

Institute of Diplomacy and International Studies

Topic

***Mt. Elgon Ethnic Conflicts and the threat it Poses
to East African Community's Cohesion***

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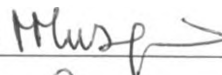


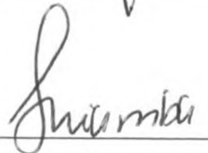
Declaration

This research paper is my own original work and has not been presented for a degree in any other university.

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This research paper has been submitted for external examination with our approval as university supervisors.

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Dedication

This is a special dedication to my wife (Veronica Muthoni Masika), my son (Frank Kamwana Masika) and my daughter (Karen Nyambura Masika). You have made me what I am and as an appreciation, this is for you.

Abstract

Ethnic conflicts may have devastating effects to the economic, political and socio-cultural wellbeing of a state. These effects may spread to the neighbouring states to the extent that the relationship of such a state and her neighbours are affected. There are a number of conflicts along some of the Kenyan borders. This study focused on Mt. Elgon ethnic conflicts. The main objective was to find out what exactly is the main cause of these conflicts and establish the ripple effect to the neighbouring countries and by extension the entire East African region.

The ethnic conflicts within Mt. Elgon area take two forms. The first one is inter-tribal and this is mainly between the Bukusu tribe and the Sabaot. It takes the dimension of which tribe is superior to the other and which tribe is benefiting at the expense of the other as far as then resources within the region is concerned. It hardly resorts to armed conflict but it was quite clear during the interview that there exists a cold war between these two tribes.

The other form is inter-clan. Within the Sabaot tribe, there are a number of clans. These clans are fighting over land. Some clans feel that there has not been justice in land allocation. This has resorted to armed conflict. In fact some tribes went ahead to form a militia group – the Sabaot Land Defence Force - to fight for what they thought was unjust to them.

These conflicts have spread to the neighboring country Uganda since each of those tribes and clans have got their counterparts in Uganda who also side with them. The conflicts have also led to other tribes, mainly from Uganda, taking advantage to come and raid cattle. This has made the relationship between the citizens of the two states at the border sour. This clearly jeopardizes the East African Community's vision of having a political federation by the year 2013, since a stable political federation is dependant upon a good relationship among citizens of the member states. The situation is made worse bearing in mind that Mt. Elgon Ethnic Conflicts are not the only intra-state conflicts that has a spill-over effect. There others like between the Karamoja and the Turkana along the Kenya Uganda border, the Kisii and the Maasai, the Kuria and the Maasai, the Kuria and the Luo, all along the Tanzania Kenya border.

There are many dimensions and actors to these conflicts. However it is clear from this paper that Mt. Elgon conflict is resource based, mainly land. Managing it will increase the cohesion of the people around the region and this will have a positive effect to their counterparts on the other side of the border. This is why, at the end of the paper, suggestions have been provided on the effective ways to manage the conflict.

Abbreviations

ADC	Agricultural Development Corporation
AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
CPMR	Conflict Prevention, Mitigation and Resolution
DDO	District Development Officer
DEO	District Education Officer
DSDO	District Social Development Officer
EACJ	East African Court of Justice
EAHC	East African High Commission
EALA	East African Legislative Assembly
FORD	Forum for Restoration of Democracy
H.E.	His Excellency
HIV	Human Immunodeficiency Virus
IDP	Internally Displaced Person
MDGs	Millennium Development Goals
MOH	Ministry of Health
MP	Member of Parliament
MSF	Medicins Sans Frontieres
NCC	National Consultative Committee
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
ODM	Orange Democratic Movement

PNU Party of National Unity
SLDF Sabaot Land Defence Force
UNICEF United Nations International Children Educational Fund

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CHAPTER ONE

Mt. Elgon Ethnic Conflicts and the threat it Poses to the East African Community's Cohesion

1.1. The Genesis and Complexity of the Conflict

Hein Hirshley, while writing on the plight of the people of Kenya in the conflict stricken areas rightly put it, "Deadly violence in the Mt Elgon region has by now become old hat, and very few people besides the perpetrators and the victims, seem to pay much attention to it any more."¹ Despite the denial and very little intervention to the Mt. Elgon clashes (except for the military intervention), the fact is that there is a crisis, and the effects are already being experienced both locally and the neighborhoods.

Mt. Elgon Ethnic Conflicts has its history dating as far as the early 1970s.² Though in different forms as it is, the major one is around the land issue. The land in contention was first occupied by the Ndorobo community in the early 1960's. In 1971 the Ndorobo were moved out of the forest to a settlement scheme and it is here that close to 109 families were resettled. However the scheme was never degazetted out of forest land. In 1979, formalization of the scheme was proposed but the initial number of families had increased to over 2000. The exercise was thus nullified and left at that. Several other attempts at resettlement and finalization were carried out. In 1989 the government through a former Provincial Commissioner Mr. Francis Lekoolool tried to complete the

¹ Hein Hirshley, *Human Social Dignity* (London: Howard Publishers, 2005) p.47.

² Cleophas Moturo, *Analysing the Conflicts within and Around Mount Elgon Region*, (Nairobi: Pauline Publications, 2004), p.122.

resettlement but the process was marred with political interference, nepotism and corruption that saw an end to it.³

The second attempt to resettlement was in 1990, but was also soon abandoned due to the 1992 land clashes that had hit most parts of the Rift Valley. Mt Elgon was one of the regions affected by the 1992 land clashes and its impact was highly manifested by an influx of people into the settlement scheme, most of whom were not original inhabitants of the area. There was also an attempt at resettlement in 1997 but was also abandoned due to a lack of political will.⁴ The recent attempt at resettlement was started in 2000 and in it the first two phases of the scheme were completed.

The Mosop (commonly referred to as the Ndorobo) were the first to petition the first president Mzee Jomo Kenyatta to give them the land, this was in a bid to get out of the harsher mountainous moorlands in the forest.⁵ The Soy clan was also not left behind in allocation of the controversial piece of land; they sent a delegation to former President Moi demanding allocation of phase III settlement in its entirety. However in both cases there was no documentation to show the presidential decision or decree taken in regard to the land.

By 2002, allocation of land and issuance of title deeds in the settlement scheme had not yet been completed. In the hope of garnering votes and endearing themselves to the

³ Cleophas Moturo, *Analysing the Conflicts within and Around Mount Elgon Region* (Nairobi: Pauline Publications, 2004) pp.130-133.

⁴ Ibid. p. 140.

⁵ Cleophas Moturo, *Analysing the Conflicts within and Around Mount Elgon Region* (Nairobi: Pauline Publications, 2004) p.53.

electorate, politicians vying for parliamentary seats used the same as a campaign promise and more specifically with the promise of settling squatters in households commonly known as “*nyumba kwa nyumba*” (house to house).⁶ This meant that all families were to be given title deeds based on where one stays or build their home or hut.

None of the past MP's (who have mainly be drawn from the Soy clan) in the area have been successful in settling the squatters permanently, yet the populations were swelling in numbers. It was almost a consensus amongst the Soy elders and area leaders that the Chebyuk settlement scheme be finalized and was therefore used as a campaign tool in endearing to the squatters. The Soy being the majority demanded a lion's share in the allocation of the plots in the scheme. This marked the genesis of discontent with certain leaders notably the then area MP (John Serut) going against the initial agreement.

That shows how complex the Mt. Elgon conflict is. It starts with a few clans then spreads over to other tribes in then area. It is the reason as to why the Sabaots have conflict with other tribes like the Teso and the Bukusu. They see them as aliens who are just after grabbing their land. Other groups join in the conflict to take advantage. A good example is the cattle raiders from Uganda and the politicians who want to use the division to get votes.

It is among the most persistent of the ethnic clashes in Kenya. Many lives have been claimed and a number of people have been displaced from their homes. Through the

⁶ Hellen Bristley, *The People's Voice: A Dissection of Mt. Elgon Land Allocation System* (Nairobi: CCR Publications, 2004) p. 82.

theory of internalization of conflicts, the theory of conflict systems and above all Kenya being at a strategic point of all the countries within the East African Community makes the conflict an issue that should be given an immediate attention, lest its impacts reach an uncontrollable level affecting all the other members of the Community.

The East African Community has a vision of having a Common Market by 2008 and Monetary Union by 2010 and ultimately the East African Political Federation by 2013.⁷ If conflicts will persist both along the borders and within the various member countries then this vision will be heading for a big crush. Therefore, much attention needs to be given to these clashes. This paper is going to closely look at Mt. Elgon conflicts as a typical example of the nature of conflicts within the East African Community. Its critical analysis will therefore give an aerial picture of the future of the East African Community.

1.2. Statement of the Problem

Throughout the treaty making process of the East African Community, there was consensus that cooperation should be a people driven and people centered development allowing the people of East Africa to play an effective role in determining the progress of the new community.⁸ In view of that, they noted that one of the challenges would be the effective involvement of the peoples of East Africa as a driving force of the community.⁹ This will be made even worse by the persistent conflicts.

⁷ Ministry of East African Community (Republic of Kenya), *Strategic Plan 2007 – 2012*, p.vi.

⁸ Ministry of East African Community (Republic of Kenya), *Strategic Plan 2007 – 2012*, p.4.

⁹ Cf. *ibid.*

This is done with a clear understanding that a sound foundation is needed to create a sustainable political federation for the East African Community. One contributor to such sustainability requires that the process towards Political Federation be reached through public mobilization pressure rather than through executive decision.¹⁰ That will only be possible if there is a consensus among the citizens of the member countries. Consensus cannot be achieved if there is persistent conflict. Even if the leaders force the signing of the federation it will be one that is perpetually marred by conflicts. This may make the whole endeavor stagnate.

It is quite clear, as Mwagiru puts it; conflicts play a very important role in our society. According to him, "...a conflict can help people to understand themselves and their relationship better. It provides a chance to reexamine relationships and to try and make them better and stronger".¹¹ However, this is only possible for a well managed conflict. In fact, these positive impacts may come only later after damage has been done. That means there is also the dark side of conflicts which have to be taken note of.

Conflicts often make people suspicious of each other. Consequently, conflict stricken states may be viewed by other states as violent and that might make them be hesitant to join them under one body. Conflicts along the borders worsen the situation since they may overflow to the bordering state(s) and interfere with peaceful coexistence of the

¹⁰ East African Community, *Report of the Committee on Fast Tracking East African Federation*, 26th November, 2004, p3.

¹¹ Makumi Mwagiru, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p.6.

people around the area. This will make it challenging to push an agenda that calls for having a political federation.

Within the East African Community, there are a number of conflicts some of which are still going on up to now. This poses a great threat to the stability of the Community. It raises further concern bearing in mind that the Community is seeking to operate as one entity. Above all, Mt. Elgon conflicts has multiple actors: politicians, militia groups, the community at the grass roots, regional and sub-regional organizations, the government, the international community and many others. Each of the mentioned groups have different interest in the conflict. This generates a conflict system thereby internationalize it.

Therefore, having a deep understanding of the magnitude of Mt. Elgon conflict can give a picture of the future the East African Community. First because of the system it creates and second it may act as a prototype of other conflicts within the region, especially the conflicts that are along the borders such that knowing how to deal with it is as good as knowing how to deal with the rest of the conflicts.

1.3. Research Objectives

General Objective

To know the implications Mt. Elgon conflicts to the Vision of The East African Community.

Specific Objectives

1. To identify the causes of Mt. Elgon conflicts so as to give an everlasting solution.
2. To find out the effects of the conflicts to Kenya and by extension the East African Community so that they can be mitigated.
3. To establish the best way possible to manage the conflict.

1.4. Conceptual Framework

This research will be informed by the theory of conflict systems. It is going to help in showing how important the Mt. Elgon conflict is to the East African community. The general argument in the theory of conflict system is that a conflict cannot exist on its own. A conflict in one entity has an impact on other entities.

At the international system, states are the formal entities. That means a conflict in one state will automatically affect other states. Kenya does not exist in isolation. It has some interactions with the neighboring states some of whom are the members of the East African Community. Therefore, whatever happens in Kenya, affects the countries within East Africa and therefore the entire EAC. In this case, Kenya may become the epicenter of the conflict.

This theory goes hand in hand with internalization of conflicts. The Westphalian state system was based on sovereignty, territoriality and the doctrine of non-interference.¹²

This was based on the assumption that there is a clear distinction of what is domestic (intra-state) and what is International (inter-state). However, as Mwagiru notes, with the development in research and knowledge, the dichotomy between what is domestic and what is international became difficult to justify.¹³

It became quite clear that states are not the only actors in international politics. In the spheres of conflict, then, what could otherwise be termed as a domestic conflict could have an international dimension hence the internalization of conflicts. In that connection, certain internalizing agents have been identified. These include interdependence, human rights, the idea that international conflict has domestic sources, and the problem of ethnicity, especially the division of an ethnic group by international borders, and the media.¹⁴ By virtue of this theory, Mt. Elgon conflict is therefore not distinctively a Kenyan problem.

1.5. Literature Review

The review will be in four parts. The first part will involve reviewing the literature that talks about conflicts in general. Since conflicts are of different types, the second part will involve the literatures that focus on ethnic conflicts. The third part will analyze literature

¹² Makumi Mwagiru, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p60.

¹³ Ibid.

¹⁴ Makumi Mwagiru, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p.62.

on conflict systems. Lastly, the review will involve those literature that touch on effective conflict management.

Conflict: Definition, Causes and Types

According to Anthony de Reuk, conflict is about the legitimate distribution of future costs and benefits among people. It often arises because somebody benefits at someone else's expense. Or because this is suspected or anticipated and resented.¹⁵ A conflict situation is usually said to arise between parties who perceive that they possess mutually incompatible objectives. The more valuable the objective the more intense the conflict. The more numerous the objectives the greater its scope. The more parties there are in conflict the larger its domain.

John Burton sees people in terms of basic needs, which they will fulfill in one way or another. If they cannot fulfill them in acceptable ways they will do so in deviant ways including those of violence.¹⁶ The notion of needs is therefore very important in Burton's argument. This idea is borrowed from Maslow's hierarchy of needs which are physiological, safety, belongingness, esteem and finally self actualization.¹⁷ According to him, therefore, if those needs are not met, then the person resorts to violence.

Under structural factors, he looks at the issues of weak states, whereby the weakness of states arise from artificial constructs which lack legitimacy, politically sensible borders

¹⁵ W. M. Bahn (ed), *Conflict in World Society: A new Perspective on International Relations* (Sussex: Hawester, 1984) p. 97.

¹⁶ Cf. *ibid.*

¹⁷ *Ibid.* also cf. Kathleen S. B., *The Developing Person Through the Life Span*, (New York: Worth Publishers) p.42.

and political institutions capable of exercising meaningful control over territories placed under their supervision. The other aspect of structural factor is the intrastate security. This is whereby groups worry that other groups may pose security threats and feel compelled to provide their own defense. The last aspect of structural factor is the ethnic geography. This is where states with ethnic minorities are prone to conflicts.

The political factor has to do with the type of fairness of a country's political institution. If the system only benefits a few individuals then there is likely to be conflicts. The economic factor concerns unemployment, inflation and resource competition. Lastly cultural/perceptual factor is about cultural discrimination against minority. This is shown through inequitable educational opportunities, legal and political constraints on the use and teaching of minority languages and constraints on religious freedom.

C. R. Mitchell contends that a conflict arises when two or more parties have incompatible goals about something.¹⁸ He says that beneath every conflict there is the issue of vision and the inability or the unwillingness to see the other person's point of view. He defines political conflicts as those conflicts between groups and their major characteristic is a high degree of organization.¹⁹ For him, social conflicts become political because with development in modern communications.

¹⁸ Makumi Mwangi, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p. 3. Also see C.R. Mitchell, *The Structure of International Conflict* (London: Macmillan, 1998) pp. 15-25.

