comprised of elders, other community leaders and lower-ranking members of the political and security establishment. Together, and with increasing velocity, these actors have mobilised a five year long strategic plan to invade the county's private land, coinciding with national devolution, the creation of Laikipia North constituency and the election of Laikipia North Member of Parliament Mathew Lempurkel in 2013. This far predates the onset of Kenya's recent dry spell from November 2016 onwards, dispelling illusions that the land invasions are driven by drought. Rather, the declaration of drought countrywide in February 2017 has served as a timely mirage behind which the true ends of the invasions in Laikipia have been obscured to outsiders.

The private ranch and conservancy invasions that have hit headlines since early 2017 are just the latest and most visible stage in this trajectory – initially, it was Laikipia's smallholder communities and semi-pastoralist group ranch members that bore the brunt of escalating armed attacks and land incursions. At the sharpest end of this strategy, the experiences of some communities have amounted to egregious human rights violations, including sexual violence, forced displacement and killings, in addition to a wilful disregard for their property rights. The nature of violence with its diversity of victims also reveals the invasions are not primarily targeted at so-called "white settlers" but rather, at anybody who owns land in the county, regardless of acreage or ethnicity.

The invasions are choreographed through meetings and mobile phones, and supported with active armament of weapons and munitions, cash payments and other material support from the elite cartel. Accordingly, the invaders operate in a militia-like formation. Evidence points to a key source of cash for this process is misappropriated public financing such as the Constituency Development Fund.

Laikipia's invasions serve two key strategic goals: first, in Laikipia North constituency specifically, they aim to secure the re-election of the incumbent MP Lempurkel in August 2017 by means of voting demographics. This entails both the shipping of potential voters into Laikipia North from outside of the constituency – not in itself illegal -- and the forced displacement of rival voting populations from their home areas (and polling stations). The second goal beyond August is the pay-off for Lempurkel's re-election -- the land grab of private property using populist fictions of indigenous rights and 'historical injustices'.

To date the invasions have out-manned and out-gunned Laikipia's smallholder, resident pastoralist and ranching communities. The Kenya government's response at the county and national level through its security forces has been demonstrably lacking and incapacitated by internal division. This environment of impunity and instability has only served to spur the invasions on further.

In mid-March President Uhuru Kenyatta deployed a small Kenya Defence Forces-KDF contingent to reinforce police operations initiated in November 2016 supposedly to restore order. This joint security operation, under police command, could be the most significant short-term variable in the Laikipia's crisis – more so than the performance of the 2017 rains. To date it has avoided the arrest or prosecution of inciters. In most cases of homicides or other violence, police have totally neglected to investigate. Operations were supposed to disarm militias and evict invaders but they have done neither properly. In the coming months a closely sequenced, thorough and non-abusive disarmament operation, combined with efforts to make the inciters of the violence accountable, will be decisive in preventing the region's descent further into political impunity, instability, and even armed insurgency.

Ahead of the 2017 general elections, the invaders are likely to either maintain or escalate current levels of violence against communities who support rival political candidates, since displacement and intimidation of voters form the heart of the plan. On election day itself, attempts at election fraud are highly likely, with a danger of violence around polling stations.

In the long term, the solutions to prevent this crisis from cyclically re-emerging is to tackle it at its source, that is, the unsustainability of pastoralism in its current state and resulting susceptibility of its frustrated youth to political co-option in the affected counties. Measures to remedy this following the 2017 elections must be robust and far-reaching: crucially, education and viable employment opportunities offering young people alternatives to pastoralism, rehabilitation of the severely degraded northern rangelands, the revival of veterinary standards and protocols, together with better livestock marketing systems.



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## Introduction

Laikipia is buckling under the pressure of a massive influx of armed pastoralists and their herds numbering over 135,000 cattle together with 200,000 sheep and goats. To the outside world, this crisis has been painted variously as a desperate search for pasture by drought stricken tribesmen, or as a popular struggle to right the wrongs of Kenya's colonial past. This report looks at the crisis from the ground level, seeking to bring into sharper focus the real underlying causes and contemporary drivers of the invasions. This research explores the long trajectory of insecurity and the particular nature of the violence, juxtaposing these grassroots testimonies with many of the popular narratives circulating among the media and political rhetoric today. It reveals that the central aims of the invasions are geared towards an aggressive expansion of territory in both a geographical and political sense. The vast majority of Laikipia's invasion victims have suffered through insecurity and forced displacement in silence over a number of years. It is impossible to find precise figures, but Laikipia's internally displaced certainly exceeds 10,000, and scores have been killed. Despite the security operations since March, violence continues.

Laikipia's current crisis does not lend itself to the typical labels applied to African conflicts; it is not simply one tribe against another, or black versus white, or 'haves' versus 'have nots'. The fault lines of this conflict lie between two groups: those whose interests are in stability and the rule of law, and those who profit from its absence. The former group requires strong, institutionalised governance, particularly with regard to land tenure enforcement and the management of sustainable livelihoods at the grassroots level and by the government. Meanwhile the latter flourishes in the absence of law, with the trading of cattle, guns, land and votes. We can call this environment a 'political marketplace', a localised mutation of the political culture that presides over much of the Horn of Africa and conflict-prone nations.

What happens next in Laikipia will impact much of northern Kenya. The county's comparatively diverse ethnic demography, its highly sought after natural resources and its turbulent history of governance, have rendered it the theatre in which the dynamics of Kenya's wider central and northern frontier regions will play out. By the same token, Laikipia could serve as the crucible from which tensions could propagate and bleed into the surrounding counties or the country's centre; the "political version of the climatologist's 'butterfly effect'."<sup>1</sup>

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<sup>1</sup> Alex de Waal (2015) *The Real Politics of the Horn of Africa: Money, War and the Business of Power*.

## Methods

This paper is primarily based on information and insights obtained by the principal researcher through semi-structured and unstructured interviews with a total of 135 respondents, as well as field observations, conducted throughout Laikipia county between January and April 2017.

Not all of the interviews are quoted directly here, but each one has informed the analysis and conclusions of this paper. Interviewees were carefully selected so as to gain as diverse a perspective as possible on the experience of communities in this area, whilst placing a particular emphasis on gathering the perspectives of those directly implicated in the invasions themselves, and those worst affected by the violence, as well as key members of leadership and local authorities, both governmental and non-governmental.

The identity of the respondents in this research has been withheld, along with details about their home community and dates of meetings with the researcher, in order to protect them from harm.

## Background

### Laikipia County: a chequered land history

In order to make way for the so-called “White Highlands”, Britain’s colonial administration under the 1904 Anglo-Maasai Treaty removed pastoralist groups from key grazing land in the central Rift Valley into two reserves: the Southern Maasai Reserve on the border with Tanzania and the Northern Maasai Reserve in Laikipia.

The 1904 Agreement, which the Maasai leaders signed with the colonial government, assured that Maasai people would be able to use the reserved areas for “as long as the Maasai as a race shall exist”.<sup>1</sup> However in 1911 a new agreement was signed between Maasai elders and the British East Africa Protectorate administration, under which the “Northern Maasai” were forced to migrate again from Laikipia to an extended Southern Maasai Reserve. Over 20,000 people and their herds of livestock were moved from Laikipia, many of which died in the process. The Anglo-Maasai treaties formed the basis of claims by members of the Maasai tribe to land in Laikipia in 2004. Some Samburu leaders have adopted this narrative too for their own gains, though the treaties did not principally concern the Samburu, who according to historical sources occupied the land further north than Laikipia, traversing the northern corner of Laikipia only when pasture in their usual grazing areas became scarce (See Box 2).

Meanwhile the arrival of European settlers over the subsequent decades into Laikipia led eventually to the establishment of large private ranches. When power was transferred from the colonial to the independent Kenyan government in 1963, a process of ‘Africanisation’ of land ownership was adopted. The main means of land acquisition in Laikipia for settlement was through purchase by non-governmental land buying companies, which then subdivided the land into smaller plots for resale.

Land buying companies purchased and subdivided large properties across Laikipia. Individual buyers, commonly Kikuyus from central Kenya and Nairobi, often then purchased the subdivided plots. However the semi-arid land could not support the higher intensity of farming that the smallholders wanted, and with a stocking rate of about one adult cow to 15 acres in this ranching area, their plots were usually too small to practice livestock keeping on any adequate scale. In time, insecurity from raiding pastoralists played its part, driving residents out and creating what are now known as Laikipia’s ‘abandoned lands’. This was an early precursor to the current invasions. Much of the land in these areas was only briefly if ever occupied by its owners who in many cases still hold title deeds for their properties.

Another type of land tenure was devised to accommodate Laikipia’s resident pastoralists – namely the Laikipiak Maasai, indigenous descendants of the pre-colonial inhabitants of the county who avoided being moved in 1911 – in what are known as group ranches. These group ranches allowed for the registration of groups of pastoralist communities as

collective legal owners, with title deeds, of clearly defined properties in Laikipia's Mukogodo area.

## Stakeholders to the land

Once a district, Laikipia was designated as one of Kenya's 47 new counties in March 2013 (See Box 1). A new constituency, Laikipia North, was also carved out of the existing Laikipia territory.

Laikipia is among Kenya's most ethnically heterogeneous counties. Maasai, Turkana, Kikuyu, Samburu, Pokot and Tugen are among the most populous tribes, as well as Kenyans of European descent, Somalis and a variety of other foreign nationals. Positioned between Mount Kenya, the Aberdare Mountains and the Rift Valley in north-central Kenya, Laikipia is part expansive plateau, part dramatic hillscape, part forest. Laikipia's social and political topography is as varied as its physical landscape, which is both reflected in, and predicated by, the myriad forms of land use and occupancy found countywide.

Laikipia today comprises a "mosaic" of different land uses and tenure, shaped by colonial and post-colonial land policies - a combination of private, communal and government ownership<sup>2</sup>. Today, of Laikipia's 37% portion of land under large-scale ownership, many properties, though not

### Box 1: Devolution in Kenya

In late 2007 and early 2008, parts of Kenya erupted in violence immediately following the announcement of the general election, resulting in an estimated 1300 killed and another 600,000 displaced. These events raised calls for socio-political transformation in Kenya. An extreme centralisation and personalisation of power in Kenya was seen as the disease which brought about the 2007/08 election violence (and its chronic symptoms of corruption and ethnic favouritism/nepotism)<sup>1</sup>, and thus by a straightforward logic, its necessary antidote was seen to be decentralisation of power. Through a national referendum in 2010, Kenya's new constitution was passed, setting in motion what has been described by the World Bank as one of the "most rapid and ambitious devolution processes going on in the world."<sup>1</sup>

Devolution in Kenya was implemented through the creation of 47 new counties, and elected county governments. Executive power was to be exercised by the new county governors, and legislative power exercised by assemblies in each county. Key service delivery tasks were devolved to the county administrations. A redistribution of fiscal resources to county governments, at a level not less than 15% of national revenue was stipulated. A reintroduction of a bicameral parliament, with an upper house, the senate, was intended to protect the interests of county governments.<sup>1</sup>

However evidence from across Kenya indicates that in fact, the technical reforms have not yet brought about genuine *change*, but rather have gone with the grain of Kenya's existing political culture. In creating a new cadre of political elite at the county level, the "our turn to eat" political culture shared by Kenya's elite in Nairobi prior to devolution has been replicated at the county level. That is to say, it is now "everyone's turn to eat."

<sup>2</sup> Lauren Evans and William Adams (2016) Fencing Elephants: the hidden politics of wildlife fencing in Laikipia, Kenya.

all, also practice conservation and wildlife tourism thanks to the county's natural abundance of wildlife species. Ranches and conservancies are commonly associated with Kenyans of European descent thanks to the area's colonial past, but many of these properties were purchased post-Independence. Several are not in private hands at all, but funded by international conservancies and managed by Kenyan trustees. Today ranch ownership is diverse and includes a number of mixed race or indigenous Kenyans. Group ranches cover 32% of the county and are owned collectively by pastoralist or semi-pastoralist communities, including the Laikipiak Maasai. Around one fifth of Laikipia is owned by smallholder farmers, typically from the Kikuyu or Turkana communities as well as several others, who collectively represent the county's most diverse group of land stakeholders.

Whilst the acreage and use of land between the large private ranches, group ranches and smallholder plots varies widely, they often share a common interest in the enforcement of land tenure and property rights. For pastoralists from the Pokot and Samburu tribes, however, land use has traditionally been conceptualised differently. Pre-colonially, the ownership of land through legal tenure did not exist, and pastoralists would move freely across a vast area of rangelands that spanned several million acres. Today, legal land tenure is only partially or selectively recognised. Prior to the recent invasion crisis, incursions on to private land by herders to graze cattle were secretive and often undertaken at night, and if caught, trespassers might pay the legally stipulated fine of 500 KES (around \$5) after appearing in court. In other words, they recognised that what they were doing contravened law and selectively abided by it.

Tension between competing demands over the land is woven into Laikipia's history. The invasion of large ranches through 2016/17 has been the most visible manifestation of this conflict, but its impact on smallholder areas of the county reaches back further. Huge swathes of the subdivided land sold by land buying companies to absentee smallholders have remained abandoned in the intervening decades, leaving it without visible demarcation and unmanaged by either the owners or the government. Following the trend of insecurity that emerged several decades ago, these unoccupied units have continued to attract a range of different pastoralist groups struggling with problems of drought, population growth and, latterly, armed conflict in their home areas. Whilst clusters of smallholders have remained to cultivate their land, more commonly, the absentee-owned land is today occupied by transhumant Samburu and Pokot, who have over the years migrated to the area from other parts of Laikipia or from neighbouring Samburu, Isiolo and Baringo and occupied the land. A small number of these have gone on to purchase small acreages in order to secure their rights to the area, whilst the majority live there without legal claim, yet they might have resided there for decades. Broadly, the 'abandoned lands' could be therefore described as both the *effect* and the *cause* of land invasions, being the earliest victims of pastoralist influxes and serving as their launching pad for the current incursions.

Land use has become deeply politicised in Laikipia, as different political actors claim to represent the interests of the various stakeholders, in order to build their personal constituencies.



## Pastoralism in Crisis

Laikipia's insecurity and land invasions have principally been driven by two pastoralist tribes, the Samburu and Pokot, and to a much lesser extent the localised sub-group of the Laikipiak Maasai. Though significant variation can be found between the livelihoods and socio-political organisation systems of these tribes, a number of key commonalities exist, associated with the modernisation of certain pastoralist practices, and collectively, these have set the stage for today's invasion crisis in Laikipia.

