

UNIVERSITY OF NAIROBI

INSITITUTE OF DIPLOMACY & INTERNATIONAL STUDIES

**MILITARY INTERVENTIONS IN INTERNAL CONFLICTS IN THE HORN OF
AFRICA; CASE STUDY OF MT. ELGON**

BY

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A research proposal submitted to the Institute of Diplomacy and International Studies in partial fulfillment of the requirements of the master's degree in International Conflict Management (ICM) of the University of Nairobi.

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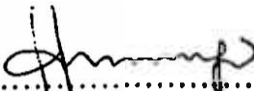
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DECLARATION

I declare that this research project is my original work and has not been presented for examination for the award of Masters Degree in International Conflict Management in any other university

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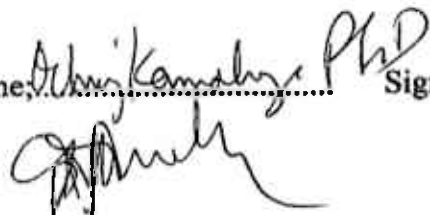
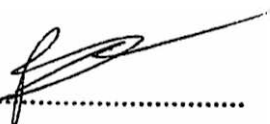
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RECOMMENDATION

This dissertation has been submitted after my approval as the University supervisor.

Name:  PhD Signature:  Date: 18.11.13

DEDICATION

I dedicate this work to all the security forces personnel that put their lives on the line for the restoration of peace and security in troubled areas in the world. It is the ultimate price that only soldiers can pay.

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I thank the Almighty God who has provided my educational needs to this scholarly level. I thank Maj General P W Kameru my Director at the ministry of Defense for having allowed me to pursue this program.

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ABSTRACT

Military interventions by both national and international (Third party intervention) forces in internal conflicts has been in existence for a long time. The practice has increased significantly following the end of the cold war with conflict moving from inter-state to intra - state. Conflicts have resulted in humanitarian catastrophe which has necessitated military intervention in the internal conflicts to ameliorate the suffering of the citizens. However, despite these interventions in internal conflicts militaries world over have been accused of use of excessive force and human rights violations. The hypothesis for this study was to establish whether a military intervention has any relation to stopping internal conflicts. The main objective of this study was to investigate the dynamics of military intervention in internal conflicts with a focus on KDF's intervention in Mt Elgon in 2008. This study concluded that Military intervention in Mt Elgon restored positive peace which had been elusive for over 10 years in the area and dismantled the SLDF militia. Therefore the research established that there is a direct relationship between military intervention in internal conflict and the eradication the negative effects of such conflicts to the civil population affected by the war.

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LIST OF ABBREVIATIONS

GSU:	General Service Unit
KANU:	Kenya African National Union
NARC:	National Rainbow Coalition
NGO:	Non Governmental Organization
SLDF:	Sabaot Land Defense Force
UN:	United Nations
UNSC:	United Nations Security Council
GSU:	General Service Unit
IMLU:	Independent Medico-Legal Unit
KANU:	Kenya African National Union
KNCHR:	Kenya National Commission of Human Rights
MDF:	Moor land Defence Force
NGO:	Non-Governmental Organization
RDU:	Rapid Deployment Unit
SLDF:	Sabaot Land Defence Force
UNDP:	United Nations Development Programme
NATO:	North Atlantic Treaty Organisation
ECOWAS:	Economic Community of West African States
USA:	United States of America.
EU:	European Union.
RSK:	Serbs Republika Srpska
ECOMOG:	Economic Community Monitoring Group.

PRC:	Peoples Redemption Council.
AFL:	Armed Forces of Liberia.
NDPL:	National Democratic Party of Liberia.
LUP:	Liberian Unification Party.
LAP:	Liberian Action Party.
UP:	Unity Party.
INDPL:	Independent National Democratic Party of Liberia.
RUF:	Revolutionary United Front.
IGNU:	Interim Government of National Unity.
ULIMO:	United Liberation Movement of Liberia for Democracy.
OAU:	Organisation of African Union.
LNTG:	Liberian National Transitional Government.
KDF:	Kenya Defence Forces.
NSAC:	National Security Advisory Committee.
UPDF:	Uganda Peoples Defence Forces.
ROE:	Rules of Engagement.
IDPs:	Internally Displaced Persons.

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO MILITARY INTERVENTIONS

1.0 Introduction

Military interventions by both national and international (Third party intervention) forces in internal conflicts has been in existence for a long time. The practice has increased significantly following the end of the cold war. However, the dominant paradigm in world politics, realism, advanced by scholars such as Bull, Feste and Mogenthau would suggest that interventions only take place when clear national interests are at stake¹. However contrasting models advanced by scholars such as Blechman, Carment and James,² posit that ethical issues and domestic politics can play a leading role in the decision to intervene. However, according to Nicholas Wheeler humanitarian intervention has become a legitimate practice in post-cold war international society³⁴. This argument is supported by Ragan who argues that states are more likely to intervene if the intrastate conflict involves humanitarian issues.⁵

Africa has particularly experienced widespread conflicts since independence which have had harmful effects such as human rights violations, massive loss of life and

¹ Feste, Karen A. Expanding the Frontiers: Superpower Intervention in the Cold War. Westport, (1992)

² Carment, David, Dane Rowlands, and Patrick James. "Ethnic Conflict and Third Party Intervention: Riskiness, Rationality and Commitment."In Enforcing Cooperation. ed. Gerald Schneider and Patricia Weitsman. London: Macmillan. (1997).

³Wheeler J Nicholas. Saving Strangers: Humanitarian Intervention in International Society. Oxford University Press, Oxford (2002).

⁵ Regan J Patrick. Choosing to Intervene: Outside Intervention in Internal Conflicts. Journal of Politics, Vol 60, no 3(Aug 1998) pp 754-779.

property, displacements, refugee generation, proliferation of arms, among others. Africa has also relied on the international community to assist in containing the conflicts. Since independence, Kenya has recorded dozens of internal armed conflicts in which military interventions occurred either on behalf of governments. For example the shifta war which broke out in 1963 when disaffected people from the Somali and Boran ethnic groups took up arms and attempted to secede from Kenya and unite with Somalia. The Kenyan government authorized military intervention to pacify the entire North Eastern territory.⁶

In the Kerio Valley conflict between the Pokot and Marakwet, the military was equally used when in 1984, the Kenyan government deployed detachments of the paramilitary General Service Unit (GSU) and the army to restore peace and order in what was known as 'OPERATION TAME THE TIGER'.⁷ In May 2013 the Kenya government again authorized the military to intervene in the communal conflict between the Garreh and Degodia in Mandera District to assist the provincial administration to restore peace and order.

1.2 Statement of the research problem

Military intervention was used to achieve geopolitical goals/interests of states, by protecting its territory, population, and other resources. However, since the end of the Cold War, military intervention for both humanitarian ends and conflict resolution has increased dramatically. Africa has particularly experienced widespread conflicts since

⁶ Abdi Sheikh. Blood on the Runway: The Wagalla Massacre of 1984. Nairobi: Northern Publishing House, 2007.

⁷ Karl, Vick , "Small Arms: Global Research Uproots Tribal Traditions" http://washingtonpost.com/ac2/wp-dyn/A_30209- accessed on 25 Feb2013.

independence Some of these conflicts have been inter-state like those of Ethiopia/Eritrea in 2000, Uganda/Tanzania in 1979 and Somali/Ethiopia in 1977 while others have been intrastate conflicts such as in Somalia 1991 to date, Ethiopia 1991. As would be expected, both inter-state and intra-state conflicts in Africa have had harmful effects such as human rights violations, massive loss of life and property, displacements, refugee generation, proliferation of arms, among others.

Africa has traditionally relied on the international community to assist in containing the internal conflicts. However, despite these military interventions which have been largely successful as they have been able to restore normalcy, militaries have been accused by, human rights activists, of human rights violations and use of excessive force whenever they intervene in internal conflict. Similar accusations were leveled against the Kenya Defence Forces (KDF) when they intervened in Mt Elgon in 2008⁸.

1.3 Objectives of the Study

To investigate Kenya military intervention in internal conflict in Mt Elgon in order to understand the dynamics Kenya Defence Forces intervention in Kenyan internal conflicts. Specific Objectives of this study include the following.

1. To investigate government justification for the military intervention option in Mt Elgon.
2. To investigated whether KDF used excessive force by the KDF during the intervention.

⁸ Geneva Conventions 1949. International Committee of the Red Cross Geneva Switzerland august 2005

3. To investigate the impacts and challenges of KDF during their intervention in Mt Elgon Conflicts?

1.4 Justification of the Study

This study focuses on assessment of the impact of the military intervention in Mt Elgon. It endeavors to investigate the relationship between the military intervention in internal conflicts and its effects on the civilians in the areas affected by the conflict such as Mt Elgon. Although military interventions in internal conflicts have been largely successful, questions have been raised by human Rights groups on the conduct of such operations which at times results into Human rights violations. This study is significant in understanding the dynamics of military intervention in internal conflict. The study shall make important contribution in terms of government policy formulation towards the development of a standard operating procedure when the military is deployed to aid the civil authority. Further this study shall contribute to the body of academic knowledge on security perspective on the concept of Internal Security Operations since this is the main task of the militaries today.

1.5 Literature Review

This section provides a review of the literature and the references used to develop and analyze the main theme of this study. This study endeavors to investigate the relationship between the military intervention in Mt. Elgon District and its impact on civilians in the affected area. The literature reviewed is categorized into four thematic

areas being: the consent of the intervention, reasons for the intervention, the use of force and the involvement of third parties.

1.5.1 Consent for military intervention

The government of Kenya's option to use military intervention in Mt Elgon was criticized by a lot of people and bodies. Some scholars argue that use of the military in such way is wrong because groups such as SLDF are minor groups that do not need such reaction.⁹ Tillema argues that the occurrence and scope of use of military interventions in domestic conflict is quite diffuse.¹⁰ Some critiques also argue that military interventions are not in conformity with the United Nations (UN) Charter which clearly stipulates that military intervention must be authorized by the United Nations Security Council (UNSC).¹¹ The charter in its provisions, places much emphasis on the importance of social justice and human rights as the foundation for a stable order.

Mill points out that, military intervention in internal armed conflict gives rise to complex problems. He raises the issues of internal consent of the different parties to the conflict.¹² This is a very important starting point while analyzing the dynamics of military intervention in domestic conflict of Mt. Elgon. The conflict in Mt. Elgon was between

⁹ Duner, Bertil, "The Many-Pronged Spear: External Military Intervention in Civil Wars in the 1970s." *Journal of Peace Research* 20(1), 1983, pp. 59-72.

¹⁰ Tillema, Herbert K. "Foreign Overt Military Intervention in the Nuclear Age." *Journal of Peace Research* 26(2), 1989, pp. 179-195.

¹¹ United Nations. Charter of the United Nations: San Francisco, 1945. <<http://www.icpsr.umich.edu>> [07June2004]

¹² John Stuart Mill, A Few Words on Non-Intervention (1859), reprinted in 3 *Dissertations and Discussions* 238 (1865).

two closely related clans of the Saboot people with traditional governance system which local people respect. The important question here is did the military intervention get the consent of the traditional institutions? If the two parties did not give the consent what necessitated the intervention?

Fox and Roth in addressing the question of consent, argues that military interventions in local conflicts are faced with perplexing legal problems. The first in the difficulty of specifying which local party, if at all, has the power to invite an external intervention or grant substantive consent to it.¹³ Substantive consent comes from the concept of assessment of different substantive characteristics of the conflicting parties.

Bauman argues that the likelihood of military intervention in the domestic conflict is informed by the political considerations of the respective government. These perspectives posit that state interests and domestic constraints within an intervening government impact on intervention. He further argues that one government tends to be more involved than others in directing military action given the greater resources it can devote to such an effort.¹⁴ Bauman's argument brings out important issues; first is the ability of the government to intervene but this must be based on strong institutions within the government that would enable the intervention. Secondly it leads to the question of

¹³ Gregory H. Fox and Brad R. Roth eds., Louise Doswald-Beck, The Legal Validity of Military Intervention by Invitation of the Government. 56 British Year Book, International, 2000, pp. 189, 251

¹⁴ Bauman, Robert, Frederick S. Pearson, and Jeffrey J. Pickering, "Military Intervention and Realpolitik," Reconstructing Realpolitik. Ed, Frank Whelon Wayman and Paul Francis Diehl, Michigan: University of Michigan Press, 1994.

interest that the NACK government had in Mt. Elgon. What interests informed the response by the NACK government to direct military action?

Livingston, argues that a number of perspectives of domestic considerations for intervention tend to focus on the effects of politics and opinion within the citizenry in the nation. Livingston believes that before a military action is taken, government officials always consider the views of the citizens.¹⁵ This leads this research to ask important questions such as did the Kibaki administration seek citizenry opinion before deploying the military in Mt. Elgon? At this juncture it is important to note that there was no functioning legislative Assembly to make the decision to deploy the military following the disputed 2007/2008 post election violence. Therefore there was need for strong government institutions that would allow the executive to make the decision to intervene without necessarily going through parliament.

1.5.2 Reason for the military intervention

Mitchell examined the reasons behind military interventions in civil conflict. He argued that both affective and instrumental concerns cause state powers to intervene in civil wars. He goes further to state that affective linkages include religious and ethnic ties that exist between the state leaders and the target group increased the likelihood of ordering military intervention.¹⁶ The argument by Mitchell are plausible, however

¹⁵ Livingston, Stephen, "Clarifying the CNN Effect: An Examination of Media Effects According to Type of Intervention," The Joan Shorenstein Center, Press-Politics: Research Paper R-18, 1997.

¹⁶ Mitchell, C. R., "Civil Strife and the Involvement of External Parties." *International Studies Quarterly* vol 14(2), 1970, pp. 166-194.

looking at the Mt. Elgon scenario, this study wonders whether there existed such ties that Mitchell is talking about. This indicates that the reasons behind military intervention in civil conflicts and the perception of the affected people are dynamic hence need to investigate further.

Pearson on the hand argues that territorial acquisition, protection of social groups, protection of economic interests and military interests are both affective and instrumental reasons behind military interventions in local conflicts.¹⁷ The study by Pearson seems to explain reasons behind foreign military interventions and falls short of explaining local military intervention where the military has no economic interests such as in Mt. Elgon. However, the arguments would agree with the cultural and ethnic values of the communities living in Mt Elgon. Both the Soy and Dorobo view land as a symbol of their economic wellbeing and therefore a resource that they were ready to protect.

Duner argues that although self interest and altruistic motives are important factors behind military interventions in ethnic conflicts, a generalized conclusion is difficult since a wide variety of motives exist in each case. The study by Duner indicates that there is an ambiguous and sometimes contradictory result about the causes of military interventions.¹⁸ Furthermore, the study by Duner does not explore how motivations behind military interventions influence the choice of intervention strategy. Analyzing the motives behind military interventions without discussing the legal

¹⁷ Pearson, Frederick S., "Foreign Military Interventions and Domestic Disputes." International Studies Quarterly Vol 18(3), 1974, pp. 259-289.

¹⁸ Duner, Bertil, "The Many-Pronged Spear: External Military Intervention in Civil Wars in the 1970s." Journal of Peace Research Vol 20(1), 1983, pp. 59-72.

dynamics behind intervention raises important theoretical and empirical questions. Since military interventions are much more costly and risky than non-military interventions, it is crucial to examine the dynamics of military interventions in internal conflict in Kenya.

Boettcher, in analyzing the decision making behind military intervention in internal conflict, posits that the increasing intensity of a conflict could likely deter a nation from applying military force as such an application might force an intervening actor to invest more resources and manpower than it would want.¹⁹ Boettcher's argument gives an interesting angle to the subject under investigation putting in mind that the conflict in Mt. Elgon took three years before the government decided to use the military in stopping it. Can it be that the government feared to invest more resources and manpower? If so why and yet the people of Mt. Elgon as like other Kenyans pay tax to maintain not only the government but also the military? Or was it due to the fact that the government underestimated the threat posed by SLDF? his study will endeavor to answer these questions by analyzing the dynamics of military intervention in Mt Elgon.

Saunders on her part argues that there are three categories of domestic drivers for military intervention in internal conflict. This includes the leadership preferences, public opinion, and self-interest. Saunders, posits the influence of leadership preferences for intervention arguing that the disposition and willingness of governments and leaders to intervene by use of the military are influential in whether or not they take such action.²⁰

¹⁹ Boettcher III, William A. "Military Intervention Decisions regarding Humanitarian Crises: Framing Induced Risk Behaviour." in *The Journal of Conflict Resolution*, vol. 48. No. 3, (June 2004): pp. 331-355.

²⁰ Saunders, Elizabeth N, "Transformative Choices: Leaders and the Origins of Intervention Strategy." *International Security*, vol. 34, No.2, (Fall 2009): pp. 119-161.

Looking at the presidencies of Kenyatta, Moi and Kibaki, the research wonders who among them took a proactive stance in favour of military intervention and why? Equally what are the challenges they faced in such a stand. Were there necessary institutions that were charged with this development?

Antizzo in his analysis of conditions for successful governments' military intervention in internal conflicts argues that leaders and public opinion is not enough and that there is need for the national legal body such as the parliament to sanction a military intervention. Glen believes that parliamentary and particularly public support for military intervention is needed for its execution.²¹ Such perspectives on military intervention in domestic conflict argue that there has been an increased awareness of conflict issues, particularly humanitarian crises, among citizens as a result of increased media coverage of these issues. Is this argument true for Mt. Elgon? Did the parliament sanction it? Did the Kenyan citizenry understand the conflict in Mt. Elgon?

Fordham posits that government desires to maintain strategic alliances and a secure export market for their goods motivates it to undertake decisions of military intervention. The issues raised by this argument have a bearing on Mt Elgon. Uganda is the biggest trading partner of Kenya and therefore there was need to maintain this strategic alliance because if an insurgent group was left to establish itself on the Kenya-Uganda border in Mt Elgon it would interfere with the free movement of goods across the border. Benjamin further argued that such economic desires coincide with existence of

²¹ Antizzo, Glenn J. U.S. Military Intervention in the Post-Cold War Era: How to Win America's Wars in the Twenty-First Century. Baton Rouge: Louisiana State University Press, 2010.

cases in humanitarian objectives and self interests.²² Did these desires inform the military action in Mt. Elgon? In regards to general military intervention in intrastate conflict, Huth also proposes the importance of self-interest arguing that the government would be more likely to get involved militarily in domestic conflict should it feel it was of military strategic value.²³ However, was self-interest used as a tool of governing the choice to conduct a military intervention in Mt. Elgon conflict?

1.5.3 Use of appropriate force

Walzer argues that the use of military force in internal conflict is justified if a conflict intensifies to the detriment of civilians.²⁴ Walzer observes that in the event of increased civilian suffering, there is a moral imperative for the state power to use force in order to alleviate such a crisis. While Walzer's arguments are plausible, this research wonders whether the use of the military in Mt. Elgon alleviated suffering to the civilians or just suppressed their land problems. Was the use of the military therefore justified? This study will investigate.

1.5.4 Third party players during military intervention

On his part Cunningham argues that a greater number of actors in an intrastate conflict make third party intervention increasingly difficult. According to Cunningham multiple parties in a domestic conflict can act as veto players hindering any kind of

²² Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention." *International Studies Quarterly*, vol. 52, No. 4, (Dec. 2008): pp. 737-758.