¹⁹ *Ibid.*

Mwagiru divides conflict into two major classes; the violent and the non-violent conflicts.²⁰ Violent conflicts are those that cause physical harm to those affected by them non-violent conflicts do not cause any physical harm. Violent conflicts, for him, exist in various classes, starting from domestic (for example wife battering), to international, where one country fights with another.

Ethnic Conflicts

Jeremy Swift, argues that the major contributing factor of ethnic conflicts in Africa is resources. He says that civil unrests provide an occasion for seizure of assets.²¹ Such assets may include land, livestock and minerals. He notes that whereas many of the conflicts in East Africa is due to land and/or livestock, the ones in West Africa is due to minerals.²²

Marc Howard Ross, provides a socially rooted psychoanalytic theory and language, giving a central role to culturally rooted social and psychological processes which produce dispositions-shared images, perceptions of the external world, and motives for individual and group behavior. In intransigent ethnic conflicts, those core dispositions which invoke security fears and deep-seated threats to identity, are used by groups and individuals to interpret the motives of opponents in ways which often prevent groups from addressing the competing substantive interests which divide them.²³

²⁰ Ibid. p. 14

²¹ Institute of Development Studies, *Armed Conflicts in Third World Countries*, Bulletin Vol. 27 No. 3, 1996.

²² Ibid.

²³ Mark Howard Ross, Perceptions Shape our Destiny, *Political Psychology*, Vol. 16, No. 3, (Sep., 1995), pp. 523.

To him, ethnic conflict has a cultural angle. Each conflict is cultural-specific. Therefore, to understand well the causes of each conflict they have to be put in their contexts.²⁴

Ethnic identity, according to him, connects individuals through perceived common past experiences and expectations of shared future ones. Identity is concerned with group judgments and judgments about groups and their motives.

Psychocultural dramas are polarizing events whose manifest content involves non-negotiable cultural claims, threats, and/or rights that become important because of their connections to core metaphors and group narratives that embody a group's identity. In ethnic conflicts, psychocultural dramas arise over competing claims that evoke deeply rooted dimensions of the conflict which cannot be settled by reference to more general rules or higher authority. Psychocultural dramas are tools of analysis for understanding the centrality of cultural identity and ritual in ethnic conflict and for the redefinition of such conflicts in ways that increase the chances for managing them constructively.²⁵

Nicholas Sambanis admits that not all ethnic conflicts have the same causes.²⁶ He starts by defining ethnic conflicts as conflicts among communities (ethnicities) that are in conflict over the power relationship that exists between those communities and the state.²⁷ According to him, Believers in ancient group hatred argue that ethnic conflict is

²⁴ Mark Howard Ross, Special Issue: Culture and Cross-Cultural Dimensions of Political Psychology *Political Psychology*, Vol. 18, No. 2 (Jun., 1997) pp. 299

²⁵ Mark Howard Ross, The Dialectical Nature of Culture and its Pointer to Conflicts, *Political Psychology*, Vol. 22, No. 1 (Mar., 2001) pp. 157-178.

²⁶ Nicholas Sambanis, Conflict Resolution that Stays, *The Journal of Conflict Resolution*, Vol. 45, No. 3, (Jun., 2001), p.259.

²⁷ *Ibid.* p.260.

rooted in old sources of enmity and memories of past atrocities that make violence hard to avoid.

Herman Heyman, a proponent of primordial sociality theory argues that the strength of kinship ties promotes altruism in favor of the genetic evolution of the group.²⁸ The clash of cultures (or civilizations) theory suggests that irreconcilable differences due to cultural gaps cause fear and conflict that beget violence. Fear is also at the heart of the theory of the ethnic security dilemma, which suggests that territorial intermingling and mutual vulnerability exacerbate assurance problems that may lead to preventive wars by ethnic minorities who want to secede to increase their security.

For Margaret Clinsman, Modernization may also cause conflict as economic and social change can accelerate and intensify group competition for scarce resources.²⁹ This explanation may be particularly relevant when class cleavages and ethnic cleavages overlap.

Ethnic conflicts may also be the result of mobilization of ethnic groups by ethnic entrepreneurs or elites pursuing private interests and capitalizing on the availability of ethnic networks (i.e., ethnically defined groups that reduce transaction costs and uncertainty with respect to the enforcement of contracts).³⁰

²⁸ Herman Heyman, Conflict Resolution in the 21st Century, *The Journal of Conflict Resolution*, Vol. 45, No. 3 (June, 2001) pp. 270.

²⁹ Margaret Clinsman, Conflicts in the Modern World, *The Journal of Conflict Resolution*, Vol. 45, No. 3, (June, 2001) pp. 270.

³⁰ Pater Clay, Ethnicity and Ethnic Conflicts in the 21st Century, *The Journal of Conflict Resolution*, Vol. 45, No. 3 (June., 2001) pp. 259

Elites may also socially construct ethnic identities or reinforce racial, religious, or linguistic cleavages in such a way as to produce new sources of friction and conflict.³¹ To him although none of these perspectives can fully explain the causes of every ethnic conflict, each can shed light on one or more conflicts. Together, they all share a conviction that ethnicity is a critical variable in explaining ethnic violence.

According to Robin Williams of the Department of Sociology, Cornell University, New York, competition and rivalry for individualized economic and political goods are important, but the most intense conflicts are to be expected when the stakes are collective goods, including categorical claims to prestige and political authority.³² Ethnic conflicts arise from complex ambitions of ethnic strength, class, inequality, political opportunity, mobilization of resources and independence.

Daniel Bar-Tal School of Education Tel Aviv University argues that persistent inter-group conflicts require the formation of a conflictive approach that enables a society to adapt to the conflict situation, survive the stressful period, and struggle successfully with the adversary.³³ According to him, the formal termination of such a conflict begins with the elimination of the perceived incompatibility between the opposing parties through negotiation by their representatives, that is, a conflict resolution process.³⁴ But this is only part of the long-term reconciliation process, which requires the formation of peaceful

³¹ Ibid. p.289.

³² Robin Williams, Resolving Group Conflicts, *Annual Review of Sociology*, Vol. 20 (1994), pp. 49-79.

³³ Daniel Bar-Tal, The Diagnosis of Political Related Conflicts, *Political Psychology*, Vol. 21, No. 2 (June., 2000) pp. 351-365.

³⁴ Ibid.

relations based on mutual trust and acceptance, cooperation, and consideration of mutual needs.

Conflict systems

The ancestor of the conflict systems approach is systems theory. Systems theory, as postulated Kaplan, argues that all science in the world is organized along systemic lines.³⁵ It has systemic properties which can be revealed through research. A system in this view means a set patterned interactions in which behaviour has both rhyme and reason. This means that it is possible to at some to make abstractions and generalizations about the system. In terms of conflict analysis, then, it is possible to generalize about conflicts because they are part of a system.

Frank Cruz argues out that the basis of systems thinking is systems theory which argues that all science is organised along systematic lines. To him a system is a set of patterned interactions. The eventual idea is that at some level of abstraction we should be able to make general statements about the systems. He says that conflict systems can exist at the global, regional or sub-regional level.³⁶

For Cruz, perceiving conflicts within a systemic perspective has vital implications for conflict management. It implies that the management of a conflict which does not take

³⁵ Makumi Mwangi, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p73. Also M. Kaplan, *System and Process in International Politics* (New York: Wiley, 1957).

³⁶ Frank Cruz, *Deep Analysis of Conflict Systems in the Great Lakes* (London: Hughes Publishers, 2004) p. 34.

into account its systemic realities is unlikely to be effective and enduring in its outcome.³⁷ He contends that conflict management efforts which do not engage other interested actors are unlikely to succeed or endure. If actors who have direct interests in the conflict are not involved in its management, their interests are unlikely to be catered for and they can later sabotage any agreement reached.

Holmes Miller and Kurt Egemann designed a model that examines how conflict between two groups evolves over time. According to their model, inter-group hostility depends on the past history between the two groups, recent conflict incidents and group differences.³⁸ They argue that, many of the groups that have been in conflict have a common historical background. This gives a basis of what their conflict is all about. If there has been a recent conflict incident between the groups then that means the issue is still unaddressed. For victory, each group will seek alliances so as to attain the critical mass to face the opponent. This network enlarges as time goes by eventually leading to a conflict of a larger magnitude.

Anthony de Reuck, in talking about The Functions of Conflicts says that conflict is about change. He goes on to say that there are always likely to be two sets of issues in any conflict: what changes shall occur and to whose expense. He therefore says that we see

³⁷ Ibid. p.68.

³⁸ Holmes Miller and Kurt Egemann, A Simulation Model of Group Conflicts, *Journal of Business Ethics*, Vol. 50, No. 4 (Amsterdam: Springer Publications, April 2004) p.p.344.

conflict as both a cause and consequence of change.³⁹ According to him, “it heralds progress and growth as well as death and decay.

Reuck clearly argues that conflicts are bound to cause some challenges.⁴⁰ In this case, this challenge may only be felt in one state, say, Kenya, and through the internalization of conflict, it will be felt by other countries within the sub-region thus posing a big challenge to the formation the sub-regional organization in that sub-region.

David Carment calls such internal conflicts that have its effects spilling over to international level as secessionist conflicts.⁴¹ This may come as a result of self appointed mediators. A very good example is when president Museveni wanted to intervene in mediating the post election conflict in Kenya yet he was not welcomed. This threatened the relationship between the two countries since the opposition was not happy about it.

Effective Conflict Management

The psychological aspect of reconciliation requires a change in the conflictive thinking, especially with respect to societal beliefs about group goals, about the adversary group, about the in-group, about inter-group relations, and about the nature of peace. In essence,

³⁹ W. M. Bahn (ed), *Conflict in World Society: A new Perspective on International Relations* (Sussex: Hawester, 1984) p. 99.

⁴⁰ Cf. *ibid.*

⁴¹ David Carment, Peace Building in the new Era, *Journal of Peace Research*, Vol. 30, 1993, pp. 137-150.

psychological reconciliation requires the formation of a culture of peace, but this is extremely difficult in cases of intricate conflict.⁴²

Daniel Bar-Tal, Arie W. Kruglanski, and Yechiel Klar suggest an epistemological approach to conflict management.⁴³ According to the epistemological approach, a conflict situation occurs when at least one of the parties activates the conflict schema. Thus, the retention or modification of the conflict schema may determine whether conflict is maintained or terminated.

This approach suggests two modes of conflict termination: The first one is conflict resolution whereby the conflict schema is unfrozen via undermining the conflict belief and the second one is conflict dissolution whereby the conflict schema becomes relatively inaccessible. The epistemic processes which characterize the two modes of conflict termination are discussed.⁴⁴

Garance Genicot and Stergios Skaperdas of the Department of Economics University of California, suggest the approach of investing in conflict management institutions.⁴⁵ However, conflict management has to be treated as, first, the outcome of the "investments" that the potential adversaries may undertake in a dynamic setting that, secondly, yields a probability of peace and a probability of conflict, with greater levels of investment increasing the probability of peace.

⁴² Hein Kuhn, The Diagnosis of Political Related Conflicts, *Political Psychology*, Vol. 21, No. 2 (June, 2000) p.365.

⁴³ Daniel Bar-Tal, Arie W. Kruglanski, and Yechiel Klar, The Dynamics of Conflicts in Third World States, *Political Psychology*, Vol. 10, No. 2 (June, 1989) p. 233.

⁴⁴ *Ibid.*

⁴⁵ Garance Genicot and Stergios Skaperdas, The Dynamics of Conflicts in Third World States, *Political Psychology*, Vol. 10, No. 2 (Jun., 1989) p.237.

According to their approach, the adversaries would make such investments for the same reason that they would arm: to maximize their expected income.⁴⁶ Their major finding is that the wealth of the adversaries has a large effect on the probability of peace. The poorer the adversaries, in the sense of the real resources they possess, the lower their investment in conflict management and the lower the probability of peace. In addition, poorer adversaries will devote proportionately a greater percentage of their resources into guns and a smaller percentage into peace than richer adversaries will, thus compounding the effects of initial resource poverty.⁴⁷

Activities that qualify as conflict management practices vary as the agents that undertake them. Some management efforts, such as facilitating communication and enunciating issues are focused primarily on procedural matters. Others like fact finding and supervising agreements, require agents to assume a somewhat more direct and active role. Still others such as mediation, arbitration and formal adjudication. All these, as Butterworth has described them, have in common the aim of reducing the intensity and frequency of disputes and/or the systematic consequences of such conflict.⁴⁸ The question is, which one is the most efficient?

According to Jacob Bercovitch and Allison Houston, the most important thing to consider in any conflict management are the characteristic of the conflict and the characteristics of the parties in conflict.⁴⁹ Characteristics of the conflict looks at the intensity of the conflict, which can be explained by things like the levels of hostility, the number of

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ D. P. Barash, *Peace and Conflict Studies* (London: Sage, 2002) p. 87.

⁴⁹ Jacob Bercovitch and Allison Houston, Peace Building and Conflict Resolution, *Journal of Conflict Resolution*, Vol. 44, No. 2, April 2000 170-202.

fatalities and so on, and the nature of the issues which entails at finding out whether the conflict is civil or interstate.

There exists a wide range of arguments as far as the causes, effects, types and management of conflicts are concerned. However, all of them converge to the idea that conflict exists both at the individual and the state level. At times, conflicts at the individual level may have a spill over effect to the group level, then eventually the state. Again, all conflicts have got effects, which could either be interpreted to be negative or positive depending on its nature and whoever is carrying out the analysis. Therefore conflict can be looked at as a two edged sword with an advantage on the one hand and disadvantage on the other.

It is quite clear from the literature review that conflict exists. Many scholars may differ as far as the causes are concerned, but the underlying fact is that conflict is endemic in the society. All the arguments about the causes could be summarized as trying to find out whether conflict is innate in human beings or it is being influenced by the environment. This paper holds that conflict is influenced more by the environment than any other agent. That is why conflict management is there. Little could be done if at all conflict was innate.

All the literature reviewed point to the fact that conflicts can be handled. It does not matter whether it is systemic, or ethnic or whatever. Different terminologies may be used but they all converge to the idea that conflicts are not supernatural phenomenon that cannot be handled. A number of scholars/researchers use the term resolution, some management while others may say conflict transformation. In that debate, this paper will

stick to conflict management. The paper contends that conflict is inevitable and can only make good use of it. That can come through effective conflict management strategy. Despite the many literature on ethnic conflict, the ones that cover Mt. Elgon conflict are few. That is a gap that this literature review has established.

1.6. Justification of the Research

As stated above in the literature review, there are limited literatures talking about Mt. Elgon conflicts. Many of the researches that have been carried out around this region have been legal and political in nature. They have been done to establish who did what so that legal actions could be taken. There was also pressure from other stake holders like the civil society and the international community to know whether the government machinery was involved. Further more, some of the findings of the researches have never been made public or even if they were made public no action has been taken so far. This research, apart from adding its voice to strengthen the ones that have already been done, it will be the only one of its kind to carry out an objective study on the issues surrounding Mt. Elgon conflict.

Despite the stakeholders in the formation of the East Africa Community being aware that conflicts could hinder the formation of a federation, no research has been carried out to establish the magnitude and the implications of such conflicts to the future of the community. This paper will therefore cover that gap. After establishing the magnitude and the implications of the problem, this paper will awaken the policy makers within the Community to put mechanisms that will not only manage the Mt. Elgon conflict but other

conflicts of its nature as well. Other policies that will prevent conflicts of a similar nature occurring will also be contemplated as a result of the suggestions given by this paper.

1.7. Hypotheses

1. Mt. Elgon conflicts are caused by unequal distribution of resources.
2. Mt. Elgon Conflicts, tempers with the cohesion of the East African Community Members.