Anthropologically speaking, both Pokot and Samburu societies are stratified horizontally, following an age set system, and vertically, with kinship groups being organised according to segmentary lineages, clans in this case. Both tribes are livestock keepers. Cattle husbandry, however, is not simply a subsistence mode. Indeed, the herds of cattle are rarely used for subsistence (that is, eating and trading) at all, but are rather a symbolic show of status, wealth and masculinity. Samburu respondents in Laikipia explained that competitiveness between neighbours and kinsmen encourages pastoralist families to increase their herd size further, with the cattle themselves being shared between the household units of each family. Acquired wealth is invested in expanding one's herd of cattle. Herd size has traditionally been limited by cycles of drought and inter-communal raiding, which acts as a natural destocking system.

By definition, the nomadic Samburu and Pokot did not historically recognise the land tenure and property rights enshrined in Kenyan law. For the Samburu, their customary grazing route spans Samburu and Isiolo counties and the northernmost edge of Laikipia. A Samburu elder in Laikipia states simply "We do not need boundaries". Likewise Pokot territory extends from Baringo on Laikipia's western edge, all the way to Kenya's border with Uganda. The word for "boundary" does not exist in the Pokot language. Rather, the Pokot have spent much of the last century pushing their way into peripheral or contested areas of land in order to expand their territory, though its delimitation remains fluid.<sup>3</sup> Historically, populations of these pastoralists have remained small relative to the expanse of land that they have had access to, leaving them able to distribute their *bomas* and cattle herds diffusely across the rangelands without fear that the grass would run out. However rapid population growth has combined with an increase in cash wealth, particularly among the pastoralist elite, and paved way for a gradual increase in cattle populations in these rangelands, sharply accelerated in recent years by a period without severe drought. Over decades this has exerted immense pressure on the land, with the result that the grazing capacity has been decimated in the core rangeland areas. Much of Samburu and Isiolo counties now have a chronic lack of pasture, and likewise in Baringo rangelands are degraded and the remaining grazing land has been heavily constricted, partly due to growth in agricultural activities on the land.

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<sup>3</sup> Clemens Griener (2016) Pastoralism and Land Tenure Change in Kenya: the Failure of Customary Institutions: <http://onlinelibrary.wiley.com/doi/10.1111/dech.12284/abstract>

## Morans and Modernity

Anthropological study has labelled Samburu society – which by extension can be largely applied to the Pokot and Maasai too – as a gerontocracy, wherein power rests with older men<sup>4</sup>. Socially stratified by an age-set system, younger men, known as morans, exist primarily as cattle keepers and community security providers. In the words of a Samburu moran from the Suguroi community in Laikipia, “as a moran, you are the security of the whole community.” According to a Samburu chief from Kirimon, “Morans only care about finding grass and livestock, nothing else”. Morans may feel under pressure from their communities to compete with the previous age set in expanding their available grazing territory. Traditionally, a Samburu moran remains in this state for around 15 years, before getting married and passing into the next phase of his life, as an elder. During this period, a Samburu former-moran respondent explained that the moran “is considered to be worthless by the community” beyond his ability to guard cattle and provide security. If an unmarried moran is killed, customarily he will not be buried, but rather left outside for the body to be eaten by lions and other scavenging carnivores. He went on to say: “this is a very bad feeling for them and is what makes them so wild and uncontrollable”.

The pastoralist encounter with various trappings of development and modernity in Kenya has in recent decades eroded their gerontocratic governance structures. Education levels among Samburu and Pokot are extremely low against the national average<sup>5</sup> and even today many communities prefer that their male children begin herding goats and sheep from around five years old before herding cattle, instead of going to school. Girls tend to work in the home and in puberty many are still married off to older men instead of attending school. Illiteracy is widely attributed as being the single greatest barrier to development of pastoralist community and a key factor in undisciplined or violent behaviour among morans. In fact, education among a small but growing minority of rural Samburu and Pokot does take place, and is said to have resulted in the shortening of the moran age set period by several years, as well as a relaxing of the rules governing marriage. At the same time, during an interview in February 2017, one Samburu chief remarked that it is this *partial* encounter with education, rather than no education at all, that has bred irreverence among morans; they have been “half educated, which makes them arrogant. They think they have already known enough because they have done a few years of school, so they don’t need the wisdom of elders”. After finishing school the absence of obtainable employment leaves a sense of dissatisfaction among the morans. The same Samburu chief elaborated: “they are left hanging in between, which makes them frustrated and do bad things”. Violent armed movements in rural areas from South Sudan to Sierra Leone have been fuelled by a comparable sense among the male youth

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<sup>4</sup> Paul Spencer (1965) *The Samburu: A Study of Gerontocracy*.

<sup>5</sup> For example, according to a 2013 report, 26% of Samburu County residents have a primary level of education only, whilst only 6% have received secondary education. In Baringo county, 47% have received primary education and 17% have received secondary education. However within the county, between different ethnic communities there is stark inequality in education levels:

<http://inequalities.sidint.net/kenya/>

of a simultaneous alienation from both the traditional ways of home and the modern structures of the educated or urban society.<sup>6</sup>

The adoption of the mobile phone is very widespread among morans, and its contribution towards transforming pastoralist society, particularly through an erosion of customary modes of authority, is highly significant in this context. Cheaply available, the morans charge them on-the-go using small solar chargers or at kiosks in rural villages, and as such phones have rapidly become an integral part of cattle herding migrations, livestock raids – and the Laikipia invasions. Indeed, they serve to facilitate them, in allowing messages about grazing opportunities, dangers or other newsworthy issues that would until recently have been transmitted by morans travelling on foot, to be instantly circulated throughout the entire four county-wide rangeland area. Normally, a moran would be organised and provided with information through the elders within his own community, allowing the elders to closely manage their communication and activities; phones allow anybody to communicate with the morans, be it other cattle herders from different communities hundreds of kilometres away, or from alternate authority figures. Internal communication between clan members, who may be scattered across the wider rangeland area as well as Nairobi and elsewhere, becomes possible and reinforces clan-based solidarity. In this way, phones have facilitated the mass expansion of the pastoralist information circuit and through this, a window for the infiltration of far-off elites into the morans' information systems, which has served to further undermine the customary authority of their elders. Accompanying this, the MPesa mobile money transfer system, also widely adopted, allows cash to circulate freely through the same vectors of mobile communication, permitting the morans access to cash wealth, from which they have traditionally been restricted.

Having leaked over Kenya's northern borders from decades-old conflicts in Somalia and South Sudan, small arms and light weapons are freely available on the illicit market, and have proliferated within pastoralist tribes in northern Kenya. This is particularly true among the moran age sets of the Samburu and Pokot. Respondents in Laikipia further explained that retaliatory cattle raiding and escalating warfare between the two tribes beginning in 2005 until 2009/10 encouraged communities on both sides to sell off livestock in order to purchase weapons for defensive and offensive purposes against rivals. Although pastoralist groups in this area have been subject to successive flawed disarmament exercises by the government over the decades, the weapons have largely remained within the communities in the aftermath of conflict<sup>7</sup>. Respondents in this research also pointed to elites from the respective tribes distributing weapons among their communities during the Pokot-Samburu conflict. Lessons from civil conflicts elsewhere in Africa reveal not only that a failure to properly conduct civilian disarmament results in those weapons being turned to face inwards, bringing increased armed criminality *within* communities. Moreover the presence of weapons in the hands of male youth encourages a further breakdown in the vertical lines of respect for their

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<sup>6</sup> Cherry Leonardi (2007) *'Liberation' of capture: Youth in-between 'hakuma' and 'home' in civil war and its aftermath in Southern Sudan*: <https://academic.oup.com/afraf/article/106/424/391/46872/Liberation-or-capture-Youth-in-between-hakuma-and>.

<sup>7</sup> Small Arms Survey (2014) Issue Brief Number 3. *Evolving Traditional Practices: Managing Small Arms in the Horn of Africa and Karamoja Cluster*.

elders, as their loyalty is transferred horizontally to their fellow gun-toting peers, the patrons that armed them, and to the weapons themselves.

During this research interviewees across the entire county often repeated the words “the youth are no longer listening to the elders”. This was the explanation given as to why youths have in recent years been extremely susceptible to violent political incitement by the pastoralist elite.

## Laikipia's Political Marketplace

The idea of the 'political marketplace', more commonly applied to conflict-prone nations in the Horn of Africa, in fact lends itself as well to Kenya as it does to its neighbouring South Sudan and Somalia.<sup>8</sup> The "'political marketplace' is a contemporary system of governance in which politics is conducted as the exchange of political services or loyalty for payment or licence."<sup>9</sup> Political actors seek to "maintain authority through personal patronage, rather than ideology or law...[they] occupy bureaucratic offices less to perform public service than to acquire personal wealth and status."<sup>10</sup> There are two key currencies of power in the political marketplace: cash (better described as 'political financing') and coercion (often violent).

Applying this analysis to Laikipia county, the remainder of this report will seek to interpret the findings of three months of qualitative field research in the county, in order to make sense of the development of Laikipia's current invasion crisis and to move towards an understanding of what this could mean for the county's future as well as the stability of Kenya more broadly. We will begin by examining *who* runs Laikipia's political marketplace.

### The 'Cattle Barons'

Residents of Laikipia have labelled the leaders orchestrating the invasion crisis as 'Cattle Barons'. Leaders have earned this label through the thousands of cattle that they have acquired in recent years. Many observers claim the elite invest (and conceal) their acquired wealth in livestock. Cattle herds simultaneously earn them status among their tribal communities and conceal their ill-gotten gains in such a way that there is no paper trail (the Kenya Revenue Authority has become increasingly effective at tracing financial fraud elsewhere in the economy but not in pastoralism). If traded, cattle are highly lucrative – especially if one has few overheads, such as paying taxes, or owning and husbanding the land and ranchers must. Large herds of cattle can be deployed like a destructive weapon, as we have seen during invasions. Morans herding trespassing cattle are invariably poor family members or hired employees given 'warrior' status and often armed with guns and supplied with food and alcohol, but they are not the owners, and the majority of these pastoralists own very few cattle. Ownership can be determined because the cattle frequently carry the owners' brand, allowing staff on invaded ranches to identify which barons are involved. Not all of the owners of very large cattle herds are politicians. Many are simply wealthy businessmen, often living abroad but who are originally from the pastoralist community. Following the invasion of Mugie conservancy in January 2017, a man turned up at the ranch on 31<sup>st</sup> January in a large 4x4 vehicle, and

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<sup>8</sup> At face value, power and money certainly do seem to make close bedfellows in Kenya; according to Forbes, the county's richest man is its incumbent president, Uhuru Kenyatta. Whilst GDP per capita is 185<sup>th</sup> in the global rankings, Kenya's MPs are the second best paid in the world.

<sup>9</sup> Alex de Waal (2015) *The Real Politics of the Horn of Africa: Money, War and the Business of Power*.

<sup>10</sup> Ibid.

admitted to Mugie staff that he had come all the way from Switzerland to check on his cattle.

Nonetheless the actors we are concerned with in this report are the *political* elite. According to the ‘political marketplace’ vernacular, the term ‘political entrepreneur’, or ‘cartel boss’ would be equally appropriate for these figures. In Laikipia’s particular political marketplace, set in a context of pastoralist groups and struggles over land, the currencies in circulation include cattle, weapons, promises of land access, and electoral votes, in addition to cash and coercion. Accordingly, they operate collectively according to a cartel-like structure, across Laikipia, Samburu, Baringo and Isiolo, each county hosting its own ‘chapter’.

At the centre of this ‘cartel’ in Laikipia North sits the incumbent Laikipia North MP Mathew Lempurkel, who is running for office again in August 2017 on the ODM ticket, and whose name has been raised by every single invasion victim that this research encountered, regardless of tribe, area or acreage. He is perhaps the (negative) archetype of the African political entrepreneur: an aggressive, corrupt chauvinist with a seemingly insatiable thirst for power. Lempurkel is a member of the Samburu tribe, originally from Ol Donyiro, the border area between Laikipia and Isiolo counties. He was elected as MP for the newly created Laikipia North constituency in March 2013. Prior to this political seat he had run unsuccessfully for Laikipia West MP, and had served as a patron for Italian children’s charity, Ndugu Zangu. Lempurkel’s career has been dogged by controversy, including accusations by Ndugu Zangu staff and by community members from the area in which it has its offices in Laikipia of stealing charity funds and equipment. In November 2016 he physically assaulted political rival, Nominated MP Sarah Korere. After his arrest for the assault case, he sent Korere a threatening text message reading: “Withdraw this case YOU prostitute or you will die idiot...” His misogyny is infamous, and he openly professed in an interview in Laikipia in February 2017 that “women belong in the kitchen, not politics”, and that he “hates” his female rival. Though he is the official representative of Laikipia North constituency, in fact he has styled himself as the representative of a constituency that transects county borders: the pastoralists. His campaign T-shirt reads “Shield of Cattle” in Maa<sup>11</sup>, and in person when he speaks of those who have moved from Samburu, Isiolo and Baringo counties to invade Laikipia’s land, he says “We” (See Appendix 3).

Lempurkel has counterparts in the neighbouring counties. The names said to be driving the invasions by Pokot from Laikipia’s western side are: MP for Baringo’s Tiati constituency, Asman Kamama. A member of the Pokot tribe, Kamama was also Chairman of the Parliamentary Security Committee, until mounting political pressure forced him to step down in March 2017. Kamama has been widely accused by community members in Baringo and Laikipia, as well as other political parties, of financing and instigating cattle raiding and invasions by Pokot in Baringo and Laikipia, and using his position on the security committee to block information from reaching the executive security organs and forestall action being taken by the government. In February local media ran pointed

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<sup>11</sup> Both the Samburu and Maasai tribes speak the same language, Maa. Lempurkel will selectively play on this shared characteristic when he requires political solidarity from the Maasai, whereas at other times, the Maasai are treated as rivals or enemies.



reports quoting Kamama's vehement denials that he was linked to the assassination of an aspiring MP vying for his Tiaty seat and an incumbent MCA in the same constituency<sup>12</sup>. Residents of Laikipia, including members of the Pokot community, say that Kamama's own cattle herds are presently grazing in Laikipia's invaded ranches.