²³ Huth, Paul, "Great Power Interventions in International Crises 1918-1988" *Journal of Conflict Resolution*, vol.42, No.6 (1998)

²⁴ Walzer, Michael, "The Politics of Rescue." *Social Research*, vol. 62, No. 1 (Spring 1995): pp. 53-66.

conflict settlement or mediation. David further observes that with such a situation in place on the ground, there is a greater uncertainty for interveners whether or not they should seek to invest forces as force escalation might not be able to target or convince every warring party in a conflict to cease hostilities.²⁵ David's argument will assist in analyzing the dynamics of military intervention in Mt. Elgon conflict. The weapons in possession by members of SLDF were an indication that there was an international hand in the conflict because these weapons are not manufactured in Kenya. Secondly the human rights organizations and diversity of Sabaot clans seem to have complicated the military intervention. The similarities in ethnic background of the communities living along both side of the common border in Mt Elgon was also of concern and therefore the Uganda was also involved in the intervention.

1.5.5 Role of the media

According to Lyon and Dolan, the media increases awareness which enables the citizens to pile greater pressure on their leaders to intervene in an internal conflict to ameliorate the suffering caused by an intrastate conflict.²⁶ The scholars argue that with such information the citizens consider the conditions such as to what extent self-interest in political, security, or even economic issues on the part of a nation drives intervention. Such a perspective is decidedly realist in outlook but arguing that intervention, though

²⁵ Cunningham, David, "Veto Players and Civil War Duration," American Journal of Political Science, vol. 5, No. 4, 2006, pp. 875-92.

²⁶ Dolan, Chris and Alynna Lyon, "American Humanitarian Intervention: Toward a Theory of Co-evolution," Foreign Policy Analysis, vol. 3, No. 1, (2007): pp. 46-78.

justified altruistically, and is grounded by cost benefit considerations makes the military intervention even complicated. Their arguments would explain the situation under study as the humanitarian crises in the area was highlighted by the media and the resultant pressure by the Kenyans probably lead to the government's decision to intervene militarily to end the conflict.

1.5.7 Overview of literature

The literature reviewed above concentrates on various aspects of military intervention in various part of the world. While there is literatures on military intervention in internal conflicts which focus on world, there are no studies which have concentrated on Military intervention in Mt Elgon region. Further most of the studies reviewed have focused mainly conflict but there are no studies which deliberately address the effects of the military intervention in Mt Elgon.

1.6 Theoretical framework

This study will be based on two theories namely the political development theory and the cultural diversity theory. The political development theory was developed by Huntington who developed a set of variables that explains military interventions in domestic conflict. The supporters of the theory argue that strong civilian governmental and political institutions, democratic values, and so forth can be indicators of political development level.²⁷ They argue that modernization process created upward social mobilization, but in some countries political development has lagged behind creating a

²⁷ Huntington Samuel P., Political Order in Changing Societies, 13th Edition, London: Yale University Press, 1977

participation crisis that encourages military interventions. The political development arguments attempt to underline the issue of weak political institutions and a participation overload.²⁸ Huntington's theory of political development and decay stresses the importance of institutionalization of political organizations and procedures. To Huntington, political decay is a significant symptom of military intervention which arises out of an imbalance between social mobilization and political institutionalization. In the case of social mobilization, if there are weak political institutions that regulate participation, it will be unable to respond to these demands, and regulate social conflict, thereby succumbing to military interventions and related instabilities.

Although the political development theory explains the concept of military intervention in terms of political development, it does not address the question of ethnic factors that influenced the military intervention in Mt. Elgon. This gap will be filled by the cultural diversity theory. The supporters of the cultural diversity theory argue that ethnic antagonism includes cultural diversity of groups, ethnic dominance, and ethnic competition as causes of military intervention.²⁹ The ethnic and other sectional rivalries among militaries may result in military interventions, which are mostly related with structure of society. Internal conflict is often associated with linguistic and ethnic

²⁸ Jenkins, J.C. and Kposowa, A.S. "The Political Origins of African Military Coups". *International Studies Quarterly*, Vol 36, 1992, pp. 271-292.

²⁹ Jenkins, J.C. and Kposowa, A.S. "The Political Origins of African Military Coups". *International Studies Quarterly*, Vol 36, 1992, pp. 271-292.

heterogeneity.³⁰ Morrison and Stevenson argue that the greater the number and cultural diversity of the groups, the greater the elite instability is.³¹

These theories address the gap identified in the literature review especially the cause of the conflict in Mt Elgon and the resultant military intervention. It discusses issue of consensual forcible intervention in internal armed conflict. Was the intervention undertaken with the consent of the people? The theory seeks to clarify the place of such interventions within the framework of the law of both internal and international agreements in conjunction with the law on the use of force. The theory will assist in analyzing the question of consent in the context of relations between a consenting party and a military intervener as opposed to questions regarding the internal legitimacy. The theories demonstrate the general dynamics of consensual interventions, as they occurred in the different stages of the conflict in the Mt. Elgon.

1.7 Hypothesis

1. Military interventions in internal conflict minimizes human rights violations in such conflict.
2. Military Intervention in internal conflict does not have any relation to human rights violations in such conflict.
3. Lack of Military intervention in internal conflicts leads to increased human rights violations.

³⁰ Kurian, G. Thomas, The New Book of World Rankings. Third Edition, New York: Facts on File, 1991

³¹ Morrison D. and H.M. Stevenson, Cultural Pluralism, Modernization, and Modernization and Conflict. Canadian Journal of Political Science, Vol 46, 1972, pp. 82-103

1.8 Methodology

This research will be carried in Mt Elgon area in western part of Kenya and will analyze the effects of military intervention in Mt Elgon in 2008.

1.8.1 Research Design

The proposed study will be based on qualitative research design this is because the study will be based on accessing unquantifiable facts about actual people their emotions and feelings. Therefore the data collected will not be expressed in numerical terms and statistics.

1.8.2 Sampling Design

The study will mainly rely on both primary data through random sampling and secondary data. Primary sources will be sought through oral narratives³² in form of field interviews³³ (open ended questionnaire) and eye witness account or observations³⁴ of the villagers will be the main instruments of data collection. The population sampling frame will include men and women. Due to the nature of the study and limitation of funds, about one hundred (130) informants will be selected from all the four divisions of Mt. Elgon District and 30 from each divisions. The size may decrease or increase with the determination of snowball technique mentioned below. The informants and respondents

³² J. Vansina, Oral Tradition and its Methodology in J. Ki-zerbo (ed) Unesco General History of Africa Vol. 1: Methodology and African Prehistory, California, 1981, pp. 142-156 and Oral Tradition as History, Nairobi, 1985.

³³ Cf. David Henige, Oral Historiography. London, 1982, for the preparation required of a field researcher, see also Paul Thompson, Voice of the Past, Oxford, 1978.

³⁴ Observation is a method of data collection in which the researcher and his assistants record information as they witness events, objects and situations during the study period. Cf. C. Lin, Foundation of Social Research, New York, 1976.

will be sampled on the basis of non-probability or purposive technique at the discretion of the researcher. The criteria of selection being age, gender, and past participation in issues surrounding the conflict as mentioned in documentary sources. However, the list of informants may reduce or increase as other information is introduced in the field to the researcher. Equally past or retired government officials will be interviewed.

The snowball sampling technique will be used so that after identifying the informants using the above technique, he or she will be asked to identify those with knowledge of similar experience. By use of a sample question guideline, the informants will be allowed to talk freely after introduction of the topic. The researcher and his assistants will only guide the informants on sub-topics recording of information using a tape recorder will be done as informants give their oral testimonies. To supplement the oral interviews will be reports from various groups that worked in Mt. Elgon will be sought from Nairobi, Bungoma, Eldoret and Kitale. Other primary data will be obtained from the past Church, government and NGO reports.

Secondary sources will include books, journals, newspapers, magazines, articles, unpublished theses, seminar papers, and periodicals. In addition, online resource sites that deal with conflict will be used in this research. To establish the social, political and economic changes in the district that informs the conflict, the study will be based on the perceptions of Mt. Elgon people on the changing land policy, the conflict and the military intervention in form of oral interviews and government publications in the districts.

Three analytical frames will be used in this study. These include: theoretical reflection; documentary review and content analysis. Theoretical reflection involves parading the facts against the theory used. Content analysis involves itemizing collected

data against the objectives set and chapters of the work, while document review analysis involves the identification of relevant documents then extracting the relevant information. Direct quotations are also used in document review analysis to reinforce the argument. Tape-recorded information will be transcribed then analyzed.

1.8.3 Scope and limitation of the study

The study will cover the period between 2006 and 2008. In 2006 the new NARC government took power after defeating KANU. According to the Kenya Red Cross Society, the conflict began in December 2006 and by April 2007, approximately 63, 000 people (10, 292 families) had been displaced, 144 people had lost their lives out of these 43 died due to health complications, 101 due to bullet wounds while 115 people were wounded. The area Member of Parliament (MP) for the 2002 to 2007 term won the elections on the promise that he would push for a house to house land allocation policy, meaning every family would be allocated the land on which they had already settled.

However, both the Soy and Mosop historically laid firm claim to Phase III land. Politicisation of the land issue during and after the 2005 constitutional referendum and the subsequent land allocation process on a 50:50 proportion between the Mosop and the Soy eventually triggered the violent conflict. The process of land allocation produced a disgruntled group of settlers in Chepkurkur who declined to participate in the process. It was from among this group that the Sabaot Land Defence Force (SLDF) emerged to fight for land rights in 2006. In 2008 the government of Kenya launched the military operation in the area with a bid to flush out the SLDF militia group leading to the killing of Wycliffe Matakwei their army commander hence ending the war in Mt. Elgon.

1.9 Chapter Summary

Chapter one constitutes the research proposal. It is the introduction of the study and deals with the Background to the study, Statement of the research problem, the Objectives of the study, Justification, Review of Literature, Theoretical framework, Research Hypotheses and Methodology.³⁵

Chapter two is a conceptual chapter on military intervention that has taken place in other parts of the world. The study examines the NATO intervention in Bosnia in 1995; the ECOWAS intervention in Liberia and finally the Nigerian Federal Government intervention in Biafra 1967-70. The purpose of the study of the interventions in these conflicts by international, regional or National forces is to provide a comparative study which provides important lessons with the military intervention in Mt Elgon.³⁶

Chapter three will concentrate on the military intervention in Mt Elgon and also brings out issues on area of study area of study that is Mt Elgon, issues surrounding KDF intervention and will also include data collection in the field by the researcher. This chapter is concerned with the military intervention in Mount Elgon following the conflict that broke out between the Soy and Ndorobo (Mosop) as a result of dissatisfaction in the land allocation process of Chebyuk phase III settlement scheme. The chapter examines data on the opinion of the residents regarding the intervention of Kenya Defence Forces.³⁷

Chapter four deals with the analysis and interpretation of the findings on military intervention in Mt Elgon based on a comparison of issues from the literature review in

³⁵ See chapter 1

³⁶ See chapter 2

³⁷ See chapter 3

Chapter one, the conceptual issues in chapter two and the findings on military intervention in chapter three. The study will either agree or disagree with the findings. The analysis will involve the use of tables, pie charts and bar graphs for easy understanding.

Chapter five concludes the research by giving a summary of findings and determining whether the research objectives and have been met and whether the hypothesis have been answered. The chapter examines the success or failure of the methodology used in the data collection and compares the findings with the research objectives.

CHAPTER TWO

CONCEPTUALIZING MILITARY INTERVENTION IN INTERNAL CONFLICTS IN OTHER PARTS OF THE WORLD

2.0 Introduction

This is a conceptual chapter on military intervention that has taken place in other parts of the world. The study examines the NATO intervention in Bosnia in 1995; the ECOWAS intervention in Liberia and finally the Nigerian Federal Government intervention in Biafra 1967-70. The purpose of the study of the interventions in these conflicts by international, regional or National forces is to provide a comparative study which provides important lessons with the military intervention in Mt Elgon.

2.1 NATO Intervention in the Balkans in 1995

The crisis in the Yugoslavia started in early 1990s when civil war broke out pitting the Croats (Christians) and the Serbs (Muslims). The European Union initially underestimated the problem and thought they would deal with it when they claimed in 1991 "this is the hour of Europe"³⁸ meaning the union would deal with their local problems. But they could not prevent the disintegration of Yugoslavia due to political interests within the community members and feared that disintegration of Yugoslavia

³⁸Jacques Rupnik: The Western Balkans and the European Union: The Hour of Europe: Chaillot Papers (June 2011)

could lead to instability in Western Europe as well. They also wanted to avert the humanitarian catastrophe.³⁹

2.1.1 Situation before NATO Intervention

On 4 August 1993 Croatian forces swept across the Krajina, a strip of Croatian territory held by RSK forces since 1993. Dubbed "OPERATION STORM," the Croats wiped out the RSK in matter of five days. As Serb paramilitary forces fled, the Croatian forces "liberated" 11,000 square kilometers of territory. This meant a large scale ethnic cleansing operation targeting Serb civilians. Many found themselves refugees in Serb-held Bosnia, in and around Banja Luka. Many thousands also fled as more than 80,000 refugees flooded into Serbia during the first week after the Croatian attack.

The defeat of the Krajina Serbs and tide of refugees flowing into Serbia caused immediate political problems for Belgrade and Serbian Leader Milošević received criticism from the whole country who accused the government of treason for not helping rebuff the Croatian offensive in the Krajina.⁴⁰ The refugee crisis coupled with international economic sanctions that had already ravaged the Yugoslav threatened to send the economy crashing. Operation Storm gave new impetus to Bosnian forces battling Serb paramilitaries around Bihac. Bosnian units broke through Serbian lines

³⁹ The summit was intended as a powerful affirmation of NATO's continuing relevance in the post-Cold War world and the credibility of NATO was at stake after almost a year of threats to use force against Serbia.

⁴⁰ Spolar, Christine. Milosevic Faces Charges of Betrayal Over Loss of Serb Area in Croatia. Washington Post, 10 August 1995 P 22.

around this Muslim enclave. NATO members had already initiated a more aggressive campaign to protect Bihac, Zepa, and Sarajevo. On 1 August they threatened to use air strikes to counter any renewed attacks on these “safe areas.”⁴¹ Holbrooke then embarked on a diplomatic shuttle mission aimed at achieving a diplomatic settlement, Belgrade Agreement which formed the linchpin of a series of events that would lead to a settlement of the Bosnian war at Dayton, Ohio.

The research argues that the victims of every armed conflicts are the non combatants especially women, children and old people who end bearing the brand of the armed struggle. Such conflicts result into a major humanitarian catastrophe and are accompanied by gross human rights violations because there is no rule of law. However, this finding is supports hypothesis 3 of my research that lack of intervention at this stage escalated the humanitarian catastrophe.

2.1.2 NATO Intervention

NATO intervened by launching a series of operations aimed at dismantled important war infrastructure of the Serb forces. The operations were also conducted to protect civilian lives. These operations included.

2.1.3 Operation Mistral I

On 30 August, NATO launched OPERATION MISTRAL I in which a series of air attacks on Bosnian Serb heavy weapons, air defenses, communications nodes,

⁴¹ Claes, Willy. 1995. Press Statement by the Secretary General Following the North Atlantic Council Meeting..

munitions depots, and bridges and roads that formed lines of communications for these forces was conducted.⁴² The operation was launched in reaction to Serb artillery attack on a Sarajevo market that killed dozens of civilians. The initial attacks lasted until 1 September when the UN requested a bombing pause. They resumed on 5 September and continued until 14 September except for temporary pauses caused by poor weather. In the midst of the NATO air strikes, the Bosnian Muslim-Croat federation launched a coordinated offensive against Republika Srpska Forces.

2.1.4 Operation Mistral II

The NATO launched OPERATION MISTRAL II on 8 September 1995. Croatian forces drove east while the Bosnian Muslim army struck from the south, putting enormous pressure on key Serbia strongholds in western Bosnia. The combined offensive continued until 12 October and reduced Serb-controlled land in Bosnia from 70 to 50 percent. By mid-September Banja Luka, the largest Serb town in Bosnia-Herzegovina, was on the verge of collapse.

The NATO air strikes played an important role in the success of the Muslim-Croat offensive. When the ground offensive began, the NATO air campaign pinned down RS forces in the east and prevented them from reinforcing in the west.⁴³ While not directly intended, the synergistic effects of ground and air power were also no mere

⁴²Beale, Michael O. Bombs over Bosnia: The Role of Airpower in Bosnia-Herzegovina. Maxwell Air Force Base, AL: Air University Press. (1997). P 69.

⁴³Daalder, Ivo H., and Michael E. O'Hanlon. Winning Ugly: NATO's War To Save Kosovo. Washington: Brookings. (2000). P 135.

accident.⁴⁴ While NATO officials did not coordinate their attacks with ground units, the timing of the two operations meant that “NATO planes had in effect become the Croatian and Bosnian air force.”⁴⁵ Air strikes were part of the US strategy to coerce the Serbs and force them to accept a negotiated settlement. However, US officials grew concerned that the fall of Banja Luka would lead to a massive humanitarian crisis. Some 300,000 people would be forced to flee, therefore NATO had to protect the city.

The research argues that using the airstrikes is a force multiplier and in most cases the air force wins the war as it is able to destruct the opposing forces and destroy important war infrastructure of opposing combatants and force them to a negotiating table. The finding supports the third objective on the use of force. During intervention in internal conflicts the military will use appropriate force however as Clausewitz points out in war fighting there is collateral damage always.

2.1.5 Events leading to the end of fighting

Holbrooke⁴⁶ exerted pressure on the Muslim-Croat federation not to take the city and secured a commitment on 19 September.⁴⁷ However the threat to Banja Luka and the refugees that would surge into Serbia played a key role in the political settlement. If Banja Luka fell, the resulting refugee crisis could cause a nationalist backlash and

⁴⁴Forage, Paul C. Bombs for Peace: A Comparative Study of the Use of Air Power in the Balkans. Armed Forces and Society (2002). pg 28:2, 211-32.

⁴⁵Danner, Mark. Operation Storm. New York Review of Books, 22 October, (1998). Pg. 71-78.

⁴⁶Holbrooke was then the US secretary of State.

⁴⁷Daalder, Ivo H., and Michael E. O’Hanlon. Winning Ugly: NATO’s War to Save Kosovo. Washington: Brookings. (2000). p. 125.

destabilize the regime Milošević effectively had two choices. He could either intervene militarily to prevent Banja Luka from falling or cooperate to end the war. But he could not intervene because his forces would be vulnerable to NATO air strikes. In the end, Milošević recognized that only NATO had the capacity to insure Banja Luka would not fall, that the refugees would not flood in. Finally Milošević bowed to pressure to a political settlement signed by all parties signed the Dayton on 26 September 95.⁴⁸

Consequently, NATO agreed to deploy a peacekeeping force strong enough to insure that fighting would not break after a political settlement. Two critical factors produced a settlement in Bosnia. One was NATO's ability to exercise political pressure on Belgrade and the other was that the air strikes served as credible signal by threatening the Milošević's political base. NATO strike aircraft worked in harmony with the Muslim-Croat federation ground offensive. Rather, NATO's institutional capacities to prevent the seizure of territory after any agreement—namely the fall of Banja Luka—reassured Milošević that reaching a settlement was in his interests.

