

**THE MILITARY IN POST-CONFLICT RECONSTRUCTION: THE CASE OF  
KENYA DEFENCE FORCES IN MOUNT ELGON CONFLICT, 2005-2012**

**BY**

**BONIFACE M. NGULUTU, MBS**

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## DECLARATION

I declare that this study presents my original work and that it has not been submitted for examination in any form to any other University.

BONIFACE M. NGULUTU \_\_\_\_\_Date \_\_\_\_\_

This project has been submitted for examination with our approval as University supervisors.

PROF: VINCENT G. SIMIYU \_\_\_\_\_Date \_\_\_\_\_

DR. HERBERT MISIGO AMATSIMBI \_\_\_\_\_Date \_\_\_\_\_

## **DEDICATION**

I dedicate this study to my family. My mother, Esther Mungai, my wife Julia, and our children, Steve and Esther. May they live to emulate my patience and determination to achieve pre-determined goals.

## **ACKNOWLEDGEMENT**

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I treasure the support and encouragement provided by my immediate family during the period of this study. My dear wife Julia and children, Steve and Esther have always supported my desire to advance academic knowledge. They have been instrumental in enhancing my determination to complete this course of study.

I extend my special thanks to the people of Mt. Elgon and those from the Disciplined Forces, particularly the interviewees who accepted to offer valuable information about the conflict. Their contribution as primary sources informed a great deal the content of this research.

This far I have come through the guidance of His Almighty the living God. Amen!

## ABSTRACT

The post-conflict activities became commonplace in the Mt Elgon region after the emergence of the Sabaot Land Defence Force (SLDF) conflict in 2005. Rehabilitating of infrastructures such as schools, roads and restoring of security was the main concern of the people living in the region. This study examines the military involvement in issues related to intervention and post-conflict reconstruction in the Mt Elgon region focusing on specific case studies in selected projects rehabilitated in the region using the Kenya Defence Forces (KDF) effort. The main question addressed by this study is to establish under what conditions did the military intervene and whether the intervention strategies were effective in reducing post-conflict vulnerability in the immediate aftermath of the conflict, specifically by increasing resilience and, or reducing uncertainty of the affected communities? In answering this question, the study addresses three main objectives. First, it investigates the role played by the Kenyan military in post-conflict reconstruction and peace-building in Mt Elgon. Second, it seeks to examine strategies the KDF used to accomplish the essential tasks of post-conflict reconstruction and stabilization of Mt Elgon. Third, it examines the institutional divergence that enabled KDF to carry out peace-building and post-conflict reconstruction.

The study concludes that in post-conflict environments, vulnerability is the result of multidimensional losses. These are related to the lack of resources a household or individual owns at a point in time (resilience) as well as the inability to convert these resources into an achieved state of development (uncertainty from exposure to risk), also known as functioning's. In order to measure what the KDF did in post-conflict reconstruction, this study uses various sources such as primary and secondary sources. In trying to assess the effectiveness of the military involvement in post-conflict reconstruction, the study applied the system dynamic model. This model represents social systems as a web of level values and efforts that relate to stabilize war-torn societies.

Using the above approach, this study argues that in practice, the effectiveness of post-conflict re-construction effort initiated by the military was dependent upon three factors. First, is the clarity of objectives. In the immediate aftermath of the conflict, it was critical for the military as an instrument of National Power to garner political support and secure a legitimate entry into Mt Elgon conflict through its role as an alternative safety net.

However, such interventions should be quickly followed by other instruments of social protection so that development strategies are comprehensive and the delivery systems are not over-loaded by other unrelated objectives. Second, design of such post-conflict reconstruction programmes should remain context-specific. Aspects such as return of IDPs and re-integration with the war-torn communities, targeting methods and re-construction techniques should be relevant for the specific environment in which these programmes are designed and implemented. Also, the success of post-conflict reconstruction in Mt Elgon was determined, to a large extent, by the nature and scope of complimentary activities such as improvement of health and education facilities, rejuvenation of agriculture, business development, marketing mechanisms and provision of rural transport services in the region. Third, implementation mechanisms should as much as possible remain flexible in the context of emerging challenges. Post-conflict environment needs evolve from emergency to long-term sustainable development. This evolution was reflected in the military intervention and post-conflict reconstruction objectives and design features. Implementation mechanisms by the military were able to incorporate these changes efficiently so that target populations are mainstreamed into the military led post conflict re-construction tasks and derive maximum benefits from the programme.

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## **DEFINITION OF TERMS**

### **Mine**

An encased explosive device usually buried or emplaced on the land surface or in water, designed to destroy military tanks, vehicles, water borne crafts, or otherwise designed to kill, injure or incapacitate personnel. It may be detonated by action of its victims, by passage of time or by controlled means.

### **Anti Personnel Mine**

An explosive device designed to detonate and kill, injure or incapacitate a person if unsuspecting individual steps on it or is disturbed by other objects.

### **Mined Area**

An area where landmines or explosive ordnances have been emplaced, found or are suspected to be present.

### **Mine Acton**

It means the activities aimed at limiting the social, economic and environmental impacts of mines and unexploded ordnance in order to reduce their risk. These activities include Mine Risk Education (MRE) or awareness activities, support and advocacy for mine action, demining, victim assistance and stockpile destruction.

### **Demining**

Demining is the process of clearing landmines and other explosive devices laid in an area of land.

### **Explosive Ordnance Disposal (EOD)**

Means the process of disarming or neutralizing mines and other unexploded ordinance devices to include safe removal and transfer to a safe zone for destruction

### **Unexploded Ordnance (UXOs)**

Means the unexploded munitions that were fired or used but did not explode as intended and also includes the abandoned ordnance that have not been used.

**Disarmament**

This is an act of laying down arms especially the reduction or abolition of a nation's or groups military forces and armaments. It also includes the condition of being disarmed forcefully.

**Peace building**

The initial use of the term peace building is most often associated with a report by UN Secretary-General Boutros Boutros-Ghali in 1992 titled *An Agenda for Peace*. Peace building is sustained cooperative work to deal with underlying economic, social, cultural and humanitarian problems using measures such as disarming, restoring order, destroying weapons, repatriating refugees, training security forces, monitoring elections, advancing the protection of human rights, reforming institutions, and promoting political participation.

**Post-conflict reconstruction**

The rebuilding of the socio-economic framework of society and the reconstruction of the enabling conditions for a functioning peace time society to include governance and the rule of law.

## ACRONYMS AND ABBREVIATION

AGLI	Africa Great Lakes Initiative
AVP	Alternative to Violence Programme
BAC	Battle Area Clearance
GPMG	General Purpose Machine Gun
GSU	General Service Unit
CA	Civil Affairs
DDR	Disarmament Demobilization and Rehabilitation
EOD	Explosive Ordinance Disposal
ERW	Explosive Remnants of War
FCPT	Friends Church Peace Teams
HROC	Healing and Rebuilding our Communities
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IED	Improvised Explosive Device
ISS	Institute of Security Studies
KCSSP	Kenya Civil Society Strengthening Programme
KHRC	Kenya Human Rights Commission
KRCS	Kenya Red Cross Society
LOAC	Law of Armed Conflicts
MF	Moorland Forces
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
PRM	Political Revenge Movement
PTN	Peace Tree Network
QIPs	Quick Impact Programmes

QPSW	Quaker Peace and Social Witness
SLDF	Sabaot land Defence Force
TMP	Transformative Mediation Programme
TTT	Turning the Tide
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Childrens Education Fund
UXOs	Unexploded Ordinances

## **MAP OF MT. ELGON CONFLICT REGION**

## CHAPTER ONE

### 1.1 Introduction

Many difficulties are faced by infrastructure providers in post-conflict situations. Some of these difficulties can be easily identified and mitigated by service providers. However, other issues do not become apparent until later stages of development. Literature reviews and experiences by providers reveal the following key issues affecting infrastructure provision, lack of security provision, hazards such as land-mines and diseases, identification of the causes of conflict and lack of institutional capacity among others. These issues remained a factor in the Mt. Elgon region which was severely affected by the land conflict which intensified and took a military dimension in 2006. Although there were conflicts in the past in Mt. Elgon, the recent conflict was waged by the Sabaot Land Defence Force (SLDF), a guerrilla militia operating in the Mount Elgon District of Kenya since 2005. The SLDF was accused of killing more than 600 people, and of committing a variety of atrocities including murder, torture, rape, and the theft and destruction of property. The conflict also led to displacement of more than 66,000. The outbreak of violence in Mt. Elgon is attributed to the rise of the militias because of several factors: conflict over scarce land resources, widespread unemployment among the youth, and a fast growing population in the Mt Elgon region. This resulted in stressing agricultural resources and manifested through tensions between different ethnic groups in Mt Elgon. This study outlined how the conflict led to destruction of economic, social and political infrastructure, the military intervention and their role in post-conflict reconstruction.