Working alongside Kamama, Baringo County Assembly speaker William Kamket has also been heavily implicated in the invasion of Laikipia by Pokot from Baringo. Communities on the Laikipia-Baringo border together with well-informed Pokot in northern Laikipia have said that Kamket's cows are currently illegally grazing on Laikipia's ranches and that he too is was involved in the assassination of the aspiring MP and incumbent MCA in Tiaty in February 2017. West Pokot Senator, John Lonyangapuo, who was also recently appointed by Pokot elders as a spokesperson for the Pokot community<sup>13</sup>, has been accused by communities in western Laikipia of supporting the invasions by Pokot morans, however his relationship to Kamama is ambiguous, leaving it unclear whether the two are acting in partnership.

In late March 2017 Thomas Minito, MCA for Churo-Amaya Ward, Baringo county, was arrested and charged with arson and for inciting the invasions by Pokot in Laikipia, specifically of Laikipia Nature Conservancy (LNC), a private ranch on western Laikipia's border with Baringo. He was released on bond several days later. Meanwhile Minito is said by residents in the surrounding area to have encouraged violent incursions into LNC since 2013. More recently, eyewitness reports from residents in the Rumuruti area have placed Minito at the scene of violent invasions, including that of Kifuku ranch in late 2016/early 2017.

Julia Lochingamoi, a Pokot woman originally from Baringo county, was an aspiring MCA on the Jubilee ticket for Sosian Ward in Laikipia North through early 2017, but was unsuccessful in the party nominations in April. Her interest in political office in Laikipia lies in an intention to expand and secure Pokot status in the county, by inserting people to represent them in the county leadership. Outside her own pursuit for political candidacy, Lochingamoi has taken an active role in working alongside Lempurkel to quash disputes between the Samburu and Pokot in recent months, attending so-called 'peace meetings'. Following the initial invasion of Mugie ranch in early January 2017, Lochingamoi is alleged to have perpetuated a rumour that Mugie security officers had killed a Pokot moran, though in fact, the moran was injured and survived. During the voter registration period between mid January and mid February 2017, she was active in mobilising Pokot residents to register as voters in Sosian Ward. At present, Lochingamoi is associated with the Jubilee party, though her personal ties to other Jubilee politicians in Laikipia including Nominated MP Sarah Korere are weak, whilst she is well known to be close to Lempurkel, provoking speculation that she will switch to ODM before the August elections.

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<sup>12</sup> [http://www.the-star.co.ke/news/2017/02/18/i-did-not-kill-pepe-and-cheretei-tiaty-mp-kamama-says\\_c1509199](http://www.the-star.co.ke/news/2017/02/18/i-did-not-kill-pepe-and-cheretei-tiaty-mp-kamama-says_c1509199)

<sup>13</sup> <https://www.standardmedia.co.ke/article/2000224074/west-pokot-senator-john-lonyangapuo-is-not-fit-for-spokesman-says-tiaty-mp-asman-kamama>

Of Lempurkel's accomplices in Samburu County, most often cited is Samburu West MP Lati Lelelit. Lelelit's constituency shares a direct border with Laikipia, and his vast herds of cattle have been sighted in vast numbers on Laikipia's private ranches since 2016. Following the deployment of a KDF (Kenya Defence Force) security operation in Laikipia in April 2017 to push the invading cattle herders off private land, Lelelit has been vocal about his desire to halt the operation.<sup>14</sup> Lelelit has been sighted attending meetings held by Lempurkel with other pastoralist leaders since 2014 in Posta, particularly since November 2016. Posta, also known as Mowuarak, is an unprepossessing cluster of dusty tin shacks grouped alongside the Rumuruti-Maralal road, at the point where the tarmac stops and becomes rutted murram, at the edge of the 'abandoned land' of former P&D ranch in northern Laikipia. This is widely viewed to be Lempurkel's personal stronghold. Samburu North MP, Alois Lentoimaga has also been accused of inciting the invasions and working with Lempurkel. It is unlikely to be a coincidence that Lentoimaga is a former colleague of Asman Kamama, as Deputy Chairperson of the Parliamentary Security Committee. Cattle herds belonging to Samburu East MP Raphael Letimalo have been sighted in the same Laikipia properties. Lelelit, Lentoimaga and Letimalo publicly rallied in support of Lempurkel following his arrest for assaulting Sarah Korere in late 2016. Samburu County Governor Moses Lenolkulal has also been placed at strategic meetings between Samburu leaders in Posta, with a member of Turkana community from the local area alleging that in November 2016 he pledged 2 million KES to support the invasions. Cattle belonging to Women's Representative Maison Leshomo, who was influential in brokering peace between the Samburu and Pokot in 2009, are reported to be grazing illegally on several of Laikipia's private ranches. Permanent Secretary for Agriculture Richard Lesiampe was also mentioned by Laikipia residents as being involved in brokering peace between the Samburu and Pokot, and has latterly been associated with the invasions in Laikipia, though without specific sightings or evidence.

Loyalty or cooperation within this pastoralist 'cartel' exists due to a current alignment in key interests - namely gaining a foothold in Laikipia in order to provide access to grazing land for their own herds of cattle as well as those of their constituents. The alliances will last as long as those interests survive, but as soon as their respective interests shift, which is likely as the general elections in August approach, a reconfiguration or splintering may occur.

Opportunistic local agents, embedded within particular communities across Laikipia, facilitate the cartels' strategies. Their loyalty to the cartels are maintained by awarding them with token roles in administrations such as positions on the committee for the CDF (and the allowances that accompany such roles), direct payments in cash or livestock, promises of access to private land as well as more informal relationship building - namely going out drinking together. The network of local agents comprises lower-ranking aspiring and incumbent politicians such as MCAs, as well as members of the police and security services, and community elders/leaders. Across Laikipia, concentrations of this network can be found in P&D/Kirimon, on Eland Downs, in the Koiya/Ol Donyiro area and in the group ranches in eastern Laikipia, including Makurian. These figures may act variously as local intermediaries or liaisons with Samburu and Pokot morans, and support

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<sup>14</sup> <http://www.nation.co.ke/counties/samburu/halt-Laikipia-security-operation/3444866-3879474-cyylunz/>

them with material goods. They serve as the gatekeepers of information that flows from their communities to outsiders. The local network on Eland Downs for instance, comprised of Samburu community elders amongst others, hold tight control over communications within their community, making it almost impossible for an outsider to speak directly with a local moran<sup>15</sup>. The allegiance of these individuals to the political elite may be built on clan-based affiliations or just straightforward opportunism. Mathew Lempurkel has also been known to reward his local allies with strategic gifts. For example in March 2017, he donated a school bus to Ewaso Primary School in Koiya group ranch. He used the handover event as an ODM political rally and described the bus as a “gift to the community”. Though the school officially owns the bus, it has been used on numerous occasions in the early election season to ferry Lempurkel’s supporters to political rallies, and on the day of his court hearing for the charges of murder and incitement against him in March, the bus was used to collect his supporters from Koiya and Posta to protest outside the court house in Nanyuki.

Within northern Laikipia, Lempurkel and the Samburu county elite have been more overt in their activities, whilst the Pokot elite from Baringo appear to only operate indirectly, using ‘local agents’ belonging to the wider network. Meanwhile in western Laikipia the opposite is true: Pokot elite are more directly involved whilst Lempurkel and his Samburu cronies use local agents. On Laikipia’s eastern side, including in Lekurruki, Il Ngwesi and Makurian group ranches, Lempurkel has again been heavily implicated by local communities, but works with allies from Isiolo’s political elite.

The area just to the east of Rumuruti, home to Kifuku and ADC Mutara as well as the Matigari and Thome communities appears, to some extent, to be a case apart from the rest of Laikipia. One might even describe this, according to the marketplace vernacular, as a ‘franchise’ of the wider business. Though Lempurkel is certainly seen to encourage these invasions, the area falls just outside of his own constituency, and is therefore of less direct interest to him. Rather, it appears to be under the control of a more localised network including serving or former members of the military, GSU and police, whose sphere of influence reaches over towards the Suguroi community on Eland Downs, and by extension, neighbouring Segera ranch. Turkana, Kalenjin and Kikuyu members of the communities in this area speak of unnamed “retired officers”, who we can assume includes former KDF Colonel Richard Leyagu, who lost the Laikipia North MP seat to Lempurkel in 2013. In April 2017 he lost the Jubilee Party nomination to Sarah Korere. Community members in the Rumuruti area and further east towards Segera have linked Leyagu to the land invasions in that area. Although he is Lempurkel’s political opponent, it appears that a shared interest in invading grazing land has brought the two into some sort of temporary, uneasy association. A GSU officer known as Lesipia was alleged to have been involved in the invasion of Segera. Separately a member of the Lesipia family was reportedly arrested in connection with an ambush in the Tingamara area of a group of Turkana smallholders who were killed while tracking down their stolen livestock in November 2016. In the same region, another GSU officer called Ltorupa Lengelos was

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<sup>15</sup> The Eland Downs community elders may be better practiced at shaping and controlling information coming out of their communities than elsewhere in the county, thanks to their experience of the ongoing court case over the ownership of their ‘ancestral land’ and ‘expiry of the colonial lease’ on Eland Downs. See Box 2.

arrested after a Landcruiser registered in his name was found parked on Lombala farm, which had been overrun by Samburu invaders in late 2016, loaded with food supplies for the morans. Some senior members of the police force based in Rumuruti have allegedly been involved as well, either through an active role in mobilisation, or through a more tacit acceptance of the invasions. Community members in this area also mentioned a senior judge who is a Samburu as blocking court cases against invaders.

Lempurkel's name was still mentioned frequently by respondents in western Laikipia. This is in many ways a 'win-win': it works in favour of the security officers who are actually driving the invasions, because it allows them to continue whilst evading scrutiny, and meanwhile it allows Lempurkel to claim credit for "opening" even more ranches. As one Turkana smallholder in the village of Thome near Rumuruti surmised: "There is one who is open and others who are hidden." Indeed, this highlights a difficult dilemma for those commenting upon or seeking to address the invasions: on the one hand, Lempurkel does appear to have a hand in the majority of the invasions and should be dealt with by the authorities accordingly, but on the other hand, by associating his name with every invasion in Laikipia (even where he has not been directly involved), this will serve to further galvanise support for him amongst pastoralist communities.

### **Samburu-Pokot Alliance**

During the Samburu-Pokot conflict from 2006 to 2009, residents of Laikipia including members of the Samburu accused Lempurkel of using Ndugu Zangu charity funds to purchase and distribute illicit weapons among the Samburu, stoking the conflict. Later, he stepped in as the magnanimous peacemaker, earning notoriety from both sides. The abating of conflict between the two tribes became an opportunity for Lempurkel: immediately following his election as Laikipia North MP in early 2013, he consolidated the relationship in order to broker a strategic alliance. He began by promising development projects in Pokot community areas in northern Laikipia, such as Luoniek and Lera, to win the favour of the communities there. Subsequently, the new arrangement became cemented at the elite level through an agreement that the Pokot would support Lempurkel for re-election as MP, while the Samburu would vote for Pokot MCA aspirant Julia Lochingamoi for Sosian ward (in April she failed to win the Jubilee nomination).

Day to day, the relationship is maintained by a number of individuals who act as liaison points between the Samburu and Pokot cattle keepers, by organising joint meetings on behalf of their elite patrons, translating between Maa and Pokot. Lotuliamia, a Pokot living near Posta, is a central actor. Lotuliamia is regularly seen meeting and drinking with Lempurkel, who in turn has rewarded him financially. Following the shooting of Sosian ranch owner Tristan Voorspuy in March 2017, a Pokot moran was arrested and held in custody in Rumuruti. According to one credible source interviewed in April 2017, Lempurkel contacted Lotuliamia immediately, instructing him to visit the accused in prison and tell him not to talk to the police. Lotuliamia appears to be Lempurkel's own Pokot 'fixer'.

However as with all alliances of convenience, it risks disintegrating as soon their respective interests begin to shift, signs of which are already emerging. Sporadic reports of livestock theft between Pokot and Samburu morans currently grazing on private ranches could create cleavages if left unresolved. Samburu *laibons* (diviners/medicine men) in the Kirimon community in February 2017 began predicting that the two tribes would fall out – and one can see how this would act as a self-fulfilling prophecy. A Samburu resident in the same area said that in February 2017 he overheard a Pokot moran saying that if Lempurkel did not win the MP seat in the August election, the Pokot would have good reason to fight with the Samburu again. Moreover as the elections approach, we can predict that their respective interests will begin to diverge, as Pokot politicians will want their morans to return to Baringo and other Pokot areas to vote, whereas Lempurkel will want them to remain in Laikipia North.

### Land invasions: a plan in phases

The invaders' patrons and certain strands of the national and international media alike have attributed and justified the invasions as being the product of drought, forcing the pastoralists to migrate south into Laikipia in search of green pasture, to ensure their livestock's survival. The chronology of the invasion however tells a different story. The land covering the county's northern and central region has been the locus of much media attention, having been subjected to violent incursions since 2015. The onset of incursions long predated both the failure of the short rains November 2016 and the start of election campaigns in 2017. However the invasions of large private ranches in recent months are not the start of the problem, but rather just the latest and most visible stage in a five-year trajectory of political violence against landowners and residents of Laikipia. We can call this 'Phase 3' of the plan. The two phases prior focused on the seemingly 'softer target' of smallholder-owned land, followed by the group ranches.

#### Phase 1

In Laikipia's eastern and western-most sides, communities suffered armed land invasions and violent criminality since 2013, the same year as the previous general election, and Lempurkel's victory. Community members in these areas are convinced that this is not a coincidence. On Laikipia's border with Baringo, in the villages by Laikipia Nature Conservancy-LNC's southern boundary, as well as LNC itself, Pokot livestock herders have been invading sporadically since the early 2000s, with an increase in insecurity during every election year, but with an unprecedented spike in the frequency and aggression of attacks on the largely Kikuyu smallholders since 2013. Residents say the Pokot, nearly all of whom are heavily armed, come from Churo, Mukatani and Kaptuyo in Baringo. In the years since, the Pokot have also been joined by some Samburu. In the large swathe of 'abandoned land', around the villages west of Rumuruti, and around Ol Moran and Survey, a similar timeline was followed, with Pokot and Samburu frequently invading small plots of land, stealing livestock and attacking residents since 2013.

Likewise to the east, on Lekurruki and Il Ngwesi group ranches, residents report that previously sporadic illegal grazing incidents became increasingly problematic and aggressive from late 2013 onwards.