This is in agreement with Hypothesis 1 of this research, that lack of or delayed military intervention exacerbates the human rights violation. A NATO-led peacekeeping force stopped the humanitarian crisis in Bosnia. This study also supports objective 2 of this research on the use of the excessive force. It is important to note that during intervention in internal conflicts the military will use appropriate force according to the dynamics of the situation of the conflict.

⁴⁸ Erik Yesson. Sending Credible Signals: NATO's Role in Stabilizing Balkan Conflicts: NATO/EAPC Fellowship Final Report; June 2003.

2.2 ECOWAS Intervention in Liberia

The ECOWAS intervened in Liberia in 1990 when it launched 'Operation Liberty'⁴⁹ becoming the first sub regional military force in the third world since with whom the United Nations agreed to work as a secondary partner.⁵⁰ The underlying problem that caused the civil war was the marginalization of the indigenous communities⁵¹ by the Americo-Liberian who ruled Liberia from 1847 until 1980.⁵² However their political domination, economic exploitation, and the lack of widespread education prevented a common Liberian nationalism and the victims of American slavery became the victimizers of "the natives."⁵³ To maintain this privileged and position they exploited the country's ethnic configuration through a measured and uneven distribution of economic and social rewards, and through political coercion based on a strategy of recruiting troops from one ethnic group for deployment against others.

2.2.1 The ouster of Americo-Liberians

On April 12, 1980, People's Redemption Council (PRC) composed of indigenous non-commissioned officers led by Master Sergeant Samuel Doe successfully toppled Americo-Liberian rule. The coup enjoyed widespread initial support. But Samuel Doe, who promoted himself from Master Sergeant to General, drove the country into deeper

⁴⁹ ECOWAS did give formal approval in November, 1990.

⁵⁰ Herbert Howe: Lessons of Liberia: ECOMOG and Regional Peacekeeping: International Security, Vol. 21, No. 3 (Winter, 1996-1997), pp. 145-176.

⁵¹ M. B. Akpan, 'Black Imperialism: Americo-Liberian rule over the African peoples of Liberia, 1841-1964', in *The Canadian Journal of African Studies* (Toronto), 7, 2, (1973) pp. 217-36.

⁵² J. Gus Liebenow, Liberia: The Evolution Of Privilege: Ithaca, N.Y.: Cornell University Press, (1969); and Liebenow, Liberia: The Quest For Democracy Bloomington: Indiana University Press, (1987); Christopher Clapham, Liberia and Sierra Leone: An Essay in Comparative Politics (Cambridge: Cambridge University Press, (1976).

⁵³ Harold Nelson, "Historical Setting." in Harold Nelson, ed., Liberia: A Country Study Washington, D.C: American University, (1984), p. 22.

ethnic hostility and economic ruin and paved the way for Liberia's civil war. The Doe government began its rule violently by publicly executing leading officials of the ancient regime. Krahn elites dominated the Armed Forces of Liberia (AFL), which became the instrument of the Head of State's to consolidate his hold on power.⁵⁴ All the key figures in the First Republic were executed and, subsequently, most of Doe's co-conspirators in the PRC.⁵⁵ Academics and politicians campaigning for a return to civil rule were frequently detained. Many of them eventually fled into exile, mostly in the United States, where they began, to plot the regime's downfall.

The research argues that autocratic rule and use of excessive force by a state on its own people as it happened in Liberia, is a major contributing factor to anarchy in the country. Marginalization of communities and unfair distribution of resources is a major cause of intra state conflicts. Such ethnic differences were also one of the causes of the conflict in Mt Elgon between the Soy and Dorobo, which is the focus of this research.

2.2.2 Armed insurrection

The armed insurrection started on 24 December 1989 when The National Patriotic Front of Liberia (NPLF) rebels led by Charles McArthur Taylor attacked the villages of Butuo and Karnplay in Nimba County in north eastern Liberia from their base in Cote d'Ivoire. However, no one, least of all the Liberian Government, considered them a

⁵⁴ D. Elwood Dunn and S. Byron Tarr, Liberia: a national polity in transition Metuchen, NJ, (1988), pp. 11 2-15.

⁵⁵ David Wippman, 'Enforcing the Peace: ECOWAS and the Liberian Civil War'. in L. F. Damrosch (ed.), Enforcing Restraint: collective intervention in internal conflicts (New York, 1993), p. 161.

serious political threat.⁵⁶ Instead they were regarded a gang of rebels.⁵⁷ The founder, Charles Taylor had fled to the United States but in 1987, he reappeared in Burkina Faso where he began to put the rebel force together, availing himself of the training facilities provided by the Burkinabe and Libyan regimes.

The NPLF killed a number of government officials and as many as 200 unarmed civilians. When, typically, President Doe over-responded with a scorched-earth campaign that resulted in the death of many Gio and Mano, and created over 300,000 refugees,⁵⁸ the people rallied to the call of the NPFL. A rebel force of a few hundred men swelled, a few weeks later, into an army of thousands enjoying significant support in the country. Liberians were willing to endure the pains of war in the expectation that it would eventually provide relief from the suffocating tyranny of Doe's regime. Having secured a rear-base in Liberia's eastern neighbour, Cote d'Ivoire, and arms and logistic support from Burkina Faso and Libya, the rebel force, in a lightning move, overran the country, and by June 1990 had reached the outskirts of the capital, Monrovia. The NPFL now controlled about 95 per cent of Liberia's 43,000 square miles of territory.

But then, at this critical juncture in the war, when the NPFL was expected to launch the final battle for Monrovia, one of its commanders Prince Yormie Johnson defected establishing the rival Independent National Patriotic Front of Liberia (INPFL). He deployed his troops strategically between those of the AFL and the NPFL, thereby

⁵⁶ On 2 January 1990 the Liberian Minister of Justice, Jenkins Scott, declared that the rebellion had been squashed. 'Minister Reacts to Taylor's Claims', BBC World Service, in Foreign Broadcast Information Service-Africa (FBIS-AFR) (Washington, DC), 3 January 1990, p. 19.

⁵⁷ The founder, Charles Taylor, had served as director-general of the general services agency, and subsequently as assistant minister of commerce in Doe's regime. After being accused of embezzling \$900,000, fled in 1981 to the United States, where he was later reported to have 'escaped' from a Boston cell while being held pending extradition to Liberia.

⁵⁸ US Department of State, Country Reports on Human Rights Practices for 1990 (Washington, DC, 1991), pp. 192-3.

blocking the latter's advance on Monrovia. To defeat Doe and occupy the Executive Mansion, Taylor would first have to eliminate Johnson, a difficult task in the circumstances. And so, the final battle for Monrovia, remained a mirage. Instead, the three 'armies' turned on each other, bringing their country almost to the verge of anarchy, and national suicide.

The war-lords broke all international conventions in the way they treated citizens and foreigners caught in the cross-fire and the conflict dissolved into unrestrained ethnic slaughter on a massive scale. The AFL's attacked the UN mission and the Lutheran church in Monrovia and killed over 600 fugitives, mostly women and children.⁵⁹ These atrocities created a huge refugee problem whose potential effect on the stability of the sub-region could not be ignored. The NPFL raised the stakes by extending the conflict into neighbouring Sierra Leone by sponsoring the Revolutionary United Front (RUF), a rebel movement led by Foday Sankoh, to destabilise that country.⁶⁰ A more immediate concern was the suffering the crisis inflicted on the population. Despite the 'human catastrophe' in Liberia, the war-lords remained irreconcilable. This state of affairs forced the regional body, the ECOWAS, to intervene.

The events here support hypothesis 3 of this study as the incessant fighting which was embolden by the government failure to intervene worsened the humanitarian crisis in Liberia. However the provision of logistic support from a neighbouring state complicates

⁵⁹ Adeleke Ademola: The Politics and Diplomacy of Peacekeeping in West Africa: The Ecowas Operation in Liberia: The Journal of Modern African Studies, Vol. 33, No. 4 (Dec., 1995), pp. 569-593: Cambridge University Press.

⁶⁰ Ibid

the conflict as it brings in new players which transform the conflicts and extends the epicenter. In such situations bilateral relations between such countries become tense. A case in example is Uganda and Sudan and claims that Sudan supports the LRA.

2.2.3 The ECOWAS intervention

ECOWAS deployed the ECOMOG in Nigeria and launched 'OPERATION LIBERTY' in June 1990 to restore normalcy in Liberia. The intervention was however faced with serious national interest by the members states namely Nigeria who wanted to exert her hegemonic status, vasus the francophone countries mainly Ivory Coast and Bukina Faso who wanted the ouster of Samuel Doe.⁶¹ The other challenge was lack of consent for the intervention. This problem was solved through ECOWAS framework. The latter's protocols on Defence and Non-Aggression was used to provide a legal justification for the peacekeeping operation. Further, Article 52 of the UN Charter recognises the right of regional organizations to take action at the regional level to maintain international peace and security.⁶²

This research argues that ECOWAS invoked the treaty as a legally binding to enable them to intervene. In most countries the parliament provides such mandate to deploy own military both in internal/external conflict. Therefore ECOWAS was justified to intervene but did Liberia's parliament approve the intervention? Secondly the issues of national interest as shown in this case play a major role in such operations.

⁶¹ 3 See 'Campaor6 Explains Support for Liberian Rebels', BBC World Service, FBIS-AFR, 22 August 1990, p. 25

⁶² Babangida, loc. cit.

2.2.4 The negotiations for peaceful settlement of the conflict

The ECOWAS held a series of meetings with all the stakeholders to negotiate a peaceful settlement of the Liberian conflict. On 6 July 1990, the Standing Mediation Committee met in Banjul with the representatives of Doe and Taylor to discuss proposals for the establishment of an immediate cease-fire, to be supervised by ECOMOG, and the creation of an interim government to conduct general elections in twelve months. The Interim Government of National Unity (IGNU) with Amos Sawyer as President was formed under ECOWAS supervision.⁶³ But the key actors in the Liberian conflict rejected the terms of the ECOWAS peace plan. Doe refused to hand over to the Interim Government while Taylor ignored it and ordered his troops to attack the peacekeeping force. A way around the impasse suddenly emerged on 9 September 1990, when President Doe was captured in the ECOMOG Hqs, tortured, and murdered by Johnson and his aides.⁶⁴

Doe's death created the opportunity for new diplomatic initiatives to build an ECOMOG. After a series of meetings in Yamoussoukro, Cote d'Ivoire, and in Geneva, attended by Sawyer and Taylor, the Committee of Five negotiated the so-called Yamoussoukro IV accord of 30 October 1991. The Accord outlined a programme of disarmament and encampment of the warring factions within 60 days, to be enforced by ECOMOG and maintained that Taylor should seek power through democratic elections, to be held in six months.

⁶³ 3 For details of the election of the Interim Government, see 'Final Communique of the National Conference of All Liberian Political Parties, Patriotic Fronts, Interest Groups and Concerned Citizens', Banjul, The Gambia, 27 August-i September 1990, pp. 25-6. Cited in Wippman, loc. cit. p. i68.

⁶⁴ Lynda Schuster, 'The Final Days of Dr Doe', in *Granta* (London), 48, Autumn 1994, pp. 91-4.

But Taylor refused to allow ECOMOG to disarm his troops, and established his own National Patriotic Reconstruction Assembly, with himself as 'President', at Gbanga, 90 miles north of Monrovia. This meant that there were now two de facto 'Governments' and two 'Presidents', one in Monrovia and the other in Gbanga, the first with ECOWAS and international recognition, and the other laying claim to power for its victory in war. When ECOWAS threatened to impose sanctions if the NPFL did not comply but the rebel responded by attacking the peacekeepers. In return ECOWAS authorized the new ECOMOG, to respond vigorously to the attack by the NPFL. ECOMOG then launched a major offensive, which soon overran some strategically important sectors controlled by the NPFL bringing ECOMOG within striking distance of its headquarters at Gbanga. These military and economic setbacks persuaded Taylor to respond to new peace initiatives brokered by the ECOWAS. On 17 June 1993, the IGNU, the NPFL, and ULIMO signed the Geneva II agreement which their leaders ratified a week later during the ECOWAS summit in Cotonou. Under the agreement, disarmament and encampment of all rebel forces, and a cease-fire were to take effect on 1 August 1993. This process was to be supervised by a 300- member UN Observer Mission, and by OAU troops from Tanzania, Uganda, and Zimbabwe dispatched to reinforce an expanded ECOMOG.⁶⁵

2.2.5 The end of the conflict

The initiative to resolve the Liberian conflict was taken by Ghanaian President Jerry Rawlings, who became the Chairman of ECOWAS. He organized a series of meetings such as the Akosombo I & II which unfortunately were derailed. Meantime, in

⁶⁵ Only Tanzania and Uganda eventually sent troops to Liberia.

Liberia, the people were tired of the cycle of violence and anarchy which had plagued their country since December 1989.⁶⁶ ECOWAS and international community had also become increasingly frustrated with the failure of all 12 peace accords'. The players in the Liberian conflict had also apparently run out of options. At this stage ECOWAS announced that it was considering imposing a solution on Liberia by force.⁶⁷

The coerced diplomacy worked and the main rebel leaders Taylor, Kromah, Boley gave in to pressure from ECOWAS and they finally agreed to comply. Consequently, the ensuing Abuja agreement of 19 August 1995, facilitated by Abacha and Rawlings at an all-party conference attended by all the Liberian leaders agreed on the provisions of accord to form an interim administration. Consequently, the new Liberia National Transition Government (LNTG), charged with the responsibility for disarmament, national reconciliation, and national elections, was inaugurated in Monrovia on 2 September 1995 amid much public rejoicing. This marked the end of the Liberian conflict.

The research argues that a binding agreement was made and the long running resolution of the conflict was reached. However it would not be ascertained whether the peace agreement would endure but there were hopeful signs: the general weariness, the elimination of front-lines across the country, and the aura of cautious optimism evinced by almost all sections of the population since the inauguration. But above all the various players in the conflict had reached a hurting stalemate.

⁶⁶ Lindsay Barrett, 'Peace or Mirage?', in West Africa, 9-is January 1995, pp. 12-14.

⁶⁷ 'Ghana Says ECOWAS May Consider Action on Liberia', in *ibid.*

2.3 Nigerian intervention in Biafra war (1967–1970)

The Nigerian Federal Government intervened in Eastern part of the country in 1967-70 using the Federal Army to dismantle the secession bid of the region. The conflict was resource based which was the underlying cause of the conflict. The independence federal constitution divided the country into three political Regions at independence in 1960 namely; the North, the West and the East, and the Federal Territory of Lagos. The north, with three Quarters of the land area and more than half the population dominated the federation from outset and intended to do so indefinitely. The three largest ethnic groups, the Hausa-Fulani, Ibo, and Yoruba, were major rivals in the struggle for power at the centre, and also dominated the politics of the three major Regions. The divisions eventually resulted into a series of coups and counter coups that have dominated the political paradigm of Nigeria.

The research argues that the artificial regional borders were creation of the British Colonial masters in pursuit of their divide and rule policies. Such boundaries that were also created between countries separating communities became a source of both inter and intrastate conflicts in many countries in Africa and the world. Such regional boundaries have been used by successive governments to continue with policies of marginalization and underdevelopment which is a major cause of conflict by these communities. Such governments would be justified to intervene in such conflicts since it's the prerogative of the state to provide security.

2.3.1 Coups and counter coups de tat

The first military coup which was spear-headed by young Ibo officers took place on 15 January 1966.⁶⁸ Prime Minister Abubakar Tafawa Balewa, Federal Finance Minister Festus Okotie-Eboh, Northern Premier Ahmadu Bello, Western Premier S. L. Akintola, and nine senior army officers were killed. On 17 January the principal architect of the coup, Major Chukwuma Nzeogwu, surrendered to another Ibo, Major-General J. T. Aguiyi-Ironsi, who as General Officer Commanding the Nigerian Army, became Supreme Commander of the new Federal Military Government.⁶⁹ On 23 May 1966 number of the policies of the Ironsi Government with advice from fellow Ibos issued a decree and imposed a unitary state, banned political parties and tribal organisations of a political character, and implied the possibility of continuance of the regime for three years. This decree was introduced at a time of fear of Ibo hegemony. The decree for unification of the civil service aroused anxieties in the North and was followed by riots there against Ibos and other southern tribal groups.

On 28 July 1966 a counter-coup directed against Ibo army officers and government officials was launched. General Ironsi and a number of other Ibo officers were killed. Lieutenant-Colonel Yakubu Gowon, from North, emerged as the new Head of State and returned the country to the regional structure existing before the May decree. The rift between the Eastern and Federal Military Governments which eventually widened into a civil war began immediately after the second coup. The East recognized the Gowon Government as only an interim regime, on the grounds that Gowon was not

⁶⁸ Martin Meridith. The States of Africa: A History of Fifty Years of Independence. Free press 2006.p 112

⁶⁹ E. Wayne Nafziger. The Economic Impact of the Nigerian Civil War: The Journal of Modern African Studies, Vol. 10, No. 2 Cambridge University Press (Jul., 1972), pp. 223-245

the highest-ranking army officer, and on the basis of an understanding by the Eastern Government that he was to retain power only until the military had the opportunity to decide on the country's future. In addition, the violence directed against persons of Eastern origin in the North, and the subsequent flights of Easterners to their ethnic homelands in 1966, strengthened the forces giving an impetus to the disintegration of the Federation.⁷⁰

The research states that the involvement of the military in politics is a major destabilizing factor in many countries. Such actions have been major causes of anarchy and failed states because the government is taken over by unqualified military Junta. Many of the military Junta changed into civilian and continue to cling onto power. Such situations were witnessed in many countries in West African.

The Federal government failed to implement the Aburi agreement⁷¹. Fluctuating agreements and disagreements, conflict and consensus, promises and disappointments, and trust and distrust between the leaders of then Eastern Nigeria (led by Lt. Col. Chukwuemeka Odumegwu Ojukwu) and the Federal Nigerian Government (led by Lt. Col. Yakubu Gowon) eventuated in the blockade of Eastern Nigeria.⁷²

The research argues that Failure to implement agreements and accords is a major characteristic of most military rulers who prefer to use decrees to justify their actions. Therefore dissenting voices in many cases are not listened to. Such people would be

⁷⁰ Martin Meridith. The States of Africa: A History of Fifty Years of Independence. Free press 2006.p 127

⁷¹ Gowon summoned a meeting of the Regional Military Governors and other members of the Supreme Military Council to review the country's political structure, was held in January 1967 in Aburi, Ghana, but to Lieutenant-Colonel Odumegwu Ojukwu, security concerns, the meeting was moved to Aburi Ghana.

⁷² Chikwendu Christian Ukaebu: Lessons from Biafra: The Structuration of Socially Relevant Science in the Research and Production Directorate: The Journal of Social Forces, Vol. 83, No.4 (Jun 2005), pp.1395-1423.

persuaded to resort to unorthodox means of expressing their feelings as it later happened in Nigeria. So negotiations need to be given a chance if the opposing party (ies) are willing to talk.