### 1.2 Background of the Study

Mount Elgon covers 940 km<sup>2</sup>, out of which an estimated 600 are covered by forest. Most of the 160 000 inhabitants live in the southern part, which is more fertile and inhabitable than the northern part which is higher in altitude and almost entirely covered by forests. The population is multi-ethnic, yet dominated by the Sabaot people who are part of the Kalenjin family.<sup>1</sup> The Sabaot are divided into two sub-tribes: the Soy (also called the Semek) and the Mosop (also called the Ndorobo).

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<sup>1</sup> Simiyu Robert Romborah, "Militianisation of resource conflicts – The case of land-based conflict in the Mount Elgon region of Western Kenya", Pretoria, Institute for Security Studies, Monograph 152, 2008.

Those two sub-tribes stem culturally from one community, but are geographically separated, which over time led to diverging lifestyles due to different environmental living conditions. The Mosop have their homelands in the moorland in the northern and higher part of the district and make their living by herding and foraging in the forest, while the Soy settled on the lower slopes in the south of the district and are mainly agro-pastoralists. In numbers, the Mosop account for about 20 % of the Sabaot, while the Soy make up for the remaining 80 %.<sup>2</sup>

In the mid-1960s, the government of Kenya established a resettlement plan for the Mosop. The reasons to do so was to protect the Mosop from recurring attacks from Sebei and Bagisu groups living in Uganda, and to include the Mosop into Kenya and to easier provide them with state services, since the moorlands they inhabited were very remote and only accessible by foot through the forest. The other reason was that the Mosop inhabited a water catchment area, which the government wanted to preserve and protect.<sup>3</sup> In 1971 the government started the first resettlement process, called Chepyuk I (1971–1974). The resettlement plan aimed at relocating the Mosop from the moorland to places further south close to the Soy homelands. However, the initiative faced a series of factors such as poor preparations, lack of Title Deeds of ownership and corruption led to dissatisfaction among the Mosop and envy from the Soy sub-clan. This new development forced the government to announce a second resettlement phase (Chepyuk II) in the 1980s and later Chepyuk III (1993 - 2006). In addition, the long duration of those resettlement phases led to new problems, mainly that the situation on the ground (population, economic activity) changed and did no longer correspond to the planned conditions.<sup>4</sup> Chepyuk III necessitated some evictions of some Soy people.

This resulted in armed resistance by Soys against forced evictions from what they perceived to be their own land, in favour of Mosop, as demanded by the Chepyuk III. Ultimately, this culminated in the formation of the Soy-dominated Sabaot Land Defence Force (SLDF) by Wycliffe Kirui Matakwei in late 2005. In the beginning,

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<sup>2</sup> *Ibid.*

<sup>3</sup> A mixture of political misuse of Uppsala Conflict Data Programme, The Mount Elgon Conflict in Kenya conflictdatabase@pcr.uu.se.

<sup>4</sup> Kenyan National Commission on Human Rights KNCHR, “The Cry of Blood: Report on Extra-Judicial Killings and Disappearances”, 2008.

SLDF mainly targeted Mosop and moderate Soy, but quickly shifted its focus to state institutions and the local government. By mid-2007, SLDF became the dominant military and political power in Mt. Elgon district, also winning the Mt. Elgon part of the nationwide elections in December 2007. The methods used by SLDF were extremely violent, such as the killing of family members of candidates considered to be hostile to SLDF, extortion of taxes from the civilians, forced recruitment into the SLDF militia group as well as torture, rape and killings of civilians.<sup>5</sup> SLDFs political agenda was to establish an independent Sabaot state which was to extend to Eldoret. Although the group began as a result of land grievances, the goals changed with time to become political and separatists.

For a long time, the government neglected SLDF and the violence out of disregard for a district of little national importance and also due to corrupt local heads of the security forces. In 2007, police activity against SLDF increased, but remained largely unsuccessful. As a reaction to this absence of state protection, the Mosop began to organise protection for themselves culminating in the establishment of the Moorland Defence Forces (MDF), named after the high region of the mountains from where the Mosop were resettled during the three Chepyuk processes and to where many Mosop fled back to from SLDF violence. The stated goal of MDF was purely defensive, as protecting Mosop from SLDF violence, and the group gradually ceased to exist when state security forces engaged more actively in the region. In March 2008, the government launched operation *Okoa Maisha* (Save Life). This operation resulted in the gunning down on 16 May 2008 and the execution or imprisonment of other high ranking SLDF commanders, quickly followed by vaporization of SLDF in 2008.<sup>6</sup>

Since the military defeat of SLDF in late spring 2008, the situation in Mt. Elgon district has remained calm, but tensions between the ethnic groups were still high. This forced the military to remain in the region operating from Kapkota military camp from where they are running several post-conflict reconstruction projects. The reconstruction task focused the area the areas heavily affected by the conflict namely,

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<sup>5</sup> Alston Philip, "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights including the Right to Development – Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions", UN Human Rights Council, 2009.

<sup>6</sup> Simiyu Robert Romborah, "Militianisation of resource conflicts: The case of land-based conflict in the Mount Elgon region of Western Kenya", Institute for Security Studies, Monograph 152, 2008.

Kopsiro, Kaptama, Kapsokwony and Cheptais Divisions. It is in these areas that the study focused.

### **1.3 Problem Statement**

In March 2008, President Mwai Kibaki announced, the state of military combat operations in Mt. Elgon to root out the Sabaot Land Defense Force (SLDF) which was committing atrocities against the civilians in the area. After the operation the military remained in the area establishing the Kapkota Camp and now it is engaged in securing and reconstructing that region. The KDF military forces had accomplished their objectives and SLDF rooted out. The military began working to establish a stable Mt. Elgon region. Consequently, the improvement of the post-conflict transition process would directly improve the long-term effectiveness of the Kenyan military instrument of national power. This is due in part to the relatively new emphasis placed on Kenyan military involvement in peace-building and post-conflict reconstruction operations.

Since its inception, the military has been shielded from civilians and post-conflict reconstruction was being thought of as a mostly non-military function. The importance of the military operations in Kenya has been placed on the same level as more traditional wartime operations. This represents a fundamental shift in how the Kenyan military is prepared to meet varying operational challenges. This is because the conflict in Mt. Elgon was different because the KDF was not fighting a State or a uniformed enemy. The enemy comes from the population and after a violent engagement the enemy melts into the civilian population and lives amongst innocent people. Finding, fixing, and destroying an enemy is the traditional manner in which offensive operations are conducted. But the enemy was using guerrilla tactics.

The challenges above present an interesting case to be studied because the focus on peace-building and post-conflict reconstruction operations are somewhat of an institutional divergence because the doctrine, culture, and capability of the KDF have not traditionally been focused on a strategy predominately geared to carry out peace-building, post-conflict reconstruction, and other largely civil-military operations. This is why, it is necessary to answer the following secondary questions: What are the essential tasks or activities in a post-conflict environment? What have the operation of

KDF achieved? This study will examine strategies the KDF used to carry out and accomplish the essential tasks to reconstruction and stabilization of Mt Elgon.

#### **1.4 Objectives of the Study**

1. To investigate the role played by the Kenyan military in post-conflict reconstruction operations and peace-building in Mt. Elgon.
2. To examine strategies the KDF used to carry out and accomplish the essential tasks to reconstruction and stabilization of Mt Elgon.
3. To assess the institutional divergence that enabled KDF to carry out peace-building and post-conflict reconstruction.