2015 saw the first major invasion of a large private ranch beginning in February, on Loisaba Conservancy, by Samburu morans. There was also a continuation of the trends of the previous years elsewhere, with violent land incursions and livestock rustling by Samburu and Pokot herders persisting in the 'abandoned land' area, smallholder communities and LNC and on the group ranches further east, including Lekurruki and Il Ngwesi.

## **Phase 2**

In May 2016, a school and catholic community centre in Mutamaiyu, adjacent to Ol Maisor ranch, was attacked and destroyed by invaders (See Appendix 1). In late June, heavily armed Samburu invaded Segera Ranch from its neighbouring communities including from Suguroi and Eland Downs. They were quickly joined by a mass influx from the northern counties, mainly Samburu, though also aggressive and armed Pokot were deployed as 'shock troops' to reinforce them. The chronology of events leading to this invasion is contested but the shooting of a Samburu moran by a Segera security officer certainly escalated the invasion's aggression, though reports of meetings being held by politicians including Lempurkel and the local MCA, and the *en masse* arrival of foreign cattle herds on Segera's border shortly before the shooting incident, would indicate that the invasion had been planned in any case. A ten-day confrontation between the police and invaders ensued, with the police failing to subdue the lawlessness. The incursions abated by the end of the year but only because Segera's grazing and water sources had been exhausted.

Lombala Ranch, owned by the Mwai family, relatives of former Kenyan president Mwai Kibaki, suffered heavy incursions in 2016. In July, Wachira Mwai, who had been running the ranch, was ambushed by armed invaders and shot twice in the leg and he has remained wheelchair-bound ever since. Samburu invaders overran the ranch, and from August onwards they used it as a launching pad for invasions on neighbouring ranches and smallholder land, including Kifuku Ranch and smallholdings in the nearby villages of Thome and Matigari. It is said that the same core group that invaded Segera moved to Lombala and Kifuku, with the support of their serving and former military and police backers.

Invasions re-emerged in northern Laikipia mid-year with the invasion of Kamogi ranch from its northern boundary with the P&D 'abandoned land', by both neighbouring Samburu squatters and clansmen from the north brought in as reinforcements. In late October they invaded the adjacent Tango Maos farm. It was only around this period that signs of a drought emerged, after the annual short rains failed in November 2016.

## **Phase 3**



From early January 2017 – the beginning of the election year - the invasions escalated sharply in scale of numbers and the level of violence. On 9<sup>th</sup> January Pokot and Samburu invaders overwhelmed Mugie Conservancy. They were heavily armed and used an unforeseen level of aggression against the Mugie management and staff. During a raid in which Pokot gunmen made off with 400 of Mugie's cattle, the attackers used tracer fire and bullet casings left at the scene were later identified to be ammunition marked 'KOFK' – from the government's ordnance factory at Eldoret. Since then new-looking KOFK ammunition has become a hallmark of attacks, particularly by Pokot. At the invasion's peak, almost 100,000 cattle were estimated to be grazing illegally on Mugie. In retaliation for a non-fatal shooting of an invading Pokot moran allegedly by a KWS ranger in the midst of a firefight, the invaders murdered two Mugie staff members. The shooting of protected wildlife species, including elephant, buffalo and giraffe, rapidly became widespread practice among the Pokot invaders on Mugie.

Around the same time, the invasion that had begun further south on Kifuku ranch reached a new level of intensity. A majority of Samburu as well as a contingent of Pokot made the majority of the 8,000-acre farm inaccessible. They relentlessly targeted the family home of the Kifuku owners on a daily basis together with vehicles entering or leaving the farm, effectively rendering the owners hostage on their own property. They shot Kifuku's cattle, stole prize-winning bulls and burned valuable forestry. The level of organisation and militarisation among the invaders on Kifuku is distinct from the other invasions across Laikipia and is indicative of the involvement of members of the security services in backing them, allegedly with training, bullets, weapons and other material goods.

Starting on the 29<sup>th</sup> January, Suyian ranch suffered a major incursion. Members of the Laikipiak Maasai community from neighbouring Koija group ranch initiated the walk on. Samburu and Pokot moving south from Mugie's swiftly exhausted pastures soon joined them. Police forces were called in to defend the ranch but they were heavily outnumbered and in a clash one of the invading morans was shot dead. Following this, the tourist lodge on Suyian was looted and mostly burned down. A gradual dispersal of invaders and their 100,000 or so cattle on Mugie and Suyian to nearby Sosian ranch occurred in later weeks and then the invasions spread to Ol Maisor ranch. Increased police presence on these ranches in some cases had the adverse effect of escalating violence further, as police firing at the invaders and their cattle, even if in self defence, inflamed their aggression, leaving the residents and infrastructure on the invaded land even more vulnerable. Sosian's invasion hit headlines in early March, when one of its owners, Tristan Voorspuy was shot dead apparently in cold blood by a Pokot invader while inspecting arson damage to houses on the property. Neighbouring Ol Maisor also bore the brunt of the invaders moving south, with two members of security staff being shot dead in April.

Meanwhile on Laikipia's western edges, the violence has continued to escalate. Small holders in the Kamwenje and wider abandoned lands area have faced armed attacks on their homes with increased frequency by both Samburu and Pokot, who residents say are very well armed. In one such case, of which there are scores, a smallholding in Mbombo village, near Ol Moran, was attacked during the night in February by eight armed Pokot

from Baringo, who fired around 100 bullets at their home and stole all of their livestock. Many other cases from this area have resulted in fatalities. On Il Ngwesi and Makurian group ranches in east Laikipia, communities have been subjected to a concerted campaign of shooting by Samburu from Isiolo and Samburu counties in recent months, precipitating a wave of displacement of several thousands residents, fatal and near fatal shootings, leaving entire villages deserted.

Around the middle of March, a long-awaited joint security operation between the police and KDF was deployed to key ranches – LNC, Suyian, Sosian and Ol Maisor. At the time of writing, the outcome of this operation has not yet become clear. Reports of the KDF and police shooting at the illegally trespassing cattle and threatening violence against their herders have caught media attention, though the extent of this problem in reality is questionable. The invaders' patrons have certainly perpetuated such rumours. In fact, it is the prolonged dry spell in Laikipia and exhaustion of the county's grazing land by the encroachment of more than 100,000 cattle that has inevitably resulted in the die off of weaker animals from those herds. Virulent strains of tick-borne diseases have wiped out livestock from outside Laikipia which are unused to local conditions. To some extent the KDF presence has so far caused the more aggressive invaders to disband temporarily, though the likelihood of their regrouping and retaliating remains high.

## Mobilisation

As the scale of invasions escalated dramatically throughout 2016 and 2017, the support to mobilise them was also increased. The latest phase of invasions of private ranches, group ranches and smallholder plots have been financed, choreographed and supported through a range of means across the county.

Incitement, including through the radio and social media, is commonly mentioned as a key driver of Laikipia's land invasions, including a well-known case in which Lempurkel incited Samburu over the Maa-language radio station, Serian FM. Lempurkel called Serian FM on 26<sup>th</sup> November and announced "there is no private land in Laikipia North. Nobody will go short of grass while I am MP"<sup>16</sup>. Radio broadcasting has proven a powerful and dangerous tool in the incitement of violence elsewhere – most notably, Rwanda – and therefore Laikipia residents are wary of the station. Serian FM is said to be the most popular station among the Samburu, though signal coverage is patchy and many communities are unable to listen to it. For the Pokot meanwhile, there is no go-to Pokot-language radio station, so they rely on other Kalenjin speaking stations (they belong to the same linguistic family).

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<sup>16</sup> [http://www.the-star.co.ke/news/2017/02/03/audio-laikipia-invaders-seen-wearing-lempurkel-campaign-t-shirts\\_c1500289](http://www.the-star.co.ke/news/2017/02/03/audio-laikipia-invaders-seen-wearing-lempurkel-campaign-t-shirts_c1500289)

Nonetheless this research found that the media incitement of Samburu and Pokot morans is just the beginning of a large scale and well organised process of mobilisation by the morans' elite patrons. In addition, incitement is carried out during meetings – for almost every major ranch invasion, large meetings held in the bush or at night on the boundaries of each property, between the leaders and morans have been witnessed. The content of rhetoric used for incitement is weighted with references to perceived historical land injustices against the Samburu by the

colonial administration, including through the Anglo-Maasai agreements of 1904 and 1911, and the alleged expiry of 99-year leases on private land that was obtained during the colonial period. Though such claims by the Samburu lack a historical or legal evidence base, to the uneducated morans they have provoked a desire to “take back the land” from the so-called “white-settlers.”<sup>17</sup> (See Box 2)

#### Box 2: '99 Year Leases'

The history of land transfers and ownership in Laikipia - specifically with reference to the Anglo-Maasai agreements of 1904 and 1911 - has given rise to contemporary rhetoric used by members of the Samburu elite that there are 99-year leases on privately owned land in Laikipia, that started with the 1904 agreement and should have purportedly expired in 2004, leaving the land available to be reclaimed. This narrative lacks historical or legal foundations: after 1911, the colonial government took over the majority of Laikipia's land, which was utilised by settlers under Temporary Occupational Licenses (TOL), not leasehold. In the subsequent decades, many portions of the land under TOL were later legally transferred to leasehold, at various stages. As such, there are several decades remaining on the majority of Laikipia's private properties today, and even upon expiry, there is little precedent to indicate that the land would then be made available by the Kenyan government to be 'reclaimed' by pastoralists.

Witnesses say once an invasion is underway, Lempurkel will then claim credit for the work and attempt to reap election votes by saying to the morans, “Before I was MP, you hadn't grazed on these ranches. Now you have, so it is all down to me”. Elsewhere he has proclaimed in front of morans, “This land will be yours for as long as I am MP”. Contributing to the relative loss of control by community leaders over the morans and penetration of the political elite into this power vacuum, Lempurkel and his allies have deliberately held community meetings without the knowledge or permission of the area chiefs, often cloaked in darkness or in the bush. Chiefs in several locations across Laikipia North have reported this, saying it is illegal and a deliberate attempt to circumvent their authority. As a result, one chief commented in March 2017, “in the marketplace the morans listen to me, but in the bush they leave us out.”

<sup>17</sup> In Laikipia and elsewhere in the world, such arguments have proven highly emotive and have been picked up by organisations such as Cultural Survival International<sup>17</sup>. This has led to a preoccupation with questions over the ancestral rights of certain (pastoralist) tribal groups, even in the face of grave human rights abuses, atrocities even, inflicted by those same groups against others – in this case, in the eyes of such organisations and certain media outlets, the perceived violation of ancestral rights of the Samburu has received considerably more global attention and sympathy than the atrocities inflicted against the Kikuyu, Turkana and other communities by the Samburu invaders and their Pokot allies.

Regarding incitement among the Pokot, community members in western Laikipia explain that the Pokot are lied to by their leaders in Baringo, told that the LNC lease has expired, and so they must scare the current owners into leaving before the lease is renewed. Residents claim the Pokot also want to enlarge their territory beyond LNC to the surrounding smallholder-owned land.

The role of the mobile phone cannot be understated in the process of incitement and mobilisation. Almost all Samburu and Pokot morans found in Laikipia today have in the last two years obtained their own mobile phones or have access to them. Phones explain how during an invasion herders arrive almost simultaneously from an expansive geographical area spanning four counties. The wholesale adoption of mobile phones has coincided with, and contributed to, a breakdown in the customary modes of authority, whereby the age-set system ensures that elders maintain control over their youth. By communicating through the mobile phone, political patrons have been able to circumvent the authority system of elders and to varying extents replace them as the direct leaders of the morans. For example, in the Kirimon community area neighbouring several key ranches including Mugie and Loisaba, Lempurkel approached key Samburu community allies (it should be underlined that not all of the residents Samburu in Laikipia support Lempurkel or the invasions. Many have worked hard to block or resist his influence), and requested they put forward key morans who would act as mobilisers in their communities on his behalf. Lempurkel then works directly with those morans, circumnavigating their elders, calling their phones to instruct them on invasion plans and sending them cash through Mpesa. In any case, the system is effective in controlling communication between the morans and the outside world: attempts to speak to the morans who had invaded Mugie ranch for example were invariably met with stock responses by each interviewee, giving the strong impression that they had been strictly briefed on what to tell outsiders regarding their home areas, cattle ownership, gun ownership and reasons for being on the land. Similarly, responses during conversations with Samburu morans near Segera and on Makurian Group Ranch seemed rehearsed.

Weapons have been a common feature among the Samburu and Pokot following years of fighting between the two tribes as well as with others since the early 2000s. This stockpile has latterly been supplemented by the pastoralist elite – Lempurkel himself admitted during an interview that Samburu and Pokot morans are being actively armed. In Laikipia's conflict hotspots, including Kifuku and Il Ngwesi, the invaders fire rounds liberally and consistently for durations of several days or even weeks, clearly confident that their supply will not be exhausted. Bullet casings found across the county are stamped with 'KOFK', the mark of Kenya's national ordnance factory in Eldoret. The bullets must have been obtained illegally, with the police, GSU and military being the possible conduits. In Kamwenje, community members relayed a story of a motorbike that was found among a group of morans, packed with several hundred rounds of bullets being ferried to them. They claimed that the Pokot morans receive training from members of the security services within Baringo before crossing into Laikipia. The sense that the invaders have been trained in some form of basic combat was echoed by residents across Laikipia. Two interviewees described a scene in 2016 in which security officers were seen training morans to shoot, using wild animals as target practice in the Suguroi area and on the invaded Eland Downs ranch. In the Matigari community,

adjacent to Kifuku ranch, one smallholder said that they frequently heard volleys of gunshots at night, and when they found no casualties in the mornings they knew that the morans were just training (See Appendix 4).

Patrons provide other forms of material support to the invading morans. On several occasions, vehicles have been found near the scene of an invasion carrying food rations and other supplies such as alcohol and *miraa* (*Catha edulis*) to invaders. On Mugie conservancy in early January, packaging of milk and sugar supplies was found littered along the area where the electric boundary fence had been cut by invaders. A Landcruiser was found stocked with food rations on Lombala Ranch in January 2017, belonging to GSU officer Ltorupa Lengelos. In early March, at an entrance to Sosian ranch, a vehicle belonging to a chief from Samburu Central was stopped, also containing food supplies.