2.3.2 The blockade of Biafra

The federal government, which held the revenues of Nigeria (especially those flowing from oil exports), would not help the Eastern Region with its large burden of refugees. Regular remittances to which the East was entitled were withheld. Government employees in the East were denied their wages. Federal supplies of equipment and material to agencies in the East were cut off. Nigeria Airways flights were suspended. All airports in the Eastern Region were closed to outside traffic. Eastern assets in Nigeria were frozen, as were those owned jointly with Nigeria abroad. Foreign currency exchange was cut off. Eastern seaports were closed to shipping, and export of Eastern produce was banned except through Lagos. The blockade of Biafra which was effectively enforced by Nigeria's small navy, had begun, three months before the Biafra war.⁷³ Furthermore, sensing the possibility of secession by Eastern Nigeria, Lt. Col. Gowon issued a decree on May 27, 1967 dividing Nigeria into twelve states. The minority ethnic groups in Biafra may have favoured that measure. But breaking the Eastern Region into three states removed the major oil deposits and installations from Igbo control.⁷⁴

From the research argues that the blockade of Biafra served not only to strangle eastern Nigeria but internationalized the conflict. Oil tankers transporting oil to the world markets including America were denied entry into the region. The international

⁷³ Dan Jacobs: *The Brutality of States*: Kropf Publishers (1987) P. 137.

⁷⁴ Ibid

community took notice of the problem but there was general lack of intervention either by Organisation of African Union (OAU) or the international community.

2.3.3 Secession and Nigerian intervention

On May 30, the Eastern Nigeria, under Lt. Col. Ojukwu, seceded from Nigeria and declared the region an independent and sovereign state known as the Republic of Biafra. On July 6, the Nigerian Federal Army attacked Biafra thus starting the Nigerian-Biafran civil war. The Federal army retook the Mid-West in September and October and gradually the Federation regained some areas in the East, so that by the last part of 1968, Biafra was a landlocked territory. The war dragged on through 1969, with Nigeria encountering stiff resistance to further penetration into the Ibo heart-land, and Biafra experiencing deterioration in its military and economic position as a result of incessant pressure from encirclement by a superior military force.⁷⁵

The research argues that the Nigerian Federal Government's intervention using the Federal military was the best option under the circumstance. The government has a responsibility to ensure the security and sovereignty of the state and failure to act appropriately would have been a major failure. Similarly lack of functioning security institutions and interventions in other countries has been the main cause of failed states. Examples here would include Somalia, the anarchy in eastern DRC, Darfur just to mention a few. The tactics used by the military to quell the insurrection depended on the dynamics on the ground. The army was fighting a well equipped and trained force in

⁷⁵ E. Wayne Nafziger⁷⁸ The Economic Impact of the Nigerian Civil War: The Journal of Modern African Studies, Vol. 10, No. 2 Cambridge University Press (Jul., 1972), pp. 223-245

Biafra and therefore they had to use appropriate weaponry. The army however faced serious challenges namely; the hostility of the Igbo people and were regarded as an occupational force. Secondly they had a problem of access and therefore could not easily move their logistic to the operation areas. This finding is important as it answers my research objectives which seek to investigate whether the government is justified to use the military to intervene in internal conflicts; whether the military used excessive force and whether it faced any challenges.

2.3.4 The external involvement

The plight of Biafra during 1968 produced waves of alarm and anxiety in Europe and North America. The spectacle of mass starvation among refugees, packed into field camps as the federal house slowly tightened galvanized western opinion. Biafra became a symbol of suffering and persecution, deserving of foreign support.⁷⁶ What followed was the largest privately organized relief operation in history. At it's height in 1969 more than forty relief flights every night made the hazardous journey to a makeshift runway in Biafra, using the same route as gun runners. The relief operation was vital to Biafra not only in providing food and medical supplies, but also as an invaluable source of revenue for Ojukwu.

Foreign governments also assisted in keeping Biafra alive, meddling in the war for their own advantage. Portugal, the last colonial power in Africa, provided vital staging posts for air traffic in Guinea-Bissau and Sao Tome while France, authorized the clandestine supply of French arms for Biafra through Ivory Coast.

⁷⁶ Marc-Antoine Perouse de Monclos: Humanitarian aid and the Biafran War: Lessons not Learnt. Journal of African Development. Vol xxx1v. No1 (2009) pp.69-82.

The research argues that armed conflicts result into humanitarian crises and human rights violations and non combatants especially women, children and old people bear the brunt of the war. This situation can be witnessed today in places like Syria, DRC, Somalia and many others. The involvement of foreign countries in the conflict is reminiscent of other conflict in Africa for examples the Americans propped up the government of president Mobutu in Zaire; supported Savimbi in Angola while Russia initially supported Somalia in its war with Ethiopia in 1977 and Sudan supported LRA leader Joseph Kony in Uganda.

2.3.5 The surrender of Biafra

A well-coordinated attack by the Nigerian army in the early January 1970 led to a sudden collapse of Biafran resistance, which was weakened by a lack of food supply. Biafra ceased to exist on 15 January, when the surrender to the Federation was announced in Lagos. Ojukwu fled into exile in Cote d' Ivore declaring that "whilst I live Biafra lives" The aftermath of the war was notable for its compassion and mercy, and the way in which the memories of Biafra soon faded. President Gowon said there was need of 'binding up nation's wounds'. No medals for services in the war were awarded; No reparations were demanded. Biafran rebels were re-absorbed in the federal army; civil servants returned to their posts in the federal government; and property belonging to Igbos in the North and other federal areas was restored to them. In this war, said Gowon, there had been no victors and no vanquished.⁷⁷

⁷⁷ Martin Meredith. The States of Africa: A History of Fifty Years of Independence. Free press 2006 p.74

The research argues that most secessionist or rebel groups are normally built around the leader of the group and the elimination or surrender of that individual marks the end of the group. For example, when the Angolan government forces killed Jonas Savimbi, the rebellion by UNITA ended. But the opposite is also the same, the continued survival of LRA leader Joseph Kony has ensured the existence of the group. Therefore when Ojukwu fled the Biafra uprising ended. In the end it is important to note that ending insurrections depend on how the government deals with the people including the former combatants.

2.4 Conclusion

The analysis of this chapter brings out important conclusion in conceptualising military intervention in internal conflicts in other parts of the world. The chapter also makes important contributions to my research objectives. First, the research concludes that the governments Yugoslavia, the ECOWAS in Liberia and Nigeria had responsibilities to ensure the security and sovereignty of the nation and therefore they were justified to intervene. Secondly in all the interventions the forces used the appropriate weaponry and force in view of the threat they faced. However, in war fighting there is always some collateral damage.

The research also concludes that lack of or delayed military intervention exacerbates the human rights violation. A NATO-led peacekeeping force and the ECOWAS interventions in Liberia and Bosnia respectively, stopped the humanitarian crisis and human rights violation. The conclusion supports the theoretical framework of this research especially the cultural diversity theory which explains the cultural differences as they existed in Liberia as a major cause of conflict. Similar differences

were also one of the causes of the conflict in Mt Elgon which is the focus of this research. Marginalization of communities and unfair distribution of resources is a major cause of intra state conflicts.

The research also concludes that the use of airstrikes is a force multiplier and in most cases the air force wins the war as it is able to destruct the opposing forces and destroy important war infrastructure of opposing combatants and force them to a negotiating table. It can be concluded that peaceful resolutions of conflicts should be encouraged if the warring parties are willing to negotiate. However, it is also evident that various players in the conflict are more willing to negotiate once they have reached a hurting stalemate. It can also be concluded that external involvement in internal conflict exacerbates the situation. The external provision of logistic support sustains the making it protracted while bilateral relations between such countries become tense. A case in example is Uganda and Sudan and claims that Sudan supports the LRA. Similar situation was witnessed in Liberia when Bukina faso and Ivory Coast supported the NPLF while France supported Biafra.

CHAPTER THREE

MILITARY INTERVENTION IN MT ELGON

3.0 Introduction

This chapter is concerned with the military intervention in Mount Elgon following the conflict that broke out between the Soy and Ndorobo (Mosop) as a result of dissatisfaction in the land allocation process of Chebyuk phase III settlement scheme. This chapter examines data on the opinion of the residents regarding the prevailing security situation before the intervention and following the action by the government to intervention using the Kenya Defence Forces. The data was collected regarding the residents understanding of military intervention, their views on justification of the intervention, arguments both for and against the intervention; human rights violations, challenges that KDF faced during the intervention and the impacts of the intervention.

3.1 Area of study

Mount Elgon is a mountain in the western part of Kenya, which also gave name to the Mt. Elgon district in the Western Province. The District was later split into Kapsokwony and Cheptais districts. The mountain rises up to over 4000 meters above sea level in the north, and its western part extends into Uganda. The districts cover 940 square kilometres, out of which an estimated 600 are covered by forest. Most of the 160 000 inhabitants live in the southern part, which is more fertile and inhabitable than the northern part which is higher in altitude and almost entirely covered by forests.

3.1.2 The population

The population is multi-ethnic, yet dominated by the Sabaot which account for 60% of the districts population. The Sabaot – part of the Kalenjin tribe-family – is divided into two sub-tribes: the Soy (also called the Semek) and the Mosop (also called the Ndorobo). Those two sub-tribes stem culturally from one community, but are geographically separated, which over time led to diverging lifestyles due to different environmental living conditions. The Mosop have their homelands in the moorland in the northern and higher part of the district and make their living by herding and foraging in the forest, while the Soy settled on the lower slopes in the south of the district and are mainly agro-pastoralists. In numbers, the Mosop account for about 20 % of the Sabaot, while the Soy make up for the remaining 80 %.

3.2 Origin of land issue in Mt Elgon

In 1965, the government of Kenya established the idea of a resettlement plan for the Mosop. The reasons to do so were multifold: First, it was a mean to protect the Mosop from recurring attacks from groups living in Uganda; second, it was a way to include the Mosop better into Kenya and to easier provide them with state services, since the moorland they inhabited were very remote and only accessible by foot through the forest; and third and most importantly, the Mosop inhabited a water catchment area, which the government wanted to preserve and protect.⁷⁸ Consequently, in 1971 the government started the first resettlement process, called Chepyuk I (1971 – 1974). In a nutshell, the resettlement plan aimed at relocating the Mosop from the moorland to places

⁷⁸ Human Rights Watch, All the Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict, New York: Human Rights watch, 2008, p.11

further south close to the Soy homelands. A series of factors such as poor preparations, lack of deeds of ownership and corruption led to dissatisfaction among the Mosop and envy from the Soy, forcing the government to announce a second resettlement phase in the 1980s (Chepyuk II).⁷⁹ The provincial administration then intervened, taking over the allocation of land. This involved vetting and reducing the size of the land holding to be allocated to 2 hectares per family, forcing members of other communities who had purchased more land in Chebyuk to lose it.⁸⁰ Ultimately in 1993-2006, Chepyuk phase III settlement scheme was created to settle the people but the problems remained. The government once again revised the land allocation to 1 hectare per family and introduced a policy of equal sharing between the Soy and the Mosop. The Mosop gave the names of beneficiaries but the Soy nominations were politicized, the question of who was benefiting and why became key. It led to conflict between the then Mt. Elgon, MP, John Serut and the aspiring MP, Fred Chesebe Kapondi. In the new plan, an estimated 1500 families mostly the Soy faced eviction, though they had lived in the scheme since 1971.⁸¹

3.2.1 Formation of Sabaot Land Defence Forces (SLDF)

The Soy clan and a section of the Mosop clan, mobilized young people to defend their land and resist any evictions, culminating in the formation of a militia group called the Sabaot Land Defense Force (SLDF).⁸² The Soy-dominated SLDF targeted the Mosop

⁷⁹ Robert Romborah Simiyu, Militarization of Resource Conflicts: The Case of Land- based Conflict in the Mount Elgon Region of Western Kenya, Nairobi: Institute for Security Studies, 2008, p. 15.

⁸⁰ Ibid

⁸¹ Human Rights Watch, *All the Men Have Gone, War Crimes in Kenya's Mt. Elgon Conflict*, New York: Human Rights Watch, 2008, p.12.

⁸² Robert Romborah Simiyu, Militarization of Resource Conflicts: The Case of Land- based Conflict in the Mount Elgon Region of Western Kenya, Nairobi: Institute for Security Studies, 2008, p. 24.

clan and other communities living in Mt. Elgon. They claimed that the Mosop and non-Sabaot communities in Mt. Elgon were being favoured by the government plan of land allocation. Non-Sabaot ethnic groups resident in Mt. Elgon district were also targeted on claims that they acquired land at the expense of the Soy clan who are the indigenous inhabitants. The SLDF militia expanded its target to include the provincial administrators and later, even to those members of the Soy clan who were thought to be in favour of the government plan of land allocation. The militia further imposed taxes on both the locals and civil servants working in the district. The locals were also forced to donate harvested food, a clear indication of an emerging insurgency.⁸³

3.2.2 Transformation of SLDF into An insurgent group

The SLDF militia under the leadership of Wycliffe 'Matwakei'⁸⁴ Komon armed training in the forest and caves of Mt Elgon. The SLDF later broadened its mission and geographical scale to include 'getting' back community land, not just in Mt Elgon, but also the entire Trans-Nzoia that was forcefully taken from the community by the colonialists. The SLDF's initial target was the Mosop, who they perceived to be favored by the government in its land allocations policy, as well as the corrupt officials who had presided over the allocation process.⁸⁵ The militia became notorious for their ruthlessness and human rights violations, including physical assaults, abductions, rape,

⁸³ Robert Romborah Simiyu, *Militarization of Resource Conflicts: The Case of Land- based Conflict in the Mount Elgon Region of Western Kenya*, Nairobi: Institute for Security Studies, 2008, p.24..

⁸⁴ The name Matwakei in Sabaot language, means somebody who is not shaken .

⁸⁵ (East African Standard, 17 January 2007)

physical and psychological torture of their victims, murder of people perceived to be opposed to its agenda, and on occasion wiping out entire families.⁸⁶

The government of Kenya therefore had a constitutional responsibility to protect her citizens from the atrocities committed by the insurgent group, the SLDF. However, the initial response by the government was the deployment of the police to restore order. The government underestimated the capability of the SLDF and dismisses the militia as thugs and criminals who would be dealt with firmly and conclusively. However, it became apparent that the militia was bigger and more organized than earlier thought and the government had to deploy more security forces including the military because then tension in Mt Elgon, was palpable at this time.

3.3 Kenya Defence Forces (KDF) intervention in Mt Elgon

The High Command pursuant to the law, issued a Strategic Guidance to the KDF to support the civil authority in Mt Elgon. The military mandate was to restore law and order and bring the situation back to normalcy.⁸⁷ Consequently, in order to implement the order from the High Command, KDF mobilized an intervention force that was constituted according to the requirements on ground. The intervention force included personnel from the Army and Air Force and the Medical corps. Among the personnel were women who served as mainstream soldiers alongside their male counterparts and as nurses within the medical corps'. The personnel moved and deployed in Mt Elgon when

⁸⁶Western Kenya Human Rights Watch Report January 2008.

⁸⁷ The Kenya Defence Forces Act No 25 of 2012 page p. 1281

KDF launched OPERATION FAGIA MAHARAMIA on 10 March 2008.⁸⁸ The main objective of the operation was to dismantle, the SLDF, and restore normalcy to allow residents of Mt Elgon to resume their daily activities.

3.3.1 Justification of military intervention

The government's use of the military to intervene in Mt Elgon was done pursuant to the constitutional mandate. According to article 241(30) (c) of the constitution, the Defence Council may deploy the Defence Forces in any part of Kenya affected by unrest or instability to restore peace.⁸⁹ However, the new constitution (2010) specifies that such deployment can only be done with the 'approval of the National assembly'.⁹⁰ Under the old constitution this was not a requirement; the decision to intervene was made by the head of state who is the Commander in Chief of the Defence Forces (CinC) on the advice of the National Security Advisory Committee (NSAC).⁹¹ This was the legal justification of the military intervention.

3.3.2 KDF deployment in Mt Elgon

KDF deployed to cover all the regions of Mt Elgon District while the police were deployed along the Kenya – Uganda border to prevent any entry or exit of by the militia. The republic of Kenya also sort and obtained the cooperation of the Uganda who tasked the Uganda Peoples Defence Forces (UPDF) to arrest and hand over any SLDF rebels

⁸⁸ Operation Fagia Maharamia later changed to Operation Okoa Maisha to address the Humanitarian Intervention initiatives.

⁸⁹ The Kenya Defence Forces Act No 25 of 2012 page p. 1281

⁹⁰ Ibid

⁹¹ Lt Col Nafula (Not real name) 37 years, legal officer Kenya Army Hq oral interview 25/6/2013.

who would flee to Uganda during the operation to the Kenyan authorities. Before the operation started each soldier was issued with the Rules of Engagement (ROE) which clearly stated how they were supposed to conduct themselves during the operation. The deployment of the military was welcomed by many residents who had suffered in the hands of the SLDF militiamen as they considered this security operation to have been the most successful government effort to restore calm in Mt. Elgon.

The magnitude of SLDF ferocity was serialized in the standard Newspaper. According to the paper the Western Human Rights Watch records showed the SLDF had for the past 18 months killed 546 people and displaced more than 40,000 others.⁹² However, the Mt Elgon MP who probably did not want the military intervention in the area because he was suspected to have leanings towards the SLDF, termed the operation suspect. He claimed calm had returned to the area. He felt the operation was politically motivated and accused the government of double standards and of targeting Sabaot community. He later accused the army of targeting civilians instead of the hunting militia.

3.3.3 The Military action during the intervention

Therefore the KDF deployed in Mt Elgon against this grim picture with a lot of political interference. During the operation proper the KDF conducted operations and attacked a series of caves which the SLDF had converted into their operations bases and also their hide outs.⁹³ The SLDF Militia suffered a lot of casualties during the various

⁹² Joel Okwayo, Robert Wanyonyi and Osinde Obare. Standard Newspapers Thursday 13 Mar 08. P10.

⁹³ KDF operation reports of Operation 'Fagia Maharamia' dated 16 April 2008.

engagements and the militia infrastructure and command was systematically dismantled by relentless action by KDF. The military also carried out many humanitarian projects in term of road improvement and also conducted medical camps throughout the duration of the operations which benefited thousands of residents.

KDF pressed on and advanced pushing towards the mountain summit where most of the militia bases were located. The militia filtered to lower regions and mixed with the locals while others fled to the Ugandan side of the mountain.⁹⁴ This posed a challenge to the operations but KDF changed tactics to defeat this move by deploying on lower grounds. On the Ugandan side, the Uganda People's Defence Forces (UPDF) deployed along the Uganda-Kenya border to eliminate the possibility of the SLDF slipping in to Uganda. In the course of the operation, Uganda did arrest and handed over a number of suspected SLDF members to Kenya.⁹⁵

3.3.4 The end of the SLDF insurgency

One of the most significant events of the operation in the effort to dismantle SLDF leadership and command structure was the killing of the de facto leader and chairman of SLDF Mr Wycliffe Komon Matwakei on 16 May 08.⁹⁶ This was significant and signaled the end of the militia as they lacked direction. Many were arrested while others surrendered due to lack of leadership and coordination. Many of the commanders had already been arrested and the foot soldiers were disillusioned and demoralized. However as KDF gained an upper hand in the operations and made progress by the day,

⁹⁴ Ibid dated 20 May 2008

⁹⁵ Ibid dated 14 June 2008

⁹⁶ KDF operations Fagia Maharamia Dated 16 May 2008. Wycliffe Matwakei Komon's was taken to Kopsiro Centre where it was positively identified.

there were increasing accusations from the western Human Rights watch of human rights abuses by the soldiers.⁹⁷ KDF was accused of, torture and rape although these claims were not substantiated. Between 17-20 Aug 2008, the Parliamentary Departmental Committee on Defence and Foreign Relations; Administration, National Security and Local Authorities visited Mt Elgon to assess the security situation as well as investigate allegations of human rights abuses by the military in Mt Elgon. It is worthwhile to note that this committee absolved the military of these accusations.⁹⁸

3.3.5 KDF exit from Mt Elgon

Having assessed that the objectives of OPERATION FAGIA MAHARAMIA which was to deal with insecurity and restore normalcy had been achieved, KDF high Command issued a Strategic Guidance for the exit of the military from Mt Elgon which also recommended the establishment of a company sized military camp and the induction of the Regular and Administration Police to maintain a security presence in the area. Consequently two military operation bases were set up at Kapkota and Banandega. KDF finally ceased operations in Mt Elgon on 2 Sep 08. The operation made some important break from previous security interventions: it widened the scope of investigations beyond Mt. Elgon to parts of Rift Valley and led to the arrest of 3500, recovered over 100 assorted weapons and over 2000 rounds of ammunition.⁹⁹ The SLDF was disarmed and peace was restored in Mt. Elgon.