1.8. Methodology

This research will be conducted through both primary and secondary data. Primary data will entail interviews and questionnaires. Among those who will be interviewed are; residents of Mt. Elgon region, teachers, retired civil servants, village elders of Mt. Elgon region, the youths and church leaders. These categories of people have been chosen to make the interview inclusive as far as the different categories of people within the region are concerned. Due to the extensive nature of the area, some of the interviews will be conducted through phone.

Secondary data will entail getting data from the following groups; Ministry of Home Affairs, Ministry of Agriculture, (since Mt. Elgon is an agricultural region, data was obtained from the ministry of agriculture as far as the impact of the clashes on agriculture was concerned), Ministry of Lands, Kenya Land Alliance, Kenya National Commission on Human Rights, The Kenya Red Cross and Human Rights Watch,.

The secondary data will also involve studying various models that have been suggested by various people such as, Daniel Bar-Tal, Arie W. Kruglanski, Yechiel Klar, Garance Genicot and many others, for effective to managing such conflicts. The secondary data will obtained from the library, the respective government ministries and the resources centers of the various organizations listed above.

CHAPTER TWO

Structural Conflict within Mt. Elgon Region

The complexities of conflicts suggest the existence of different types of conflicts.⁵⁰ All these different types could be divided into two major classes: violent or non-violent conflicts. According to Mwagiru, violent conflicts inflict physical harm to those affected by it while non-violent do not.⁵¹ Non-violent conflicts could also be referred to as structural conflicts. Violent conflicts are at different levels starting from family, to community up to the state. As per this classification, Mt. Elgon Ethnic conflict is at the level of the community, since they involve different ethnic communities.

Many violent ethnic conflicts start with structural conflicts. Structural conflict could either be real or perceived. Mwagiru admits that one of the biggest problems of dealing with and identifying conflict is that there are conflicts which cannot be seen physically.⁵² This calls for the importance of studying the environment of the people involved in conflicts in order to have a better understanding of the conflict. Its victims may not realize that the structure of their relationships (whether domestic, in the work place, or wherever), is itself generating conflict.

⁵⁰ Makumi Mwagiru, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p.14.

⁵¹ *Ibid.*

⁵² Makumi Mwagiru, *Conflict in Africa: Theory, Process and Institutions of Management* (Nairobi: CCR Publications, 2006) p.7.

Therefore, the conflict within Mt. Elgon region cannot be looked at distinctively. It is shaped by the way people go about their day to day activities. Whatever the context, it is important to be able to see the early warning signs of developing conflict.⁵³ The social environment within Mt. Elgon region could be the warning signs. That is why this chapter is dedicated to looking at lifestyles of the people around the region together with their perceptions.

2.1. Education

Education was first brought to the area by missionaries, and for both pre- and post-independence governments it was a means of encouraging people to integrate into a more settled, "modern" society.⁵⁴ This was a challenge to the Sabaots who were mainly pastoralists since education favours settled life, yet due to their cattle, they moved from place to place looking for pasture. Indeed, many now complain there hasn't been enough government investment in local schools, which they feel contributes to the political marginalisation of the people of the area, mainly the Sabaot.

However, although education is universally regarded as essential to progress, there is ambivalence about it too. This is not entirely surprising, as education has had a fundamental impact on community around the region, some of it uncomfortable: "When

⁵³ J. Davies & T.R Gurr (eds), *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems* (Lanham, MD.: Rowman & Littlefield, 1998) p. 47.

⁵⁴ Hellen Bristley, *The People's Voice: A Dissection of Mt. Elgon Land Allocation System* (Nairobi: CCR Publications, 2004) p. 90.

these children come back home during holidays, they seem to have a lot of contempt for the way the parents advise them, for they see us as being obsolete and old-fashioned."⁵⁵

Many residents comment on what they perceive as immoral and disrespectful behaviour by young people as a result of education. Some dissatisfaction may be due to the high expectations people now have, which may not often match reality. Most say that an educated child will never be out of a job, and will be sufficiently well-off to support the wider family. *"People expect a learned person to be a good future leader since some of them suffer from rural inferiority. They assume that once a person is learned, she should be ready to give out what they have to others. You are expected to socialize with the people by distributing your salary to them....They expect anyone who has gone to school even up to class seven and eight level to be employed."*⁵⁶

Generally women have been marginalized as far as education is concerned. Of all the women in the area, those who have attained post-primary education are less than 10%.⁵⁷

The topic of women's education is also extensively discussed, and supported by many: *"if you educate a girl, you educate a nation"*⁵⁸. Some say it is good for the family as well as the nation, because an *"educated girl will always remember when her parents are in problems"*⁵⁹. But it is acknowledged that boys are still often given priority, because of the continuing belief that boys will be the family breadwinner.

⁵⁵ Interview with Hezron, a village elder aged 48 years, May 12, 2008.

⁵⁶ Interview with Lydia, a female teacher aged 22 years, May 12, 2008.

⁵⁷ Heilen Bristley, *The People's Voice: A Dissection of Mt. Elgon Land Allocation System* (Nairobi: CCR Publications, 2004) p. 130.

⁵⁸ Interview with Beatrice, a retired headmistress aged 53 years, May 13, 2009.

⁵⁹ Dina and Beatrice, dispossessed farmers aged 42 years, May 12, 2008.

2.2. Gender

This is a strong topic, and people's emotive response testify to a time of considerable change in gender norms and values, though opinions vary as to its extent.⁶⁰ Education has been a major force for change and although several residents acknowledge that some discrimination remains against girls, the numbers attending school has risen significantly. The increase in female education has had an impact on many women's working lives, opening up new occupations.

In practice, it seems that men and women increasingly play equally important economic roles, particularly since education has altered the range of employment opportunities open to women. Attitudes to adult education are also explored, with women seen as the best and most motivated students.⁶¹

One married woman talked about domestic violence as a fact of married life, describing how her grandmother taught her that if her husband wanted to beat her, she should just "go hide...and when he cools off, return".⁶² And one married man has no qualms in admitting that he is *forced to beat his wife for her to accept her mistakes*.⁶³

Another married woman said that, *"Even if I earn my salary, I have to respect my husband just like any woman"*.⁶⁴ Yet, as women acquire jobs and the idea of men being the sole breadwinners of the family is being challenged, clearly some couples are taking

⁶⁰ Sharley Harrings, *Gender Based Development in Sub-Sahara: An Analysis of Kenya's Western Province* (London: Prix Publishers, 2005) p.46.

⁶¹ Hans Berkley, *The Interplay Between Women Empowerment in Kenya: A Case Study of Western Province* (New York: Brett Publications, 2004) p. 21.

⁶² Interview with a Bukusu married woman, May 14, 2008.

⁶³ Interview with a Bukusu married man, May 12, 2008.

⁶⁴ Interview with a Sabaot Married woman, May 14, 2008.

more equal roles in decision making like it is clearly narrated by one of the married women: *"It was the old custom that a woman cannot sit with...in the presence of men, or even speak before them. A woman had no right to say anything in her husband's presence. In our life now, things have changed from how they were in the past. So like me and my husband, we can sit together, talk and plan what will happen...we share ideas."*⁶⁵

Despite these new developments, many traditional expectations remain. Pre-marital relations for women are frowned upon. Wives are expected to bear children and tend to household duties, whether or not they have an outside job, as well as respect their husband's wishes regarding family planning. And they may still be abandoned if they prove barren, bear disabled children, or only produce girls.⁶⁶ There's a common feeling that women do more work than men: *"moran (men) don't have a lot of work. We appreciate them because of the protection they offer us in so many matters but the rest of the work is left to us."*⁶⁷ One of the women said.

Women on their own have a hard time: one resident described how difficult it was for her to bring up her family alone when her husband died, because of people's reluctance to accept her as head of her family. And several narrators mention instances where, following the death of a husband, a brother followed the tradition of taking on his wife. Although they say this tradition is dying out, women still warn of cases where widows and their families have been exploited by their in-laws.

⁶⁵ Interview with a woman who is a leader of a church's women group, May 14, 2008.

⁶⁶ Hans Berkley, *The Interplay Between Women Empowerment in Kenya: A Case Study of Western Province* (New York: Brett Publications, 2004) p. 81.

⁶⁷ Ibid.

However, judging by the testimonies, women are beginning to rebel against some traditions, in particular female circumcision and polygamy. Both practices seem to divide the communities and inspire strong feelings. The right not to be forced into marriage is also a growing concern among young women. There is also some discussion on the activities of women's groups in the region, and many feel that, quite apart from their practical value, they have helped to strengthen a sense of a community of women.

2.3. Health

In general, there is a gradual shift from traditional to modern methods of health care. However, it seems modern methods of family planning have until recently been largely rejected.⁶⁸ *"There are some that fear going to family planning centres because of what their friends have experienced like backaches, chest problems, giving birth to deformed children, and this has scared them off,"*⁶⁹ revealed one woman. Another claimed: *"What we know, is that the modern family planning methods are the major causes of diseases."*⁷⁰

There is a general perception that contraception is a private subject and are not matters for open discussion. The traditional method of family planning seems to have been abstinence for periods of time, especially after childbirth, with the husband moving between wives.⁷¹ But during the interview, a few residents pointed out that such "spacing" was not foolproof, and a wife cannot refuse her husband sex. One female narrator said: *"...when a man is in the mood, even if you say, 'I am unsafe', he cannot*

⁶⁸ Republic of Kenya, Ministry of Health, *Reproductive Health Report: Western Province and North Rift* (Nairobi: Government Printer, 2005) p. 67.

⁶⁹ Interview with a woman teacher, May 12, 2008.

⁷⁰ Interview with a house wife, May 13, 2008.

⁷¹ Republic of Kenya, Ministry of Health, *Reproductive Health Report: Western Province and North Rift* (Nairobi: Government Printer, 2005) p. 67.

accept it".⁷² Economics is now forcing a reduction in family size, and more people are adopting modern methods of contraception, but many still spoke positively about the benefits of large families.

Women continue to give birth in the home, only going to hospital if there are complications. Modern medicine is clearly welcomed in the fight against more serious illnesses. But the high cost of treatment is a major cause for concern and poor roads make access to the area's limited facilities even more difficult. Use of traditional cures, which have the advantage of being less costly and locally available, has not completely died out.

Few residents mentioned HIV/AIDS, which probably reflects social discomfort at open discussion of the topic. Though some said that previously acceptable levels of extra-marital affairs are frowned upon now because of the worry of HIV/AIDS. The illness is seen to be related to what one narrator described as "*the immorality in the society right now*",⁷³ with many older people complaining about the promiscuity of youth today.

Another health issue, and one that was more "visible", was disability. In the past, disabled children were kept in the house, away from view. Some parents would even abandon disabled offspring, it was seen as so shameful a matter.⁷⁴ One mother told how when she gave birth to a disabled child, her in-laws and husband rejected her. Attitudes have been changing, though, due to outside influences and activities.⁷⁵ When missionaries built

⁷² Interview with house a wife, May 14, 2008.

⁷³ Interview with a Sabaot young man, May 14, 2008.

⁷⁴ Republic of Kenya, Ministry of Health, *Reproductive Health Report: Western Province and North Rift* (Nairobi: Government Printer, 2005) p. 67.

⁷⁵ *Ibid.* p. 88.

some schools for the handicapped locally: "...it was then that we realised that so much could be done to alleviate the lives of our handicapped children"⁷⁶ confessed one man.

2.4. Politics

The discussions on politics are mostly left to men. Very few women participate in it.⁷⁷ No wonder, the region has ever produced any female member of parliament since independence. During the interview, many lamented that all the three regimes, of the late president Kenyatta, retired president Moi and now president Kibaki have never helped them. There was a strong feeling among narrators that the government ignores them, and their consistent political marginalisation is a major cause of the region's underdevelopment.

During the colonial era, the Sabaot were ruled by non-Sabaot chiefs,⁷⁸ and many feel that this was a "scheme...aimed at making Mount Elgon a Bukusu area".⁷⁹ Many Sabaots feel that, although rivalry between the two communities goes back a long way, it was the colonial administration's favouring of the Bukusu which shaped the future political conflict between them.⁸⁰ There are some vivid accounts of a Bukusu chief of that time who captured Sabaot men and "literally pulled out the dreadlocks that the Sabaot men of that age used to have".⁸¹ The aim was to force the Sabaot off their land, and the loss of property at that time is a cause of great resentment.

⁷⁶ Interview with a village nurse, May 14, 2008.

⁷⁷ Hans Berkley, *The Interplay Between Women Empowerment in Kenya: A Case Study of Western Province* (New York: Brett Publications, 2004) p. 50.

⁷⁸ Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 46.

⁷⁹ Interview with Sabaot elder, May 14, 2008.

⁸⁰ Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 77.

⁸¹ Ibid.

Post-independence, not surprisingly, Sabaot and Bukusu ended up supporting different political parties, which added to the tension. The Sabaot were still administered locally by non-Sabaot leaders. The fighting in 1963 with the Bukusu was caused not only by Sabaot frustration at being oppressed, but also because the Bukusu wanted one of their own to stand for Parliament in the Sabaot area.⁸²

Sabaot active involvement in the independence struggle was limited, not least because of their remote location. But the community contained supporters of Kenyatta,⁸³ of whom several spoke favourably: *"everything that we have right now in Mount Elgon certainly came during the Kenyatta era. All the schools we have were put up during that time"*.

⁸⁴Most narrators feel that the Moi government ignored Sabaot interests, and that their situation has deteriorated. But they felt gratitude when they were granted "district" status in the early 90s - there is a sense that this administrative recognition marked true independence for the Sabaot.

Nevertheless, a common theme is how the lack of highly educated Sabaot continues to seriously hamper their ability to represent their interests in the political arena: *"The discrimination the Sabaot used to face at district level...has only been moved up to the provincial level...given that we only have one MP"*.⁸⁵ Several acknowledge that the problem is compounded by inadequate and corrupt local leaders, and lack of political unity within the Sabaot.

⁸² Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 78.

⁸³ *Ibid.* p. 46.

⁸⁴ Interview with a retired chief, May 14, 2008.

⁸⁵ Interview with a Sabaot teacher, May 12, 2008.

2.6. Spiritual Beliefs

The concept of God, as Creator, was not something introduced to them by missionaries as such. In fact, the role of the Christian Church is more frequently discussed in terms how it brought development to the area, and particularly education.⁹⁰

A number of narrators talk of the spiritual significance of Mount Elgon, and how many associate God with certain special areas or features, and especially the highest and least accessible places: *"the most unique places in Mount Elgon are very specific areas which people adore and worship. Our people worship God. We associate Yien (God) with the highest place.even in the blue sky. That is why the upper part of the mountain, which a normal human being can not easily reach, is where we think Yien stays."*⁹¹

The first schools were set up by missionaries. *"at the time Christianity was introduced, it was going hand in hand with education, which cost money",*⁹² explained one pastor. *"My father did not want to spend his resources on things that he did not believe in. Therefore he did not give me the opportunity of going to school or church. Later on when I grew up, it was like I was too late. Christianity is something I have just been watching from the sidelines."*⁹³ Others did embrace Christianity - enough, perhaps, to cause others to fear its influence: *"the coming of the church was seen as an agent of destroying...[Sabaot] culture".*⁹⁴

⁹⁰ Patrick Schilder, The Dialectical Nature of Culture and its Pointer to Conflicts, *Political Psychology*, Vol. 22, No. 1 (Mar., 2001) p. 157.

⁹¹ Interview with a Sabaot elder, May 13, 2008.

⁹² Interview with a local pastor, May 12, 2008..

⁹³ Ibid.

⁹⁴ Interview with a Sabaot traditionalist, May 13, 2008.

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⁹¹ Interview with a Sabaot elder, May 13, 2008.

⁹² Interview with a local pastor, May 12, 2008..

⁹³ Ibid.

⁹⁴ Interview with a Sabaot traditionalist, May 13, 2008.