Cash is also widely distributed through MPesa or during meetings, for which there are many eyewitness reports. For example, a resident in Kamwenje reported in March 2017 that in Matweku, the local trading centre, residents have seen “vehicles coming from Nairobi. Pokot and Samburu assemble together when the vehicles arrive and hold brief meetings. A big man in a smart car and tinted windows will give out money to them and then leave quickly. They are well-connected people from somewhere. Then the Pokot buy a lot of items from the shops and are drinking alcohol in the bars.” Similarly in early March 2017, when the mobile phone of a Pokot man arrested on Mugie conservancy was confiscated, lengthy phone calls from Asman Kamama as well as numerous Mpesa transactions, were found on his phone records.

## Strategic Violence and Displacement

Violence and displacement among Laikipia’s resident communities are not just accidental side effects of the land invasions – they are in fact a central, if not *the* central, aim. Not only do the invasions in these areas refute the notion that Laikipia’s invasion problem is the inevitable result of drought, the nature of the violence used against communities, which has escalated drastically in the last year, also flies in the face of assumptions about drought, or of a “white settler” problem. Instead, across all types of land in Laikipia, both large and small properties, a general trend is visible of trying to intimidate the title deed holders, presumably so that they will vacate the land.

For example, in Kamwenje, since 2014 a pattern has emerged of grave sexual violence by Pokot against Kikuyu smallholders. The researcher was told of four different stories from just this area since 2014, and given the under-reporting rates of rape, we can assume that this is probably just a fraction of the total number of incidents. On the basis of these four stories it difficult to say if the rapes qualify as a “systematic” policy by the Pokot invaders, but certainly there is enough of a pattern that it cannot be written off as just random incidents of sexual indiscipline among morans. The nature of the attacks suggests some level of organisation and a clear aim to terrorise those families and their neighbours.

In a case in April 2014, two armed Pokot broke into the home of a woman in Kamwenje. There were several more hiding outside. The attackers forced her to lie down on the ground and both men raped her at gunpoint, in front of her five children. Then they stole her only five cows and left. She reported it to the local assistant chief but he did not act. She also reported it to the police at the local police post but they also did not respond. In a neighbouring village in September 2014, a middle-aged woman was alone in her house, and heard a noise she thought was elephants trampling her maize, so she went outside to scare them away. Five Pokot trying to break in confronted her, all of them armed with Kalashnikovs. They forcibly led her into the bushes and gang raped her. She did not report it to police or community leaders because she was scared that her attackers would find out and come back to kill her. In November 2015, Pokot broke into another woman's home in Kamwenje around 7pm and raped her. They stayed in her home for several hours, attacking her and eating all her food until after midnight. Her young children were in the next room, stood over by more Pokot who made sure they did not scream and alert the neighbours. The woman was too scared to report it, fearing the spread of rumours and betrayal by her neighbours or the authorities, in case they told the Pokot who might return and inflict reprisals.

Meanwhile on Laikipia's eastern side, the violence against the Laikipiak Maasai communities by Samburu invaders in recent months has reached a shocking scale, and they have largely weathered the storm in silence. From early 2015 there have been at least ten killings as well as several other near-fatal incidents. In early March 2017, a woman and her two young children were shot in their beds in the village of Arjiju. The village of Nadungoro in Il Ngwesi was in early March entirely deserted, having faced a sustained assault from armed Samburu invaders. The village is located in a forest clearing, and its residents cultivate maize; it is difficult to understand why the Samburus would target it so directly as it has few pasture resources of use to them and thus displacement of the community in itself must be the central goal. So far, around 3,000 people have been displaced from villages within Il Ngwesi. By May, some displaced were returning home during the daytime to prepare their shambas for planting maize but they would leave again at nightfall. The fact that indigenous Laikipiak Maasai are being targeted in this way indicates how the land invasions are not really about addressing colonial era injustices – but they are certainly about election politics and land.

Of Laikipia's private ranches, the mission to terrorise the owners into leaving is arguably most true of Kifuku Ranch. For a period of over two months, the family that owns the land was forced into a siege-like condition. Every day, volleys of shots were fired at their home and in some cases, directly at the family as they stood in their garden. Though small contingents of police were deployed to protect the house, the Samburu invaders would wait until there was a gap in police cover, or latterly they would fire directly at the police units. In militia-style formation, the level of organisation and aggression went far beyond what could be reasonably be explained or justified as a search for green pasture.

Certain types of violence seen against Laikipia's tourist lodges and conservancies would indicate a push to inflict enough damage to the county's tourist industry that its businesses are forced to close, paving way to access to the land they occupy. By March 2017, insecurity had already caused seven of Laikipia's some 30 lodges to close. The



deliberate killing of protected wildlife species, including elephant, giraffe, buffalo and zebra, including the endangered Grevy's species, emerged during the invasion of Mugie conservancy in January 2017, and in subsequent invasions on Suyian, Sosian and Ol Maisor appears to have become a systematic policy by the armed pastoralists. A few of these animals are eaten, others are left intact apart from the removal of certain body parts for ritualistic practices. Many of the elephants killed have had their tusks removed, presumably by opportunistic poachers<sup>18</sup>. Several tonnes of sandalwood extracted from ranches under cover of the invasions have been discovered en route to market, where this illegally traded commodity fetches very high prices. Apart from opportunistic crimes there may also be an overarching strategy to deplete the wildlife resources upon which Laikipia's tourist enterprises depend. Arson attacks on tourist lodges including on Suyian and LNC, the fatal shooting of Sosian owner Tristan Voorspuy on 5<sup>th</sup> March 2017, the near-fatal shooting of LNC owner Kuki Gallmann on 23<sup>rd</sup> April, as well as the killings of over a dozen members of staff across several properties would point to the same strategy. The decimation of Laikipia's large-scale landowning businesses to the county economy would be economically catastrophic: according to the Laikipia Farmers' Association, the combined overall contribution of 32 large properties, based on employment, revenue collection, CSR and procurement, to the county and national economies in 2016 was more than 3,860,000,000 KES (approximately \$37.5 million USD).<sup>19</sup>

Intimidation and the threat of violence have also been used within some communities to ensure that they vote for Lempurkel on election day. A community leader in Laikipia North interviewed in February 2017 claimed that Laikipiak Maasai members of Koiya group ranch had voted for Lempurkel in the 2013 elections, but only because they were scared that their Samburu neighbours from Ol Donyiro would attack them, rather than out of genuine political alignment with Lempurkel. Another respondent from the local area interviewed in March 2017 reported an incident that took place after Lempurkel was arrested for the incitement and the murder of Tristan Voorspuy early that month, in which Samburu supporters from the Koiya/Ol Donyiro area went to court in Nanyuki to protest the arrest. When they returned home they threatened the local Laikipiak Maasai, who are largely Jubilee supporters, and said they would beat them for supporting Lempurkel's key rival, Laikipia North MP aspirant Sarah Korere.

## Vote shipping

Laikipia as a whole is ethnically cosmopolitan, and the Samburu as a voting bloc, even combined with the Pokot, would struggle to secure a pastoralist seat for County Governor, Senator or any of the other county-level positions. However at the constituency and ward level, the 'ethnic arithmetic' stands more in the minority group's

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<sup>18</sup> Incidentally, tusk removal of elephants on Mugie has been increasing and by the looks of things goes beyond just simple opportunism. Removal of ivory requires saws and axes, which would indicate that people are coming onto Mugie with equipment and the express intent to obtain ivory. This should be monitored as it could become its own economy, sustaining and fuelling invasions.

<sup>19</sup> Based on a 2017 Economic Survey by the Laikipia Farmer's Association.

favour, which explains why the MP and MCA seats are so hotly contested by Samburu and Pokot candidates.

According to Laikipia's more moderate political figures, before the previous election in 2013, pastoralist candidates had never managed to mobilise many votes. However in 2013 Lempurkel succeeded because the Maa community, both Laikipiak Maasai and Samburu, were largely ODM supporters. Lempurkel was the ODM newcomer and was flush with a lot of cash, residents say "from God knows where". All the other major candidates were affiliated with the ruling coalition. The Samburu voted as a bloc for ODM plus others from the Turkana and Maasai were apparently "bought", securing Lempurkel a victory.

However, after the 2013 election Lempurkel recognised that the ethnic balance in Laikipia was still not sufficiently in his favour to secure a re-election in 2017. Not all of Laikipia's electorate votes simply according to their ethnicity – Turkana, Laikipiak Maasai and some Kikuyu voters in particular have shown themselves to be 'swing' voters, choosing their leaders strategically and according to policy, not tribalism. For example in the April 2017 party nominations, significant numbers of Turkana and Laikipiak Maasai voted for Sarah Korere, a comparatively progressive leader of Samburu/Maasai origin, for run for MP for Laikipia North on the Jubilee ticket. Nonetheless, instead of attempting to win the popular vote from non-Samburu voting blocs, after 2013 Lempurkel set about a two-pronged vote shipping strategy. He aimed to bolster his existing voting bloc by bringing in more Samburu and Pokot from outside Laikipia North. The dust cloud of chaos surrounding the invasions has made this vote shipping strategy easier. Secondly, he aimed to displace potential opposition voters from their home areas ahead of polling day.

### Importing Votes

Eyewitness reports from multiple sources have described how Lempurkel has told Samburu from the northern counties at several community meetings that as long as they register to vote, obtaining a voting card in Laikipia North, he will ensure their continued access to ranch grazing land. Furthermore Lempurkel has been targeting younger men with this messaging, who do not have a national ID card or have yet to register anywhere to vote. He instructs them to obtain an ID card stating that they are from Laikipia, so as to obscure their origins, but even if ID cards are issued elsewhere non-Laikipians are still allowed to register to vote in Laikipia North. Similarly, Lempurkel has attempted the same strategy with Pokot morans from Baringo and further west. Members of Samburu and Pokot communities in Laikipia as well as non-pastoralists corroborate these reports.

Moreover, preliminary IEBC data showing the number of registered voters in each polling station in Laikipia North (of which there are 100) in 2013 and 2017 respectively, are consistent with this strategy. Areas of Laikipia North widely known to be Lempurkel's political strongholds, which include Posta, Luoniek and Ol Moran in Sosian Ward and some parts of Segera ward, are reflective of the narrative of community members. For instance in Luoniek, which is on the north-western edge of Laikipia North and known to be a key entry point for the influx of Pokot from the western counties into Laikipia, the

number of registered voters between 2013 and 2017 has almost doubled - from 489 to 881 in Luoniek Primary School polling station. Likewise at the AP Posta polling station in Posta/Mowarak, which has been the launching point for major invasions on several of the private ranches by Samburu and Pokot, the number of registered voters has increased from 142 in 2013 to 607 in 2017. In Mbombo Primary School in the Ol Moran area, which has experienced a spike of violent incursions by Pokot in the last year, the number of registered voters has more than doubled, from 334 to 762. Generally, Sosian and Segera wards have witnessed a significant increase in registered voters, whereas the wards to the east, Mukugodo West and Mukogodo East, have so far seen a much smaller rise. Constituency-wide, there has been a massive increase in registered voters from 27,903 in 2013 to 46,942 in 2017 (See Appendix 2). Whilst population growth has certainly taken place in Laikipia and the rest of the country in recent years, that alone cannot account for the dramatic increase in Laikipia North's registered voters.

Many of the Pokot found in Laikipia today claim to have come from Luoniek, which is just inside Laikipia county, adjacent to its border with Baringo. However the sheer numbers of Pokot saying this makes it seem unlikely, as Luoniek is not a heavily populated area. More likely, they have been instructed to say they are from Luoniek, not Baringo or the western counties, in order to justify their presence in wider Laikipia. Indeed, a Pokot gunman armed with an illegal AK 47 who was killed in a gunfight on a ranch in April 2017 was in possession of ID card which showed that he had been born in East Pokot county, had obtained his ID card in Baringo county in January 2017, but was registered to vote in Luoniek, Laikipia North, in either January or February during the voter registration period (See Appendix 5). This case reflects the pattern noted more widely, that morans are recruited from one county and dispatched to Laikipia North to register to vote. In addition to Luoniek, other popular voting stations among the Pokot in Laikipia are reported to be Posta, Survey and Lemotini.

Mid-January to mid-February 2017 was the period in which people registered to vote at particular stations in their chosen constituency. During this month-long period, there were numerous reports of sudden mass movements of people in neighbouring constituencies being transported across the boundary into Laikipia North. On the final day of registration in February, there was a noticeable influx of pastoralist people being ferried on motorbikes to register to vote at the polling station at AP Posta/Mowarak. Residents said Lempurkel even used his large white 4x4 to transport supporters. Travellers admitted that Lempurkel had hired the motorbikes to round people up, whilst some said they had been paid directly by him to come. The going rate for registering to vote in Laikipia North was 1,000 KES (roughly \$10), distributed to each person through Mpesa.

One might assume that Samburu county MPs would be resistant to moves to transfer votes from their own constituencies to Laikipia North, because that would damage their own election chances. However, according to one respondent, in January 2017 Samburu County Governor Lenolkulal held a meeting in Posta with all the Samburu County MPs. At this event they agreed Samburu county could afford to send a large number of its electorate to Laikipia North. In Samburu county, Samburu communities would still constitute the major majority so it would make a limited dent on their pool of voters,

whereas in Laikipia North that number could bring about a crucial rebalance in favour of their community.

On the ground however this strategy is achieving mixed results, and some of the Samburu leaders appear to be getting cold feet. In January 2017 Lempurkel visited Lekurru market, just over the border in Samburu County during the voter registration period. He had instructed voter registration officers from Laikipia North to come to Lekurru to find and round up anyone not yet registered to register themselves in Laikipia North instead. However the area MP, Lati Lelelit found out and banished registration officers from Lekurru.

Likewise on the side of the Pokot, whilst Lempurkel's Pokot allies including Julia Lochingamoi have worked hard to mobilise Pokot to register as voters in Laikipia North, members within their own community have admitted that as August approaches, the majority of morans will return with their cattle to their home county Baringo on orders to cast their votes for their own politicians. A Pokot community leader explained, "Previously we have seen leaders from those places [in Baringo] coming here to collect people to go and cast their votes, so they are trying to tell them 'don't change your vote, but stay and we will come and pick you and you will vote at home'".

More broadly, a practical barrier to the vote shipping strategy is that many morans simply do not want to leave their cattle herds in order to travel to a registration centre in town, especially during a drought or period of insecurity.

It is important to note at this point however that Lempurkel is not the only politician using such tactics. A number of community members have alluded to various different political aspirants across the whole of Laikipia attempting to ship votes on some scale.