⁹⁷ Human Rights Watch, All the Men Have Gone. War Crimes in Kenya's Mt. Elgon Conflict. New York: Human Rights Watch, 2008, p.12.

⁹⁸ Kenya Parliament Hansard report dated 21 Aug 2008

⁹⁹ KDF operation Fagia Maharamia report dated 1 Sept 2008

3.4 Data on military intervention on Mt Elgon

The data for this research was collected between 17th and 22nd June 2013 in Mt Elgon between. 30 respondents were interviewed in Mt Elgon including the administrators, teachers, women and men. 20 respondents were also interviewed within the military specifically on the personnel that took part in the military intervention. The interviews were also conducted at police headquarters and the Kenya National Human Rights Commission. The sampling was designed to extract information that will help answer the research questions.

3.4.1 Military Intervention

The respondents had various definitions of military intervention and some of these included the following; According to one respondent, a teacher at Toroso Secondary, 'Military intervention was a means of correcting the wrong situation which was characterized with inhuman activities such as extortion of money, torture, mass killing and forced displacement of the residence of Mt Elgon by the SLDF.¹⁰⁰ According to another respondent, 'military intervention was to help quell the situation which had been worsened with the SLDF threats to the residences as the militia group had taken charge of security in Mt Elgon particularly in Cheptais'.¹⁰¹ Another respondent recalled that military came to Mt Elgon in March 2008 and their entry point was in Cheptais district where they settled at Kapkota by making a camp. He went further to say that the "military intervention was the tactic used by the government to help arrest the militia

¹⁰⁰ H.L Kibet., Teacher, 50yrs oral Interview on 20/6/2013.

¹⁰¹ J. Kirui., Retired Teacher, 70yrs, Oral Interview on 20/6/2013.

group that was a security threat in Mt Elgon. Kipsawer said that the coming of the military helped reduce the number of killings that were going on particularly in Cheptais”.¹⁰²

From the above I assessed that although the respondents did not use the scholarly definitions of military intervention they understood clearly what military intervention was and also knew why it was necessary for the military to intervene. This set ground for further interviews as the issues that were raised in the questionnaires were well understood.

3.4.2 Justification for military intervention in Mt Elgon

The government of Kenya was justified to deploy the military in Mt Elgon. Pursuant to article 241(30) (c) of the constitution, the Defence Council may deploy the Defence Forces in any part of Kenya affected by unrest or instability to restore peace.¹⁰³ However, the new constitution specifies that such deployment can only be done with the “approval of the National assembly”.¹⁰⁴ According to an officer in the legal department of the Kenya Defence Forces, ‘under the old constitution this was not a requirement; the decision was made by the head of state who is the Commander in Chief of the Defence Forces (CinC) on the advice of the National Security Advisory Committee (NSAC).’¹⁰⁵ This was the legal justification of the military intervention. According to the then Chief

¹⁰² I. Kipsawer Kasis 46years Businessman Oral interview 21/6/2013

¹⁰³ The Kenya Defence Forces Act No 25 of 2012 page p. 1281

¹⁰⁴ Ibid

¹⁰⁵ Lt Col Kate Gichuki, legal officer Kenya Army Hq oral interview 25/6/2013.

of Operations, Training and Doctrine, 'the military received strategic guidance which specified its mandated as aid to the civil authority to restore peace in Mt Elgon'.¹⁰⁶

"The SLDF had killed between 1000-3000 people and the killing was going on, the murders were committed across the villages, they raped women and cut off hands of those who refused, padlocked others to prevent them from talking for fear of giving out information about them, banishment from homes, disciplining drunkards and wife beaters by cutting of ears. Imposing taxes on the residents; teachers, employees and businessmen. The militants had started hijacking people holding them and demanding ransom failure to which they would kill the individuals".¹⁰⁷

The respondents who recounted this view also felt that the government took too long to respond to their plight despite having the information that the situation was bad due insecurity caused by the activities of SLDF. Therefore, the respondents welcomed the military intervention and they regarded the military as their saviors from the militants. The residents also said that despite the heavy presence of police officers in Mt Elgon they did not make any impact on the security situation as they failed to stop the rampant insecurity and the killings by the SLDF. The militants continued with their atrocities undeterred and started to target police killing a number of them. They alleged that the some of the policemen were collaborated with the SLDF. Some informants noted that the

¹⁰⁶ Brig Kazungu 53 years, former chief of operations, oral interview 18/6/2013

¹⁰⁷ Mr Mokin, former DO Kapenguria who now works at Bungoma county office. Oral Interview 19/6/2013

policemen were collaborating with the militia group as a way for them to earn a living and more so their safety. One of the teachers at Toroso secondary school said;

“I vividly recall a group of policemen at Cheptais town arguing on how to supply bullets to the militia group so that they could get some money from them and buy food. They argued to appoint of disagreeing as some were against the idea. It was from this action of the policemen that i felt sorry for our security situation. Those who were to offer protection to the civilians were the ones who supported the Militia”.¹⁰⁸

This view was however rejected by the assistant Commissioner of police then the chief of police operations who stated that the police did all they could to fight the SLDF however the residents code of secrecy frustrated their efforts. They never volunteered any information to the police. This included the targeted police posts and patrols by SLDF despite the fact that the residents had prior information. This view seems to be confirmed by a former a SLDF fighter, when he said:

“My role was to collect uniforms of police officers killed by the SLDF militia. The uniforms were later distributed to militiamen who disguised themselves as police while carrying out attacks in the villages”.¹⁰⁹

The residents viewed the police as part of the problem since in their perception the police were in support of the government which had allocated their land to

¹⁰⁸ J. Rotich, Oral Interview at Cheptais, on 19/6/2013.

¹⁰⁹ Erick Ngobilo. I led new recruits in collecting human heads and ears, says ex-SLDF leader. Daily Nation Wednesday 3 July 2013 p.18

government officials and other people who did not qualify to benefits from phase III Chebyuk settlement Scheme. The Administration Police, regular Police and General service Unit (GSU) who were in-charge of the security were also challenged with the situation and organization of the Militia group. A retired Kenya Police Reservist (KPR) in Mt Elgon said that;

“The topography of the area was a challenge for these security agents as they could not trace the militia in the Mt Elgon forest and caves. This was due to the fact that the militias were conversant with the topography of their hide outs and they easily monitored when the police and GSU were approaching as they killed them and took their guns, ammunition and uniforms. So, the government was justified to deploy the military because they had advanced weapons and choppers that could help them understand the topography of the Mt Elgon hence a means to capturing the militia group who were hiding in Mt Elgon forests”.¹¹⁰

The residents that were interviewed during the data collection felt the government was justified to deploy the military to Mt Elgon following the names the group had. At first, the group called itself Janjaweed and secondly the name was changed to Sabaot Land Defence Force (SLDF). According to one responded;

“The name Janjaweed was given to militia group by the local community. This was following their persistence in threats as they said they were as tough as the Janjaweed. The second name was

¹¹⁰ G. Kamoet, Retired Kenya Police Reservist Mt. Elgon, 62yrs , Oral Interview on 21/6/2013 (Kapsokwany).

for the group to show their power and force to defend their right to own land in Chebyuk III settlement scheme. The words tough as Janjaweed and defense force prompted the government to deploy the military to Mt Elgon as this was threat not only to Mt Elgon but to the security of the whole country”.¹¹¹

Therefore, the government deployment of the military was aimed at eliminating the militia which appeared to evolve as a rebel force that threatened security of the people. On the same note since it was believed that the SLDF wanted to fight civilians and then the military, it was then the right decision for the government to deploy the military to strategically destroy the enemy of the nation. The SLDF was terrorizing not only Mt Elgon but the whole of Bungoma County as it appears today. This was characterized with roadblocks which the SLDF used to solicit funds from the locals.

“I had a shop and SLDF agent came and asked for the tax “*Ushuru*” and I had to give airtime worth Ksh 500/=. The agent was a residence of Kapsokwany and we knew him. He used to inform SLDF on what was going on in the town hence a means for them to plan for attacks”.¹¹²

The responded also said that the military intervention helped dispel the rumours on the issues that SLDF had planned. The military did this by creating a good relationship with locals as they worked as veterinary officers, barmen and women, business persons as a strategy to get information from the civilian population on the movement of the

¹¹¹ M. Serut, 38 years Oral Interview at Kapsokwany 21/6/2013.

¹¹² Ibid

militia group. At this point, the military were employing strategies in a war in readiness to defeat the enemy. As stated by Mudavadi who works as a barman at Cheptais;

“This bar was the only one functioning at that particular time because it was the meeting point for the Militia group as the bar supplied them with drinks and it was the best paying to the militia. Mudavadi said that, the owner of that bar employed two military ladies and two military men who were dressed in civilian. The owner had no idea that they were military officers. As they worked, they mingled with the militia provided them with whatever they wanted not knowing that they were being tracked as the military learned of their strategies and movement. This made it easy for the military to know who they would arrest for more evidence”.¹¹³

This was the reason why young men from age of 15 years were arrested by the military as they already had prior information. The responded also confessed that the population of women in Mt Elgon is high compared to men. The responded argued that most of their young men were either killed or others tortured to appoint of losing their ears and arms that were chopped off by the SLDF or arrested by the military. This view was confirmed by Mr Protus “Bull” Chengut, former SLDF militia;

“I led fighters under me in collecting human heads and other body parts chopped from victims. I severely punished recruits who showed signs of fear or withdrawal from SLDF, threatened to have their heads chopped

¹¹³ L. Mudavadi, Bar Manager, 33 years Oral Interview at Cheptais on 19/6/2013.

off if they turned back or became sell-outs. I detained many youths in the forest for several days".¹¹⁴

This view was recounted by several former SLDF fighters who volunteered to assist the KDF once they were captured arrested. They recounted how their leaders had forced them to commit heinous crimes including murder of victims. According to Mr Komon, a former fighter;

"The youths were responsible for the execution of captives in the forest. Immediately the victims were brought the youths would pick one each and execute either using guns or Machete and thereafter cut off the head and put it on a pole to serve as a constant reminder to those who did not obey the SLDF rules".¹¹⁵

Several issues can be determined from the views of the respondents. These include the following; first, the SLDF committed serious atrocities in Mt Elgon. These atrocities included murder, rape, abduction, terrorism (Cutting off victim's body parts), taxation and starting a parallel government. Secondly the government deployed police and General Service to deal with the insecurity but they failed to restore security. Thirdly, the militia targeted and killed police and stole their arms, ammunition and uniforms which they later used to disguise their identity during the attacks. Fourth issue is that the police were unpopular in Mt Elgon because the residents viewed them as part of the problem since in their perception the police were in support of the government which had allocated their land to government officials and other people who did not qualify to

¹¹⁴ Confession by Mr Protus "Bull" Chengut, former SLDF militia; During Peace and Rights Programme – a project of Free Pentecostal Fellowship to boost bonding, Reconciliation and Peace in Mt Elgon. Reported by Erick Ngobilo. Daily Nation Wednesday 3 July 2013 p.18

¹¹⁵ Kirui Komon, former SLDF member. Oral interview 30/6/13.

benefits from phase III Chebyuk settlement Scheme. The fifth issue is in regard to disappearance and recruitment of youths into the SLDF. The youths disappeared because many who had been recruited into SLDF but developed fear were executed in the forest. Lastly there was no other strategies like negotiations that were put in place for a peaceful resolution of the conflict. This due to the fact that the SLDF leadership remained in the forest and were not willing to negotiate instead they planned and executed their plans from there.

The finding here also supports my theory of political development theory and the political decay in Liberia and hypothesis 3 for this research in I posit that lack of intervention in internal conflict will exacerbate the conflict. It can be argued that failure of a government to protect its people from an armed insurgent group is one of the main causes of anarchy and chaos in a country.

3.4.3 Negotiated resolution

Peaceful resolution strategies of the conflict in Mt Elgon was another important thing that the people of Mt Elgon wanted, however this was impossible because no one could call for negotiation as there was nobody to talk to. The militia groups with their leaders were all hiding in the Mt Elgon forest and caves where they planned and organized their followers on when and where to attack. This made life unbearable for the residences as their daily activities were destabilized.

3.4.4 Use of excessive force by the military during intervention

The military intervention in Mt Elgon was welcome by the majority of residents especially the youth and the women who bore the brunt of the violence. The military was seen by many as the savior who had come to deliver them from the SLDF menace and atrocities. However some of the residents were later disillusioned and claimed the military had tortured and some alleged the military killed innocent people during the intervention. According to the legal officer from the Department of Defence, “Rules of Engagement (ROEs) were issued to the personnel who took part in the intervention in Mt Elgon”.¹¹⁶ The RoEs clearly gave guidelines on the use of force including when, where and how it was to be used. This was corroborated by the operation commander who said that;

“All those taking part were issued with the necessary documents and that the rules were not broken by any of my sub units through out military intervention’. He further added that it is important to note that in any military operation there is always some kind of collateral damages. However to the best of my knowledge no Human rights violations were committed by the military. We assisted the police to arrest and screening suspected militia and thereafter did not take part in the, interrogation and prosecution as this is a constitutional mandate of the police”.¹¹⁷

However, the Kenya National Commission for Human Rights and the residents of Mt Elgon had diverse views with majority in support of the military efforts while others

¹¹⁶ Lt Col Barasa 45 years. Legal Officer department of Defence oral interview on 20/6/2013

¹¹⁷ Col (Rtd) Boyo. Operational Commander of the OPs FAGIA MAHARAMIA. Telephone interview 19/6/2013.

exposed views to the effect that the military was guilty of use of excessive force. This research therefore sampled both.

3.4.5 Arguments in support of use of excessive force by military

The use of force during the military intervention gained prominence in the print media. According to the then Kenya National Human Rights Commission (KNHRC) Officer, the reason the KNCHR went to Mt Elgon was to ‘investigate allegations that the military was torturing people during its intervention there’.¹¹⁸ Another respondent recalled;

“The military used excessive force which resulted into killing of both the innocent and members of the SLDF militia, they also tortured young men in order to obtain information. The suspects who were arrested and taken to kapkota camp were ordered to lie down half necked in a scorching sun”.¹¹⁹

It was illustrious by the respondent that, the military did not allow any other person in the forest as they did not want them to know what they were doing. More so, some suspects lost their lives to the military as their homes were used by the militia as stores for stolen goods and as kitchens for the militia. One such innocent suspect was killed when the military attacked his home because it was being used b the SLDF militia as a store and kitchen.¹²⁰

¹¹⁸ Dona Mokeira, former KNCHR officer, oral interview 18/6/2013

¹¹⁹ H.L Kibet., Teacher, 50yrs oral Interview on 20/6/2013.

¹²⁰ Ibid

“One teacher at Toroso secondary school was tortured by the military who ordered him to sing circumcision and church songs. The reason for his torture was that he was the teacher on duty that week and the military were on patrol as some people neighbouring Toroso secondary school run to hide in the school and he was accused by the military for hiding suspected SLDF members”.¹²¹

According to another respondent military intervention was justified but the system they used brought havoc to the community as some innocent members of the community were killed by the military through torture.

“My friend Lala was a carpenter and not a member of SLDF. He was tortured to death by the military to say the truth about SLDF. My friend did not know anything more about SLDF apart from the extortion of money they collected from him every week. This made me question the force the military were using as some genuine civilians were victimized for nothing”.¹²²

Another teacher at Kapsokwany secondary school said that though the military used excessive force, it was for our benefit. It helped reduce the threats from SLDF, the killings, rape cases, extortion of money particularly from we teachers. One of the responded affirmed the military used excessive force as he said,

I vividly remember I was arrested by the military on my way back home at Kopsiro, I was beaten and forced to say anything about the

¹²¹ Ibid

¹²² D. Kimai 38 years old, Oral Interview on 22/6/2013.

SLDF. My back was left with scars as the military hit me severally on my back as they left me cry like a baby. He continued to say that, though the military did this to me, the excessive force they used made majority of the militia to surrender and this helped to restore security and peace in Mt Elgon.¹²³

ing of the ears and amputation of arms.¹²⁴

The findings imply that the tactics used by the military to quell the insurrection depended on the dynamics on the ground. The Military was fighting a well trained insurgent group in Mt Elgon. The members took oath of secrecy not divulge any information to the government agencies including military personnel. Most of the SLDF fighters were young men and all the members returned to their homes to get food and any other requirements therefore it was impossible for the military to know who SLDF was and who was not. Therefore the military employed the necessary tactics during the screening process to identify the insurgents who were hiding among the population. This finding is important as it answers my research objectives which seek to investigate whether the military used excessive force.

3.4.6 Arguments against the Use of excessive force by the military

The other responded were of a different opinion. According to them, the military used appropriate force according to the dynamics of the area. According to the then Kenya National Human Rights Commission (KNHRC) Officer who conducted the

¹²³ K. Kibet, 28 year, Farmer, Oral interview 19/6/2013.

¹²⁴ M. Bongo 48 years Teacher, Oral Interview 22/6/2013.

allegations of torture in Mt Elgon conflict, the reason the KNCHR went to Mt Elgon was to 'investigate allegations that the military was torturing people during its intervention there'.¹²⁵ According to her

"There were allegations that some people were tortured and others died during the military screening process. We got evidence indicating it was true for torture but I did not get any evidence on the deaths. We got evidence that most of the people who died were killed by SLDF'.¹²⁶ We also did not get evidence of any other crimes. In fact throughout the period of our investigation we did not find any evidence of rape except on one occasion where one lady claimed that some military personnel inserted papers into the privates parts of her daughter using the barrel of a gun".¹²⁷

According to another resident who was interviewed, "the military used excessive force that saved lives as no life was lost to militia when the military intervened. They used force because there was another force (SLDF)".¹²⁸ The force applied by the military made a bigger number of the suspects to give information about the SLDF as some surrendered weapons to the military. The respondent said that within a week the situation was back to normal. Without use of force, the militia group could have overwhelmed the Military as more lives could be lost. However, some residents argued that military did not use excessive force but they were pursuing the SLDF militia. Some of them indicated

¹²⁵ Dona Mokeira KNCHR officer, oral interview 18/6/2013

¹²⁶ Ibid

¹²⁷ Ibid

¹²⁸ Mr Lopit Oral Interview at Cheptais, on 19/6/2013.

that the military did not kill any civilian, but only tortured SLDF suspects. The military also used those who had surrendered to identify the SLDF leaders. One respondent said;

“The military improved the security and we felt and feel safer. With some of the militia group members surrendering, i know of a man who we trained together as pastors and he was a member of SLDF. He was called Basikili and nicknamed ‘Besige’. He was a great friend and companion of Matwakei. On surrendering, he told the Military that he was willing to take them to the forest where SLDF leaders were hiding. It was through this man that the military were able to kill Matwakei and his companions bringing SLDF to an end”.¹²⁹

Another resident agrees with the respondent that the military did not use excessive force but were after the SLDF. A force they felt was not only threatening the Mt Elgon population but the security of the whole nation.¹³⁰ However another respondent did not hide her joy for the work well done by the military. She expressed her feelings by say;

“We can now sleep with doors open from the time the military came to Mount Elgon. I have not had of any single gunshot in the area. I therefore pray that the military continue staying in Mt Elgon and ensure security of advanced level.”¹³¹

Therefore according to her the military did not use excessive force as they used their intelligence to get hold of the suspects and the leaders of SLDF. Similar sentiments were

¹²⁹ D. Kimai 38 year old, Oral Interview on 22/6/2013.