It was true that leaders of the church opposed many of the old traditions, such as female circumcision, polygamy and beer brewing. However, it seems many residents managed to encompass Christianity along with their traditional culture:⁹⁵ "Now we mix because on one hand, in Christ, we are there. And traditionally, we are there".⁹⁶ Many feel that the Catholic church is more lenient towards traditional customs,⁹⁷ and that this is why "you find that the Catholic Church has a lot of following, because they allow...a lot of traditional practices".⁹⁸

2.7. Development

The residents have a strong feeling that the area is particularly underdeveloped. Many agree, however, that things have improved a little since Mount Elgon acquired its own district status in the early 90s, with some Sabaots claiming that this change in local administration was a result of the clashes with the Bukusu.⁹⁹

The Sabaot felt the Bukusu, who held many of the positions of authority before Mount Elgon was a district in its own right, discriminated against them. Their position of disadvantage was compounded by what they perceive as government indifference at best, and at worst an active favouring of the Bukusu at the expense of Sabaot interests.¹⁰⁰

⁹⁵ Political Psychology, Vol. 22, No. 1, *The Dialectical Nature of Culture and its Pointer to Conflicts* (Mar., 2001) p. 160.

⁹⁶ Interview with a Bukusu Christian, May 13, 2008.

⁹⁷ Political Psychology, Vol. 22, No. 1, *The Dialectical Nature of Culture and its Pointer to Conflicts* (Mar., 2001) p. 162.

⁹⁸ Interview with a Sabaot young man, May 13, 2008.

⁹⁹ Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 78.

¹⁰⁰ *Ibid.* p. 105.

There are, however, some residents who believe that the reasons for the area's lack of development are not only external, but are also linked to poor leadership and internal politics among themselves, as well as their general resistance to and distrust of each other.¹⁰¹ One narrator describes how his personal success resulted from individual perseverance, some outside help, and the fact that he didn't spend his money on drinking traditional beer (busaa). Many local people, he claimed, resented his achievements: "*I imagined there must be some fellows whom I have given a headache through development, and they are my colleagues, but they are incapable to develop...I used not to drink, so all my money was going to the useful purpose...*".

Also, some female residents - in contrast to the majority who feel Sabaot development has been hindered by Bukusu oppression - believe the main cause of underdevelopment in the region is the lack of tribal diversity and contact with others. This sense of isolation and lack of exposure to other ways of doing things is increased by the difficulty of travel. One topic on which agreement is universal is the inadequacy of the local roads and the limiting effects on trade and transport.¹⁰²

There is a general feeling among the residents that lack of schools and of educated people is one of the reasons for underdevelopment, with many feeling that the more educated they are, the more likely they will be to have leaders to represent their cause effectively at the national level. "*...we emphasise the education of our children as the key to development. And here the issue of the leadership of the community also comes up,*

¹⁰¹ Ibid. p. 106.

¹⁰² Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 93.

because we believe that the development people are demanding can only be seen when we have good leadership..."¹⁰³

There is some interventions from NGOs such as ActionAid, one result of which has been a proliferation of different types of women's groups and other development activities.¹⁰⁴

As one narrator points out: "*With development, you start in the home*". One kind is called a merry-go-round, in which money is pooled and made available for essentials for each member in turn. Other examples of women's activities are sharing the cultivation of land, and buying and selling maize together.

2.8. Communications

The region's poor transport infrastructure is one of the most frequently cited causes for underdevelopment.¹⁰⁵ It is seen to have a particular impact on health care, access to facilities being so limited, and on economic growth: markets are only reached with difficulty and expense; vehicles cannot be used on all routes. Many different people complain about it, from a farmer who talks of problems selling his produce, to a school teacher who describes being covered in mud by the time she gets to school every morning. The first roads in Mount Elgon were constructed under the colonial government, and many feel let down by the subsequent governments' failure to improve the infrastructure.¹⁰⁶

¹⁰³ Interview with a Sabaot village elder, May 13, 2008.

¹⁰⁴ Peter Telewa, *The People of the Mount*, (Nairobi: Pauline Publications, 2005), p.78.

¹⁰⁵ *Ibid.* p.35

¹⁰⁶ *Ibid.* p.78.

Despite this, travel seems to have been on the increase in recent years, with some going as far as Nairobi or Mombassa for business or educational purposes. While at least one narrator believes travel can expose people to useful new ways of doing things - "*if you travel, you can get ideas from somewhere else*" - others lament the decline in their traditions because of the increasing influence of the outside world. One belief, for example, is that the growing trend among young people to marry whom they want, without their parents' consent, is the result of them increasingly attending schools and universities outside the area.

Radio is an important means of communication, several people talking about its capacity to broaden people's knowledge of the outside world, as well as its entertainment value.¹⁰⁷ Some residents, though, feel that the 'modern' music brought into people's lives has led to the decline of their traditional songs and dances.

Finding a balance between preserving the strengths of their old way of life without being excluded from the benefits of modernization is proving difficult, as it does for many culturally distinct groups.

Before even handling the topic of conflict proper and going to the root cause of it, the above overview reveals some conflict overtones. Culturally, they are battling out which culture is superior to the other. In education one tribe feels the other has more access to education than them. On development line, they all seem to agree that the area is generally underdeveloped. However, they disagree sharply as to who is the cause. Some think it is the government while some feel it is the tribe that dominates in leadership

¹⁰⁷ Peter Telewa, *The People of the Mount*, (Nairobi: Pauline Publications, 2005), p.106.

position within the area that is not doing enough. While many women tend to think that the underdevelopment is self generated.

They also tend to out do each other population-wise. This is dangerous because of the tendency to kill the other just to reduce their population. They also have quite divergent views in politics. It has been quite clear that in Kenya, political difference is quite as dangerous as armed conflict itself. Kenya being a developing country, there is still a close connection between politics and people's way of life.

From the above overview, it is clear that the people of Mt. Elgon live with a lot of discontentment, both with themselves, the people around them and the government. First, there is domestic structural violence stemming from the communities around the region being patriarchal. Some women feel they have been dominated by men for long. At the same time, there is a clash between the parents and their children. The children perceive their parents to be 'old fashioned', while the parents complain that their children are embracing modernity at the expense of their culture.

There also exists discontentment among the different tribes in the area. Some tribes have been perceived to be intruders and therefore benefiting from what is not meant to be theirs. There is also a fight for superiority both in terms of lifestyle, politics, culture, education and even economic development. Lastly, the government also comes to the scene. First the government is perceived to have segregated the region and secondly, it wants to push its agenda through some communities thus leaving out the others. This is a good recipe for conflicts. Despite such conflict overtones, they are just the tip of the

iceberg. It is a manifestation of deep seated problems. The next chapter is going to have an in-depth look at the conflicts within the region.

CHAPTER THREE

Violent Conflicts: Causes, Actors and Effects

In order to understand violent conflict, it needs to be mapped out. This mapping will be able to answer the questions who is in conflict with who? Over what? This is crucial because conflict management will have to follow the same path. Management of conflict is not possible unless those in conflict have been clearly identified and the reasons for their conflicts established.

Broadly it has been known for long that the Bukusu and the Sabaots have been political rivals. Unless one digs deeper, he/she might be tempted to handle the problem politically. Again the complain of the Sabaots over land has been there for a long time. To understand it better, there is need to establish, what their complains are all about and against who. One may also need to ask, why is there still a clash among the Sabaot clans if actually the problem is the presence of the Bukusu within the region?

3.1. Different Dimensions of the Conflict

The conflict has two dimensions; first there is the conflict between the Sabaots (who claim to be the natives) and the Bukusus (who are perceived to be the aliens). The other dimension is among the various Sabaot clans. Land is the main cause. The Bukusu are perceived by the Sabaots to have intruded their land. The discontentment among the Sabaot clans is as a result of some clans feeling shortchanged in the land distribution exercise.

Land is not an issue only to the people living in Mt. Elgon. Prof. Okoth Ogendo of the University of Nairobi once rightly put, "... organization of sustainable lively hoods in Africa will remain elusive unless fundamental distortions on the modalities of access and control of land are removed"¹⁰⁸ The Kenya National Commission on Human rights highlight three reasons as to why land is at the centre of most of the conflicts in Africa.¹⁰⁹ The first is the social, cultural and the ontological character of land. On this account, land is a deity hence taken as the fountain of all life.

The second is proprietary character of land. Of concern here is the nature of property in African agrarian system. A great deal of controversy exists on whether or not land is recognized as property in indigenous laws. The third emanates from the role of land as a source of production. This is based on the fact that 60-70% of the populations in Africa live in rural areas of which at least 80% depend on ariculture and related activities for their livelihood.

In view of the above, Mt. Elgon clashes becomes a typical case of what land problems can lead to. Mt. Elgon is one of the regions of Kenya that has persistently been having clashes. Tracing the history of Mt Elgon clashes gives a clear indication that the ongoing clashes are not a new phenomenon. The crisis according to the residents is a result of the alienation and eventual displacement of Sabaot people from their ancestral lands in Kitale Plateau, Trans Nzoia District, by European settlers between 1933 and 1948.¹¹⁰

¹⁰⁸ Wambui Kimathi, ed., *Nguzo za Haki, Land and Human rights* (Nairobi, 2007) p. 4.

¹⁰⁹ *Ibid.* pp. 4-5.

¹¹⁰ www.eastafricanstandard.net/elgon, October 6, 2008. Also cf. Wambui Kimathi, ed., *Nguzo za Haki, Land and Human rights* (Nairobi, 2007) p. 35.

3.2. The Bukusu-Sabaot Conflict

The conflicts within this region are resource based, mainly land.¹¹¹ The Sabaot's main reference points in their identity have been land and cattle while the Bukusu identify themselves mostly with land. The issue of land becomes even more crucial when one dies. One has to be buried on his land.¹¹² Women's ownership of land is minimal. Women claim either their father's or their husband's land.¹¹³ But with the decrease in pastoralism and growing land shortages, as well some decline in the practice of certain traditions such as circumcision and polygamy, many Sabaots feel that their sense of identity is under threat.

Many Sabaots feel that the Bukusu have over the years taken their land and forced them on to the more marginal areas they now occupy. The Sabaots have a strong feeling that they are *bonafide* owners of the land within the region. One resident explained: "*The name Bikap Koret, which literally means the owners of the territory ... used to refer to the Sabaot a long time ago, when the Sabaot were truly owners of a vast territory*".¹¹⁴

Many talk of the gradual loss of their land, mainly to the Bukusu, although there is some mention of white settlers annexing their land during colonial times. One narrator says that it is the result of their "pastoralist nature": "*Whenever disaster struck, for example, death*

¹¹¹ Peter Telewa, *The People of the Mount* (Nairobi: Pauline Publications, 2005) p.108.

¹¹² Hellen Bristley, *The People's Voice: A Dissection of Mt. Elgon Land Allocation System* (Nairobi: CCR Publications, 2004) p. 95.

¹¹³ Hans Berkley, *The Interplay Between Women Empowerment in Kenya: A Case Study of Western Province* (New York: Brett Publications, 2004) p. 70.

¹¹⁴ Interview with Sabaot retired village elder, May 13, 2008.

of livestock or a human being, the Sabaot would migrate. Hence we lost the land because of our nomadic nature".¹¹⁵

Another says persecution by the Bukusu meant *"the Sabaot were pushed out of the plains to this strip of land along the mountain".¹¹⁶* They have been unable to get their land back: *"when the Sabaot realised the need to reclaim their land, they were disadvantaged because they had very few educated people to effectively present their case".¹¹⁷*

Another talks of the Sabaot being duped, after Independence, into not claiming their land rights: *"I think that the then MP of this region contributed a great deal to many Sabaot not buying land. He made us believe that because Transzoia had been our land originally, we did not need to buy it...".¹¹⁸*

Several mention how a pro-Bukusu government forcefully moved some Sabaot out of the forest. This has compounded their anger at what they see as outside intervention in their land, which has denied them access to the plains or the forests.

The conflict with the Bukusu, therefore, has been centred on land, with a policy, practised by both sides, of ridding areas of people of different ethnic groups. Since the clashes of the early 90s, Mount Elgon has achieved its own status as a district, and many residents talk of a sense of triumph at finally being able to administer their land, though there is still a lot of concern over land shortage, as the population increases.

¹¹⁵ Interview with a Sabaot elder, May 13, 2008.

¹¹⁶ Interview with a Sabaot retired head teacher, May 13, 2008.

¹¹⁷ Ibid.

¹¹⁸ Interview with a retired judge, May 12, 2008.

Whether the issue of who owns the land is true or not is inconsequential. What is important is to note that one tribe perceives to be dominated by another on the land that they perceive to be their own. Many Sabaots feel that white oppression was exchanged for worse oppression by the Bukusu. Some feel the settlers supported the Bukusu, and so increased Sabaot vulnerability to Bukusu dominance.¹¹⁹

The conflict even takes a cultural angle where the Sabaots perceive the Bukusu culture to be dominant over theirs. This is what a middle aged Sabaot had to say: *"Bukusu had cultures which were different from ours. When you intermarry, these cultures are married"*¹²⁰. There is some feeling that in such a "marriage" the Bukusu culture dominated: *"Bukusu are very proud people who have always looked down upon the Sabaot.... I tend to think that this was because our lifestyle or way of life was very different from theirs. For example we circumcised our girls while they did not. We were also pastoralists who survived most on milk and other livestock products, while the Bukusu were farmers and their staple food came from crops. This made it possible for them to look at what they did not do as being backward and therefore despised the people who practised it"*¹²¹

Education gap has increased the conflict. Since the Sabaots were initially pastoralists, they moved from place to place in search of pasture for their cattle. That disadvantaged them because education needs a settled life. Because most of them lack formal education,

¹¹⁹ Trace Hellen, *Culture and its Implication in Kenyan Development: A Case Study of Western Kenya* (London: Britley Publications, 2004) p. 133.

¹²⁰ An interview with Robert aged 34 years, May 13, 2008.

¹²¹ An interview with Robert aged 34 years, May 12, 2008.

this blocks many job opportunities for them. When land became scarce, formal education became the only means towards acquisition of wealth. This gave the Bukusu a lee way since most of them had formal education. It made many Sabaots unhappy.

The multi-party politics era gave the conflict a different dimension again. Many politicians exploited traditional rivalries for their political gains. Each tribe wants one of their own to ascend to a political seat.¹²² That means, they will try their level best to down play the other. That is then reason as to why there has never been a clear political stand from the people of this region. If the Sabaots supports the government then The Bukusus automatically joins the opposition and vice versa.

This is why many Sabaot want to clear the area of all but Sabaot. One lamented, "...a District Commissioner...was heard telling his people the Sabaot to separate the maize from the beans. We did not comprehend its meaning till the clashes begun. The Sabaot started eliminating the Bukusu, Teso and other tribes..."¹²³ The notion of wanting to clear the area of other tribes except the Sabaots has led to a very big conflict between them and other tribes, mainly the Bukusu.

3.3. The Conflict among the Sabaot sub-tribes

This conflict has a history dating back to the time just after independence, mid 1960. The Morris Carter Land Commission recommended that displaced Sabaot be compensated 80,000 hectares of land for the loss in Kitale. The plan to resettle part of the landless

¹²² Peter Telewa, *The People of the Mount* (Nairobi: Pauline Publications, 2005) p.102.

¹²³ Interview with Joseph, farmer aged 39 years, May 12, 2008.

Sabaot in a 3,000-acre scheme in Chepyuk began in 1968 and the first families to settle in the area arrived in 1971.¹²⁴

After land committee was set up, Masop and Ndorobo clans were the first beneficiaries. But they later sold their portions to Soy and moved back to the moorland. In 1989 the Government, through the then Western PC, Mr Francis Lekool, nullified the entire settlement scheme.¹²⁵ But following persistent complaints from Ndorobo youth and those who had bought land from the original allottees, the Government began fresh allocation.