### Displacing Votes

There are growing indications that patterns of violence in Laikipia North since January 2017 may be concentrated around certain polling stations in Jubilee or other anti-Lempurkel/ODM community areas, in order to displace those voters ahead of election day in August. The IEBC polling station data from February 2017 does not reflect this pattern, but on the ground evidence of it can be seen in the sheer number of IDPs flocking south or setting up camp in flimsy plastic shelters, churches and other community buildings since late February 2017.

The Laikipiak Maasai represent Laikipia second largest voting bloc after the Kikuyu and they may be more than twice the number of Samburu. Whilst Lempurkel has succeeded through a combination of incentivisation and coercion to attract Maasai communities in part of Koija group ranch to vote for him, the majority are supporters of Sarah Korere, running for Laikipia North on the Jubilee ticket, or other candidates. Recognising this, Lempurkel and his supporters appear to have deployed a new set of tactics geared towards displacing Laikipiak Maasai from their community areas, including in Makurian and Il Ngwesi group ranches. Il Ngwesi has suffered violent incursions since 2013, but since late February 2017, its villages have been subjected to a sustained assault. Armed

Samburu shoot into the communities' homes on a near-daily basis, targeting women and young children as well as the Laikipiak Maasai morans. They have succeeded in causing the desertion of entire villages. An estimated 350 households, or around 3,000 people, were displaced from Il Ngwesi, the majority of these since February. The residents of Nadungoro for instance – which, incidentally, has its own polling station – by March decamped to nearby Lokusero or have dispersed south to urban areas such as Timau and Nanyuki.

Similarly on Makurian group ranch, home to the same Laikipiak Maasai community, significant internal displacement can be seen at the hands of armed insecurity from Samburu invaders, accelerating in February this year. IDPs have moved from the northwestern side of Makurian to the southeastern edge, onto neighbouring properties or they are hiding in the Mukogodo Forest. The IDPs themselves reported that from their respective village areas, every resident has been displaced, which would place the total number of Makurian's IDPs at a similar number to those of Il Ngwesi, perhaps two to three thousand. If the IDPs are unable to return home to vote on polling day in August, these numbers alone represent a potentially fatal blow to the Laikipiak Maasai as an anti-Lempurkel/ODM voting bloc. Moreover if this analysis is correct, then we can expect that armed attacks across non-Samburu areas, which could encompass all of Mukogodo East and Mukogodo West wards, could escalate ahead of the elections.

## Land Grabbing

It is widely accepted among the respondents of this research that the pastoralist elite 'cartel' and their moran foot soldiers want to stage a mass land grab of the county's private land. This plan is not confined just to Laikipia North but rather the whole county, brought about by the aforementioned armed violence in southern and western Laikipia against smallholders, group ranchers and private ranches alike, that falls outside of Lempurkel's own constituency. The inciters' claim – a fiction -- is that when 99-year land leases of the Anglo-Maasai agreements expire (See Box 2), the land will be up for grabs. The precise means by which they hope this will be achieved is never explained – since the invaders have no prospect of becoming the official title-deed holders themselves. Government leaders have said repeatedly they will not expropriate Laikipia land to give to pastoralists. The 99-year lease story appears to simply incite the idea of unbridled access to the land, regardless of land tenure. If allowed to move forward, the outcome would be more instability, armed conflict and environmental degradation, with Laikipia's smallholders and more marginalised communities being the first victims.

With regard to insecurity that has coalesced around land in the Rumuruti area, including Kifuku and Lombala ranches as well as the smallholder communities of Thome and Matigari, the invasions have been led by a militarised 'local franchise' of the wider invasion movement, and conducted with a concerted level of ferocity that arguably sets the area apart from the rest of the county. The intensity of armed invasions on these properties may be linked to the announcement that the headquarters for the Laikipia county government will be relocated from Nanyuki to Rumuruti. The building of

infrastructure for this move began in July 2016<sup>20</sup>, coinciding precisely with the escalation of violence on properties around Rumuruti. It is plausible that the land in this area is seen as particularly desirable because it will increase in value ahead of the transfer of the county government, and therefore the leaders of the invasions there are conducting a violent and illegal form of land speculation. We should expect that it will not only be pastoralist leaders racing to grab a piece of this land: Wealthy Kikuyus are already seeking to (legally) purchase land just outside Rumuruti, - including the 7,000 acre Lombala ranch which was sold in April 2017 – which may precipitate tension or conflict between the Kikuyu and pastoralist elites.

### Constituency Development Funds: a case study in political financing

A political entrepreneur or cartel-head is nothing without his source of personal political financing. It is the lifeblood of the political marketplace. In Laikipia North, we have already covered the far-reaching mobilisation project to invade Laikipia's land and displace its communities, paying morans, distributing weapons, munitions and other material goods, paying political allies to ensure their loyalty or acquiescence. None of these activities come cheap. Kenya's MPs, the second best paid in the world, receive around 16 million KES (almost \$160,000 dollars)<sup>21</sup> in total per year in salaries and allowances. This is apparently not enough for them, and thus some have turned to other sources of revenue to inflate their own political finances.

The Constituency Development Fund (CDF) was established in 2003 during the Kibaki Presidency to funnel resources to the local level for development projects such as schools, clinics, roads, water and commerce facilities. The CDF to an extent replaced the traditional self-help *Harambee* fundraising system established under Presidents Jomo Kenyatta and Daniel arap Moi.

The CDF was envisaged as a means to support constituency-level, grass-roots development projects. However it has become a widely accepted truth that the CDF is a slush fund for MPs, who have direct control and management over the CDF committees and are able to issue directives over how the funds are spent. Thus over the years MPs have been using the CDF to buy loyalty and cooperation to campaign against their opponents – in other words, government funds are diverted to the MPs' own political finance kitties. It has been suggested that the leadership has always turned a blind eye to these problems in return for MPs' loyalty.

The National Government Constituency Development Fund Act of 2015 sought to reform the system, by reducing the influence of MPs, removing them from the committees. Officially, their role was limited to an oversight capacity. The committee has sole responsibility for the implementation of projects. Under the 2015 Act, which came into effect in early 2016, health, water and road projects would no longer get money from the CDF – these would fall to the county government instead. The fund will now be used exclusively to support projects under the functions of the national government – namely security-related projects such as constructing new police posts, and education spending,

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<sup>20</sup> [http://www.the-star.co.ke/news/2016/07/07/laikipia-headquarters-to-be-moved-to-rumuruti\\_c1380850](http://www.the-star.co.ke/news/2016/07/07/laikipia-headquarters-to-be-moved-to-rumuruti_c1380850)

<sup>21</sup> <http://nairobinews.nation.co.ke/news/pay-increase-mps-salary/>

such as on building classrooms and distributing school bursaries.

In Laikipia North however, there exists a widespread perception among community members that CDF reforms have not succeeded in preventing the fund being used as a personal political war chest for Lempurkel. The official process for community consultation and tendering by the CDF committee should forestall any attempts to misdirect the funds. However, according to one Samburu resident in the Kirimon community area, “The CDF patron is an MP, then he selects his own committee and controls them. The community should have a role in electing the committee, and the implementation process, but now they are excluded.” This sense that communities were not adequately consulted on their development priorities was echoed elsewhere in Laikipia North.

Respondents frequently alleged Lempurkel was using his influence over the CDF to direct spending of funds towards projects in Samburu and Pokot stronghold areas. An Assistant Chief in the Segeria Ward said in March 2015 that “The CDF is controlled by Mathew. It is not doing very well in this area. He built one dispensary at Powys and one at Naibor, but nothing else. I am told he is taking it to his place in Samburu. The money helping us here is the money of the county government. We do not see the CDF.” One Turkana resident in Laikipia North said that “Mathew makes the CDF into a ‘Samburu CDF’ and spends most of the money in Posta”.

The main window through which the MP is able to manipulate or gain access to CDF money is through the tendering and final contracting process of projects. The MP is allegedly able to influence the contracting firm that wins the bid, as well as the documentation outlining the content of the bid and payments, all in exchange for a kickback. For example, according to credible sources the CDF developed a proposal for the construction of a school boarding dormitory in Ol Kinyei, on Makurian Group Ranch in 2013, costing 4.5 million shillings, and awarded the contract. In 2015 the Auditor General came to visit the project, and saw that no dormitory had been constructed, though the money had apparently been spent. Incidentally, the contracting firm was Osutwa, of which the company directors apparently include: the chairperson of the Uwesio fund, another source of government finance; Lempurkel’s own personal assistant; and the Chairperson of Makurian group ranch, James Kaipoi, who is now the incumbent Chairperson of CDF.

Similarly, several independent sources relayed a case in which Lempurkel’s own Pokot community ‘fixer’ Lotuliama was awarded a CDF-funded building contract for a school near Ol Moran in 2014. Lotuliama is not a builder and so the procurement process must have been manipulated. The school has already collapsed and is unusable.

Well-informed respondents speaking to the researcher in March 2017 outlined a number of further cases of CDF corruption. The CDF funded work on the road between Kirimon and the Ewaso bridge, costing 7 million shillings. However upon completion of the work by the contractor, the Kenya Rural Authority slapped a sign on it saying that they had funded the construction. The Rural Authority also paid 10 million shillings to the same contracting firm, Male Logistics (which has a director, Jacob Lekorere, who is a business

partner of Lempurkel in a separate enterprise). The 10 million shillings contributed by the Rural Roads Authority for the road has never been accounted for.

The CDF has an allocated budget line for contingency money for emergencies. This should be used for instance, in case a heavy storm has washed away a road. The emergency budget line does not require such strict financial reporting as the main projects, and so money commonly disappears in “emergencies”. In 2015-2016, the emergency spending was nearly 5.8 million shillings. Though some of this spending was probably necessary, credible sources said an ambiguous group called the “Peace Initiative” set up a bank account and had the CDF committee transfer hundreds of thousands of shillings into to fund “peace meetings” among conflicting communities - on one occasion 500,000 KES disappeared within two days on so-called peace meetings. No accounting for expenses was given to the CDF nor evidence that the meetings had been held.

The most immediate issue is that the central CDF board in Nairobi has transferred 41 million shillings to the Laikipia North CDF for the 2016-2017 project cycle but not a single project has been undertaken nor have any school bursaries been disbursed, according to credible sources. Schools and community leaders across the county have corroborated that no bursaries have been received nor have any community development projects been undertaken. Before 2016, bursaries were still sparse, and the amount unreasonably small to cover school fees – for instance a student will be awarded 2,000 KES for cover 40,000 KES annual fees. Moreover there was allegedly a bias in the allocation of bursaries, through which friends of the MP and CDF are given preferential treatment.

Kenya’s constituencies are subdivided into wards, and for each ward there is a Ward Development Fund, controlled by the ward MCA, but under the purview of the county government and senate. An aspiring MCA in Laikipia North explained that, under devolution, the spending of the WDF is supervised by the senate and county government, but the CDF has evaded such scrutiny at the county level because “the MPs have made themselves small gods and prevented this”. Nonetheless, the WDF is seen to share similar loopholes for political influence to the CDF: the Ward Development Committee is picked by the MCA, who is ambiguously mandated to “hold a voting exercise” with communities in order to appoint the committee. One can see how the selection of the WDF committee would be held hostage to the political will of the MCA, and likewise, why the availability of the WDF makes MCA seats so hotly contested with a pot of 15 million KES per year for WDF.

The CDF money that has gone missing in the past five years in these examples alone – which are by no means an exhaustive investigation of Laikipia’s CDF accounts nor the other sources of public revenue accessible to the MP or his political allies - amounts to several million Kenyan shillings. This is of course small change when compared to Kenya’s grand corruption cases<sup>22</sup>, but still, the unaccounted or misdirected money in Laikipia certainly amounts to enough to fund an insurgent land invasion movement.

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<sup>22</sup> Notable examples of which include the famous Anglo-leasing scandal of 2002, costing the Kenyan taxpayer \$33 million<sup>22</sup>, or the Goldenburg scam, amounting to around \$600 million in laundered funds.



## Responses

### Community Responses

#### Laikipia Pastoralist Communities

Among Samburu communities who have lived in Laikipia long term, the level of participation in the land invasions has been varied. Certainly, as described in previous sections, the network of 'local agents' facilitating the invasions are embedded within Laikipia's resident pastoralist communities, as are many of the more hard-line morans that initiated particular invasions, including Suyian and Segera ranches. All of the major invasions by Samburu and Pokot from outside Laikipia, or by Laikipia's more militant morans, have however been piggybacked upon by opportunistic locals who to varying extents, are more interested in seeking temporary access to grazing land for their cattle, rather than any more long term or strategic political plan. At the same time, certain members of the communities, for instance on Kirimon and P&D, Ngare Nyiro and elsewhere, have attempted to remain neutral or even to resist the invasions by their neighbours and northern tribesmen. Increasingly too, many of those who had participated in the invasions initially have now stepped back, regretting their involvement because it has resulted in the depletion of their home grazing land and the starvation of their own cattle, the rustling of their own livestock by outsiders, and damage to the relationships between communities and private ranches – given that most of Laikipia's large private ranches provide some level of community development support, through constructing schools, livelihoods projects, employment and grazing agreements.

However the capacity of Laikipia's pastoralists to resist the invasions is limited. Many of the morans possess weapons, but they remain far less well armed than the northern Samburu or the Pokot. Only a minority of Laikipia's Samburu community possess title deeds for the land they occupy, and therefore many have no legal right to expel invaders from their own land. Clan-based affiliations between Laikipia's Samburu and those from Samburu County tend to override any sense of localised solidarity between the communities and villages within Laikipia. Inter-marriage has reinforced many of their inter-county relationships. This is particularly problematic in hindering the community elders' ability to enforce sanctions against the northerners. Samburu community leaders explained that if they try to make a ruling against, for example, a moran from Samburu county who has stolen livestock from the local community, the clan of that moran will unite to block the ruling, often using intimidation against the community. Generally, the morans increasingly do not feel beholden to the elders of their *own* community, let alone those from a different region.

## Smallholding Communities

For the communities who practice small-scale agriculture or some livestock keeping on smallholdings, mostly belonging to the Kikuyu, Turkana and Tugen tribes, they too have struggled immensely to protect themselves or resist the invasions. The majority are entirely unarmed and therefore powerless against the armed Samburu and Pokot trespassing on their land, stealing their livestock and attacking their families.