#### **1.5 Justification of the Study**

The goal of this study is to investigate the role that the Kenya Defense Forces played and provide a scholarly approach of understanding on post-conflict reconstruction, the various dimensions and goals of post-conflict work, the types of actors that conducted it, the trade-offs and dilemmas they faced, and the lessons learned from its application in Mt. Elgon. The study will devote considerable attention to the applied side of post-conflict reconstruction that is, the reason, techniques and tools used by the Kenyan military as well as local stakeholders to transition societies from violence to sustainable peace. It will also address many of the key issues that frame the debate in post-conflict reconstruction work, the tension between externally and internally generated recovery efforts, the possibilities and weaknesses of formal peace and reconciliation, the challenges of civilian-military cooperation in post-conflict Mt. Elgon, the trade-offs between stability and liberty and the development of viable exit strategies for the government of Kenya. The violence stalled development in the area. The end of it set a stage of development and the study brought out knowledge on how the new situation is.

#### **1.6 Scope and Limitation of the Study**

The study focused on the causes of the conflict environment experienced by the people of Mt Elgon region following the atrocities committed by the Sabaot Land Defence Force (SLDF) in the period between the year 2005 to 2008, and the activities leading to the deployment of the government security forces in area to remove the SLDF and restore law and order. Emphasis has been given to the entry of the Kenya

Defence Forces (KDF) in the conflict area to neutralize the SLDF and allow for the return of normalcy and security in the region. The study further analyses the military intervention and post-conflict reconstruction activities since deployment in the region from 2008 to 2012 and the benefits of such deployment to the local population. To give a better understanding of the ethnic patterns of the region and their historical background, focus has been given to the major ethnic groups such as the Bukusu, Soy and the Mosops (Ndorobos) and why historical conflicts have characterized their co-existence since colonial times

### **1.7 Literature Review**

The following Literature review discusses various scholarly works previously written by different authors on topics of relevance to this research paper. The basis of this review is the belief that there are gaps that have significantly failed to link military participation and involvement in post-conflict reconstruction operations and peace-building missions at domestic level. These gaps need to be identified and filled by sound scholarly study.

Charles Walker observes that the first recognition by the United Nations that the military can play an important role in post-conflict reconstruction was in January 1962 when the World Peace Brigade was established at a meeting in Beirut. Its purpose, as set out in its founding statement was to organise, train and keep available a Brigade for non-violent action in situations of actual or potential conflict, and to join with people in their non-violent struggle for economic and social reconstruction. The Brigade was successful in Northern Rhodesia (Zambia) where the Central African Federation was conflicting with the British.<sup>7</sup> The experience of Peace Brigades International, however, is more relevant to the question of whether unarmed peacekeepers could provide protection to individuals and communities under threat rather than in situations such as in Mt. Elgon where armed military personnel were involved and with concrete orders to observe the parameters set in the Law of the Armed Conflicts (LOAC).

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<sup>7</sup> Charles Walker, "Nonviolence in Eastern Africa 1962-4: the World Peace Brigade and Zambian Independence", in Yeshua Moser-Puangsuwan and Thomas Weber (eds) *Nonviolent Intervention Across Borders: A Recurrent Vision*, Spark M. Matsunaga Institute of Peace, University of Hawai'i, 2000, p.21.

According to Goodwin Deborah, where the military remain in theatre in the post-conflict phase, the necessary re-construction work requires a different working response from traditional war fighting imperatives. Goodwin further argues that, many recent conflicts have necessitated sustained military involvement, and that they actively involved in reconstructing the shattered infrastructure because the military possess a range of resolution techniques, particularly negotiation and liaison skills.<sup>8</sup> Acute consciousness of this research is to reveal how these skills worked in the case of the Kenya Defense Forces in Mt. Elgon.

Andrew Rigby feels that the military do have a valid role in post-conflict reconstruction, but that it is limited to establishing the physical security necessary for reconstruction and reconciliation to be possible in other words, to ensuring an effective ceasefire.<sup>9</sup> He stressed that he did not consider that military interventions were valid if the peace-building forces were parties to the original conflict, nor if they did not carry a reasonable level of legitimacy among the people of the affected region. On this basis, he ruled out of his discussion the invasion and subsequent occupation of a territory by the military. Even with these provisos, he felt that it was difficult for an intervening military force to avoid becoming part of the conflict. Andrew's argument raises very important questions that this research hopes to answer; did the KDF mission in Mt. Elgon succeed? Did it have the legitimacy among the people of Mt. Elgon? How did the military involvement in the conflict affect post-conflict reconstruction?

Alexandra Gheciu criticizes the involvement of the military in post-conflict reconstruction by arguing that, in the peace-building arena, the greatest overlap with the military in terms of responsibility or perceived territory lies with the NGO community.<sup>10</sup> She notes that the challenges that face the military in post-conflict reconstruction begin with the assertion that, the military capabilities beyond their traditional roles is an intrusion in the eyes of many NGOs. This is not only a challenge to their *raison d'être*, but also a more fundamental attack on the category of

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<sup>8</sup> Goodwin, Deborah, *The Military and Negotiation*, London: Frank Cass, 2005, pp. 30-47.

<sup>9</sup> Andrew Rigby, *Is there a role for the military in peacebuilding?*, London: Centre for Peace and Reconciliation Studies, Coventry University, 2006.

<sup>10</sup> Alexandra Gheciu. "Divided Partners: The Challenges of NATO-NGO Cooperation in Peacebuilding Operations," *Global Governance* 17 (2011), p. 96.

humanitarian space which impartial actors seek to enhance the welfare of individuals and communities without any attention to, much less effort to promote, particular political agendas. The author believes that military involvement in humanitarian operations represents a step too far into the humanitarian space and highlights a difference in the doctrinal definition of humanitarian assistance. Gheciu writes, that the military involvement is always aimed to promote, particular political agendas and not peoples welfare. It interests this study to ascertain if Gheciu's argument was true for the Mt. Elgon case.

According to Beth Cole and Emily Hsu, noted that, the military role in post-conflict reconstruction is to provide five end states results of stability and reconstruction operations. These end states are the establishment of a safe and secure environment, rule of law, stable governance, sustainable economy, and social well-being. These end states are compatible with military roles of primarily stability tasks which include establishing civil security, establishing civil control, restoring essential services, support to governance, and support to economic and infrastructure development.<sup>11</sup> The guiding principles for stabilization and reconstruction represent the first step in the right direction in terms of true cooperation for post-conflict reconstruction and peacebuilding operations. However, the Kenya Defense Forces efforts in Mt. Elgon are far from an overarching and complete documentation. For this reason, there is need for this research.

In his book, *Fighting the War on Terror*, James Corum writes that the Army did a brilliant job in West Germany from 1945-1954, and in Japan from 1945 to 1950. With complete authority to manage large civilian populations and economies, the army set sound policies that got the two devastated nations functioning again. The army effectively transformed both nations from totalitarian and militaristic states into models of democracy, prosperity, and stable government.<sup>12</sup> This study intends to study the successes of the post-war army and its reconstruction efforts in Mt. Elgon.

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<sup>11</sup> Beth Cole and Emily Hsu, *Guiding Principles for Stability and Reconstruction: Introducing a Roadmap for Peace*, Military Review, January-February 2010, p. 8.

<sup>12</sup> James T. Corum, *Fighting the War on Terror: A Counterinsurgency Strategy*, St. Paul, MN, Zenith Press: 2007, pp. 87-88.

According to Cristen Oehring, during the World War II, various Civil Affairs (CA) military units were deployed in various war-torn countries to assist in post-conflict reconstruction. He argues that even during the Korean War, three CA companies were deployed as part of the Vietnam War.<sup>13</sup> The Americans deployed the 41<sup>st</sup> Civil Affairs Company was first to arrive and was followed by the 2<sup>nd</sup> and 29<sup>th</sup> Civil Affairs Companies. These military companies deployed individual teams attached to infantry units and were responsible for the relocation of refugees and rural development projects. These rural development projects aimed to keep farmers in their fields and make joining the Viet Cong less attractive. This seems to be a very plausible idea from the outlook therefore it is of interest of this study to reveal if similar approaches were used in the Mt Elgon case.