This was after families had lived in what they considered their homes for at least 18 years. The process was divided into phase one and two. Following the fresh subdivisions and allocations, several people were rendered landless. To solve the crisis, the Government, upon request by the remaining landless families, allowed them to squat on land pending formalization of the third phase.¹²⁶

An effort to formally finalize this settlement was made in 1998 but was not followed to conclusion.¹²⁷ The process took too long and there were disputes and corruption perpetrated by provincial administration, land adjudication officers and local land allocation committee members. This hampered the process and it was extended for another 16 years. Attempts to re-start it sparked violence.

¹²⁴ Harizon Malewa Chebukwabi, *The Intrigues in the Land Distribution in Mt. Elgon: Who is to Blame?* (Nairobi: Pauline Publication, 2003) p. 57.

¹²⁵ Ibid.

¹²⁶ Ibid. p.85.

¹²⁷ Ibid. p.89.

When the Government attempted to complete the process in 2006, the number of potential allottees had doubled. The children of the original potential allottees had become of age, hence deserving land. The latest move — which began in late 2005 mainly targeting phase three — led to the present conflict.¹²⁸ The settlement was not consultative. It ignored the history and complexity of the problem. It was done in haste and with self-serving interests.

Genesis of Current Problem

During the screening of persons seeking consideration for the third phase land allocation, more than 7,500 families presented themselves. Out of these, only 1,762 families were selected.¹²⁹ Given such a big gap between the deserving families and the actual beneficiaries, complaints emerged. Many people complained the allocation was marred by bribery and favouritism. It also took place in 2005, a volatile period when the country was preparing for the referendum on draft constitution. Allegations of the ‘Banana’ and ‘Orange’ camps crept into the allocation. It is also alleged the latter group, upon losing, were ordered out of the scheme.¹³⁰

Residents expressed concerns that some ‘outsiders’ had been favoured. Those who felt dispossessed became despondent and at the initial announcement of the beneficiaries. This was followed by disenfranchised youths taking up arms and resisting evictions in Chepkurkur, Korng’otuny, Chepkowo and Kaptum.¹³¹ Some of the youth went a head to

¹²⁸ Peter Telewa, *The People of the Mount*, (Nairobi: Pauline Publications, 2006), p. 135.

¹²⁹ *Ibid.* pp. 33-40.

¹³⁰ *Ibid.* p. 105

¹³¹ *Ibid.* p. 130.

forming a group that they would use to fight for their land rights. This is how the Saboot Land Defense Force found its way in to being.

3.4. Actors in the Mt. Elgon Conflict

There are a number of actors in these conflicts. First is the government. There is a perception that the government has been unfair in the distribution of land in the region, something that the government does not want to admit or act upon. According to Akiwumi report¹³², the government had a hand in the 1992 conflicts. There is another perception that the government has been fronting its own candidate during general elections. It has been believed that the government has been going to the extent of manipulating the votes to suit their interests.

Politicians, especially the members of parliament have had their own interests in the region. To garner enough votes, one has to have strong support from his/her ethnic community. To ensure that, some have gone to the extent of enhancing hatred so the 'his people' do not vote for his/her opponent from the another tribe.

The international community, NGOs, civil right organizations like the Human Rights Watch, Kenya National Commission on Human Rights have been on the alert to ensure that human rights are upheld. Some have even written reports and sent to the United Nations in situations where the government does not want to act on them. Some NGOs like the Red Cross have gone to the extent of offering humanitarian assistance.

¹³² Peter Telewa, *The People of the Mount*, (Nairobi: Pauline Publications, 2006), p. 105

Lastly is the people themselves. Conflicts starts from the way people perceive one another. There is the problem of superiority-inferiority complex, the have-havenot dichotomy, the developed-undeveloped perceptions and so on. These perceptions later evolve to violent conflicts. In fact, it was from the perception that some community was being shortchanged in the land distribution that they decided to come together and for a militia group: The Sabaot Land Defence Force (SLDF). This paper will look at this group extensively because it has contributed greatly to Mt. Elgon Conflicts. For a long time this group has been identified with Mt. Elgon Conflicts.

Sabaot Land Defence Force (SLDF)

The above mentioned militia group was part of the response of some of the Sabaots, mainly from the tribes of the Ndorobo who felt oppressed to fight for what they thought was rightfully theirs. The Sabaot Land Defence Force (SLDF) is a guerrilla militia that has been operating in Mt. Elgon region since 2005. It started by fighting with rival clans over land and later transformed to extortion of money and other properties from people. Before they were calmed down by the government, they operated in rural areas and had even established a parallel administration system in the region. For funding, the group imposed a tax on residents and raided villages for supplies.

Scale and Scope of SLDF Atrocities

From 2006 to 2008 the SLDF was in effective control of the whole Mt. Elgon district, according to local leaders.¹³³ “There was no government in that area,” said a government

¹³³ Human Rights Watch interviews with local leaders, Mt. Elgon district, March 27—30, 2008 and with government official, Nairobi, April 3, 2008.

official in Nairobi.¹³⁴ As a retired civil servant who was abducted by the SLDF put it, “The SLDF were like the government but their laws were crazy.”¹³⁵ They intimidated the population, raped and stole property at will, collected “taxes”, and administered their version of justice. “They have their own system of justice: pay a fine or be cut [lose an ear],” explained one assistant chief from Mt. Elgon.¹³⁶

Hundreds of people were burnt out of their homes by SLDF fighters. Thousands more fled the area for fear of being caught up in their violence, and the violence of the post-March 2008 crackdown. In July 2007 the Kenya Red Cross estimated that a total of 116,222 people had been displaced in Mt. Elgon and neighboring districts—“this is almost the entire population of Mt. Elgon”.¹³⁷ At the end of the year, the IDP Network of Kenya estimated at least 70,000 fresh displacements in Mt. Elgon during 2007, claiming that “actual figures are likely considerably higher.”¹³⁸ Later in April 2008, the Kenyan Department of Defence put the total number displaced as a result of SLDF operations at “almost 200,000.”¹³⁹

The insecurity was severely affected the livelihoods of the population of the district. Schools were closed, planting disrupted, and businesses suffered. The humanitarian organization Médecins Sans Frontières (MSF) called the violence “a daily reality that

¹³⁴ Human Rights Watch interview with government official, Nairobi, April 3, 2008.

¹³⁵ Human Rights Watch interview with SLDF torture victim, Mt. Elgon district, March 27, 2008.

¹³⁶ Human Rights Watch interview with assistant chief, Mt. Elgon district, March 29, 2008.

¹³⁷ Kenya Red Cross, “Information Bulletin: Mt. Elgon Clashes,” July 12, 2007.

¹³⁸ IDP Network of Kenya, Internal Displacement Alert and Analysis: Kuresoi Constituency, December 2007. See also OCHA Regional Office for Central and East Africa, “Displaced Persons Report, January-June 2007, Issue 1,” United Nations Office for the Coordination of Humanitarian Affairs.

¹³⁹ Ministry of State for Defence, “Clarification on the military operation in Mt. Elgon,” circular from Lieutenant Colonel W.S. Wesonga on behalf of the Chief of General Staff, April 29, 2008. On file with Human Rights Watch.

affects peoples' ability to access needed health care and food."¹⁴⁰ The Kenya Red Cross warned in mid-2007 that over 30,000 livestock had died, the cost of maize had risen to unaffordable proportions, and more than 9,000 hectares of cultivable land had not been planted.¹⁴¹

Destruction of Property, Theft of Land, and Livestock

Over 20 people described how their homes were set on fire and livestock, money, and land were taken by the SLDF at gunpoint. Some witnesses told Human Rights Watch that the motive appeared to have been theft, sometimes politics, and sometimes score-settling in land disputes.¹⁴²

Many people now living in towns further down the mountain are destitute since their land and their livelihood have been taken away. One man whose land was stolen, explained to Human Rights Watch: "I have the title deed, but the SLDF have guns. Now they have my land. I live in a shack in the town and my family and I eat the tomatoes that fall in the market."¹⁴³

Individuals told how the SLDF always stole their cattle before they were abducted.¹⁴⁴

One woman described how SLDF militia broke into her home and demanded money, she

¹⁴⁰ Médecins Sans Frontières, "The hidden crisis of Mount Elgon in Kenya: 'We eat from the hands of others'," September 10, 2007, <http://www.msf.org/msfinternational/invoke>, (accessed June 2, 2008).

¹⁴¹ Kenya Red Cross, "Information Bulletin: Mt. Elgon Clashes," July 12, 2007, p.3.

¹⁴² Human rights Watch interviews with SLDF victims, Bungoma, March 26 and 29, 2008.

¹⁴³ Human Rights Watch interview with victim of SLDF, Mt. Elgon district, March 29, 2008.

¹⁴⁴ Human Rights Watch interviews with SLDF victims, Mt. Elgon district, 29 March 2008.

gave it to them.¹⁴⁵ A man who was abducted by the SLDF gave them his phone and money so that he might keep his ear.¹⁴⁶

3.5. Impact of the Conflict within the Area

It is important to carry out an analysis of the effects of the conflicts. Some of these effects are the ones that will overflow to the neighboring country and thereby impacting on the cohesion of the people along the border. These effects are the ones that will be used to evaluate the impact to the future of the east African Community.

3.5.1. Peacenet Report on the Effects of the Conflicts¹⁴⁷

Peacenet was among the NGOs that worked in the area. They carried out a survey to find out the extend to which the conflict affected the area. Several district officers heading various departments were interviewed. They each gave their reports.

Education¹⁴⁸

The DEO mentioned that the conflict had an adverse effect on schools in the conflict areas and that though learning was on, both the teachers and their students were still trying to recover from the experience. Some schools were reported to have been looted when the conflict escalated. Such schools the DEO said need to be rehabilitated to restore the situation to normalcy and facilitate a learning environment. He indicated that schools in Chebyuk phase III are still closed since the area is still a conflict hot zone. The DEO

¹⁴⁵ Human Rights Watch interview with victim of SLDF, Mt. Elgon district, March 29, 2008.

¹⁴⁶ Human Rights Watch interview with victim of SLDF, Mt. Elgon district, March 29, 2008.

¹⁴⁷ www.internal-displacement.org/mt.elgon, accessed July 28, 2008.

¹⁴⁸ Interview with District Education Officer, Mt. elgon District, May 12, 2008

concluded by reporting that some schools were already beneficiaries of some learning materials donated by well wishers and some NGOs.

*Agriculture*¹⁴⁹

The District Agricultural Officer confirmed that the conflict affected the agricultural activities with emphasis being laid on farming. Mount Elgon District is agriculturally rich and is the food basket in the region but the displacements caused a gap in food production. Consequently, agricultural production in the area has reduced drastically.

*Water*¹⁵⁰

Water and sanitation was a problem in the area. Some humanitarian organizations had also realized the problem and had approached the District water office for technical assistance in putting up water tanks. The district water officer mentioned Red Cross and UNICEF as the humanitarian organizations behind the initiative.

*Health*¹⁵¹

The MOH stated that no outbreaks of diseases had been noted and nothing was out of the ordinary in the health situation of the residents. He continued by adding that UNICEF had supplied food and medicine aid and was kept in the stores for any malnutrition patients but have not been put to use to date due to lack of reported cases. As a result of the conflict, the services provided by health centre at Chebyuk had stagnated since most of the medical personnel had fled the area citing insecurity. The MOH reported that a

¹⁴⁹ Interview with District Agricultural Officer, Mt. Elgon May 12, 2008.

¹⁵⁰ Interview with District Water Officer, Mt. Elgon May 12, 2008.

¹⁵¹ Interview with District Medical Officer of Health, Mt. Elgon May 12, 2008.

series of mobile clinics had been conducted all over the district since April 2007 and more areas that needed mobile clinics were still being identified. Medicine San Frontier-France was actively involved in setting up and running semi-mobile clinics to compliment the ones facilitated by the MOH.

*Children*¹⁵²

Child abuse amongst the Internally Displaced Persons was reported as rampant. The District Children Officer stated cases where security personnel were involved in sexually abusing some children. With these cases in point, the officer regretted that some police officers were not cooperative in taking care of the welfare of these vulnerable children. The district children's Officer confirmed that there were three cases of child defilement by security forces which were being pursued by his department though they have experienced frustrating moments at the hands of the police who take time to collect evidence and prosecute the case in court. He further reiterated that children had not only been orphaned, but also displaced as a result of the conflict. The Children's Officer appealed to the officials of Save the Children-Canada to facilitate the counseling services.

*National Environment Management Authority (NEMA)*¹⁵³

The representative of NEMA gave a background of the activities of the organization in the Mt. Elgon region. He mentioned various projects being suspended as a result of the conflict. The suspension of such projects was detrimental to the environment because

¹⁵² Interview with District Childre's Officer, Mt. Elgon May 13, 2008.

¹⁵³ Interview with NEMA Representative, Mt. Elgon May 13, 2008.

their intended purposes were delayed. Further more, tree planting and afforestation programs which add to the beauty and sustainability of the environment were adversely affected by the conflict situation.

3.5.2. The Residents' Perspective of the Effects of the Conflicts

The interview with the residents just confirmed the Peacenet report. The effects of the clashes were far reaching. Development was often perceived to have stagnated since then, and schooling had suffered too: many teachers were Bukusu, who fled during the fighting and had not returned. Several women felt they were the most adversely affected because many had intermarried with other tribes and so they were hit "on both sides". *"We are hurt as women because we gain nothing. Women have no boundaries, we have no tribal boundaries"*.

However much the Sabaoth believe that the conflict of the 1990s was justified, many also acknowledge that the impact has been negative on all concerned.¹⁵⁴ There are several stories of personal tragedy, particularly from those who lost their homes and became refugees as a result. Some Teso residents talked of the aftermath of the clashes: *"I...did not want to come back, for I had lost everything that I had. I do not have the energy to go back and till the land, but the government appealed to us to come back...to regain my wealth is impossible"*.¹⁵⁵

¹⁵⁴ Harizon Malewa Chebukwabi, *The Intrigues in the Land Distribution in Mt. Elgon: Who is to Blame?* (Nairobi: Pauline Publication, 2003) p. 60.

¹⁵⁵ Interview with Silbabel, in her 90s, May 14, 2008.

Interestingly, despite the strong desire to separate themselves from other groups, especially the Bukusu, several Sabaot narrators point out that it was from the Bukusu and Teso that they learned useful agricultural practices and about the value of education. And several women residents said that not mixing with other groups can cause underdevelopment as well, because without ethnic diversity, people lack exposure to different ideas and innovations.

*"I am one of those who suffered a lot in the 1990s. When the people ran away, my wife ran away, I stayed in the bush for three days. There was no drinking water, nobody to cook for me. the houses started burning.. But nobody could help me. A disabled grown up like me, nobody could carry me up to Kapsokwony. It is hard. I just stayed up in the forest. Lamented one of them."*¹⁵⁶

Another resident had this to say *"...none of us benefited, neither the Bukusu nor the Sabaot. We all lost. We lost our lives, we lost property and some of our young men are still in custody as I am talking. And we also lost quite a lot on the side of education. The majority of the teachers were non-Sabaot. So during the clashes, all these people fled away and abandoned the schools."*¹⁵⁷

It is clear that the conflict was intense and some of the effects are still being felt by the residents up to now. Being a region along the border, some of the impacts have spread to the neighbouring country of Uganda. The next chapter will analyse these effects that have crossed the border and evaluate to what extent it can affect the future of EAC.

¹⁵⁶ Interview with Patrola, cooked food vendor, May 12, 2008.

¹⁵⁷ Interview with Ben, Former local KANU chairman, May 12, 2008.