That being said, a small number of reports from members of those communities in February and March 2017 intimated that some households had begun arming themselves, or would plan to soon if the insecurity continued in the villages west of Rumuruti and the 'abandoned lands' area to the north. This is a potentially dangerous pattern: the arrival of armed Pokot in Laikipia was what led the Samburu in Laikipia to begin their rush to acquire more arms, and now that they have teamed up against the other tribes in the area, it is unsurprisingly that victim communities want to arm themselves too. However this could precipitate some kind of inter-communal arms race, as the Turkana, Kikuyu, Laikipiak Maasai and other resident tribes feel forced to acquire illegal weapons. A proper disarmament exercise of the Samburu and Pokot at this stage is therefore all the more essential, in serving to forestall a wider proliferation of weapons across the county, as well as to remove those that are presently being used for violent ends.

## The Ranching Community

The question on many people's lips during this crisis has been "what are the ranchers doing wrong?" Laikipia's social and political terrain is as complex varied as its physical landscape and therefore it is difficult to make general statements on this issue. Whilst each invasion has varied in scale and form, the key point is that they radiate from a central problem that needs to be tackled at its source. Certainly, robust community relations and a strong sense of 'buy-in' by neighbouring communities helps, and community development projects are worthwhile for their own sake, but with regard to the invasions, they alone will not protect a ranch or conservancy indefinitely. There is a perception among some members of the ranching/conservation community that the properties on Laikipia's eastern side will be safe against invasions because of their investments in community development work, whereas those to the north and west have not invested adequately on this front. Also, KWS rangers more heavily defend the rhino sanctuaries of eastern Laikipia. In fact the invasions of northwest ranches such as Mugie, Suyian, Sosian and Ol Maisor are largely the product of geography. Moreover the invasion of Il Ngwesi group ranch, which is in north eastern Laikipia, and which could serve as a corridor for the invasions of its neighbours, would indicate that the eastern ranches are not safe indefinitely.

For many years, decades even, the larger private ranches have engaged in grazing agreements with their pastoralist and semi-pastoralist immediate neighbours, generally through offering a quota of livestock allowed to graze on a given area of the private ranch, in exchange for a small fee or in some cases for free. On the community side, the

agreements are managed by grazing committees, which are normally comprised of elders from that community, though other community leaders and some morans may also participate.

Since the invasion crisis reached the private ranches, such grazing agreements have come to be seen by the ranchers as a form of protection racket: their hope is that by offering grazing to their neighbours, their neighbours will not then turn on them and lead an invasion onto their land. Though framed as a simple negotiation between two land users, focused around grass, the grazing agreements are in fact a political exercise. Because the network of the political elites' 'local agents' facilitating the invasions is found in many of these neighbouring communities, if a ranch owner makes a grazing agreement with a committee upon which a 'local agent' is a member, then the grazing agreement may serve to empower the political patron with whom the agent is associated and to serve as a form a Trojan horse through which a later invasion is facilitated.

There have been efforts by the management on some of the invaded ranches to hold dialogue and peace meetings, led by the pastoralist elite and taking place on the ranches themselves, rather than having the police or military intervene. For example at the height of the Suyian invasion, Lempurkel was invited in to subdue the morans. The Pinguan (P&D) grazing committee, comprised largely of his own localised network of Samburu supporters, suggested to the Suyian management that they bring Lempurkel in. However this risked empowering him and giving a veneer of legitimacy to his presence in the eyes of the communities and government. As with his role in the Pokot-Samburu war, Lempurkel fans the flames of conflict, gaining legitimacy from the morans and his own community, and then steps in as the magnanimous peacemaker, which gives the government justification to step back, and could again in future serve as a Trojan horse for his political ends on the private ranches.

## Government Responses

### County Government

In order to address Laikipia's invasion crisis, the county level government requires a well-coordinated and robust response that is both assertive and politically nuanced. Since devolution, county governments have been endowed with a degree of influence over their security amongst other issues, and should be at the helm of tackling crises under their administrations. County leadership positions under devolution, namely governor and senator, hold considerable power (See Box 1). In reality however, this has not been the case. In many of Laikipia residents' eyes, County Governor Joshua Irungu has shown himself to be ineffective. According to one respondent, expressing a sentiment that was echoed by many others, "Governor Irungu could intervene but has remained silent because he is scared of losing votes. He does have influence over the county security apparatus but won't use it." Whilst he is not known to be driving the invasions alongside Lempurkel's elite cartel, his *inaction* is damaging in itself. Some commentators have observed that Samburu county Governor Moses Lenolkulal appears to be more influential in Laikipia than the county's own governor.

Perhaps unsurprisingly therefore, Lempurkel has supported Irungu for re-election in August 2017. Irungu's puppet-like behaviour has invited Lempurkel's favour, to the extent that the Kikuyu Council of Elders Laikipia chapter branded Irungu "a mole" in the Jubilee Party, because he won the vocal support of Lempurkel on his campaign trail.<sup>23</sup> On 27th April after the Jubilee nominations, Lempurkel was accused of stuffing ballot boxes in the town of Dol Dol, in order to secure the nomination on the Jubilee ticket for Irungu. Overall the leadership of the county government is weak, to the extent that some commentators have observed that Laikipia is being run by leaders from other counties.

Moreover in Laikipia it appears that party politics are subordinate to personal political alliances. Irungu belongs to the Jubilee party and therefore Lempurkel, as ODM, should oppose him. Similarly, Lempurkel's alliance with Jubilee MCA aspirant Julia Lochingamoi would indicate the same irrelevance at the local level of national party loyalties.

The other major key county player under devolution should be the senator. Laikipia's incumbent senator, GG Kariuki, is a Kikuyu veteran politician and ambiguous character in Laikipia's devolved political landscape. With a background in Kenya's security apparatus, including serving for three years as Cabinet Minister for Internal Security from 1979, he earned a reputation as a feared and formidable politician. Up until 2015 he remained a active player in Kenyan politics which he first entered before Independence during a career that once had him described as the 'King of Laikipia'. It has also widely believed that he is the illegitimate father of Pokot MP Asman Kamama. Despite, or perhaps because of his current political status and controversial background, Samburu invaders have overrun the ranch that he owns in the Rumuruti area. In 2015 Kariuki led calls for action to remove invaders but he has been weakened by illness and more recently has done little to engage with government on the issue.

## Police

Laikipia's invasion crisis has revealed that the police force in the county is internally divided. Effectiveness and integrity have been shown by a number of noteworthy members of the police force, and for this they should be recognised and commended. At the same time, there also exists certain elements who have driven the invasions, as has been discussed in previous sections, comprising the military 'franchise' operating in the Rumuruti and Suguroi area. There are many more in the ranks however who have proven to be either unwilling or unable to respond.

In smallholder areas, the police have confronted invaders fleetingly, or not at all. For instance in Kamwenje, for the most part, the police have paid little interest in this area. Before 2016, calls by community members to the police seldom had a response. Since 2016 the police have apparently become more responsive and will arrive at a crime scene when called, albeit usually too late. Their success in following the herders/thieves

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<sup>23</sup> [http://www.the-star.co.ke/news/2017/04/14/governor-irungu-is-a-mole-in-jubilee-party-say-laikipia-elders\\_c1543460](http://www.the-star.co.ke/news/2017/04/14/governor-irungu-is-a-mole-in-jubilee-party-say-laikipia-elders_c1543460)

is limited because they are heavily outgunned. Smallholders in the areas east and west of Rumuruti have similarly complained that when they call the police to report a case of cattle rustling or armed incursion, the first question the police ask is invariably: “are they armed?” If the caller says “yes”, then the police will often find an excuse not to respond, such as a lack of fuel for their vehicles.

Likewise on the group ranches, police engagement has been short-lived and limited. Community members on Il Ngwesi were grateful for the 10 police officers that guarded the Lokusero Secondary School at the beginning of March, but they were dismayed at their inability to engage proactively. One resident said, “police are trying to assist but are overwhelmed by invaders... they are fearing to attack.” Another complained that police are “not doing any protection. They just fly over or drive past and then leave.” The inaction by police on the ground could be due to a combination of both an unwillingness by the deployed police officers themselves, faced with heavily armed and well organised pastoralist militia, and because of instructions from their more senior officers.

During some of the major invasions from January to March 2017, Laikipia’s residents speculated whether an agreement was been made at the elite level whereby the police would deploy a security operation but not actually confront the invaders, in order to convince outsiders the situation was being dealt with, but without having to actively engage. After only one week of working with security staff on Il Ngwesi to push back the Samburu invaders in early March 2017, the small police deployment was abruptly withdrawn, with one of the senior leaders admitting to a member of the Il Ngwesi management that it was due to “orders from above.” Likewise the leader of the GSU unit deployed to Kifuku ranch admitted that the GSU had been given orders from above not to engage the invaders in fighting.

In many ways, more problematic has been where the police have partially engaged with the armed invaders. Outnumbered and outgunned, they fired rounds of shots at the morans and then retreated. This triggered aggressive retaliation from the morans, including shooting and arson attacks. This left a number of landowners in an extremely vulnerable position, as was seen on Sosian, Suyian and LNC in February-April 2017.

Opportunism among members of the police has reportedly led numerous officers to profit from the invasions, even when they are not working with the invaders. In the aftermath of the invasion of Segera ranch in June 2016, police officers deployed to remove the invaders from the land were reported by several independent sources to have approached the cattle herds, selected the best looking cows and confiscated them, only to sell them on or to keep within their own cattle herds. On a broader level, whilst deployed on the private ranches they frequently request fuel for their vehicles, food and daily so-called “morale payments” (bribes) to ensure their continued presence.

In order to meet the shortfall in police support, many communities have requested National Police Reserve<sup>24</sup> status. Following a slow application process, some landowners

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<sup>24</sup> The National Police Reserve is a voluntary auxiliary force appointed by the Kenya Police Service in remote locations where police presence is low. See: <http://www.smallarmssurvey.org/fileadmin/docs/F-Working-papers/SAS-WP15-Kenya-Policing-the-Periphery.pdf>

and community members were granted NPR status, authorising those individuals to carry a weapon in the name of maintaining peace, law and order. Some smallholder communities complained that their applications for NPR status had not been granted, and believed that the reasons for this are political, linked to fears of arming certain tribal groups. Where NPR status has been granted, community leaders have still voiced concerns: “The [NPR] system works for now, but the government is giving guns to people without employing them. They are young, unemployed men with guns, who will return to their communities when this crisis passes. We don’t know what they will do next.”

### Central Government and the KDF

Every interviewee in Laikipia’s smallholding areas, as well as the group ranches and the majority of the private ranchers voiced a unanimous opinion: that the only thing to improve the situation would be full government engagement, including a robust security operation. Where government security services were deployed proactively in Laikipia, in the form of the Kenya Wildlife Service (KWS) on rhino sanctuaries including Ol Jogi and Ol Pejeta conservancies, those properties have not been invaded at the time of writing, which would suggest that where adequate security presence is put in place, the invasions *can* be prevented.

Yet in general, the response to Laikipia’s invasions by the Kenyan government at the national level has been ambiguous and largely lacklustre. The key troublemaker in Laikipia, Lempurkel, is a member of the opposition party, and the invasions are damaging not only to Laikipia but to Kenya as a whole, endangering among other things its tourism industry and British Army training infrastructure. Why then would Jubilee allow an ODM leader to gain so much momentum? Until March 2017 all that Nairobi had done was to issue a public statements saying that the land invasions will not be tolerated. The ongoing KDF operation, with around one company deployed, is relatively small in scale and firepower. Given the approaching elections, and the spectre of ICC investigations against the incumbent president Uhuru Kenyatta and Deputy President William Ruto, for the 2007/08 post election violence, the Jubilee party may be scared that a security operation could a) radicalise pastoralists who are currently politically moderate; b) fuel and justify further pastoralist insurgency in the name of ‘self –defense’ and rebellion, c) lose the Jubilee party crucial pastoralist voting blocs, and d) invite the scrutiny of the international community, among whom the Jubilee government has been working hard rebuild its reputation, including its participation in counter-terrorism operations in Somalia.

Until March 2017 when the KDF operation was deployed, the government of Kenya was employing an approach of ‘strategic neglect’ in Laikipia. Latterly, we can interpret the modest KDF deployment as a means to be *seen* to be doing something, but without risking widespread civilian abuses or allegations of human rights violations. This strategy may already be backfiring. The limp efforts to confront invaders since January appear to have emboldened them: if their elite backers told them they were ‘above the law’, the failure to restore law and order by the state would indeed lead them to believe this is the case.

A central actor within Kenya's security architecture is Joseph Nkaissery, Cabinet Secretary for Internal Security. Nkaissery is a former KDF Major General and a member of the Maasai tribe. Numerous commentators have claimed that he is in league with Lempurkel, on the basis that ethnically, they are considered "cousins" and have frequently been seen socialising together. Others have stopped short of saying that Nkaissery is directly implicated in the invasions, but maintain that even through his abdication of responsibility to curtail them, he is to blame. Victims of invasions complained that Nkaissery waited a full six months before visiting Rumuruti to discuss the problem in November 2016. During the meeting Nkaissery made a number of promises, including that all invaded would be expelled from private land within one week and that the political inciters would be prosecuted. Thus far, his promises have demonstrably fallen short on all fronts. His reluctance to engage may be connected with allegations in the Report of the Truth Justice and Reconciliation Commission, which names Nkaissery as being responsible for human rights abuses against the Pokot during Operation Nyundo in 1984, and was recommended for prosecution.<sup>25</sup>

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<sup>25</sup> Report of the Truth, Justice and Reconciliation Commission of Kenya (2013)  
<http://digitalcommons.law.seattleu.edu/tjrc/>



## Conclusions: implications for the August 2017 elections and beyond

Laikipia's invasions have emerged out of two coinciding crises: a pastoralist crisis and a political crisis. The former has been building over the course of several decades. The political crisis gained pace in 2013, when chauvinist politicians with increased resources in the new devolution era exploited the crisis in pastoralism to create lawlessness because they saw this as the best way to gain or stay in power.

The patrons of the invasions seek to expand their territory in both a geographical and political sense. Each end reinforces the other: leaders aim to create and sustain a constituency of supporters by expanding their physical territory and access to grazing – often for their own cattle as well as their followers. Likewise, a broadened political foothold across the counties will legitimise this process and vanquish communities or tribes perceived as rivals. All of this is taking place at the expense of those who already call that land their home.