John Fishel, in his book *Civil Military Operations in the New World* notes that the armed forces are used around the world quite effectively to carry light engineering projects and medical civic action to many rural villages in war-torn countries. These exercises served to carry the message that the governments of different countries cared about their people.<sup>14</sup> Fishel uses an example of the U.S. Army units that planned and coordinated for the distribution of food and other humanitarian supplies in Kenya and Somalia during Operation Provide Relief in August 1992 to February 1993. Yet there is lack of information on whether the KDF efforts in Mt. Elgon were all reactive operations aimed at relieving human suffering and/or restoring functioning governments in areas or mere preemptive operations?

According to Pearce the conception and practice of the military in contemporary post-conflict peace building in Africa is tailored to stability rather than change, and security as opposed to peace. Inherent in this assertion is the debate about the possibility or impossibility of achieving change and stability and peace and security simultaneously.<sup>15</sup> If the stability-security goals are limited to state-level, coated in a liberal orthodoxy and designed to achieve the political and geostrategic objectives of interveners, including protecting the statist interests, did the military achieve any

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<sup>13</sup> Cristen Oehring. "Civil Affairs in World War II," *Center for Strategic and International Studies* accessed 12 October 2009 [http://csis.org/files/media/csis/pubs/090130\\_world\\_war\\_ii\\_study.pdf](http://csis.org/files/media/csis/pubs/090130_world_war_ii_study.pdf). 4.

<sup>14</sup> John T. Fishel. *Civil Military Operations in the New World*, Westport, CT, Praeger Publishers: 1997, pp. 12-13.

<sup>15</sup> Pearce, J., "The International Community and Peacebuilding", *Development* 48(3), 2005, pp. 41-9.

people centered goals in post-conflict reconstruction in Mt. Elgon? This study will investigate.

According to Cooper, the key objective of the military in post-conflict reconstruction is to re-examine post-conflict peace building as formulated and practiced as a viable and only regime of truth with a view to stimulating recognition of the need for and building of alternative mechanisms of maintaining peace.<sup>16</sup> This comes from a belief that an uncritical and poor conceptual basis of post-conflict peace building can be problematic because of the kinds of goals and objectives being formulated, the unsustainability of its policies, institutions and structures over the long term and the impact on populations beyond power elites and warlords. This study evaluates the government goals in using the military in post-conflict reconstruction in Mt. Elgon.

According to Williams, the post-conflict reconstruction view is founded on three inter-related subtexts. The first is the reality that extant post-conflict peace-building is often reduced to, or synonymous with peacekeeping and post-conflict reconstruction which is defined as the physical rebuilding and/or reform of socio-economic, political and security institutions and capacities after peace accords.<sup>17</sup> Peacekeeping and post-conflict reconstruction as components and phases in the peace building continuum overlap with, but do not equate with peace building. Williams argues that post-conflict reconstruction involves the transformative goal of peace building involves, but transcends the rituals of cleansing, right sizing or invention of bureaucracies. It is the view in this study to investigate if the traditional and expanded peacekeeping and institutional re-engineering represents only technical and administrative tasks designed to prevent a relapse into direct violence.

According to Guttal, liberal peace is a viable strategy that the government agencies can use for transforming post-conflict societies to achieve positive peace.<sup>18</sup> Although Guttal's argument is plausible, it leads to key questions arising over its implementation, especially in relation to the sequencing and pacing of reforms and

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<sup>16</sup> Cooper, N., "Picking out the Pieces of the Liberal Peaces: Representations of Conflict Economies and the Implications for Policy", *Security Dialogue*, Vol. 36(4), 2005, pp. 463–78.

<sup>17</sup> Williams, G. *Engineering Peace: The Military Role in Post-conflict Reconstruction*, Washington: USIP, 2005, p. 6.

<sup>18</sup> Guttal, S. "The Politics of Post-war/Post-Conflict Reconstruction", *Development*, 48(3), 2005, pp. 73–81.

institutionalization. Is the military the right arm of government to lead reforms in a post-conflict society?

Miall argues that although the military is important in post-conflict reconstruction, the intellectual foundation of contemporary peace building and post-conflict reconstruction appears to be rooted in peace research and conflict resolution literature and the writings of peace theorists.<sup>19</sup> According to Miall peace building refers to the attempt to overcome the structural, relational and cultural contradictions which lie at the root of conflict. While it is acknowledged that actions, including diplomatic negotiations such as shuttle and two-track diplomacies and military peace enforcement are historical phenomena and elements of broader peace building, the conceptual foundation of contemporary peace building is often related to reconstructing the destroyed structures. Miall further observes that to halt and reduce the manifest violence of the conflict through the intervention of military forces in an interpository role rather than peace efforts directed at reconciling political and strategic attitudes through mediation, negotiation, arbitration and conciliation mainly may fail.<sup>20</sup> This research will investigate if peace was achieved in Mt. Elgon through military practical implementation of peaceful social change through socio-economic reconstruction and development.

Osborne builds a strong argument for our human need to remember and recollect activities and experiences, particularly after conflict. Moreover, rebuilding after war becomes a collective rite for civilian populations who lose their homes and are expunged from the landscape due to warfare.<sup>21</sup> The post-conflict reconstruction of daily life occurs *ad hoc* and rather informally; whereas, the “memorialization, commemoration, and performance constitute the formal mechanisms by which we attempt to incorporate the past into our collective memory”. This research will investigate how the military played in such post-war collective remembering and how it assisted in the collective memories of the Mt. Elgon groups to survive through the use of mnemonic devices, which ease the burden of remembering.

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<sup>19</sup> Miall, H. et al., *Contemporary Conflict Resolution*, London: Polity Press, 1999, p.36,

<sup>20</sup> *Ibid*, pp. 186-187.

<sup>21</sup> Osborne, Brian S., “Erasing Memories of War: Reconstructing France after the “Great War”, *Canadian Military History since the 17th Century*, Edited by Yves Tremblay. Proceedings of the Canadian Military History Conference, Ottawa, 5-9 May, 2000, pp. 513-522.

According to Ardon Patricia, when conflict is suspended by third party intervention the post-war environment is often characterized by an absence of the rule of law and increased human rights abuses. In a transitional environment, there are usually functioning, yet weak, state institutions.<sup>22</sup> The typical reaction of the military is to repair material damage and promote both governance and development activities with the aim of effacing the effects of violent armed conflict. The areas of concern for the military in attempting to bring peace to war-torn societies are repatriation, resettlement, reconciliation, reintegration and reconstruction. This research will investigate if these were the real work that the military engaged in Mt. Elgon.

According to Junne, Gerd and Willemihnn Verkoren, post-conflict reconstruction comprises five distinct parts: economic, judicial, social, security, and infrastructure. Historic records, case studies, and agency reports on post-conflict reconstruction projects create the bulk of post-conflict reconstruction literature.<sup>23</sup> Post-conflict reconstruction involves a proactive program of physical and social rebuilding in an attempt to address and rectify the underlying causes of recent conflict and create the foundations for sustainable stability and development. Part of the problem with cohesive post-war mandates is dependent upon the complexities of the term reconstruction, which conflict and overlap. Post-conflict reconstruction has many different meanings and includes an entire range of tasks such as re-connecting interrupted water supplies, re-building rail and road networks, re-organizing societies, rebuilding cultural heritage, and repairing individual shattered lives. After emergency aid and basic reconstruction mitigates the immediate effects of conflict, post-conflict reconstruction aims to rebuild social, economic, cultural, political, and judicial systems. This research hopes to reveal how the military achieved these tasks in Mt. Elgon.

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<sup>22</sup> Ardon, Patricia, *Post-conflict Reconstruction in Central America: Lessons from El Salvador, Guatemala, and Nicaragua*, Oxfam Working Paper, Translated and Adapted by Deborah Eade. England: Oxfam Publishing, 1999.

<sup>23</sup> Junne, Gerd and Willemihnn Verkoren. 2005. 'Chapter 1: The Challenges of Postconflict Development,' *Postconflict Development: Meeting New Challenges*, Edited by Gerd Junne and Willemihnn Verkoren. Lynne Rienner Publishers: Boulder, 2005.