CHAPTER FOUR

Conflict System and its Impact to the East African Community Aspirations

The East African Community has a dream that one time it will become a political federation. This dream is clearly laid down in the way the leaders of the member countries have expressed their zeal to seeing this dream coming to fruition and in the objectives laid down in their strategic plan. This chapter will look at these dreams and how they might be threatened by the conflicts within the region, especially conflicts along the borders, one of them being Mt. Elgon Ethnic conflicts.

4.1. The Aspirations of the East African Leaders

This can be well captured through the following quotations:¹⁵⁸

“The balkanization of Africa into 53, mostly sub-optimal states, has meant that Africa cannot have large internal market under one political authority; have no power to negotiate with the rest of the world... this balkanization must stop”. H.E Yoweri Kaguta Museveni, President of the Republic of Uganda.

“We have everything to gain in East African Federation in terms of political stability, greater feeling in safety in numbers and as an economic entity better able to fight poverty”. H.E. Benjamin Mkapa, former president of the United Republic of Tanzania.

¹⁵⁸ East African Community, *Report of the Committee on Fast Tracking East African Federation*, 26th November, 2004, pp. 8-9.

"I firmly believe that regional intergration is not a choice but a necessary strategy for sustainable development... On a cultural level, regional intergration solidifies the unity of communities with personal ties and common history, language and culture". H.E. Mwai Kibaki, the president of the Republic of Kenya.

Those are the aspirations of the leaders. It shows they can sign for the success of the federation with their blood. What about the ordinary people? From the report of the fast tracking, this is what they had to say;

There is a general appreciation for a united East Africa with a stronger economy that would guarantee people jobs, better standards of living and pride of belonging to such an ideal State... They would like to be part of a new, powerful and fast modernizing regional bloc and stop playing second fiddle to their counterparts in other parts of the world ... They see the federation and their future as one and the same thing ... there is a sense of anxiety and urgency in establishing the Federation."

All the above yearnings are in line with the vision of the federation (To achieve an East African Federation), as contained in the strategic plan 2007-2012.¹⁵⁹ Will they live to see it?

¹⁵⁹ Ministry of East African Community (Republic of Kenya) *Strategic Plan 2007 – 2012*, p. 7

4.2. The Vision and Objectives of East African Community

The EAC aims at widening and deepening co-operation among the partner States in, among others, political, economic and social fields for their mutual benefit. To this extent there has been established a Customs Union as the entry point of the Community. A Common Market, subsequently a Monetary Union and ultimately a Political Federation of the East African States are further goals.

As per article 5 of the East African Community, the objectives are to develop policies and programmes aimed at widening the deepening cooperation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs, for their mutual benefit.¹⁶⁰

The EAC Treaty prioritizes the promotion of trade, investments, joint ventures and other forms of economic and political co-operation. The EAC will also provide a forum for discussion of shared problems such as Lake Victoria's environmental degradation. The EAC strategy emphasises economic co-operation and development with a strong focus on the social dimension. The role of the private sector and civil society is considered as central and crucial to the regional integration and development in a veritable partnership with the public sector.¹⁶¹

¹⁶⁰ Ministry of East African Community (Republic of Kenya) *Strategic Plan 2007 – 2012*, p. 8.

¹⁶¹ *Ibid.* Paragraph 3

The regional co-operation and integration envisaged in the EAC is broad based, covering trade, investments and industrial development; monetary and fiscal affairs; infrastructure and services; human resources, science and technology; agriculture and food security; environment and natural resources management; tourism and wildlife management; and health, social and cultural activities.¹⁶²

Other areas of co-operation include free movement of factors of production; and co-operation in political matters, including defense, security, foreign affairs, legal and judicial affairs.

4.3. Conflict System and its Elements Hindering East African Community's Dream

The dream outlined above through the aspiration of the leaders and the vision and objectives as contained in the EAC's documents are real and genuine. However, for it to be realized, it needs a conducive environment for it to be realized. This environment should prevail in all the member countries. Mt. Elgon conflicts should not be viewed in isolations.

According to Frank Cruz, to clearly understand the nature of conflicts along the borders, it has to be viewed in its internalization aspect.¹⁶³ This implies looking at such a conflict from a wider systemic perspective. It further implies examining a conflict from the perspective of the conflict system it belongs to. For him, in seeing conflict from this

¹⁶² Ibid. Paragraph 4

¹⁶³ Frank Cruz, *Deep Analysis of Conflict Systems in the Africas* (London: Hughes Publishers, 2004) p. 60.

perspective we acknowledge that every conflict is interconnected with other conflicts in a region.¹⁶⁴ Mt. Elgon conflicts start as a land dispute but later generates into many other conflicts bringing in a wider range of actors, thus making the whole conflict complex.

Placing Mt. Elgon conflicts in perspective, it is at the border of two countries that mutually depend on each other in various ways. Secondly, these countries are members of the East African Community. In short it implies that, Mt. Elgon conflict will generate other conflicts in Uganda and eventually the impact will overflow in the entire East Africa Region because of the EAC umbrella. There are various elements that will make this possible. They are discussed below.

The Tribal Affiliations

The conflicts in Mt. Elgon are not isolated. Its impact spreads across to Uganda. First, the Kenya-Uganda border divides a number of tribes; some are on either side of the border and are known by the same names, while others acquired different names but share the same dialect with their counterparts on the other side of the border. This means, whatever affects one tribe in Kenya, their counterparts are affected on the side of Uganda, either emotionally, or some materially since some flee and seek refuge in their relatives in Uganda.

The Sabaots in Kenya are known under the subtribes of Soy, Ndorobo and Mosop, while in Uganda they are known under the subtribes of Kony, Sepei, Pok and Bungomek.¹⁶⁵

¹⁶⁴ Ibid. p.62.

¹⁶⁵ Peter Telewa, *The People of the Mount* (Nairobi: Pauline Publications, 2006) p. 100.

They are tightly affiliated to each other to the extent that they have intermarried. That means, whatever affects the Sabaots in Kenya, will also affect the above named sub-tribes in Uganda.

The Bukusu also have their counter parts in Uganda under the tribe of Bagishu or the Babulo sub-tribe. For that matter, whatever affects the Bukusu in Kenya affects the Bagishu and the Babulo.¹⁶⁶ Now, as explained earlier on in this paper, there exists a great rift between the Bukusu and the Sabaot in Kenya. That means, their counterparts in Uganda will support them. Hostility will therefore be bred between their affiliates in Uganda. Therefore, the conflicts will not only be between the Bukusu and the Sabaots but also between the Sabaots in Uganda and the Bagishu together with the Babulo.

Cattle Raids

To add insults to injury, other tribes, for example the Sepei from Uganda have taken advantage of the hostility to come and steal cattle in Kenya and go back with them to Uganda. Many times the government have sent the police force to go and calm the situation and pursued the rustlers up to Uganda. On the way, they have met Ugandan soldiers who fight them back. This has made the conflicts interstate. There has been blame game for a long time between Uganda and Kenya as to who is responsible.

Sources revealed that Kabolet, which is part of the Cherengany Hills forests, harbours over 5,000 militias from Mt Elgon regions. This is where they hide the thousands of

¹⁶⁶ Ibid. p. 102.

cattle stolen from Cherengany, Kwanza, Saboti and Mt Elgon.¹⁶⁷ All these are regions along the Kenya-Uganda border.

Cattle rustling is a double-edged sword used to raise money for war mongers and to evict “outsiders”. Some of the stolen animals are sold in Uganda. There has been the persistent complain from the Kenyan government as to why the Ugandan government allow the cattle to enter and be sold in their country. This has created a big rift between the two countries. According to sources, proceeds from stolen livestock go towards acquisition of animals since the militia “don’t want to part with their own animals” when they pay dowry or sell livestock.

These raids have also created a lot of suspicion among the peoples of the two countries. The Kenyans have developed some phobia for the Ugandans. They have branded them as thieves and killers. This is because they not only raid cattle but also kill and rape.¹⁶⁸ Uniting such people will require a lot of effort since they are repulsive to one another.

Politics

Some of the citizens along this border have got double citizenship. The politicians on either side of the border have utilized this for their political ends. During voting, voters have been transported from either side.¹⁶⁹ This has erupted blame games, especially for the candidates who lose. In the effort of blocking such malpractices conflicts have erupted.

¹⁶⁷ www.internal-displacement.org/mt.elgon, October 20, 2008.

¹⁶⁸ Sainaipi Ndiwa, *Cattle Raids Along the Kenyan Borders*, (Nairobi: Longman Publishers, 2002) p. 70.

¹⁶⁹ Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 99.

In fact there has been a lot of animosity between the political leaders along the borders of these two countries due to that fact. There have gone a head to gunner support from their supporters to attack their opponents on the other side of the border. One is then left to wonder, if they are the same people who are to spearhead the unity of these people along the border yet they are doing the opposite, what will become of the EAC's aspiration of uniting the peoples of such countries?

Some politicians use the militia groups to raise funds for their political campaigns. The politicians in Kenya use the militia groups to go and raid in Uganda while the ones in Uganda use theirs to raid Kenya. This has intensified the animosity between the politicians in Kenya and ones in Uganda.

Refugees

Due to the conflicts so many refugees have fled to Uganda. By the end of 2008, there were more than 100,000 refugees living in Uganda. More than half of this number was due to Mt. Elgon Conflicts.¹⁷⁰ A good number have refused to come back to Kenya. This has strained the people of Uganda because such refugees need space and some Ugandan residents have been reluctant to produce such space. For example the ones in Karyandongo have been given 50m by 100m plots per family.¹⁷¹ Considering their huge population this amounts to a very big portion. This occasioned a mass movement of some of the relatives of those refugees to move from Kenya to go and settle in Uganda to utilize such a noble opportunity.¹⁷²

¹⁷⁰ www.news.bbc.co.uk/2/hi/africa, August 12, 2008.

¹⁷¹ *Ibid.*

¹⁷² Peter Wanyange, *Tribal Politics in North Rift* (Nairobi: RCC Publications, 2005) p. 70.

Many Ugandans have not been happy this, bearing in mind that some have even gotten married to Ugandans while some have started cultivating the fertile land that was bare before their arrival. In turn, they have blamed such refugees for increasing the insecurity cases in Uganda. In fact, some of them have been shifted to different areas a number of times. Their counterparts in Kenya have not been happy with this. They have held grudges with Ugandans. This has intensified the problem.

The refugees issue has even caused a split the political class and the rest of the citizens in Uganda. The major reason being that, ever since military dictator Idi Amin was toppled by a combined force of Ugandan exiles and the Tanzanian army more than 30 years ago, Uganda has had nine leaders. All the nine, including President Yoweri Museveni, had been exiles or refugees — most of them in Kenya.¹⁷³ The outcome of this is that the one thing that doesn't happen in Uganda is the mass round up and expulsion of “illegal aliens”, because the Uganda political class feels uneasy and guilty about such actions given their own lives as refugees and exiles. This has forced the citizens to live with the Kenyan refugees but with discontentment.

The above challenges have made it very hard to trade a long the borders. Even if there will be customs union and yet no peace no progress will be made. For goods to cross the border, peace is essential. This makes even harder for a country like Uganda that is a land locked country. It receives its goods through the Mt. Elgon borders and also its citizens benefit a lot through the cross border trade. Currently, Uganda is the biggest consumer of

¹⁷³ Nabudere Wadada D., *Imperialism in East Africa* (London: Zed Press, 1982) p. 82

Kenya's petroleum exports. That gives an indication of how much can be lost in terms of trade if such conflicts persist.

There has also been cases of Kenyan refugees fighting among themselves until the Ugandan authorities have been forced to separate them according to their tribes. This is not a good picture in a foreign land. It creates a violent picture of Kenyans, which makes it hard for Kenyans to integrate with people of other countries because of the perception that might arise due to such incidences.

Proliferation of Illegal Arms

Research has shown that in a number of Kenyan rural areas, small arms have replaced traditional weapons in ethnic warfare over land, water and livestock.¹⁷⁴ There has also been strong evidence to show that these arms find their way into the country through the situation brought about by ethnic conflicts. Even arms used in urban centres find their way through such rural areas.¹⁷⁵

Security at the border is also jeopardized due to illegal flow of arms. Wherever there is conflict often lawlessness creeps in. Such situation makes the area around the border unmanageable. This will be a big hindrance to the dream of enhancing security within the region. Mt. Elgon National Park being a tourist attraction centre, especially on the Kenyan part raises a lot of concern for the Kenyan government. They have occasionally blamed the Ugandan government for the low tourist in-flow in the area. Again whenever

¹⁷⁴ www.un.africa-kenya/arms, October 15, 2008.

¹⁷⁵ *Ibid.*

there is high proliferation of arms in a country, the level of insecurity is heightened. This bars many visitors including tourists and makes the neighbouring countries fear them. No country would admire to integrate with a country marred with insecurity.

The high number of illegal guns and the commercialization of cattle raids have left authorities worried about the possibility of war mongers seizing control of parts of frontier districts. In fact, were it not for the intervention of the Kenyan government, some parts of Mt. Elgon district was fully under the rogues. They were even collecting taxes from the residents. It was operating as a state on its own. If such a situation persists, it may, at some point, be hard to tell whether the place is part of Kenya or Uganda or neither. This poses a big problem during the integration.

From the above analysis, the following conclusions could be drawn. First, the East African Community has a good dream. A political federation is the way to go. There is enough enough proof to show that countries that have come together to form a political federation have prospered. European union and the United States of America are good examples. However, these dreams have to be worked upon. The community has to identify the threats facing them and act promptly.

Secondly, Mt. Elgon started as a land dispute, now it has grown and taken a different dimension. Some actors like the cattle raiders have even come in as opportunists. This is a clear indication of how a conflict system develops. It is a good lesson for the both the people and the leaders of the East African Community. Preventive measures have to be taken before the situation becomes irreversible.

Lastly, the agents involved in the conflicts can be easily identified and be dealt with. Therefore, the Community has to utilize the machinery and the strategy that it has in dealing with conflicts. The following chapter looks at what is in store for EAC for it to succeed in its endeavor, especially as far as peace in the region is concerned.

CHAPTER FIVE

The East African Community's Hope for Integration

5.1. The Progress for the Integration Process

Despite the challenges posed by conflict, all is not lost yet. The regional integration process is at a high pitch at the moment. The encouraging progress of the East African Customs Union, the enlargement of the Community with admission of Rwanda and Burundi, the ongoing negotiations of the East African Common Market as well as the consultations on fast tracking the process towards East African Federation, all underscore the serious determination of the East African leadership and citizens to construct a powerful and sustainable East African economic and political bloc.¹⁷⁶ The community should therefore capitalize on the strategies that it already has in countering such cross border threats, at the same time carrying out an analysis of its strength, weakness, opportunities and threats and respond to them.

5.2. Strategy for Regional Peace and Security

It is now clear that ethnic conflicts are among the major threats to peace and security within the East African Community. At this point, it is important to have a look at the plans that are there as far as peace and security in the region is concerned. The Strategy on Regional Peace and Security has a Vision of having "A Secure And peaceful

¹⁷⁶ Patrick Smith (ed.), The Africa Report, *East African Community Riding*, April-June edition.

Environment for Development” and the Mission, for which this cooperation exists, is “To Provide Security within the Region Through enhanced Co-Operation”.¹⁷⁷ In order to achieve the stated mission and realize the vision, there are fourteen goals formulated with a number of strategic objectives geared at fulfilling the goals. The vision is to have secure and peaceful environment for development, while its mission is to provide security within the region through enhanced co-operation.¹⁷⁸

In view of the above vision and mission, there are 15 goals.¹⁷⁹ This paper will concentrate on those goals that have a bearing on ethnic conflicts and border security, which could be explored and be strengthened to bring about peace the borders, especially the one along the Kenya-Uganda in Mt. Elgon.

*Hot Pursuit of Criminals and Suspects in Enhancement of Border Security*¹⁸⁰

Partner States plans to mount well coordinated joint operations and share intelligence. This approach will deny opportunities to suspects who commit offences from one state and cross the border to another state for safety. Such joint operations will lead to optimum use of resources. This will mean, those who kill others during the ethnic conflicts will not have a chance to seek safe havens in other neighbouring countries who are members of the East African Community.