Despite the wealth of evidence that Laikipia's invasions are politically driven, and not the inevitable outcome of drought, there remains a hope among some residents and onlookers that if there are decent rains, the invaders will vacate private land and return home to their counties in the north and west. But the political climate will not change even with good rains. The hardliner pastoralists, destroying property and shooting people, did not come to Laikipia because of drought, and so logically, they are unlikely to leave because of rain. In the coming months, Government security operations will be the more significant variable in Laikipia's future stability. Allegations of KDF-led ethnic targeting and violence against civilians will radicalise pastoralist communities and fuel a further backlash; whereas a thorough, non-abusive disarmament exercise among Samburu and Pokot morans, combined with intelligence led efforts to make the patrons of the violence accountable could work.

If Lempurkel's vote shipping strategy continues, then we can expect more armed attacks and forced displacement among voting blocs that oppose him in northern Laikipia and among smallholding communities in the south and west, namely against the Laikipiak Maasai, Turkana, Kikuyu and Tugen communities. The violence could either persist at the same level or increase ahead of the August elections. Unless government security operations quell the violence it could spread ahead of polling day.

On 8<sup>th</sup> August itself, it seems very likely there will be attempts at electoral fraud across Laikipia North's 100 polling stations. Types of rigging could include tampering with voter ID number sequencing, ballot box stuffing and hiding or transporting ballot boxes. Deploying local and international election monitors might help prevent more egregious types of fraud.



Much of what happens next will be determined by who wins in the elections, at the national and county level, and with respect to the invasion crisis, the seat of MP for Laikipia North.

Whether Lempurkel wins or loses, we should not assume that his campaign will cease after August. As has been discussed in previous sections, he will continue to exploit resentment about perceived historical injustices over land to remain popular, especially among his main constituency – young, uneducated Samburu morans. In reality, the prospect of his accomplishing a land grab in Laikipia seems remote. Nonetheless, this crisis holds all the key ingredients needed for an insurgency. In the appropriate conditions, an armed rebellion could arise from the pastoralist communities of Laikipia, Baringo, Samburu and Isiolo counties. Specifically, what you might see as a worst-case scenario is what has in other conflict-prone countries such as South Sudan been called as a “rent-seeking rebellion”<sup>26</sup>. This term describes a process in which a provincial elite, or group of elite – be they MPs, military commanders or local administrators – seek to attract attention from central government by initiating fighting. The more killing, the stronger their resolve will seem. This rebellion will likely be settled through a ‘payroll peace’, in which the leader(s) are subdued through either a promotion and pay rise, or given a golden parachute. This in turn signals to other provincial elite that rebellion is rewarded, thus giving rise to a “rent-seeking rebellion cycle”. In other words, Lempurkel could stage a rebellion, resulting in more bloodshed and instability, purely for the sake of a pay rise or pay off, and this could encourage others to do the same. At the level of the morans, signs that this process is underway include their increasingly militarised organisation ready to take on the State in conflict. There are reports that some armed Samburu morans operating together in Laikipia have already begun calling themselves the Samburu Defence Force. This militarisation in turn leads to a distancing from members of their own community and disregard for the customary systems of governance, and accompanying this, increased abuses against their own community members, including armed criminality and sexual violence.

In the long term, the only way to forestall this crisis from cyclically re-emerging is to tackle it at its source, that is, the unsustainability of pastoralism in its current state and resulting susceptibility to political misappropriation of its frustrated often armed youth. Measures to remedy this would need to be robust and these are beyond the scope of this particular research project. They include education at the primary and secondary level, accompanied by realistic and obtainable opportunities for employment and integration into the cash economy, emphasising skills-based or vocational training. Second, a rehabilitation of the northern rangelands, a diversification away from pastoralism with alternative forms of livelihoods. Management of livestock carrying capacity on the rangelands should be at the forefront of any such long-term efforts, together with revival of the veterinary standards and regimes that once existed in post-Independence Kenya, and effective measures to market livestock. This will require active buy-in and consensus from all concerned stakeholders: the state, the pastoralist communities, and other land users of all scales, acting as development partners, not competitors.

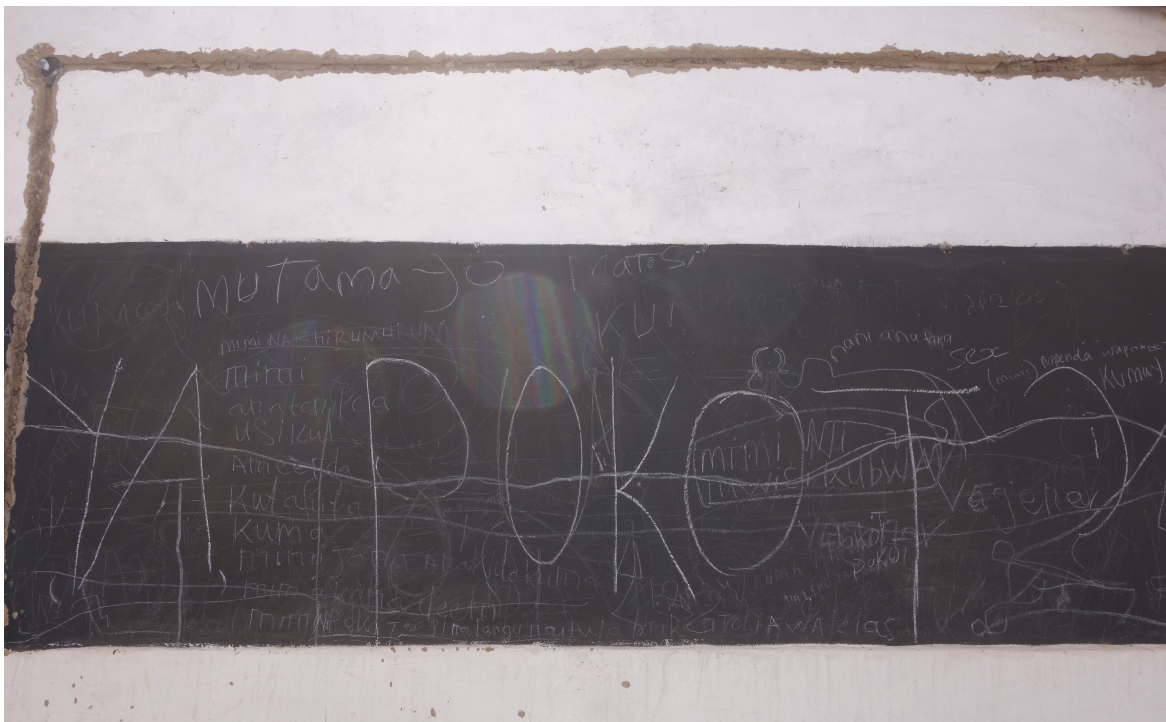
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<sup>26</sup> Alex de Waal (2015) *The Real Politics of the Horn of Africa: Money, War and the Business of Power*.

## Appendices

### Appendix 1: Vandalism of Mutamaiyu School by invaders from May 2016.

Invaders completely stripped the school and Catholic centre in May 2016, leaving it deserted and unusable for the community.



## Appendix 2: Laikipia North Registered Voters per Polling Station 2013 to 2017

WARD/CODE	POLLING CENTRE NAME	REGISTERED VOTERS DURING 2013 GENERAL ELECTIONS	PRELIMINARY DATA: REGISTERED VOTERS FEBRUARY 2017
<b>0822: SOSIAN</b>	RABAL NURSERY SCHOOL	637	957
	MUGIE PRIMARY SCHOOL	175	136
	LUONIEK PRIMARY SCHOOL	489	881
	MAGADI PRIMARY SCHOOL	362	576
	AP POSTA	142	607
	NDUNYU PRIMARY SCHOOL	322	392
	MBOMBO PRIMARY SCHOOL	334	762
	COLCHECCIO FARM HOUSE	93	100
	KIRIMON LDM HOUSE	236	307
	MORINJO NURSERY SCHOOL	240	475
	OLMAISOR PRIMARY SCHOOL	824	1012
	TINGAMARA PRIMARY SCHOOL	8	11
	MATHANJI PRIMARY SCHOOL	456	733
	NGALEMARE PRIMARY SCHOOL	139	692
	MATHENGE FARM	1705	4445
	LENTILE FARM	27	42
	ISLAND PRIMARY SCHOOL	531	705
	SURVEY PRIMARY SCHOOL	566	792
	NAROK PRIMARY SCHOOL	471	678
	NAKWANG NURSERY SCHOOL	52	331
	MIRANGO PRIMARY SCHOOL	178	349
	NDONYORIWO PRIMARY SCHOOL	160	294
	SUYIAN RANCH	78	94
	KAHUHO PRIMARY SCHOOL	201	284
	MINJORE PRIMARY SCHOOL	358	512
	GITHIMA PRIMARY SCHOOL	364	497
	MITHURI PRIMARY SCHOOL	341	499
	MUTARAKWA PRIMARY SCHOOL	70	79
	OLMUTUNY PRIMARY SCHOOL	180	387
	MERINGWET PRIMARY SCHOOL	397	746
	MARURA NAROK PRIMARY SCHOOL	348	554
<b>0823: SEGERA</b>	OLJOGI PRIMARY SCHOOL	286	276
	OLGIRGIR PRIMARY SCHOOL	460	704
	LAILANGWAN PRIMARY SCHOOL	555	1268
	MURAMATI PRIMARY SCHOOL	548	1122
	MUKIMA PRIMARY SCHOOL	844	1816
	IMPALA FARM HOUSE	182	211
	MUKENYA FARM	102	92
	KABARAK FARM HOUSE	429	665

	UASONYIRO PRIMARY SCHOOL	719	1131
	NAIBOR PRIMARY SCHOOL	543	1083
	ENDANA PRIMARY SCHOOL	372	538
	ERERI PRIMARY SCHOOL	357	629
	LEKIJI PRIMARY SCHOOL	146	230
	MUTIRITHIA PRIMARY SCHOOL	161	242
	RETETI PRIMARY SCHOOL	104	158
	SEGERA MAIN GATE	288	389
	TINKA NYEUSI NURSERY SCHOOL	185	254
	IRURA PRIMARY SCHOOL	122	685
<b>0824: MUKOGODO WEST</b>			742
	EWASO PRIMARY SCHOOL	518	
	OLMUNISHOI PRIMARY SCHOOL	298	320
	SALTICK LIVESTOCK CENTRE	90	98
	NAIPERERE PRIMARY SCHOOL	106	145
	ILMOTIOK PRIMARY SCHOOL	278	383
	TURA JUNCTION FIELD	151	165
	NG'ABOLO PRIMARY SCHOOL	199	283
	KIMANJO PRIMARY SCHOOL	345	509
	MUSUL PRIMARY SCHOOL	165	240
	SOITO OLTASHE NURSERY SCHOOL	87	102
	PICHA NURSERY SCHOOL	149	207
	ILPOLEI PRIMARY SCHOOL	109	154
	SARAMBA PRIMARY SCHOOL	118	210
	SEEK PRIMARY SCHOOL	51	124
	EMULANGO BAPTIST NURSERY SCHOOL	280	378
	NOSIRAI TRADING CENTER	138	163
	TIAMAMUT NURSERY SCHOOL	101	161
	TOR NURSERY SCHOOL	122	286
	OLOSHAKI NURSERY SCHOOL	118	137
	SOITOU DO PRIMARY SCHOOL	174	212
	NJURUM NURSERY SCHOOL	194	241
	KURUM PRIMARY SCHOOL	88	307
<b>0825: MUKOGODO EAST</b>			195
	LUKOSERO PRIMARY SCHOOL	171	
	KIWANJA NDEGE PRIMARY SCHOOL	286	403
	OLKEINYEI NURSERY SCHOOL	84	115
	LARIAKOROK PRIMARY SCHOOL	68	84
	KATONGA PRIMARY SCHOOL	109	118
	ARJIJO PRIMARY SCHOOL	131	172
	SIEKU PRIMARY SCHOOL	67	183
	KURIKURI PRIMARY SCHOOL	64	130
	DOLDOL PRIMARY SCHOOL	375	516
	ILMUKONGO NURSERY SCHOOL	55	82
	MURUANA IRUSHA PRIMARY SCHOOL	146	126
	ILGWESI BANDAS (CULTURAL)	55	57

	NANDUNGORU NURSERY SCHOOL	88	139
	CHUMVI PRIMARY SCHOOL	492	729
	ETHI PRIMARY SCHOOL	321	506
	NGENIA PRIMARY SCHOOL	494	808
	NGENIA SECONDARY SCHOOL	815	1044
	BOKISH NURSERY SCHOOL	147	214
	SEEK MOBILE	40	33
	KAIRIGIRE PRIMARY SCHOOL	591	715
	KANTANA NURSERY SCHOOL	50	77
	TASIA MOBILE	86	101
	MELAU NAYEU PRIMARY SCHOOL	596	957
	SIRIMON PRIMARY SCHOOL	70	687
	MIAMOJA PRIMARY SCHOOL	911	1558
	ENAIKISHOMI PRIMARY SCHOOL	142	197
	KIIBO FARM	110	559
	SIOR MOBILE	20	24
	ROTASHA PRIMARY SCHOOL	375	424
<b>Total</b>		<b>27903</b>	<b>46942</b>



### Appendix 3: Invasion incitement on Suyian ranch in Laikipia in 2017

The first image taken on Suyian ranch in January 2017 of an invading moran wearing Mathew Lempurkel's election campaign t-shirt, which reads #TeamLempurkel 2017 on the back and on the front is emblazoned with the Maa language translation of "Shield of Cattle". The second photograph shows a meeting in late February 2017 between Samburu and Pokot morans, presided over by Mathew Lempurkel (centre, wearing a Samburu red cloth over his formal shirt and trousers) alongside Julia Lochingamoi (left, seated), attempting to maintain peace between the two tribes who had invaded on Suyian ranch.



#### Appendix 4: Armament of invaders in Laikipia

The first photograph was found on a mobile phone dropped by an invading moran on one of Laikipia's private ranches in 2016 and shows a moran holding an assault rifle. The second photograph shows one of hundreds of bullet casings found in an area where heavy shooting by morans had taken place since early 2017. It is stamped with KOFC, the mark of the Kenyan national ordnance factory in Eldoret.



## Appendix 5: Vote shipping

National ID and voter registration card belonging to a Pokot rustler shot in Laikipia North on 23<sup>rd</sup> April 2017. Kaptura Ngornyang was born in East Pokot, but obtained his ID card in Baringo county in January 2017. The 'X' marks on his ID indicate he was illiterate, having never benefitted from education. Next he registered to vote in Laikipia North in January or February. Within weeks, he was a member of a raiding party attempting to violently rustle cattle when he shot a ranch security guard in the face. During the fire fight he was himself killed and police later recovered his illegal Kalashnikov rifle and ammunition.