### **1.8 Theoretical Framework**

This study will use the system dynamics models. This model represents social systems as webs of level values and rate of change which are interconnected by non-linear relationships.<sup>24</sup> Proponents of system dynamics theory build on the interconnected webs of level values like the state variables to represent how various parts of complex systems interact. The study of system dynamic theory owes a great deal to the work of Forrester. System dynamics methods are designed to show the simulation of complex social systems. They include the functioning of a government or the dynamics of development as a mechanism of post-conflict peace building.<sup>25</sup> Complex social systems are characterized by their interlocking structure of feedback on the efforts of peace building through reconstruction.

Since the theory captures the dynamics of a post-conflict reconstruction operation, it is relevant to this study because of the following reasons; post-conflict reconstruction operations are conducted at the edge of anarchy, where the traditional assumptions of economics and political science may not apply. In the past, systems dynamics was used to successfully model social systems that take place at the nexus of economics, political science, and sociology. If the proper relationships are captured, a system dynamics model can be used to simulate a post conflict-reconstruction. One of the lessons learnt is that security must be established for a post-conflict reconstruction operation to be successful. Systems dynamics models represent complex social systems as webs of time phased interconnected level and rate variables. This type of model is well suited for simulating the complex and interconnected government institutions that create an environment in which post-conflict reconstructions takes place.

Creating a secure environment calls for diverse capabilities that include military patrol, customs support, disarmament on large-scale basis and apprehension conducted in coordination with police.<sup>26</sup> Depending on the post-conflict situation in Mt. Elgon, the intervening military performed these security duties at the outset of a

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<sup>24</sup> Lane, D. C., "Invited Reviews on System Dynamics," *Journal of the Operational Research Society*, 1997 Vol. 48 no 12 pp1254-1259.

<sup>25</sup> Forrester, Jay W. *World Dynamics*, Cambridge MA: Wright-Allen Press, 1971, p. 107.

<sup>26</sup> *Play to Win: Final Report of the Bi-Partisan Commission on Post-Conflict Reconstruction*, January 2003, Online at <http://www.pcrproject.org/PCRFinalReport.pdf> (as of June 3, 2003), p. 10.

stability operation, but as the intervening military forces. They adopted their roles and force levels to the changing security situation in the area as the indigenous security forces assumed increased responsibility or a security gap. The system dynamic theory captured the capacity of the indigenous security institutions by tracking their manning levels. The manning levels of the various security institutions are represented with six state variables namely, the number of indigenous border patrol personnel, the number of indigenous civil defence personnel, the number of indigenous military personnel, the number of indigenous border patrol personnel in training, the number of indigenous civil defense personnel in training, and the number of indigenous military personnel in training. Law enforcement capabilities are important in post-conflict situations. A peace operation must clear the way for the rule of law if a durable peace is to emerge from the disorder of internal conflict.<sup>27</sup> This theory therefore fundamentally addresses the KDF operational objectives in Mt Elgon conflict by integrating various State and non-state actors in order to achieve the intended post-conflict reconstruction and peace-building goals.

### **1.9 Hypotheses**

1. The Kenyan military was effectively involved in post-conflict reconstruction operations and peacebuilding in Mt. Elgon.
2. KDF used various strategies to carry out and accomplish the essential tasks to reconstruction and stabilization of Mt Elgon.
3. There was institutional divergence that enabled KDF to carry out peacebuilding, post-conflict reconstruction.

### **1.10 Methodology**

This research was analytical and qualitative. It explored the recent literature on military efforts at peace building and post-conflict reconstruction. It used various reports from different NGOs that worked in Mt. Elgon during the civil-military operations as a basis for conducting the study. Such documents will assist in understanding of past behaviour and likely assist to look at past examples of military involvement in post-conflict reconstruction and peace building in order to assess

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<sup>27</sup> Warner, Mac, Mike Dziedzic, Tyler Randolph, Peter Garcia, Susan Remis Silver, and Sandy Levinson, "SFOR Lessons Learned In Creating a Secure Environment With Respect for the Rule of Law," May 2000, p. iii.

perceived future requirements for these operations. This study also examined the comparative advantages and disadvantages of military led peacebuilding and post-conflict reconstruction operations.

Secondary data was gathered from various government departments, non-governmental organisations, and international bodies dealing with post-conflict reconstruction and peace building in Mt. Elgon. The review of literature published books, journals and articles was conducted to find the gaps of the study. The gaps in secondary data were filled by consulting the primary sources. This included newspapers, and archival research data both in Mt. Elgon District's archive and the Kenya National Archive in Nairobi to gain information on both Mt. Elgon history and culture. A number of library researches were carried out among Non- Governmental Organisations like AMREF's and *Medicins Sans Frontiers'* reports and publications.

The main research strategy that was employed involved participant observation. This was carried out in conjunction with a census survey, structured, semi-structured and unstructured interviews, focus group discussions, and in-depth interviews. The research methods that were used are as follows: I conducted unobtrusive participant observation, which allowed me to gain entry into the Mt. Elgon people's social network. At the same time, I was cautious not to attract attention by working together with local leaders from the area. Through direct observation, I was able to collect data on the impact of war on the Mt. Elgon society. I engaged in focus group discussions on military roles in peace building and post-conflict reconstruction.

I also engaged in discussion with community health committee members, youth, women, elders and primary and secondary school students. The composition of the focus groups was gender sensitive, having an equal number of men and women. Focus group sessions yielded invaluable insights that was not only complemented other research methods, but also enabled me to unearth some of the information that I would have not been able to obtain via normal interviewing and participant observation. I carried out interviews using research protocols such as structured interviews and open-ended and closed questionnaires to be conducted among the informants for local knowledge of damage caused by war as well as the emerging gains associated with the entry of military intervention and reconstruction initiative.

After conclusion of the exercise, the data was qualitatively analyzed to give it desired meaning.

## CHAPTER TWO

### HISTORICAL BACKGROUND OF THE SABAOT OF MT. ELGON

#### 2.1 Introduction

This chapter discusses the Sabaot people of Mt. Elgon, their history, sociolinguistic situation and their politics specifically surrounding the question of land. Even though the Sabaot are highly conservative in various respects, they have been losing their grip, courtesy of the need for land by other ethnic groups. Primarily because the history of the people has been adverse to the maintenance of their land, it has undergone considerable change under the influence of foreign communities who have acquired land in the area. In order to revitalize their position over land use in Mt. Elgon, the conflict that was experienced shook the entire country. But who were fighting? Why were they fighting? This section will discuss the ethnic composition of Mt. Elgon region. The objectives of this chapter is to write a community profile of the majority of the people living in Mt. Elgon region of Kenya, where the Sabaot live in an effort to trace the roots of the conflict in the area.

#### 2.2 The People of Mt. Elgon

Mt. Elgon area is a complex region in terms of human settlement. A pastoralist population called the Sabei, of Nilotic origin, lives on the northern slopes of Mount Elgon on the Ugandan Side between about 2500 and 3000m above the sea-level where they graze their cattle, sheep and goats on pastures within the forest and on the high moor lands. On the Kenyan side of the mountain, there are the Sabot, the Bukusu and the Teso who practice both farming and livestock husbandry.<sup>28</sup> The area is also inhabited by a number of forest dwellers (Ndorobo) who still live in the park which is not only forested but also highly inhabited by wild animals. They are primarily pastoralists practicing subsistence agriculture in gardens next to their houses. The Sabaot are the largest population in Mt. Elgon followed by the Bukusu, Iteso and other communities who do not necessarily have a historical link with the region but simply migrated into the region to seek land for farming in recent times. These communities equally performed an important role in informing the conflict in Mt.