¹³⁰ P. Chebus Kiboro, Village elder Kamuneru, Oral Interview 22/6/2013.

¹³¹ A. Chesebe, 45 years business woman at Kapsokwany, oral Interview 22/6/2013

expressed by yet another respondent who is a motorbike “boda boda” at Cheptais town when he said that; the military did not use force as many people have put it. He said that the military were involved in educating people about the SLDF propaganda and encouraged those who had left Mt Elgon to come back as security was guaranteed.¹³² One of the respondents argued saying;

“I don’t think the military used excessive force. One thing you need to understand is that the SLDF was well organised and armed in fact they had undergone training and conducted a pass out parade in the forest and therefore the military was fighting another ‘army’. The residents of Mt Elgon would have been shocked if the military came to negotiate with the killers”.

From these arguments it can be assessed that residents were divided in their opinion on the issue of the use of force by the military during the intervention in the area. The people who were victims of the atrocities orchestrated by the SLDF supported the force used by the military as it helped dismantle the insurgents. However, as it was later discovered by the researcher, most of the perpetrators especially in the areas of Cheptais and Kopsiro had the strongest opposition to the military intervention who they accused of excessive force.

¹³² E. Cheptiti, 31 yearas, Motorbike Boda boda at Cheptais town, Oral Interview 19/6/2013.

3.5 Impact of the military intervention

The military intervention impacted positively on the people of Mt Elgon who had been affected by the conflict. The impacts ranged from security, infrastructure, education, health.

3.5.1 Restoration of peace and security

The security situation improved tremendously following military intervention in Mt Elgon. KDF dismantled SLDF command structure when they killed Matwakei the SLDF leader. The residents felt safe and are able to go on with their lives again. This is clearly captured in the words of one respondent observed that the security situation in Mt Elgon improved by saying;

“Yes of course things are much better now and security is very good since the military intervened. The killing of Wycliffe Matwakei Kirui marked the end of the SLDF because his regional commanders could not continue to operate since they did not know what to do after his death. And the continued presence of the military at Banandega Camp is very good in fact today if people start any trouble we simply tell them we will call the military”.¹³³

It can therefore be argued that the SLDF menace and atrocities including their expansionist ideas were effectively ended by the military intervention based on the reports gathered from the respondents in the study.

¹³³ Mr Mokin 46 year, former DO Kapenguria. Oral Interview 19/6/2013.

3.5.2 Declining standards of education

The schools in Mt Elgon had closed due to SLDF activities and atrocities which made learning impossible as the militants had spread fear and despondency in the people. Many families were also displaced and many others became IDPs. Consequently the pupils were and teachers were displaced while others were killed by SLDF therefore learning could not go on. According to one respondent schools became places of abode for the fleeing families.

“Schools in Mt Elgon had closed due to SLDF atrocities. The military intervention was for our benefit. It helped reduce the threats from SLDF, the killings, rape cases, extortion of money particularly from us teachers and the torture that were associated with chopping of the ears and amputation of arms”.¹³⁴

The military carried out projects to rebuild schools and encouraged people to come back and continue with their lives. It was assessed that the SLDF insurgency actually thrived on the rampant illiteracy in Mt Elgon and therefore the action by the military directly addressed one of the main causes of the conflicts.

3.5.3 Improvement of infrastructure

The military contributed much in contraction of roads in Mt Elgon, this helped them to easily access some of the hideout for the militia group. Roads that were constructed heading to the forest have made the forest open to promptly survey thus making it difficult for any militia group to reorganize itself in the forest. As such these

¹³⁴ M. Borno 48 years Teacher, Oral Interview 22/6/2013.

roads have enabled the residence to access different places of Mt Elgon and its neighborhoods without strain.

3.5.4 Improvement of health facilities

The health facilities were non-existent when the military intervened in Mt Elgon. The medical personnel had either been killed or had fled the area due to insecurity. SLDF had looted all the available drugs from the dispensaries and health centres. When the military intervened, the medical component started medical camps (MEDCAPS) where they treated thousands of people during the intervention. They also carried out sensitization clinics on various issues. When normalcy was restored they provided the foundations for the Ministry of Health to restore the health facilities.

3.6. Challenges faced by KDF

The Kenya Defense Force was faced with challenges in their quest to achieve their objective which was to eliminate SLDF in Mt Elgon and restore normalcy. Some of these challenges are as follows;

3.6.1 Lack of well coordinated command between the military and police

The command and coordination of operational plans between the military and police was a challenge in the initial stages of the operation. The police had been in the area for a long period and understood the dynamics of the conflict and the modus operandi of the SLDF. Therefore they were expected to provide the military with this information

however the approach of the two forces was not well coordinated. According to the military operational command this was a challenge but it was solved.

3.6.2 Inadequate training of military personnel

The other problem which was mentioned by the operation command and which contributed to the problem of Command and Coordination was the lack of training. Under normal circumstances the military need to train together with the police before deployment in order to understand and appreciate each others role. However a legal officer at Department of Defence observers that:

“The military would not normally be trained to handle internal conflicts, it is however noted that under the new constitutional dispensation with help of Kenya Defence Forces Act, no 25 of 2012, the military can be deployed in such conflicts and there is a deliberate requirement under section 35(a) of the KDF Act to train and equip the troops for such deployment’¹³⁵

Therefore under the new constitutional dispensation the challenges that were faced in terms of training will be a thing of the past. The problem of inadequate training was compounded by rugged terrain. The terrain in Mt Elgon at the time of intervention was very poor and accessibility was very difficult. Therefore the military had problems moving their logistics and equipment to their operations bases. According to one respondent;

¹³⁵ Lt Col Nafula (Not real name) 37 years, legal officer Kenya Army Hq oral interview 25/6/2013.

“The roads leading to the hide outs for the militia were poor and therefore the military had again to construct the road leading to this area for accessibility of their vehicles. This consumed their time as their objective was diverted to construction of road”.¹³⁶

3.6.3 Lack of peaceful conflict management strategies by the military

There was need to have a multifaceted approach to the conflict in Mt Elgon this is because the military did not have the capacity to engage in other conflict resolution means. The government has technical personnel that could undertake this approach. This would have complemented the military intervention. According to one respondent;

“The military came to Mt Elgon to mitigate a conflict whose cause was land. The people of Mt Elgon heavily rely on land and this was so dear and closer to their hearts. Therefore, this was an issue beyond military intervention so much so that it required other mechanisms of conflict resolution for this to be handled”.¹³⁷

3.6.4 Poor coordination between the security agents and provincial administrators

There was no proper coordination between the provincial administrators and the security agents. This was noted during the engagement of the provincial administrators in the region. This was exacerbated by the fact that the residents had lost their confidence in

¹³⁶ J. Rotich, (Not real name) 39 years Oral Interview at Cheptais, on 19/6/2013

¹³⁷ King'wa Robert Mabani, 52 years, Teacher, Kibuk girls oral interview 22/6/2013.

the provincial administration. Some respondent said that the personnel who were in charge of security at that time did not collaborate with the police as they feared the presence of *Kangaroo courts* which were established in each village by the SLDF. This limited them from reporting any cases to the administrative units that were in Mt Elgon. One residence at Kapsokwony stated;

“The security situation was not favouring us, we did not enjoy our right to security, it was difficult because those who quarreled with their neighbour were not legible to follow administrative chain to solve their differences because of the SLDF establishing *Kangaroo courts* and considering themselves in-charge of security”.¹³⁸

Thus SLDF structure overwhelmed the police and the provincial administrators hence making it difficult to act as security agents in Mt Elgon. The SLDF also targeted Chiefs and any symbol of government administration in the area.

3.7 Conclusion

The military intervention in Mt Elgon was a blessing to the community. This is due to the fact that the SLDF militia group which was terrorizing the residence of Mt Elgon was brought to an end following KDF intervention in the region. Although the respondents did not use the scholarly definitions of military intervention they understood clearly what military intervention was and also new why it was necessary for the military to intervene. This set ground for further interviews as the issues that were raised in the questionnaires were well understood. The respondents also supported the intervention as

¹³⁸ E. Torombo, Peasant Farmer, 30 yrs Oral interview at Kapsokwany on 22/6/2013.

they affirm that security situation in the region has normalized. However, some of the respondent said that the military intervention though it helped dismantle the SLDF militia, violated human rights as innocent young and elderly men were tortured.

The military intervention was therefore justified on one hand while on the other hand it was not justified. The chapter addressed the military use of excessive force as one of the things that the respondent were concerned with. From the military training point of view use of force where necessary is important as it makes the criminals to surrender or be mentioned by those who are close to them. The only challenge with this military principle is how to use that force correctly without violating human rights which was the reason why the military were accused for using excessive force.

The chapter also discusses the impacts of the military intervention to the Mount Elgon people. It highlights peace and security as the positive impact that the people of Mt Elgon benefited from. On the same note infrastructure in terms of roads in Mt Elgon was improved by the Military and this are some of the praises they have received from the area.

However, it was not easy for the military as they were faced with some challenges such as poor terrain, coordination and instruction, command and all in all the skills in conflict management. The military were not conversant with the areas topography and this forced them to use other strategies and tactics that were of help in eliminating insecurity and restoring peace and normalcy by dismantling SLDF in Mt Elgon.

CHAPTER FOUR

CRITICAL ANALYSIS AND INTERPRETATION OF THE FINDINGS ON MILITARY INTERVENTION IN MT ELGON

4.0 Introduction

This chapter provides the analysis and interpretation of the findings of the data from the field on military intervention in Mt Elgon. The analysis and interpretation is based on a comparison of issues from the literature review in Chapter one, the conceptual issues in chapter two and the findings on military intervention in chapter three. The study will either agree or disagree with the findings. The analysis will involve the use of tables, pie charts and bar graphs for easy understanding. The analysis will be used to draw important conclusions to this paper and make recommendations that will be used for formulation of policy.

4.1 Causes of the conflict

The causes of most internal conflict which results into military intervention may vary from country to country however, Mitchell argues that both effective and instrumental concerns cause state powers to intervene in civil wars. He further argues that affective linkages include religious and ethnic ties that exist between the state leaders and the target group increased the likelihood of ordering military intervention.¹³⁹ Similar

¹³⁹ Mitchell, C. R., "Civil Strife and the Involvement of External Parties," *International Studies Quarterly* 14(2), 1970, pp. 166-194.

linkages also existed in Bosnia, Liberia and Nigeria.¹⁴⁰ In Bosnia the Yugoslavia government did not react quickly because the war was in a far flung region inhabited by the Christians who were being attacked by the Serbians who were Muslims and the majority in the country. In Liberia the rulers at the time of the civil war were mainly the Krahn and therefore did not care much when the insurgency started in Mano.¹⁴¹ In Nigeria, the Eastern part of the country seceded due to marginalization by the north, however the rulers who were from the north would not allow it.¹⁴² In Mt Elgon the study found that the main cause of the conflict was ethnicity between the Soy and the Ndorobo (Mosop) over resources (land). According to the research finding in Mt Elgon, 30% of the respondent said that the Ndorobo were to blame for the conflict while 60% of the responded indicated that Soy community were to blame for the uprising of the conflicts in the region. The Soy mobilized young people to defend their land and resist any evictions, culminating in the formation of a militia group called the Sabaot Land Defense Force (SLDF).¹⁴³

This research agrees with the findings that ethnicity; marginalization of communities and unfair distribution of resources is a major cause of intra state conflicts. Such was the case in Mt Elgon the fight over land eventually led to the conflict. However, the study assess that the situation in Liberia and Nigeria was caused by structural injustice that was as result of the American – Liberians and British

¹⁴⁰ See chapter 2

¹⁴¹ The founder, Charles Taylor, had served as director-general of the general services agency, and subsequently as assistant minister of commerce in Doe's regime. After being accused of embezzling \$900,000, fled in 1981 to the United States, where he was later reported to have 'escaped' from a Boston cell while being held pending extradition to Liberia.

¹⁴² Martin Meridith. The States of Africa: A History of Fifty Years of Independence. Free press 2006 p.87

¹⁴³ Robert Romborah Simiyu, Militarization of Resource Conflicts: The Case of Land- based Conflict in the Mount Elgon Region of Western Kenya. Nairobi: Institute for Security Studies, 2008, p. 24.

machinations of divide and rule. Therefore the conflict there was more of a political struggle for power. In Bosnia the conflict was ethnic animosity between the Serb Muslim and Croats Christians. However, in Mt Elgon the conflict was purely based on land allocations in Chepuk phase three settlement scheme.¹⁴⁴

4.1.1 Slow reaction by the government

The government's reaction to internal conflicts is slow in most cases. At times this is due to bureaucracy, legal impediments or just lack of interest. Scholars such as Bull, Feste and Mogenthau who advanced the world paradigm realism, argue that interventions only take place when clear national interests are at stake¹⁴⁵. In Bosnia NATO reaction was slow the conflict started in 1989 but the intervened in 1995.¹⁴⁶ The USA particularly had its own objectives at the time, mainly the Gulf war and disintegration of the USSR, therefore Yugoslavia was insignificant in their policy. In Liberia, the government of Samuel Doe dismissed the initial attack by the rebels led by Charles Taylor in north eastern Liberia.¹⁴⁷ In Mt Elgon the study established that 80% of the residents of the area felt the government was slow. The conflict started in 2005 but the intervention was in 2008. During this period the government left them under the mercy of the SLDF despite the fact that they were aware of the insecurity and killing by the SLDF militia in Mt Elgon. However 20% of the respondents said they did not want

¹⁴⁴ See chapter 3.

¹⁴⁵ Feste, Karen A. Expanding the Frontiers: Superpower Intervention in the Cold War. Westport, (1992)

¹⁴⁶ See chapter 2.

¹⁴⁷ On 2 January 1990 the Liberian Minister of Justice, Jenkins Scott, declared that the rebellion had been squashed. 'Minister Reacts to Taylor's Claims', BBC World Service, in Foreign Broadcast Information Service-Africa (FBIS-AFR) (Washington, DC), 3 January 1990, p. 19.

government interference since according to them the SLDF were their sons who were helping to protect their land therefore they did not want any government interference.

The research agrees with these findings particularly the scholarly paradigm, it is clear that governments will only intervene in conflicts which have a bearing on the national interest. This is clearly reflected in the USA and UN attitude during the conflicts in Yugoslavia and Liberia respectively. However, in Nigeria, when Biafra seceded on 27 May 1967 the reaction was immediately the Federal military intervened on 6 Jun 1967. The government has a constitutional responsibility to safeguard its national integrity and also protect its citizens. Failure of a government to protect its people from an armed insurgent group is one of the main causes of anarchy and chaos in therefore timely intervention is necessary.

4.1.2 The security situation before military intervention

The security situation deteriorates when internal conflicts intensify. According to Boettcher, the increasing intensity of a conflict could likely deter a nation from applying military force as such an application might force an intervening actor to invest more resources and manpower than it would want.¹⁴⁸ However because nations are charged with the protection of their citizens they have no choice but to deploy the military to restore law and order. This is what NATO did in Bosnia, ECOWAS in Liberia and the Federal Government of Nigeria in Biafra.¹⁴⁹ Similar action was taken by the Kenyan

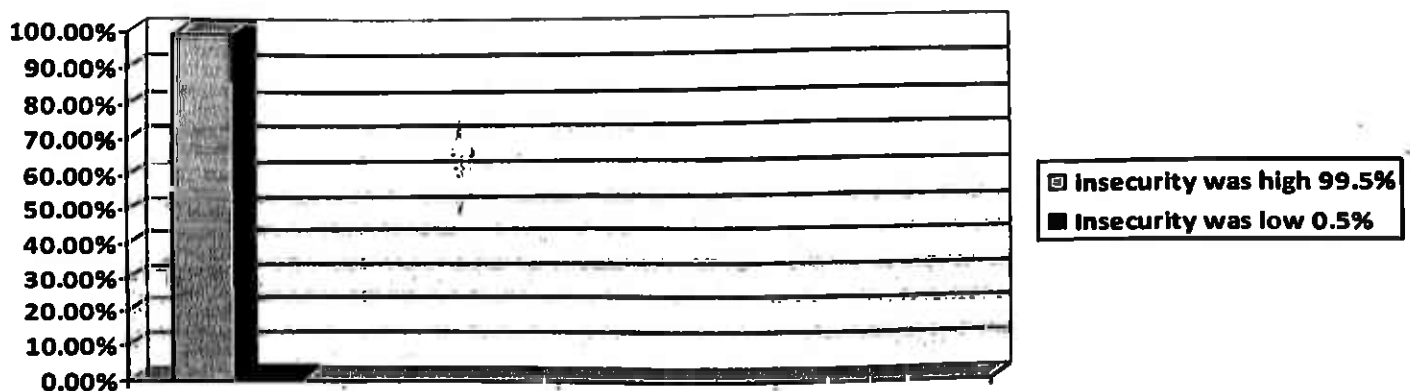
¹⁴⁸ Boettcher III, William A. "Military Intervention Decisions regarding Humanitarian Crises: Framing Induced Risk Behaviour." in *The Journal of Conflict Resolution*, Vol. 48. No. 3, (June 2004): pp. 331-355.

¹⁴⁹ See chapter 2.

government when the KDF was deployed in Mt Elgon to aid the civil authority to restore law and order and return the area to normalcy.¹⁵⁰

According to 99.5% of the resident of Mt Elgon interviewed, security worsened as the conflict intensified while the security personnel (the Police, GSU and RDU) were overwhelmed by the SLDF militia.¹⁵¹ However, 0.5% of the respondent especially in Kapsokwony district felt that the security was not that bad as they were only hearing of the atrocities that were happening in other parts of Mt Elgon as they were residents in villages that were not affected by the conflict

Graph: 1. Showing the residents opinion on the Level of insecurity



Graph;1 The bar graph shows that the residents of Mt Elgon indentified insecurity as the most important threat to their lives and therefore they welcomed the military intervention to protect them from SLDF.As the conflict intensified, SLDF started to target and murder AP, police and the GSU and took their uniform and guns which they used to arm themselves.¹⁵² They also used the uniforms to disguise themselves during attacks in the villages. The SLDF militia also murdered civilians, took others hostages, raped women,

¹⁵⁰ See chapter 3.