¹⁷⁷ www.eac.int/index.php/downloads/cat_view/107-peace-and-security, August 12, 2008.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

*Install, Common Communication Facilities, for Border and Interstate Security*¹⁸¹

This will entail installation of common radio communication system at established border points. During the East African Police Chiefs Conference held in Nairobi Kenya from June 15th - 16th 1999,¹⁸² a resolution was passed to achieve the installation of common radio communication system at established border posts for quick information flow and response in curbing crime along the common border. The three East African Chief Signals Officers meeting held in Nairobi in July 1999 that charted the best ways of implementing the resolution made.

A rapid and dedicated communication system between the police agencies of East Africa would remain a vital instrument in the fight against sophisticated cross-border criminality as well as other forms of international crime. Cross-border criminals use a variety of communication systems to pursue their criminal objectives. Of particular significance in this regard is the exploitation of information and communication technology (ICT) by cross-border criminals as well as domestic criminals

*Establish Regional Disaster Management Mechanism*¹⁸³

East Africa is faced with natural, man-made disasters and complex emergencies such as drought, floods, famine, disease outbreaks; accidents, conflicts, fire, terrorism, Tsunami among others. The occurrences of disasters pose severe negative impacts on livelihood and environment. The dangers to human life and development are so great and cannot be under rated. The features, which distinguish a disaster from severe events, need arc to be

¹⁸¹ www.eac.int/index.php/downloads/cat_view/107-peace-and-security, August 12, 2008.

¹⁸² Ibid.

¹⁸³ Ibid.

clearly stated to attract attention from those outside the affected areas in order to mitigate the outcomes. The member countries have found out that it is pertinent to undertake measures towards disaster management from prevention, mitigation, preparedness, response and recovery.

The community will establish Disaster Management Centres. Aware of the fact that disasters respect no boundaries, they saw the need to have a multidisciplinary approach in addressing the problems. The main focus therefore was the establishment of regional disaster management mechanisms, which will harmonize technical co-operation and support. Disaster threats are almost common to every country among the Partner States in the region. This therefore called for the need to develop a comprehensive approach to disaster management. This approach intends cover all aspects of disaster cycle, prevention, mitigation factors, disaster preparedness, response, recovery and other related developments in the region.

The member countries also saw the need of developing efficient and rapid disaster response teams and ensuring timely response. These are an important ingredient in Disaster management and depend upon the policy in place and understanding the priorities of the disaster problems. This entails improving on the existing capabilities prior to the threats. An effective policy should be based upon interdisciplinary collaboration among the government, non-governmental organizations, research and training institutions, commercial sector and the public likely to be affected by the disasters. To achieve this, local, national and regional co-ordination is required.

*Establish Measures to Combat Cattle Rustling*¹⁸⁴

Cattle rustling are among the major problems that accompany ethnic conflicts. Many of the cattle stolen are often driven across the borders. To curb this, legislative bodies from Partner States felt that they should enact uniform laws to address cattle rustling. To-date, individual Partner States have different laws that deal with cattle rustling separately but the laws do not effectively address the problem.

They saw the need to institute alternative means of livelihood to discourage the practice of cattle rustling. In areas where the culture of cattle rustling is practiced, cattle keeping is almost the only activity that forms the basis of livelihood. These areas are severely affected by drought; therefore very limited cultivation or no cultivation at all takes place. This is coupled with very limited social and economic infrastructure development. Instituting alternative means of livelihood for these people will go a long way in solving the problem of relying on cattle as the only source of livelihood, which will in turn solve the problem of cattle rustling.

This will also involve creating public awareness through political, civic and clan leaders. During the process of creating public awareness, every stakeholder will be brought on board. The awareness will highlight the dangers of cattle rustling. Civic leaders, politicians and clan leaders will be directly involved during the sensitization process.

Establish Measures to Combat the Proliferation of Illicit Small Arms and Light Weapons

¹⁸⁴ www.eac.int/index.php/downloads/cat_view/107-peace-and-security, August 12, 2008.

Proliferation of illicit arms plays a very big role in ethnic conflicts. If this is curbed the combatants will lack the means to fight. The Nairobi Declaration¹⁸⁵ and other International and Regional instruments mandate Partner States to establish national focal points as co-ordinating agencies to provide institutional mechanisms to promote and co-ordinate implementation of comprehensive measures to tackle illicit small arms and light weapons.

The international instruments require Partner States to develop and implement a national action plan that guide national plans to tackle problems of illicit small arms. These will include development of the national policies to strengthen and streamline the management and control of firearms.

The international instruments require state parties to adopt such legislative measures as may be necessary to control possession and use of small arms, regulate manufacturing, trade and transfers, and measures to prohibit illicit trafficking. There is need for harmonizing the law to promote legal uniformity and set minimum standards to govern trade, transfers, manufacture and other illicit activity. This will facilitate inter-state action to combat illegal activity between Partner States.

The Partner States have large numbers of uncontrolled and surplus stockpiles of firearms. The Partner States therefore resolved, among other things, to devise means and ways of destroying the excess stockpiles. The destruction of the excess stockpiles ensures that leakages are curtailed and further reduces the demands on storage facilities.

¹⁸⁵ www.eac.int/index.php/downloads/cat_view/107-peace-and-security, August 12, 2008.

*Develop a Mechanism for Conflict Management and Resolution*¹⁸⁶

The Partner States have witnessed several conflicts internally and externally and the neighbouring countries. This called for a mechanism for peaceful resolution of disputes and conflicts amongst the Partner States and a forum under which the EAC can participate in resolution of disputes within the region. The absence of an effective mechanism for consultations and co-operation geared towards peaceful settlement of disputes in order to maintain and consolidate peace, may lead to real or imagined threats to peace and security which undermine efforts aimed at improving the well being of the people of East Africa. Efforts aimed at conflict management and resolution requires a framework providing a clear mechanism for detecting danger signals in potential areas of conflict and the method for their management and resolution. Such mechanism should incorporate provisions that accommodate other incidental problems.

Developing a Conflict Early Warning Mechanism

In order to prevent, mitigate and manage conflicts and threats in region, the member states saw the need to ensure timely collection of date and relevant information that decision makers and other stakeholders can use. This calls for a sound mechanism that will facilitate collection, verification and analysis of such information and communicate the results to decision makers.

¹⁸⁶ www.eac.int/index.php/downloads/cat_view/107-peace-and-security, August 12, 2008.

5.3. The Game Plan

For any success, the game plan has to be there. EAC's council should sit and find out within their reach what are the strengths to be capitalized on, the weakness to be worked upon, opportunities to be utilized, threats to cautious about. It is called the SWOT analysis.

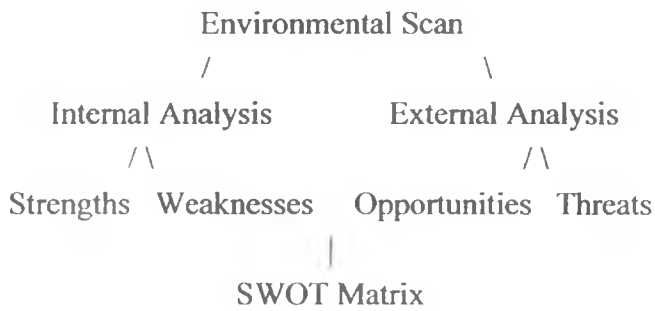
SWOT Analysis is a strategic planning method used to evaluate the Strengths, Weaknesses, Opportunities, and Threats involved in a project or in a business venture. It involves specifying the objective of the business venture or project and identifying the internal and external factors that are favourable and unfavourable to achieving that objective. The technique is credited to Albert Humphrey, who led a research project at Stanford University in the 1960s and 1970s using data from Fortune 500 companies.¹⁸⁷

Strengths are the attributes EAC that are helpful to achieving the objectives. Weaknesses are the attributes that are harmful to achieving the objectives. Opportunities are the *external* conditions that are helpful to achieving the objectives and Threats are the *external* conditions which could do damage to its performance. Strength are to be used, Weaknesses improved, Opportunities exploited and threats mitigated.

The SWOT analysis is an extremely useful tool for understanding and decision-making for all sorts of situations in business and organizations. The SWOT analysis can provide a good framework for reviewing strategy, position and direction of a EAC. Below is a summary of how the framework looks like.

¹⁸⁷ www.en.wikipedia.org/wiki/SWOT_analysis, October 15, 2008.

SWOT Analysis Framework¹⁸⁸



5.3.1. Strengths of East African Community

Lessons from the Collapse of the First EAC

One of the reasons that led to the collapse of the first EAC was the non-involvement of the citizens. National Consultative Committee (NCC) on fast tracking the East African political federation has embarked on the process of creating awareness for the process on integration. One of the mistakes that were made by the first EAC was to make it a preserve for the elites. A big lesson could be learnt from that for improvement so that such a mistake cannot be repeated.

The previous EAC's system relied so much on the harmonious relations between the presidents, and that control of the community collapsed when relations became bad.¹⁸⁹

There is something to be said for the view that a system which encouraged compromise at a lower level ... would have made the relations between Partner State less crisis-

¹⁸⁸ Hanley Cromwel, *Laws Governing Successful Ventures*, (London: Hughes Publishers, 1990), p. 40.

¹⁸⁹ Henry Bruce, *The East African Community and its Survival Against the Tides*, *Journal of Common Market Studies*, Vol. XVIII, No. 1, (London: Clay Publications, 1979), p. 47.

prone.¹⁹⁰ When it comes to decision making, the contention is often whether to follow the majority rule or unanimity. But experience has shown that to reach unanimity in such a large group is not always easily. That calls for compromise which goes hand in hand with trust. This in fact is what lacked in the first East African Community.¹⁹¹

The Establishment of Peace and Security Sector

Article 124 of The Treaty for the Establishment of the East African Community, recognizes the need for peace and security within the East African States.¹⁹² The same article spells out wide-ranging approaches for implementation in order to have a stable and secure environment within the region. This kind of environment is geared towards promoting development and harmonious living of the people of East Africa.

The Treaty for the Establishment of the East African Community recognizes peace & security as pre – requisites for the success of the EAC Region Integration process. Since inception in 1999, the EAC has taken bold steps to create a framework and structures to address issues of Peace and security. This led to the establishment of peace and security sector. This sector will be led by a group of experts and they are to establish a regional strategy supported by a practical implementation plan.

The strategy, developed through a highly consultative and inclusive process, will anchor Peace and Security Sector activities, giving form to the areas of cooperation in addressing regional peace and security threats. The strategy was adopted by the 13th Council of

¹⁹⁰ Ibid. p. 47.

¹⁹¹ Ibid. p. 48.

¹⁹² Ibid. p. 49.

ministers meeting, held in November 2006 to guide EAC level interventions in the Peace and Security Sector.

This strategy goes a long way in enhancing the East African Community spirit of co-operation in regional peace and security, which brings into reality the collective responsibility in provision of security by the Partner States. It covers collaboration on cross border crimes, ethnic conflicts and other crimes. This will provide a good and conducive environment in which peace will flourish, security of persons and property guaranteed hence fostering development.

5.3.2. Weaknesses Crippling East Africa Community

The Sovereignty of the Member States

For the Community to be effective in its undertakings, it needs some autonomy and sovereignty. This cannot be possible because none of the member countries is ready to relinquish its sovereignty. This lack of supranational powers affects even the functioning of its organs.

For example, for a effective functioning Peace and Security Sector, it needs a strong East African Court of Justice. The problem is that, the EACJ is specifically given initial jurisdiction under the Treaty over the interpretation and application of the Treaty itself. The Court can be seized by a Partner State regarding a breach of the Treaty or failure to fulfill an obligation by another Partner State or any institution or organ of the

Community.¹⁹³ The Treaty also provides that a Partner State may bring a case to the Court to determine the legality of any act of the Community or any other regulation, decision or action pursuant to the Treaty and any other rule of law.¹⁹⁴

That means that if the person committing a crime is influential, he/she can use the state machinery to challenge the decision of the community. This poses a great danger because many of the commissions of inquiries that have been set up have mentioned some of the influential politicians funding ethnic conflicts. This might make the possibility of EAC handling criminal cases related to ethnic conflicts.

Lack of Proper Machinery for Awareness Creation

Of the 23 people interviewed in Mt. Elgon region, only around 25% had an idea of what the East African Community. This is not in tandem with East African Community's Fast Track report. This is a lesson to them not to be complacent. And of the 25% who knew, all of them are among what could be termed as the elites. That means, the East African Community issues has not yet touched the hearts of the people at the grassroots.

¹⁹³ Macharia Munene, J.D. Olewe Nyunya and Korwa Adar (eds.), *The United States and Africa: From Independence to the end of the Cold War* (Nairobi: East African Educational Publishers Ltd., 1995) p. 97.

¹⁹⁴ www.aict-ctia.org/courts_subreg/eac/eac_home.html, October 15, 2008.

5.3.3. Opportunities to be Exploited within the East African Community

Report on the Fast Tracking of the Federation

A committee was formed to fast track the federation and they published their report in 2004. According to their report, though the East African people had divergent view on how and when the federation is to be formed, what came out clearly was that, "...the federation should be people centered and not emanate only from the leaders; it should be bottom-up rather than top-down approach"¹⁹⁵

*"It was urged that there should be a sensitization programme to enlighten the people on the benefits of the federation and the central role they should play. In this way, the ownership of the federation will remain with the people and not the politician who were responsible who were responsible for the collapse of the East African Community in 1977"*¹⁹⁶, the report said.



The community can only be actively involved if there is that cohesion. This came out clearly when they were registering their expectation about the community. The expectations were grouped as; social expectation, economic expectations, political expectations and the expectations of the general citizens. Among the social expectations were, "... the improved social interaction, peaceful coexistence, and harmony among

¹⁹⁵ East African Community, *Report of the Committee on Fast Tracking East African Federation*, 26th November, 2004, p. 70.

¹⁹⁶ Ibid.

neighbours, particularly border communities, with tribalism and ethnic conflicts receding into the past.”¹⁹⁷

There is one major threat to the improved social interaction, peaceful co-existence and harmony and that is the persistent ethnic conflicts. It is, therefore, crucial to have a clear grasp of the conflicts in each of the member states. The member can take this report as an opportunity to improve the social cohesion of the citizens of the member states.

5.3.4. External and Internal Threats to be Watched Out

Political/Poor Leadership

During the interview with the residents, some of them pointed out the source of their problems as poor leadership. The Akiwumi report cites examples of then powerful politicians declaring that those opposed to the Moi government would be ejected and that upon introduction of majimboism outsiders would be required to go back to their motherland.¹⁹⁸

This fact of poor leadership has been admitted by a number of people. For example, Dr Mutuma Ruteere, the Kenya Human Rights Institute dean, once openly said that the clashes in Mt. Elgon are on the rise due to poor leadership.¹⁹⁹ Speaking on the KTN interactive talk show, Newslines, on Thursday 7th 2007, Ruteere said Kenyans were

¹⁹⁷ East African Community, *Report of the Committee on Fast Tracking East African Federation*, 26th November, 2004, p. 70.

¹⁹⁸ www.bdafrica.com/kenya/mt.elgon, September 22, 2008.

¹⁹⁹ www.eastafricanstandard.net/conflict/elgon, October 20, 2008.

looking up to the political system for leadership and guidance. "Apparently, this has not been given and the Judiciary is not able to serve the people well too," he said.