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<sup>28</sup> Howard, *International Relations in Political Theory*, Milton Keynes UK: University Press, 1991,

Elgon. It is therefore important for this chapter to give a brief account of each of these communities. Mt. Elgon district is one of the eight districts in the former Western Province. The district has four divisions namely, Kapsokwony, Kaptama, Kopsiro and Cheptais, which are further, divided into sixteen locations and forty sub-locations with the population distribution as shown below:

<b>Table 1: Population by Administrative Units Division</b>	<b>Area in Sq. km</b>	<b>Population</b>	<b>Population Diversity</b>	<b>Location</b>
Kapsokwony	255.66	24,526	103	4
Kaptama	209.95	23,885	122	4
Kopsiro	248.78	46,553	200	4
Cheptais	222.36	40,069	193	4
<b>TOTAL</b>	<b>936.75</b>	<b>135,003</b>	<b>154</b>	<b>16</b>

**Source:** District Commissioner’s Office, Kapsokowony, 2001

### 2.3 The Bukusu People

The Bukusu are one of the seventeen Kenyan sub-ethnic groups of the Luhya Bantu speakers and cultural group of East Africa. They refer to themselves as BaBukusu. The Bukusu form the largest single ethnic unit among the Luhya nation, making up about 30% of the whole Luhya population. The Bukusu are a proud and most influential Luhya group that are sometimes referred to as the “Thigh of an Elephant”, meaning that they cannot easily be moved. The Bukusu migrated together with other Luhya groups into Kenya through Uganda although they do have a myth of origin whereby they try to explain where they came from.<sup>29</sup>

The Bukusu myths of origin state that the first their founding father was a man called Mwambu. Mwambu was created by God whom they refer to as Wele Khakaba, (God the giver). Mwambu was made from mud at a place called Mumbo or the west. The Bukusu believe that God then created a wife for Mwambu, a woman called Sela.

<sup>29</sup> Were Gideon S., *A History of the Abaluyia of Western Kenya: c. 1500-1930*, Nairobi, Kenya: East African Publishing House, 1967.

Mwambu and his descendants moved out of Mumbo and settled on the foothills of Mount Elgon, from where their descendants grew to form the current Bukusu population. Other oral traditional stories of the Bukusu relate their origin to a place called Misri. It is not clear whether the Misri the Bukusu refer to is the current Egypt but they all agree that God created Mwambu and Sela their ancestors. The Anthropologists believe that the Bukusu did not become a distinct grouping apart from the rest of the Luhya population until, at the very earliest, the late 18th Century. They moved into Central Uganda as part of a much larger group of people, many forming the eastern extension of the great Bantu migration out of central Africa.<sup>30</sup>

Together with other Luhya groups, the Bukusu are thought to have first settled around the foothills of Mount Elgon. It was at this area that the Bukusu came in contact with the Sabaot people. The Sabaot are a Kalenjin ethnic group. The Sabaot, Nandi and Maasai were warrior like people who frequently raided the Bukusu people. To secure themselves, the Bukusu and their other Luhya neighbours were forced to build fortified villages to ward off the attacks of the Sabaot people. The first fortified villages were built at a place called Silikwa or sometimes called Sirikwa.<sup>31</sup> Following repeated attacks and unfavourable weather conditions, the Bukusu oral traditions has that, a council of elders was held at Silikwa and it was resolved that the Bukusu migrate south and east, where spies are said to have reported large, unsettled lands. However, a section of the population was reluctant to move and stayed behind when the main ethnic group moved.<sup>32</sup>

Those who stayed behind are said to have become the Ugandan BaMasaaba ethnic group. Those who left moved into what is now Bungoma County of Kenya, to become the ancestors of the current Bukusu people. Currently, the Bukusu mainly inhabit Bungoma County of the former Western Province, which is bordered by Kakamega County to the east, Busia County to the south, Mount Elgon to the north and Uganda to the west. A large number of the Bukusu are also found in the Kitale area of Kenya's former Rift Valley province, as well as in Lugari-Malava district in

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<sup>30</sup> *Ibid.*

<sup>31</sup> Oral interview, Yonna Namuli, Sanandiki area, Chwele, 12/05/2013 (Yonna is a respected Bukusu spiritual leader from the Babulo clan).

<sup>32</sup> Barker, Eric E. *The Short History of Nyanza*, Nairobi, Kenya: East African Literature Bureau, 1975.

Kakamega County. The BaMasaaba of Uganda are very closely related to the Bukusu, with many shared customs and a common dialect of the Luhya language.<sup>33</sup>

Previously, the Bukusu were referred to as the Kitosh by the neighbouring Maasai community, a name they despised. The reasons for this are not very clear although some theories state that the name means enemy in reference to frequent wars between the Bukusu and the Sabaot. Another theory states that in some Kalenjin dialects, “Kitosh” mean people of the earth. This could have been a reference to the agricultural Bukusu, or to the fact that they lived on the lower foothills of Mount Elgon. The Bukusu never wanted to be referred to by this name. Following vigorous campaigns by community elders, the name Kitosh was eventually substituted with Bukusu in the mid 1950s.<sup>34</sup>

The Bukusu lived in fortified villages, and did not have a structure of central authority. The highest authority was the village headman, called Omukasa, who was usually elected by the men of the village where he came from. There were also healers and prophets who acquired great status because of their knowledge of ethnic tradition, medicines, and religion. Bukusu family structure was traditionally modelled on the generic Luhya family structure. Families were usually polygamous, with the first wife accorded a special status among her co-wives. Society was entirely patrilineal where traditionally women were present only as child-bearers and as an indication of status. In addition, being polygamous meant more hands to work the fields, which was an advantage in a society founded on agriculture.<sup>35</sup>

Children inherited the clan of their father, and were not allowed to marry spouses from either their own clan, or their mother’s clan. The first son of the first wife was usually the main heir to his father, and he had a special name denoting this status. He was famously known as Simakulu. At birth, children were usually named after grandparents or famous people, or after the weather. The Bukusu highly approve of intermarriages between themselves and BaMasaaba and to extension with their

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<sup>33</sup> Oral interview, Justo Mbuliki, Kibichori Village, Chwele area, 12/05/2013, (Justo is an Omukinyikeu by age-set, 79 years) .

<sup>34</sup> Oral interview, Jeffeneah Wanambisi, Chwele, 12/05/2013.

<sup>35</sup> Makila, F. E. *An Outline History of Babukusu of Western Kenya*, Nairobi, Kenya: Kenya Literature Bureau, 1978.

neighbouring Sabaot. Occasionally intermarriages used to take place between them and the other communities.<sup>36</sup> It was common practice for Kalenjin neighbours to give Bukusu their sons to look after their herds of cattle. In times of famine, which are said to have been frequent amongst their Kalenjin neighbors, the latter used to even sell their children to Bukusu. Bukusu also used to send their own young boys to grow up with Kalenjin or Maasai families, in some cases for espionage purposes. This was a clear sign of good relationship between the Bukusu and their neighbours.<sup>37</sup>

Although the Bukusu sometimes had good relations with their neighbouring Kalenjin Sabaot, they sometimes related through conflicts. Tension between the two goes back a long way far even before independence. The two communities were taking part in continuing raids on the cattle of these and other ethnic groups. Raids were almost a point of honour. Although there was insecurity, but this was something they were used to from childhood. The Bukusu kept weapons ready for any eventuality, and especially the warrior group, which was prepared to defend the community at anytime. It was always very honourable to bring home livestock from a raid, because this emphasised the fact that you were a brave and courageous man.<sup>38</sup>

Serious conflict between the Bukusu and the Sabaot were witnessed in 1963 when there was a political division between Bukusu and Sabaot leadership that led to a serious conflict. In 1966 there was another political division between Bukusu and Sabaot that ended in a conflict. A conflict was also witnessed in 1975 Clashes between Sabaot and Bukusu about land and in 1992, the ushering of multiparty era Sabaots were pro KANU and Bukusus pro FORD.<sup>39</sup> This resulted to burning of houses and killings in the region. At the same time Sabaots wanted their own district. In 2005, the referendum divided the community and this brought about conflicts and clashes and people were died.<sup>40</sup> In 2007 The Mt. Elgon people were divided in two factions, one led by Kapondi and the other led by Serut. There were deaths, loss of

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<sup>36</sup> Ayot, Henry Okello, *History Texts of the Lake Region of East Africa*, Nairobi, Kenya: Kenya Literature Bureau, 1977.

<sup>37</sup> Were Gideon S., *A History of the Abaluyia of Western Kenya: c. 1500-1930*, Nairobi, Kenya: East African Publishing House, 1967.