¹⁵¹ Ibid

¹⁵² Kenya police operation report dated 4 March 2008

forcefully recruited youths into their ranks, enforced taxation of the people, established Kangaroo courts in areas they operated in.¹⁵³ The same or almost a similar situation was witnessed in Liberia, where the NPLF killed hundreds of people, and in Bosnia where the ethnic animosity led to genocide.¹⁵⁴

This research agrees with the findings that the security situation deteriorates as the conflict intensifies. Lack of adequate intervention strategies in internal conflicts by the government enables the insurgent groups such as the NPLe in Liberia and SLDF in Mt Elgon to prosper and become formidable forces that eventually present a national security challenge. The government needs to take action early enough like it happened in Nigeria and deal with such groups decisively.

4.1.3 The atrocities committed by the militia.

The insurgent groups use various methods especially murder to scare the citizens in the areas they operate in order to force them to submit and obey the rebels. Such tactics are used worldwide wherever there is an uprising. In Mt Elgon, 30% of the residents interviewed indicated that the SLDF militia group was involved in torture and rape, 60% said that the SLDF militia killed civilians, 10% of the responded agreed that militia also extorted money and food.¹⁵⁵ In Liberia the initial attack by NPLF rebel led by Charles Taylor on the villages of Butuo and Karnplay in Nimba County in north eastern Liberia

¹⁵³ See chapter 3.

¹⁵⁴ See chapter 2.

¹⁵⁵ See chapter 3.

from their base in Cote d'Ivoire killed a number of government officials and as many as 200 unarmed civilians mostly women and children while many were displaced.¹⁵⁶

Table 1: The atrocities committed by the militia.

Atrocities by the militia	Number of respondent	Percentage
Torture and rape	28	60%
Killings	22	30%
Extortion of food and money	10	10%

Table: 1. Atrocities committed by the militia: This table shows that torture and rape were the main human rights violations of the SLDF followed by Murder and finally the extortion of money (taxes) and food. The torture of civilians by the SLDF militia was characterized by chopping off their ears for those who were found drunk, chopping off the arm for those who did not abide by their rules and orders and padlocking the mouth of rumormongers. The extreme case was murder of victims who were perceived to be cooperating with the government or the hostages whose relatives failed to pay the huge ransom that the militia demanded for.¹⁵⁷

The research agrees with the finding that the victims of every armed conflicts are the non combatants especially women, children and the old who end up bearing the brunt of the armed conflict. Such conflicts result into a major humanitarian catastrophe and human rights violations because there is no rule of law. This situation can be witnessed

¹⁵⁶ Amnesty International Report (London, 1990), p. 151.

¹⁵⁷ See chapter 3.

today in places like Syria, Eastern DRC and Somalia which continue to experience protracted conflicts.

4.1.4 Recruitment of child soldiers

The SLDF in Mt Elgon was involved in recruitment of young boys and girls into the group with the aim of strengthening its army. The Young boys were ordered to chop of the heads of the civilians who were taken to the forest while the girls were recruited and taken to the forest where they were married off to SLDF militia fighters. 80% of the residents who were interviewed noted that the use of young boys as child soldier was one of the abuses the SLDF militia group.¹⁵⁸ The young boys and girls were forced to commit traumatizing atrocities and if they failed or showed weakness they were threatened with death and sometimes were actually killed by SLDF militia. However, 20% of the residents indicated some of the youth volunteered to join the SLDF militia with encouragement from their peers and even some parents, in order to protect their land.

Similar scenario was witnessed in Liberia during the uprising. Following attacks by the NPLF rebels the government of Samuel Doe responded with a scorched earth campaign that resulted in the death of many Gio and Mano, and created over 300,000 refugees,¹⁵⁹ the people rallied to the call of the NPFL. A rebel force of a few hundred men including the youths swelled, a few weeks later, into an army of thousands enjoying significant support in the country. Liberians were willing to endure the pains of war in the

¹⁵⁸ United Nation Convention on rights Children Article 1.

¹⁵⁹ US Department of State, Country Reports on Human Rights Practices for 1990 (Washington, DC, 1991), pp. 192-

expectation that it would eventually provide relief from the suffocating tyranny of Doe's regime.¹⁶⁰

4.1.5 The SLDF hot spots

The epicenter of any intra conflict is normally confined to areas where the rebels have the highest support and later spreads as the rebels increase their area of operation or control. In Bosnia the conflict was restricted to the borders between the then provinces of Croatia/Bosnia Hazegovina and Serbia. In Liberia the NPLF initial attack was launched from their in Ivory Coast and the Nimba county was the epicenter.¹⁶¹ In Nigeria the Biafra uprising was restricted to the Eastern part of the country. In Mt Elgon, the epicenter of the conflict was in western part of the according to 70% of the respondents interviewed. Some of the areas that were hot spots of SLDF were Cheptononi, Namorio, Toywontet, Chewangoi, Tindibaree areas of Kopsiro, Chebyuk, Kipsigon, Kipsis, Chepkube, Kamuneru, Kipyeto and Kitwamba which is in Tran-nzoia.

¹⁶⁰ See chapter 2.

¹⁶¹ Amnesty International Report (London, 1990), p. 151.

Table 2; the Level of SLDF Threats in Mt Elgon

Hot spot areas	Town	Intensity of threats
Namorio	Kapsokwany	Moderate
Cheptononi	Cheptais	High
Toywontet	Kopsiro	High
Chewangoi	Kopsiro	High
Tindibaree	Kopsiro	High
Kipsigon	Cheptais	High
Kipsis	Kapsokwany	Moderate
Kipyeto	Kapsokwany	Moderate
Kamuneru	Kapsokwany	Moderate
Kitwamba	Tran-nzoia	Moderate

Table: 2, The table above shows that the SLDF activities were concentrated on the western part of Mt Elgon in Cheptais and Kopsiro areas as compared to the eastern part of Kapsokwon.¹⁶²

4.1.6 Lack of Peaceful Conflict Resolution Mechanism

The peaceful resolution of conflicts is the foundation of resolving tenacious conflicts and the opposite is also true that lack of a negotiated resolution to the conflict in also exacerbates the problem. In Bosnia and Liberia there existed mechanism for negotiated resolution to the conflicts however the stakeholders in these conflicts were

¹⁶² See chapter 3.

unwilling or reluctant to agree but were finally bombed and forced coerced to negotiating table. In Nigeria, the conflict started when the Federal government failed to implement the Aburi agreement.¹⁶³ However, in Mt Elgon 30% of the residents interviewed cited lack of negotiated strategy by the government, as a major stumbling block that contributed to the conflict. 70% of the respondents were of the view that even if the government had the necessary peaceful resolution mechanisms there was no one to talk to fro the SLDF side since all them including the leaders were hiding in the forest.

The study agrees with the finding here that there was need to have a multifaceted approach to the conflict in Mt Elgon this is because the military alone did not have the capacity to engage in other conflict resolution strategies.

4.2 Government Justification of Military Intervention

Scholars such as Walzer argue that the use of military force in internal conflict is justified if a conflict intensifies to the detriment of civilians. Walzer observes that in the event of increased civilian suffering, there is a moral imperative for the state power to use force in order to alleviate such a crisis.¹⁶⁴ Innocent civilians were losing lives in Mt Elgon hence there was need for the government to intervention. Other scholars such as Nicholas Wheeler and Paul Regan also argue that humanitarian intervention has become a legitimate practice in post-cold war international society¹⁶⁵ and that that states are more

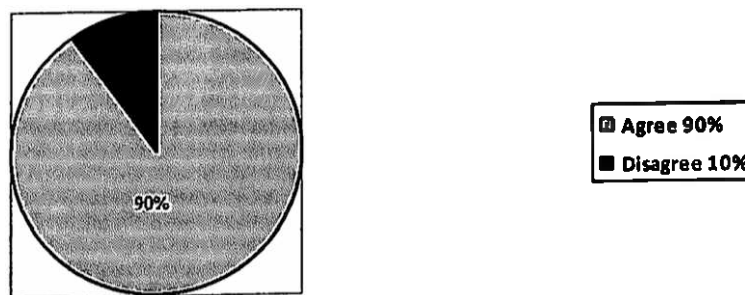
¹⁶³ Gowon summoned a meeting of the Regional Military Governors and other members of the Supreme Military Council to review the country's political structure, was held in January 1967 in Aburi, Ghana, but to Lieutenant-Colonel Odumegwu Ojukwu, security concerns, the meeting was moved to Aburi Ghana.

¹⁶⁴ Walzer, Michael, "The Politics of Rescue." *Social Research*, vol. 62, No. 1 (Spring 1995): pp. 53-66.

¹⁶⁵ Wheeler J Nicholas. Saving Strangers: Humanitarian Intervention in International Society. Oxford University Press, Oxford (2002).

likely to intervene if the intrastate conflict involves humanitarian issues.¹⁶⁶ The situation in Bosnia, Liberia, Nigeria and Mt Elgon had deteriorated with increasing insecurity as the residents were subjected to untold suffering at the hands of the warring factions.¹⁶⁷

Pie chart 1. Opinion of residents interviewed on military intervention



Pie chart:1. Pie chart showing the acceptance of the government's justification to deploy the military. The decision by the Kenyan government to intervene in Mt Elgon was welcome by 90% of the residents who were interviewed. According to them, region had begun developing into a no-go-zone due to SLDF menace hence the military intervention brought back normalcy as crimes that were committed by the SLDF militia group were brought to an end.¹⁶⁸ In their view, step taken by the government contributed in saving lives of many residences of Mt Elgon as no deaths were heard of when the military stepped in. On the other hand 10% of the respondent did not agree with government decision to deploy military in Mount Elgon as they felt that the government had not exhausted all channels of negotiation on land which was the main issue between the Soy and the Ndorobo communities in Mt Elgon. These residents felt the government was not

¹⁶⁶ Regan J Patrick. Choosing to Intervene: Outside Intervention in Internal Conflicts. Journal of Politics, Vol 60, No 3(Aug 1998) pp 754-779.

¹⁶⁷ See chapter 2.

¹⁶⁸ See chapter 3.

ready to listen to their grievances as the land was not fairly shared. On the same not the Ndorobo claimed that they were the real owners of the Chebyuk settlement scheme and yet they were being subjected to the government machinations and interest of the political elites.¹⁶⁹

The study agrees with this finding that the use of KDF by the government of Kenya to intervene in Mt Elgon was the best option under the circumstances. The police who have the constitutional mandate to maintain law and order had failed and the government had only one option left. The government has a responsibility to ensure the security and sovereignty of the state and failure to act appropriately would have been a major shortcoming.

4.2.1 Consent to intervene in Mt Elgon

The issues regarding consent to intervene in internal conflicts is another factor which the government needed to address. Scholars such as Livingston, argues that a number of perspectives of domestic considerations for intervention tend to focus on the effects of politics and opinion within the citizenry in the nation. Livingston believes that before a military action is taken, government officials always consider the views of the citizens.¹⁷⁰ This leads this research to ask important questions such as did the Kibaki administration seek citizenry opinion before deploying the military in Mt. Elgon For the Mt Elgon case the constitution of Kenya and the Defence Forces Act article 241(30) (c)

¹⁶⁹ Ibid

¹⁷⁰ Livingston, Stephen, "Clarifying the CNN Effect: An Examination of Media Effects According to Type of Intervention," The Joan Shorenstein Center, Press-Politics: Research Paper R-18, 1997.

of the constitution provided the legal justification for the military intervention in Mt Elgon.¹⁷¹ The ECOWAS invoked the treaty as a legally binding to enable them to intervene in Liberia. Therefore ECOWAS was justified to intervene but the question whether Liberia's parliament approved the intervention remains unanswered. The NATO equally intervened in Bosnia-Herzegovina by invoking the treaty which provides for collective security.¹⁷²

The research agrees with the findings in regard to the consent however, it can be argued that Kenya's parliament or legislative assembly had not been constituted following the disputed 2007 elections results and the violence that followed. However, in matters of national security, the president is allowed to make decisions on the advice of the relevant authorities namely the National Security Advisor Committee. The Federal Government of Nigeria took a similar decision to intervene in Eastern Nigeria during the Biafra uprising. In cases where the intervention is made by the regional organization such as ECOWAS there is need to seek the UN consent pursuant to Article 52 of the UN Charter, which was not done.

4.2.2 Military use of excessive force

The use any type of force is determined by the dynamics of a given conflict. Scholars such as Walzer argue that the use of military force in internal conflict is justified if a conflict intensifies to the detriment of civilians.¹⁷³ He observes that in the event of increased civilian suffering, there is a moral imperative for the state power to use force in

¹⁷¹ The Kenya Defence Forces Act No 25 of 2012 page p. 1281

¹⁷² See chapter 2.

¹⁷³ Walzer, Michael, "The Politics of Rescue." Social Research, Vol. 62, No. 1 (Spring 1995): pp. 53-66.

order to alleviate such a crisis. Such force was used by NATO in Bosnia, ECOWAS in Liberia and Nigeria in Biafra to restore law and order.¹⁷⁴ And for Bosnia and Liberia the use of force and coerced the belligerents to the negotiating table. The KDF used similar force to help the civil authority restore peace and normalcy in Mt Elgon. However, allegations of use of force during the military intervention gained prominence in the print media. During the research it was established that the KDF issued clear rules of engagement to all personnel that took part in the military operation. It was further confirmed that the rules of engagement were not broken at any time during the intervention.

The findings on the ground showed that 40 % of the residents confirmed that the military used excessive force. They accused the military of torture during the screening process which included innocent civilians who were not members of SLDF the militia. The other 60% of the residents said the military used necessary force while dealing the SLDF militia as they believed the militia was an army and therefore the military could not employ inferior force to deal with SLDF.

This research agrees with the findings made that during intervention in internal conflicts the military will use appropriate force according to the dynamics of the conflict. The study established that KDF was absolved from these claims by two independent but credible bodies.¹⁷⁵ First, the Parliamentary Departmental Committee on Defence and Foreign Relations; Administration, National Security and Local Authorities who visited Mt Elgon between 17-20 Aug 2008, to assess the security situation as well as investigate

¹⁷⁴ See chapter 2.

¹⁷⁵ See chapter 3.

allegations of human rights abuses by the military in Mt Elgon. The committee commended the KDF for their work which had helped to improve security and absolved the military of the accusations of use of excessive force. The second was the East African court of appeal sitting in Arusha which ruled on the ruling, on the appeal by IMLU vs the Kenya government, the court absolved the state (KDF) from the claims/charges of torture. Although the KNCHR confirmed the military tortured the victims during the screening process, they absolved KDF from any other crimes including rape or murder.

4.3 Impacts of military intervention in Mt Elgon

4.3.1 Restoration of peace and security

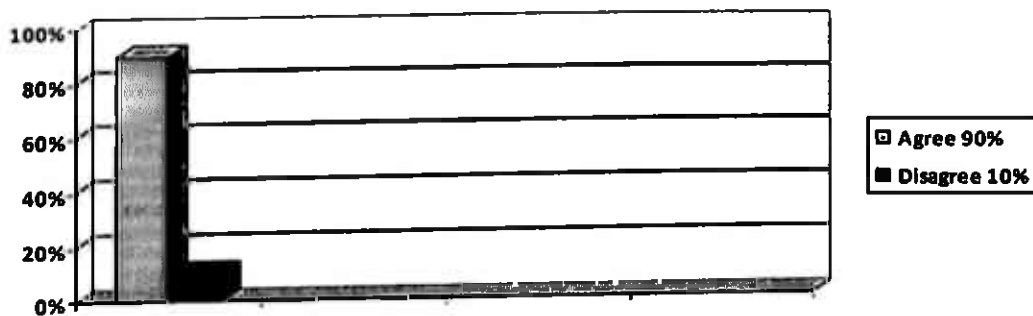
The study established that the security situation improved tremendously following NATO, ECOWAS and Nigeria Federal military interventions in Bosnia, Liberia and Biafra respectively.¹⁷⁶ In the cases of Bosnia and Liberia the belligerents were forced onto the negotiating table by NATO and ECOWAS military action. While in Nigeria and Mt Elgon the flight of Col Ojukwu into exile on 15 Jan 1970 and the killing of Wycliffe Komon Matwakei, the SLDF leader by the KDF on 16 May 2008 played a big role in ending the conflict.¹⁷⁷ The military intervention in Mt Elgon restored security and normalcy and the residents felt safe and were able to go on with their lives again. 99% of respondents affirmed that they began feeling safer as they could proceed with their daily works and confirmed that they have not had of a single gunshot since the military intervened. However, 1% of the respondent feel there is still animosity and enmity as no

¹⁷⁶ See chapter 2.

¹⁷⁷ See chapter 3.

reconciliation processes were held in the region and also in relation to Chebyuk phase III settlement scheme.

Bar chart:1 showing the opinion of respondent on restoration of peace and security.



Bar chart:1. Table shows that the majority, 90%, of the residents that were interviewed agreed that peace and security was restored after military intervention in Mt Elgon. However, 10% of the residents feel there is still animosity due to lack of real reconciliation process. They agreed that although the Truth Justice and Reconciliation Commission (TJRC) visited the area the meetings were held in Bungoma.¹⁷⁸ The residents felt that it was misplaced since the issues that were discussed were related to Mt Elgon which was affected by the SLDF and not Bungoma.

The research agrees with the findings the security situation will improve by military intervention in internal conflicts. In all cases of Bosnia, Liberia, Nigeria and Mt Elgon in Kenya, peace and normalcy was restored after decisive action was taken during the military intervention. In Mt Elgon the SLDF menace and atrocities including their expansionist ideas were effectively ended by the military intervention. This would serve

¹⁷⁸ TJRC report on Historical injustices

as a post conflict peace building measure and complement efforts by the military to restore peace. The government could also use the military to have more presence in civil military cooperation by providing more funding for the earmarked projects.

4.3.2 Restoration of development activities

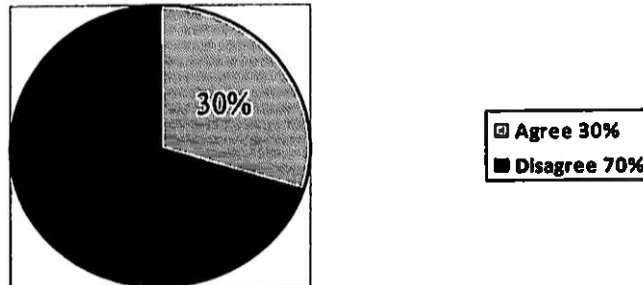
The eradication of insecurity in a conflict zone is just one achievement, however real work starts in the post conflict peace building. Scholars such as Ragan argue that states are more likely to intervene if the intrastate conflict involves humanitarian issues.¹⁷⁹ The issues here include reinstating the people to be able to continue with their livelihoods. The research established that in all the cases studied, the interventions did not include a post conflict peace building strategies.¹⁸⁰ In all the four cases, the major aim was to stop the humanitarian catastrophe that the warring parties had created.

The study agrees with the finding that although KDF contributed to construction of roads in Mt Elgon, it was meant to help them to easily access some of the SLDF militia hideouts and not a deliberate government effort to develop the area.

¹⁷⁹ Regan J Patrick. Choosing to Intervene: Outside Intervention in Internal Conflicts. Journal of Politics, Vol 60, No 3 (Aug 1998) pp 754-779.

¹⁸⁰ See chapter 3.