The head of development awareness programme for Eldoret and Kitale dioceses of the Anglican Church of Kenya, the Rev Maritim Rirei, also accused State security personnel of sexually harassing women in Mt Elgon. He said security personnel turned away affected women whenever they went to report the cases.²⁰⁰ "A number of women have been raped by people in uniform. They attempted to report to the authority but have been turned away," he said. Rirei said it has been difficult to prove the claims since "you cannot report the issue to the same police you have accused of the felony".²⁰¹

Many residents of the place have accused the Government of abdicating its responsibility to provide security. This is in addition to failing to involve local leaders in resolving the conflicts. The State, they say, has been giving conflicting responses to questions on the clashes.

Former Eldoret North MP, Mr Reuben Chesire, once advised the people of Mt. Elgon that it was upon them to resolve the clashes. Also, in a recorded interview, the then Mt Elgon Member of Parliament, Mr John Serut, said residents should take an initiative to ensure peace. He proposed the transfer of some senior police officers accused of fuelling violence. He also called for the deployment of home guards, saying they knew the region

²⁰⁰ www.eastafricanstandard.net/conflict/elgon, October 20, 2008.

²⁰¹ Ibid.

better.²⁰² All the above sentiments clearly shows how people have lost confidence to the leadership for failing to effectively address the issue.

There was a great failure on the part of the District Security Committee. Residents say that they have never put the issue strictly as part of their agenda. The parliament also has its portion of the blame to bear. They have never passed any bill that touches on the Mt. Elgon clashes.

Increase in the Levels of Poverty

The more recent United Nations Millenium Development Goals (MDGs) identify the elimination of extreme poverty and hunger as an important development goal. The members of the East African Community being members of the United Nations means they also subscribe to the same goal. Furhermore in the report of the committee on fast tracking of East African Federation had this recommendation; “The East Africans consider poverty as the worst human rights violation with over 50% of the population in the region living below the poverty line and constantly experiencing food shortages. To them, federation would harmonize the various poverty eradication strategies and programmes of the three (now five) countries and tackle the issue of poverty more effectively.”²⁰³

²⁰² www.eastafricanstandard.net/conflict/elgon, October 20, 2008.

²⁰³ East African Community, *Report of the Committee on Fast Tracking East African Federation*, 26th November, 2004, p. 73.

When it comes to fighting poverty, land issues cannot be ignored since the bulk of the population in all the five states is rural, earning their livelihood through agriculture. To them, land is a source of wealth and an asset to be bequeathed to succeeding generations.

"I had a milk business worth KShs2.5million (over UgShs63 billion), a house and a vehicle but now I have nothing," said Mr Danson Karuiki, 48, who managed to flee with his entire family.²⁰⁴ There are many similar cases. It will cost the country a huge amount of resources that could otherwise be put to other projects.

Suspicion

From the analysis of the communities that are currently staying at Mt. Elgon region, it is quite clear that suspicion is both the cause and the consequence of the persistent conflicts. Each community is suspicious of the other, to the extent that one community blames the other for their poverty. One of the Ugandans at the Kenya Uganda border said, "*we are not ready to form one government with Kenya. They will distabalize our country because of their ethnic conflicts that never ends.*"

Already majority of the Tanzanians are not for the idea of forming a federation. In fact they have already pulled out from the idea of having a common market. Among their major reasons are; Tanzania has more land than Kenya, Uganda, Rwanda and Burundi combined and some fear landgrabs by the current residents of Rwanda, Burundi, Kenya

²⁰⁴ www.usahidi.com/conflicts, September 15, 2009.

and Uganda. They are also afraid of the clashes that goes on in Kenya. They quoted Mt.Elgon clashes though it is far from their border.²⁰⁵

Lawlessness and Insecurity

“The federation would pave the for the rule of law and a strong sense of constitutionalism to take root”²⁰⁶, said the report on fast tracking of the East African Federation. Without security assurance, there will not be free movement of goods and services across the border. Malaba, Lwakhakha and Suam borders are part of the mount Elgon region. With persistence of the conflict, there will be a hindrance of the smooth flow of goods and services across these borders. That means the Customs Union and the Common Market will not operate effectively.

Opening borders often leads to social emigration. People move with their lifestyles, ideas and values. This can generate fears, either real or imagined. People from countries that have been in endless conflicts will be viewed by others as transferring the same to other countries. With such social conflicts and cultural shocks more conflicts, either ideological, physical or structural may be generated.

Increase in the Level of Diseases

Conflicts subject the social structures and normative systems to stress.²⁰⁷ This paves way for diseases like HIV/AIDS that would otherwise be avoided if there was no conflict. In fact this goes against the vision of EAC of fighting diseases. Available data indicates that

²⁰⁵ www.en.wikipedia.org/wiki/East_African_Community, October 20, 2008

²⁰⁶ C. R Michell, *The structure of International Conflict* (London: Macmillan, 1998) pp. 15-25.

²⁰⁷ Ibid

the pandemic is the cause of many malfunctions in the management of land resources, including widespread abandonment of prime agricultural land, decimation of agricultural communities and a new scramble for land by individuals interested in speculative accumulation.²⁰⁸

The goal of reduction of extreme poverty and hunger and the attainment of decent and dignified lifestyles in Kenya and else where in Africa is unlikely to be met in then foreseeable future under these conditions.

The Clash Between the Aspirations of the Leaders and the Situation on the Ground

There is clash between the aspirations of the heads of the member states and the situation in Mt. Elgon. Chapter two clearly looked at how the situation is on the ground. In a nut shell, in Mt. Elgon region, people have mixed feelings about each other. They have different attitudes which create tension and suspicion, while on the other hand, there is a great aspiration from the heads of states of us being together as The East African Federation. Are the two compatible? Such a question is quite relevant reflecting that Mt. Elgon is at the border of the two most important members of the federation. It therefore qualifies to give a rough picture of how the situation is in other border areas engulfed with persistent conflicts. If the intrastate cohesion is questionable, how can we aspire for interstate cohesion?

²⁰⁸ Basil Hume, *AIDS: Meeting the Community Challenge*, (London: St. Paul Publications, 2006), p.5.

CHAPTER SIX

Recommendation and Conclusion

6.1. Effective Conflict Management Strategy

The recommendations that this paper is going to give will be for the management of Mt. Elgon conflicts. Since ethnic conflicts in Africa are almost of the same nature, the same recommendation could be used in managing or even preventing conflicts from occurring.

One thing is clear, land problems around Mt. Elgon cannot be solved using the police. The security is sometimes caught in the middle, forced to maintain the peace and apply directives that is inconsistent with other rulings. Here is an example; a constant battle goes on in the 14,000 acres ADC Milimani farm between one group who were illegally allocated large stretches of land and other group of poor squatters who illegally occupy the land. One group is armed with letters of allocation and the other with the Ndung'u Report.²⁰⁹ The result is cases of widespread arson, displacement, injury and death every planting season.

Attempts to beef up security and restore law and order by using excessive force has clearly been ineffective. This sometimes involved selective burning of homes and scattering their occupants – it is always the homes of the poor, the squatters and the

²⁰⁹ Hellen Bristley, *The People's Voice: A Dissection of Mt. Elgon Land Allocation System* (Nairobi: CCR Publications, 2004) p. 130.

voiceless that go up in smoke.²¹⁰ The principal land grabbers who have built mansions, secured by electric fences and guard dogs, are never challenged. What then are the alternatives?

6.1.1. Change of Perceptions about Land

Kenyans, including people of Mt. Elgon should start accepting the reality that their land is finite. That even with the best of sharing methods and attitudes, there is only so much of it for a rapidly increasing population. Our population is estimated to be growing at the rate of 2.4%.²¹¹ That shows that by the year 2050, there will be 55 million people. If the current population is divide by the size of land now, each one will hardly have 5 acres of land, what about the year 2050?²¹²

Broadening the picture makes the situation even more worrying. Of the total land, only 20% falls within the medium and high potential category. If this is divided with the population each will get only an acre. The fact that there are game parks, public utility land and water bodies constituting part of the country means that there would be even less available for each one.

Experts in the financial sector will need to make this into account and begin to sensitize and provide Kenyans with sufficient alternative instruments suitable for holding and

²¹⁰ Harizon Malewa Chebukwabi, *The Intrigues in the Land Distribution in Mt. Elgon: Who is to Blame?* (Nairobi: Pauline Publication, 2003) p. 171.

²¹¹ Wambui Kimathi, ed., *Nguzo za Haki, Land and Human rights*, Nairobi, 2007, p. 7.

²¹² The total surface area of our country is approximately 582,646 square kilometers (cf. *Nguzo Yetu* p. 7). This is about 58,264,600 Hectares which translates to 145,661,500 acres. from our 1999 census figures, the population of Kenya at the time was 28,686,607. If each one was to claim equal chunk, then that translates to 4.8 acres of land.

creating wealth. If this succeeds then there will be little pressure to fight for the land that is there. People are encouraged to invest in shares in the stock market, treasury bonds and equity funds

The government should also improve the service infrastructure and explore ways in using irrigation to increase agricultural and livestock production in arid and semi-arid Northern region.

6.1.2. Land Distribution to be Open and Transparent

Some of the complaints of the people of Mt. Elgon are genuine, it is only that some are using criminal means to express their dissatisfaction. The chair person on the commission of inquiry on irregular and illegal allocation of public land was right when he said, “the phenomenon of land grabbing is a national vice that should be looked at in the context of the wider corruption debate. Over the years corruption has seeped into most land transactions to an extent that 90% the titles created in the last 20 years are illegal or irregularly acquired.”²¹³

A very good example is in the distribution of public land. Public land is a land in which every Kenyan has an interest. This is land that serves the interest of all Kenyans and is either held by the government or parastatal bodies in trust for the people of Kenya. No individuals or groups could be allocated the right to access of such public lands, other than for the purposes for which they were set aside.

²¹³ Wambui Kimathi, ed., *Nguzo za Haki, Land and Human rights*, Nairobi, 2007, p. 13.

Categories of public land are trust land, government land²¹⁴ and land owned by state corporations. Trust land is the land that was previously known as native land. It is the land now governed by county councils in trust for then residents of that particular council. The legal provisions for the trust land is in the constitution. These provisions have been over the years abused extensively. Most trust land have been allocated to who were not local residents of the county councils.

There are many more examples like the land that was under state corporation like Agricultural Development corporation (ADC). This corporation is funded by tax payers money yet most of its land has been either illegally or irregularly allocated.

Also by the United Nations standards, each country should have at least 10% of its land covered by forests. At independence, Kenya had a forest cover of 3% but since the allocation of over 300,000 ha of land to private individuals, the total forest cover has been reduced to 1.7%.²¹⁵ Such allocations have been a source of conflict in Mt. Elgon region, since in the allocation of those pieces of land, only a few individuals of certain tribes or clans benefited.

6.1.3. Introduction of Sustainable Land Policy

Kenya's poverty level of 60% is mainly due to an ineffective policy framework governing land use. It is a pity that for the last 44 years since independence, the country

²¹⁴ Government land can either be alienated or unalienated. Alienated government land is land that has already been set aside for government use – such as government offices, houses etc. Un alienated government land held in trust for the Kenyan people awaiting its use. (cf. Nguzo Yetu p. 14). Other categories of public land include: forest lands, national parks and reserves, and road reserves.

²¹⁵ Wambui Kimathi, ed., Nguzo za Haki, *Land and Human rights*, Nairobi, 2007, pp. 12-14.

has never formulated a land policy. Even the land policy as exists today is mired in confusion as Kenya lacks a single legal instrument to govern land.²¹⁶ This needs to be done urgently. The proposed land Draft Constitution was a good starting point. The recommendation of the Njonjo commission of forming a National Land authority was taken into account. The lack of such policies are among the loophole that the land grabbers utilized.

There is need for piecemeal amendments to the current constitution on matters relating to alienation and allocation of public land. There should be a review of all land laws. As that is being done, Kenyans should start asking themselves where they went wrong. Unless we deal with the moral question of corruption, legal intervention on land issues may not mean so much to this country. We have to rediscover our national values.

6.1.4. Review of Land Laws: Discard Gender Bias Laws

While control of land resources by male members of society may have been rational in patrilineal societies for preserving and protecting community land resources, that has converted that structure into an instrument of proprietorship under the exclusive manipulation of men.

Those whose role in indigenous land tenure was to guarantee access to all members of the community including women and children, now regard themselves as absolute owners.

Thus the women who carry the burden of food production are routinely denied secure

²¹⁶ There are over 50 statutes in Kenya that directly deal with land or make constant reference on land (cf. Nguzo Yetu p. 29). These many statutes are meant to govern land that comprise of about 18% arable and about 80% arid or semi-arid, of which 2% of arable land is forest.

access to land. If women had a say in the acquisition and distribution of land, may be the situation would have been different.

6.1.5. Intensification of Disarmament Programmes

People engage in armed conflict because they have the arms to fight with. Once the arms have been taken away from them then the cases of armed conflict will reduce. Among the pastoralists of the Kenya/Uganda borderlands, many households have firearms, and the crime rate is low, although there is a substantial problem of violence between tribes and clans. Estimates of the pastoralists gun stock range from 50,000 to 200,000 in Kenya, and 50,000 to 150,000 in Uganda.²¹⁷ The intention may be good-to protect the communities from attacks, but it can turn lethal if the same communities decide to attack each other for other reasons. That means the weapons are used for other reasons other than defense. This becomes a threat to peace.

²¹⁷ www.africanpress.wordpress.com/kenya/raids, October 20, 2008.

6.2. Conclusion

In social sciences, the unit of study is the human person. And in those studies what comes out clearly is that no human being can leave as an island. That is the reason as to why social groups are indispensable as far as human growth is concerned. Using that analogy to international relations, states are the units of study. Just as no human being is an island so are the states. The more the states come together and work together the more stronger they become. That means that the major reason for states forming international organizations is to enable them function effectively.

States can come together through international (for example the United Nations), regional (for example the African Union and the European Union) or sub-regional organizations (for example East African Community and North Atlantic Treaty Organization). As per the global trends, states become effective if they act in blocks. There are a few challenges that are associated with this federation, however, they have more advantages than disadvantages. EAC was once established then it collapsed. The leaders of these countries should learn from the mistakes that their predecessors made and improve on them.

From the global trends, states have no option but to unite and form blocs. The EAC has a bright future but this can be bleak if conflicts are not well managed. This paper just dwelt on the Mt. Elgon conflicts but it gives a picture of what conflicts can do to the future of Sub-regional organizations such as the East African Community. One can imagine if the conflicts between the Karamojong and the Turukanas, the Conflicts in Northern Uganda,

the Conflicts in North Eastern go on, what might become of the relationship between Kenya neighbouring countries.

The problem of conflicts in Africa and their management has been one of the biggest challenges for African Diplomacy. At the continental level, the African Union encourages regional mechanisms to deal with conflict management as it is deemed to be effective in terms of cost and time. In this context, EAC, being one of the building blocks of the AU, is mandated and currently structured to deal with matters of peace and security. Article 124 of the Treaty for the Establishment of the East African Community recognizes peace and security as important prerequisite for its integration.²¹⁸

It is quite clear that being politically federated is EAC's ultimate aspiration and it cannot possibly thrive in absence of a stable and peaceful environment. To demonstrate Partner States' commitment towards realizing peace and security in the region, the EAC Nyerere Centre for Peace Research was established in July 2007 to carry out research and training in the areas of human rights, conflict prevention, mitigation and resolution, peacebuilding and to facilitate student exchange programmes with similar institutions abroad.

The vision for Nyerere Center is to become a global center of excellence for peace and conflict research while its mission is to build capacity in Conflict Prevention, Mitigation and Resolution (CPMR) through research and training. The fact is that, there has been inadequate emphasis on the teaching of conflict prevention, management and resolution at Universities and other institutions of higher learning in East Africa, despite the

²¹⁸ East African Community Treaty, 1999.

repetitive nature of conflicts in the region. Other countries can introduce such a discipline even at the elementary level of learning. This can be a good level to begin from. This will make conflict management a way of life rather than bringing it on board when a conflict erupts.

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