<sup>38</sup> Oral interview, Mzee Elisha Wakube, Busakala Village, Chwele, 15/05/2013

<sup>39</sup> NSC, *Report of the Formation of and Training of Peace Committees in Mt. Elgon and Cheptais Districts, Bungona County, February 2011*, Nairobi: NSC, 2011

<sup>40</sup> Oral interview, Remi Wanyonyi, chwele Market, 20/07/2013.

property, internally displaced person following the division. Following the violent conflicts that happened in the previous year, there were retaliatory attacks to avenge the losses, presence of SLDF was a major influence to the loss of lives and the issue of IDPs in 2008. It should be noted that Bukusu/ Sabaot relations were never friendly. Throughout the relations were characterized by dangerous conflicts as what was to be witnessed in 1990s.

The fighting between Bukusu and Sabaot in the early 1990s was of a slightly different nature. Other socio-ethnic groups, such as the Teso, were also involved in the ethnic clashes. Many feel that their real cause was political and economic. The oral interviews indicate that multi-party politics exacerbated, even exploited traditional rivalries which surrounded the land question.<sup>41</sup> The Bukusu are blamed by the Sabaot for encroaching on the land claimed by the latter and forced them on to the more marginal areas they now occupy.<sup>42</sup> This is why many Sabaot want to clear the area of all but Sabaot. Some Sabaot believe that ultimately the clashes stemmed from the long-term oppression of the Sabaot by the Bukusu. They argue that the Bukusu are very proud people who have always looked down upon the Sabaot and that the clashes that occurred were because of the Sabaot were resisting the domination of the Bukusu. The effects of the clashes were far reaching. Development is often perceived to have stagnated since then, and schooling has suffered too. Many teachers in Sabaot areas were Bukusu, who fled during the fighting. Among those affected were the Teso people another community that lives in Mt. Elgon.<sup>43</sup>

## **2.4 The Sabaot People**

The Sabaot people were known by their Bantu neighbours as the Barwa (*which means the enemy according to the Bukusu*) although they referred to themselves as the Sabaot. They speak the Sabaot language or sometimes referred to as the Elgonyi people living above the forest line on Elgon.<sup>44</sup> The Sabaot used to live in caves around Mt Elgon while their neighbours the Bukus built fortified villages scattered through their territory. Each cave had its own head. Most of the caves were divided along clan

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<sup>41</sup> Oral interview, Stanley Kalama, Kaptama, Mt. Elgon, 21/04/2013.

<sup>42</sup> Oral interview, Oscah Webi, Makhonge area Chwele, 13/04/2013.

<sup>43</sup> Oral interview, Joseph Mulati, Kaptama, Mt. Elgon, 21/04/2013.

<sup>44</sup> V. G. Simiyu, "The Emergence of a Sub-nation: A History of Bukusu to 1990" *Trans-African Journal of History*, Vol. 1: 30, 1991, G.S Were Press, Nairobi, Kenya.

lines led by its head, Laitiryan, and its war leader, purumaandet, who was under the orders of the Laitiryan. Of all the Laitiryan, one man was the senior and he was called the Mogoryondet. He wore a clonk of monkey skins, which nobody else might wear (Sibondiet), a necklace of iron (merenget) with iron pendants (disyainak), which were the marks of his authority. The succession to this office was not hereditary. When the mogoryondet died a new one would be chosen from among the heads of villages to take his place.<sup>45</sup>

There was no ranking among the village heads. Each was equal to any other and subject only to the authority of the tribal head, the mogoryondet. The Laitiryan wore a long cloak of goats' skins that reached to the ground (sumbet), an arm ring of ivory (chabaeiet) and carried a knobbed stick (karayito). He settled disputes and judged any cases that were brought before him, He also divided the land of the village so that all had enough to cultivate, see that the springs were looked after and allot specific areas for grazing and for keeping as forest so as to provide for firewood, The Laitiryan was also the head of his clan. He did not appear to have had ritual functions.<sup>46</sup>

Succession to the office of village head or chief was by a system of modified heredity. Normally the eldest son would inherit from his father but he could be disqualified if his character was not considered suitable. Particular clans held chieftainship and if the children of Laitiryan were not chosen a successor would be chosen from that clan. The authority of the tribal head over village chiefs appeared to have been tenuous. He settled disputes between villages and had to be consulted when a new village was to be built and he would allot that village its land, but he did not appear to have held a regular court or called in the chiefs for consultation, though any man might appeal to the mogoryondet if he were dissatisfied with the judgment of his village chief.<sup>47</sup> The war leader was chosen by his fellow warriors for his prowess and courage. He led the men of the village to war. The sign of his authority was a long stick called aseng'wet, but otherwise he was just like anyone else.<sup>48</sup>

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<sup>45</sup> KNA/DC/EN/3/2/4, Political Records Ethnology of Mt. Elgon, 1929-1935.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> Oral interview, Francis Ruree, Chepkurkur, 23/07/2013.

Modern Sabaot consists of the Bok, Kony, Soy and Mosop formerly independent but closely interrelated ethnic groups living on the slopes of Mount Elgon. The term Sabaot has come into us modern administrative parlance, and the descendants of the ethnic groups now identify themselves as Sabaot people. Etymologically, Sabaot people's territory extended into modern Kenya on the eastern side of the mountain and onto the Uasin-Gishu Plateau. In language and culture, the Sabaot are closely affiliated to the people on the northern slopes of Elgon in Uganda. Indeed, modern history largely severed these close ties, though a good deal of intermarriage and movement between the territories and some psychological identity remain. This has been reinforced by modern political leaders, who formed the West Kalenjin Congress in 1962 led by Daniel Moss and Chemo of the Sebei in Uganda and the Sabaot Union which comprise of the Kenyan Sabaot people and the Ugandan Sebei people.<sup>49</sup> This relationship plays an important role in explaining why the SLDF war was characterized by modern weaponry as will be seen in the chapters that follow. The circum-Elgon Sabaot ethnic groups are a closely affiliated cluster of the group of tribes now known as Kalenjin.<sup>50</sup>

The name Kalenjin is used to refer to a group of Nilotic peoples occupying the highlands on the western part of the Rift Valley. The word 'Kalenjin' means "I tell you" and it was coined by the Kalenjin students at the Alliance High School in 1950s for political reasons. The people clustered under this identity include the Nandi, Kipsigis, Tugen, Pokot, Marakwet, Elgeyo and the Sabaot people on the Kenyan side and the Sebei in Uganda. This name has since been taken over in the field of African linguistics as a useful label to cover an entire language group.<sup>51</sup> The Nilotes are considered as one of the four major cultural influences in East Africa. The first is an old layer of hunters and gatherers now represented by rapidly disappearing remnants of indigenous peoples. The second, also represented by only a remnant population of Iraqw and closely related groups, is Cushitic-speaking. The third is the Bantu, who entered the area from the south and the west and the fourth is the Nilotes.

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<sup>49</sup> Kipkonir, *People of Rift Valley: Kalenjin*, Nairobi: EAP, 1973, p. 71.

<sup>50</sup> Tucker and Bryan, *Kalenjin Phonetics*, London: Longman, 1962, pp. 137-43.

<sup>51</sup> Sutton, Hilton, *The Middle East Peace Puzzle*, London: Thomas Nelson Incorporation, 1968, p. 81.