Pie chart 2. Contribution of Infrastructure



Pie chart 2. This pie chart shows that only 30% of the residents acknowledged that the military apart from intervention were also involved in contraction of roads in Mt Elgon. 70% did not agree and said the roads only helped the military to access SLDF hideouts in Mt Elgon forest and have therefore only benefitted a smaller percentage of Mt Elgon population. Overall the existing roads in Mt Elgon have never been tarmacked making accessibility to some parts difficult.

4.3.3 Declining standards of education

The intra-state conflicts displaced thousands of people and generate a lot of internal displaced people and refugees. This flight of people affect the education standards as teachers and students are displace and learning is disrupted. Bosnia Many found themselves refugees in Serb-held Bosnia, in and around Banja Luka. Many thousands also fled as more than 80,000 refugees flooded into Serbia during the first week after the Croatian attack¹⁸¹. Similar situation were witnessed in Liberia, Nigeria and Mt Elgon. Schools in Mt Elgon had closed due to SLDF activities and atrocities which

¹⁸¹ Sipke de Hoop: NATO Interventions IN Balkans: History, Perceptions and Analogical Reasoning: Centre for European Security Studies; Croningen, Netherlands (2011).

made learning impossible as the militants had spread fear and despondency in the people. Many families were displaced and many others became IDPs. Consequently the pupils and teachers were displaced while others were killed by SLDF therefore learning could not go on.¹⁸² It was assessed that the SLDF insurgency actually thrived on the rampant illiteracy in Mt Elgon and therefore the action by the military directly addressed one of the main causes of the conflicts.

The study agrees with the finding that KDF restored peace and security in Mt Elgon, carried out projects to rebuild schools and encouraged people to come back and continue with their lives.

4.3.4 Improvement of health facilities

The health facilities were non-existent when the military intervened in Mt Elgon. The medical personnel had either been killed or had fled the area due to insecurity. SLDF had looted all the available drugs from the dispensaries and health centres. When the military intervened, the medical component started medical camps (MEDCAPS) where they treated thousands of people during the intervention. They also carried out sensitization clinics on various issues.

The study agrees with the finding that KDF restored normalcy and provided the foundations for the Ministry of Health to restore the health facilities.

¹⁸² See chapter 3.

4.4 Challenges faced by KDF

The Kenya Defense Force was faced with challenges in their quest to achieve their objective which was to eliminate SLDF in Mt Elgon and restore normalcy. Some of these challenges are as follows;

4.4.1 Lack of Well Coordinated command and planning between the military and police

The command and coordination of operational plans between the military and police was a challenge in the initial stages of the operation. The police had been in the area for a long period and understood the dynamics of the conflict and the modus operandi of the SLDF. Therefore they were expected to provide the military with this information however the approach of the two forces was not well coordinated. According to the military operational command this was a challenge but it was eventually solved when operations were streamlined.¹⁸³

4.4.2 Inadequate training of military personnel

The other problem which was mentioned by the operation command and which contributed to the problem of Command and Coordination was the lack of training. Under normal circumstances the military need to train together with the police before deployment in order to understand and appreciate each other's role. The respondent in the department of Defence indicated that, the under the old constitution, the military would not normally be trained to handle internal conflicts. it is however noted that under the

¹⁸³ See chapter 3.

new constitutional dispensation (2010) with help of Kenya Defence Forces Act, no 25 of 2012, there is now a deliberate requirement under section 35(a) of the KDF Act to train and equip the troops for such deployment'¹⁸⁴ Therefore under the new constitutional dispensation the challenges that were faced in terms of training will be a thing of the past.¹⁸⁵

4.4.3 Rugged terrain

The terrain in Mt Elgon at the time of intervention was very poor and accessibility was very difficult. Therefore the military had problems moving their logistics and equipment to their operations bases. Similar challenges were experienced by the Nigeria Federal army when they intervened in Biafra. The federal army faced serious challenges namely; they had a problem of access and therefore could not easily move their logistic to the operation areas since the road network was poor and the other challenge was the hostility of the Igbo people and were regarded as an occupational force.

4.4.4 Poor coordination between the security agents and provincial administrators

There was no proper coordination between the provincial administrators and the security agents. This was noted during the engagement of the provincial administrators in the region. This was exacerbated by the fact that the residents had lost their confidence in the provincial administration. Some respondents said that the personnel who were in charge of security at that time did not collaborate with the police as they feared the presence of *Kangaroo courts* which were established in each village by the SLDF. This limited them

¹⁸⁴ Lt Col Nafula (not real name), legal officer Kenya Army Hq oral interview 25/6/2013

¹⁸⁵ See chapter 3

from reporting any cases to the administrative units that were in Mt Elgon. Thus SLDF structure overwhelmed the police and the provincial administrators hence making it difficult to act as security agents in Mt Elgon. The SLDF also targeted Chiefs and any symbol of government administration in the area.

4.5 Conclusion

The analysis of and interpretation of the data from Mt Elgon brings out important conclusions for this study. First it can be concluded that the security situation on Mt Elgon was grave before the military intervention due to SLDF militia activities. Secondly it can also be concluded that lack of intervention for prolonged periods allows the conflict to intensify and therefore makes intervention difficult and expensive. Thirdly it can also be concluded that strong institutions, constitutions and treaties provide regional organizations and governments, a legal framework for military interventions. Fourthly it can be concluded that the military will apply force appropriately according to the dynamics of the conflict and the situation on the ground, However rules of engagement will be established before operations commence.

It can also be concluded that military intervention in most cases restores normalcy and impacts positively on society as it restores service delivery. However, it is concluded that military intervention only addresses the security aspect and does not address development issues that should accompany the security as a post conflict peace building measure.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

The chapter concludes the research by giving a summary of findings. The chapter looks at the success or failure of the methodology used in the data collection and compares the findings with the research objectives. The chapter also looks at the research hypothesis and whether they were answered or not. Through the discussions in this chapter questions for further research will be generated and finally important recommendations made that can be used for policy formulation.

5.1 Summary of findings

The research made important findings that will make a positive academic contribution and adds to the available knowledge in the field of military interventions in local conflicts. The recommendations made in this study will help in policy formulation on future operations in military interventions in internal conflict. The study raises the following important academic questions for future research:

1. When is the right time for the government to use the military to intervene in internal conflicts?
2. Can military intervention be done without parliamentary consent?
3. What magnitude of force is appropriate for use during military intervention in internal conflicts?

The findings of this study are summarized as follows:

The study established that the cause of conflict in Mt Elgon was the fight over land allocation between the Soy and the Ndorobo in Chepuk phase three settlement scheme.¹⁸⁶ The study also established that similar cause of conflict over resources was witnessed in Nigeria while that in Liberia was over the struggle for political power.¹⁸⁷ The study also established that the Soy mobilized the youths to form a vigilante group the SLDF to protect the Soy community land but it transformed into an insurgent group and committed heinous crimes in Mt Elgon.¹⁸⁸ The militia recruited the youths to beef up their numbers and Insecurity worsened as the Militia established its own law.

The Government was justified to intervene using the KDF as the police and who were charged with the security had failed to dismantle the SLDF. The militia was well armed and attacked the police and looted their arms. The research also established that the military was accused of torture during the screening process but the forced that was used depended on the prevailing situation on ground since they were fighting a well armed insurgent group.

The military intervention impacted positively as it dismantled the SLDF militia and restored peace and security and that the residents were able to continue with their daily lives as normalcy was restored. The Study also established that the military had challenges during their intervention in Mt Elgon stemming from.

¹⁸⁶ See chapter 3.

¹⁸⁷ See chapter 2.

¹⁸⁸ See chapter 3.

5.2. Discussion of the findings

The study will discuss each of the findings in and determine whether it concurrence with the theories used in the research, the research objectives and the hypothesis of the research and evaluates the merits of each finding to determine whether it answers the intended objectives and if it answers the hypothesis.

5.2.1 Theory of the study

The research established that the main cause of the conflict was ethnicity and fight over resources (land) between the Soy and the Ndorobo (Mosop). This finding is in agreement with the cultural diversity theory on which this research is based. Proponents of this theory argue that ethnic antagonism includes cultural diversity of groups, ethnic dominance, and ethnic competition as causes of conflict leading to military intervention.¹⁸⁹ In the case of Mt Elgon, ethnic antagonism between the Soy and Ndorobo over land allocations in Chepyuk phase III settlement scheme was the main cause of the conflict. In 2001, the Soy mobilized the youth and formed a vigilante group to defend their land and resist forceful evictions. However the group later transformed into a militia group called the Sabaot Land Defense Force (SLDF).¹⁹⁰ The Soy-dominated SLDF targeted the Mosop clan and other communities living in Mt. Elgon.

The research also established that the SLDF militia was involved in recruitment of young boys and girls in Mt Elgon to strengthening its numbers.¹⁹¹ The young boys and

¹⁸⁹ Jenkins, J.C. and Kposowa, A.S. "The Political Origins of African Military Coups". International Studies Quarterly, 36, 1992, pp. 271-292.

¹⁹⁰ Robert Romborah Simiyu, Militarization of Resource Conflicts: The Case of Land- based Conflict in the Mount Elgon Region of Western Kenya. Nairobi: Institute for Security Studies, 2008, p. 24.

¹⁹¹ United Nation Convention on rights Children Article 1.

girls were forced to commit traumatizing atrocities and if they failed or showed weakness they were threatened with death and sometimes were actually killed by SLDF militia. The finding answers the objective of this research which was to investigate the dynamics of military intervention in Mt Elgon. The theory on government decay used in this research also agrees with this finding since lack of strong government institutions in Mt Elgon allowed the SLDF militia to prosper and a major security challenge.

5.2.2 Objective I; Government justification of military intervention

The objective one of this study was to investigate whether the government was justified to intervene militarily in Mt Elgon. The research established that the government's use of the military to intervene in Mt Elgon was justified as this was done pursuant to the constitutional mandate article 241(30) (c) of the constitution.¹⁹² This provide the legal justification of the military intervention which was invoked by the Commander in Chief of the Defence Forces as parliament had not been constituted due the election dispute.¹⁹³ The finding here does not supports the theory of political decay because the government intervened due to the strong democratic institutions that are available which allowed the president to issue an executive order even in the absence of parliament. The intervention was also supported by Mt Elgon residents and political leaders in the country. In their view, the step taken by the government contributed in saving lives of many residences of Mt Elgon as no deaths occurred after the military intervened.

¹⁹² The Kenya Defence Forces Act No 25 of 2012 page p. 1281

¹⁹³ Lt Col Nafula (Not real name) 37 years, legal officer Kenya Army Hq oral interview 25/6/2013.

5.2.3 Objective II; Military use of excessive force

The second objective of this study was to establish whether the military used excessive force during the intervention. The research established that two different opinions emerged.¹⁹⁴ On one side, the study noted that the military used excessive force which bordered on torture during the screening of the people they arrested, who included innocent civilians that were not members of SLDF militia, before they were handed over to the police for interrogation and prosecution. On the other hand, the research also established that the residents who bore the brunt of the SLDF militia atrocities maintained that the military used the necessary force while dealing the SLDF militia as they believed the militia was an army and therefore the military could not employ inferior force to deal with SLDF. The research raises an important question, what is the appropriate force to be exerted by the military when deployed to aid civil authority to fight an insurgent group?

The research also established that KDF was absolved from the allegations of use of excessive force by the Parliamentary Departmental Committee on Defence and Foreign Relations; Administration, National Security and Local Authorities visited Mt Elgon between 17-20 Aug 2008, to assess the security situation as well as investigate allegations of human rights abuses by the military in Mt Elgon. This committee absolved the military of these accusations.¹⁹⁵ Secondly, The East African Court of Appeal sitting in Arusha in its ruling, on the appeal by IMLU vs the Kenya government, also absolved

¹⁹⁴ See chapter 3

¹⁹⁵ Kenya parliament Hansard report 21 Aug 2008

state (KDF) from the claims/charges of torture.¹⁹⁶ Thirdly although the KNCHR confirmed the military had used excessive during the screening process which bordered on torture, they absolved KDF from any other crimes including rape or murder.¹⁹⁷

5.2.4 Objective III; Impacts of the military intervention in Mt Elgon

The third objective was to investigate the impacts of the military intervention on the residents of Mt Elgon. The research established that there was a positive impact of the military intervention by restoring peace and normalcy after decisive military action. KDF dismantled SLDF militia command structure following the killing of Wycliffe Komon Matwakei, the SLDF leader.¹⁹⁸ The SLDF menace and atrocities including their expansionist ideas were effectively ended by the military intervention. However the research noted that animosity surrounding the land allocations in Chepyuk phase III settlement scheme still exist. The study noted that the enmity still exist amongst the communities due to lack proper reconciliation processes. It was further noted that although the Truth Justice and Reconciliation Commission (TJRC) visited the area the residents felt that it was misplaced since the issues that were discussed were related to Mt Elgon which was affected by the SLDF and not Bungoma where the meetings were held.¹⁹⁹ The finding supports the objective of this research set out to investigate what impacts the KDF made during the intervention in Mt Elgon.

¹⁹⁶ Independent Medico-Legal Unit IMLU, "Preliminary Report of Medico-Legal Investigation of Torture by Military at Mount Elgon Operation Okoa Maisha", 2008.

¹⁹⁷ See chapter 4

¹⁹⁸ See chapter 3

¹⁹⁹ TJRC report dated June 2013

5.2.5 Objective VI; Challenges faced by KDF

The other part of the third objective was to investigate the challenges that KDF faced during the intervention in Mt Elgon. study established that KDF phased major challenges in terms of command and coordination of operational plans between the military and police in the initial stages of the operation. The study also noted that there was lack of proper coordination between the provincial administrators and the security agents which was exacerbated by the fact that the residents had lost their confidence in the provincial administration and compounded by the fear of SLDF militia which had established *Kangaroo courts* in each village. This limited the reporting of any incidents to the administrative units that were in Mt Elgon.

The study also established that there was lack of joint training between the police and the military component before the intervention which also affected the operation. The research also established that the military did not have the necessary equipment to operate in the rugged terrain in Mt Elgon. The research however noted that, under the new constitutional dispensation (2010) with help of Kenya Defence Forces Act, no 25 of 2012, 35(a) of the KDF this problem will be resolved.²⁰⁰ The research also established that one of the main challenges for the military was how to balance between use of appropriate and at the same time fight the SLDF militia.

5.2.6 Hypothesis of the study

The hypothesis of this study was to establish whether there is a direct relationship between Military intervention and the negative effects of internal conflict on the affected

²⁰⁰ Lt Col Nafula (Not real name) legal officer Kenya Army Hq oral interview 25/6/2013

population. The research established that the government took three years to intervene in Mt Elgon conflict. During this period the SLDF trained, recruited fighters and slowly transformed into an insurgent group. The security situation deteriorated as the militia group established itself in Mt Elgon.²⁰¹ The inaction by the government could have been due to lack of interest or poor planning. Scholars such as Bull, Feste and Mogenthau would suggest that interventions only takes place when clear national interests are at stake²⁰². The finding answers the hypothesis of this research that military intervention is directly related the conflict. Lack of or delayed military intervention exacerbates conflict and vice vasa.

The research also established that the government lacked other peaceful conflict resolution strategies to resolve the conflict in Mt Elgon. The SLDF militia did not have a political wing that could have been engaged in negotiations to end the conflict in Mt Elgon. Therefore, this scenario was part of the reason why the government did not intervene earlier as it tried to resolve the conflict peacefully. The finding answers the hypothesis for this research that military intervention is direct related to the conflict as the delay worsened insecurity which was coupled with human rights violations.

5.3 Conclusion

The research concludes that the study agrees with the theories used. Both the political decay and the cultural diversity theories are applicable in the research. The theories help to explain the cause of the conflict in Mt Elgon and the dynamic of the military intervention. The research also concludes that the objectives of the research

²⁰¹ See chapter 3 and 4

²⁰² Feste, Karen A. Expanding the Frontiers: Superpower Intervention in the Cold War. Westport, (1992)

which was to investigate the dynamics of military intervention in Mt Elgon were achieved. The study is able to bring out all the issues surrounding the military intervention. These issues include the origins of the conflict in Mt Elgon, the formation and transformation of SLDF into an insurgent group, the responsibility of the government to intervene, justification and consent. The research also uses the appropriate sampling methodology in order to bring out actual primary data from Mt Elgon and analyses this data including comparing it with other intervention in the world to arrive at these conclusions. The research also answers the hypothesis of this study which intended to investigate whether there is any relationship between military intervention in internal conflict and human rights violations. This is found to be true that military intervention is directly related human rights violation. Lack of intervention will allow the conflict to intensify and thereby increasing the human rights violations and the opposite is also true.

5.4 Recommendations

The study makes the following recommendations.

1. The government needs to use peaceful strategies to resolve internal conflict as the first line of defence
2. The government needs to involve other national and international organizations to carry out humanitarian intervention
3. The government needs to ensure fair distribution of resources to all the citizens when dealing with cases such as the land distribution.
5. The government needs to timely and appropriately intervene in internal conflicts to prevent militia atrocities.

6. The military needs to use appropriate force during its intervention in order to minimize the accusations of human rights abuse.

7. The military need to train its personnel properly including Human Rights issues to minimize accusations of violation of the same.

The military intervention in Mt Elgon was well intended and achieved the intended objectives to dismantle the SLDF militia and restore peace and security and normalcy to Mt Elgon. However, the misconception and lack of information and knowledge of the KDF operations led to unjustified accusations without necessarily weighing the gains that were achieved as a result of the intervention. This study established that militarily intervention in Mt Elgon can be juxtaposed on any conflict situation in the country according to the existing legal framework.

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APPENDIXES

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LIST OF RESPONDENTS

1. Lt Col. Barasa
2. Bongo M. (not real name),
3. Cheptiti Edward
4. Chesebe Ann
5. Mr Chengut Protus
6. Dan Kimai
7. Eli Torombo
8. Kamoet George.
9. Kasis Isaac.
10. Kipsawer
11. Kazungu Brig (not real name)
12. Kibet K., Oral interview 19/6/2013.
13. Kiboro P. Chebus,
14. Kimai D.
15. Kirui B.
16. Kirui J.
17. Komon Kirui
18. M. Borno
20. Mabani King'wa Robert,

21. Mokina Dorcas
22. Mrefu Col (Rtd)(Not real name).
23. Lt Col Ng'arua (Not real name)
24. Mudavadi L.,
25. Lt Col Nafula (Not real name)
26. Rotich J.
28. Serut M.
29. Lt Col Haji Mohamed (Not Real name)
30. Maj J N Kakriuki (Not real name).
31. Maj S N Makori (not real name)
32. Maj D Barasa (not real Name)
33. Capt B Onyango(Not Real name)
34. Capt Aboud Faraj (not real name)
35. Assistant Commissioner of Police Barmasai (not Real name)
36. Lt Makokha
37. Lt Adasa
38. WOII Serem (Not real name)
39. Ssgt Kalu (Not real name)
40. Ssgt Wanyonyi (not real name)
41. Cpl Mukholo (not real name)
42. Cpl S Odour (Not real Name)
43. Spte B Otieno (Not real name)
44. Spte m. Karani (Not real name)

45. **Spte Kaluma (not real name)**
46. **Spte Etwang (not real name)**
47. **Spte Ekeno (not real name)**
48. **Spte Riziki (not real name)**
49. **Spte Ochieng (not real name)**
50. **Spte Baridi (not real name)**