George Murdock has reconstructed the early history of these peoples. He observes that the Cushitic descendants of the Sidamo people occupied the Lacustrine area when Bantu speakers arrived from the west at a time when Nilotes were backward agricultural peoples around the seventh century A.D. They developed a full-fledged pastoral complex, which they could either combine with their traditional agricultural pursuits detach from the latter and practice independently when the geographic environment did not permit extensive cultivation. With this economy, they expanded with explosive force, taking land from the Cushitic and penetrating into Bantu territory on the northeast shores of Lake Victoria, as well as taking land from Bushmanoid hunters.<sup>52</sup>

The ancestral Kalenjin, were influenced by the Southern Cushitic speaking peoples in the area, as well as by the Bantu. Their culture was formulated in the Western Highlands of Kenya, and they spread into the Elgon area at the expense of Southern Cushitic and other Nilotic people between 400 and 1000 AD. This history has several salient and relevant aspects. It gives great antiquity to the basic and central feature of Kalenjin-Southern Nilotic culture as well as explaining their relationships that will later be seen in conflict. It expresses the identification of this culture with the drier highlands of eastern Africa to which it was a fundamental adaptation, and it expresses the reality of a basic territoriality in the constant conflicts that might otherwise be seen as mere raiding or sport.<sup>53</sup>

The Sabaot history has to do with the dynamic process of adaptation to the variant environmental aspects of modern times. While the Sabaot people are not notably historically minded, there is adequate evidence in accounts of clan migrations and recent wars and raids to piece together a reasonable reconstruction of the late prehistoric period. In the eighteenth century, the Sabaot tribes occupied the whole of Mount Elgon, utilizing with variant emphases the old Kalenjin dual economy of livestock and grains. By the beginning of the nineteenth century, if not earlier, they were pressed from all quarters. They were subject to constant raiding by people like the Sebei and their Kalenjin relatives the Nandi, which had the effect of reducing the

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<sup>52</sup> George P. Murdock, *Africa: Its people and their Culture History*, New York: McGraw Hill 1959, pp. 332-33.

<sup>53</sup> *Ibid.*

Sabaot population and creating extreme hardships. The Bantu peoples also presumably began pushing from the south.

When the Sabaot are asked about their origins, either they have nothing to say or take the mythic view that they are descendants of Masop because many of them are recent settlers in Mt. Elgon area. The myth is a simple genealogical view, expressing the relationship between several Kalenjin tribes. They believe that all descended from a personified representation of Mount Elgon, Mosop, the son of the original prophet, Kingo.<sup>54</sup> When a Sabaot is asked about the genealogy of his clan, he normally starts with the eponymous founder and his several sons who are the eponymous founders of its several lineages. They trace descent to himself and others names and movements, and his more than anything else, gives us a sense of Sabaot history.

Some Sabaot argue that Sombata, the eponymous founder, who came from the Sengwer in the Cherengani Hills of the Elgeyo-Marakwet County, where a clan of that name still lives. They believe he was of Kaplelaich age-set, which means he was born in the first quarter of the nineteenth century. The Sombata clan left, for reasons unknown, travelling south of Mount Elgon through the lands of the Kony and Bok and settled in a place called Simotwet ap Kobugosa, in what later became South Bugisu. At that time, there were no Gisu people on the slopes of Elgon. The Bagisu started pushing, however, so Sombata moved to Budadiri in North Bugisu, leaving some clan members who have now become Bagisu. With continued pressure from the Bagisu, Sombara, or by now certainly his sons, went onto Butadinga Hill near Siruko, west of present Sebei territory.<sup>55</sup>

Chernongoyi, one of Sombata's grandsons, was the first to settle in the Chema area, moving from Legene where his father Chemon lived. The Kapsombata were the second of the Mbai clans to enter this area, which was then Sot territory. The Kapsombata clan came in great numbers and fought the Kabunga clan, who left, and the Kapsombara took their land. Many other clans scattered. The people from Mbai brought plantains into the area, before that the crops were millet and sorghum. The

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<sup>54</sup> Oral interview with Elijah Chemosop, Kapkateny Village, Mt. Elgon, 22/3/2013.

<sup>55</sup> Goldschmidt Walter, *Culture and Behavior of the Sebei: A Study in Continuity and Adaptation*, London: University of California Press, 1976.

Kapsombata clan, in its migrations from the Cherengani Hills to Sebei via the southern side of Mount Elgon, was accompanied by other clans, including the Kapchesi, Kapgisgjs, and Kapkoykoy. This history shows the close ties with the Elgeyo-Marakwet area and the spread of Mbai peoples eastward. During the migrations there were military conflicts. The Sabaot engaged in more than six wars with the Nandi between 1850 and 1904, two Maasai conflicts (1820 and 1850), two Pokot wars (1830 and 1869), six Karamojong wars (1830-94) and Bukusu wars of 1892. Whether or not these details are accurate, we get information on conflict in Mt. Elgon.<sup>56</sup> These wars made the Sebei to abandon their use of the plains north of Mount Elgon as a rest the raids, retreating to the relative safety of the mountains.

Military actions in the western and southern sectors of Mt. Elgon were more important in the geopolitics sense of the Gisu, Teso, and Kitosh who were after land and not cattle. Fighting with the Gisu was started, by the ancestors of the Sabaot people. Equally the Bukusu who came in as far as Amagoro and wanted to occupy that area, but the Kaptui, Kapkedy, Kamnurongo, and some of the other clans around there fought them and drove them back. This was from Nyonki to Maina age-set period from the 1860s to the 1880s.<sup>57</sup> Two things were happening, the Sabaot were acquiring cultigens and associated agricultural techniques from their Bantu neighbours and, in the process, must have become increasingly populous. At the same time, the Bukusu were exploiting contiguous territories and were also becoming more numerous, undoubtedly at a greater rate since they had better control of the necessary agricultural techniques, and were expanding farther and farther into the well-watered Mount Elgon area by means of military action. Having become plantain cultivators under the tutelage of their enemies, with whom they also intermarried.<sup>58</sup>

On the one hand, the Bukusu brought new cultivation techniques well suited to the area and added numbers that strengthened them against the pastoralists' raiding Sabaot. On the other, they competed for the available resources. A second threat

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<sup>56</sup> J. M. Weatherby, "Inter-tribal Warfare on Mount Elgon in the 19<sup>th</sup> and 20<sup>th</sup> Centuries with particular reference to part played by the Sebei-Speaking groups", *Uganda Journal*, 26(2), 1962, pp. 200-212/1962.

<sup>57</sup> Were Gideon S., *A History of the Abaluyia of Western Kenya: c. 1500-1930*, Nairobi, Kenya: East African Publishing House, 1967.

<sup>58</sup> *Ibid.*

developed in the west in the form of the agricultural Teso.<sup>59</sup> The Teso arrived in the area early in the eighteenth century. The Teso, an Eastern Nilotic group related to the Karamojong, had become agriculturalists in the well-watered plains northwest of Mount Elgon. They shared a boundary with the Sabaot and Bukusu. The Teso, whom the Sabaot call Kornorn, sought to expand their holdings into the lands which, though Sabaot territory, remained unoccupied as a result of pastoralists' depredations. These pressures from the west apparently affected the relationships between the Sabaot clans. As these tribes considered themselves one people, a fight between ethnic groups was not considered a war because now they had a common enemy.<sup>60</sup>

According to the Sabaot oral version, the the Bukusu came in great numbers, even the women. By this time, the Sabaot had a powerful prophet called Chonge who came from the Tugen but lived among the Kony. They had forts made of mud. The Bukusu were a proud people who boasted that they will finish the Sabaot in an hour if war broke. Then Chonge fell asleep presumably to have a dream by which he would make prophesy. The military leader asked Chonge how they would manage to fight the Bukusu. Chonge told them to wait until afternoon, when it would start to rain. In the afternoon, there was much rain and the men came out of the fort and started fighting the Bukusu. They fought until their spears were broken, and then they used swords. They killed many of the Bukusu people.<sup>61</sup>

Earlier, before the Bukusu were troublesome that the Sabaot were forced to send a man named Soita to make peace with the Bukusu at Kikai's fort. Before peace could be arranged, the young people killed Soita, even though he had been given safe passage. The Sabaot people wanted to get revenge, but they were too few in number, so they asked the Pokot to help them. The Pokot and some Sabaot came and attacked Kikai's fort. One Sabaot climbed trees and shot people with arrows. The Bukusu had no arrows. After a while, the Sabaot shot burning arrows and set the fort on fire. Then the Bukusu people opened the gate, and so all the people were killed except a very few who escaped.<sup>62</sup> This account involves several separate conflicts, but the one of

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<sup>59</sup> *Ibid.*

<sup>60</sup> Were Gideon S., *A History of the Abaluyia of Western Kenya: c. 1500-1930*, Nairobi, Kenya: East African Publishing House, 1967.

<sup>61</sup> *Ibid.*

<sup>62</sup> Oral interview, Joseph Mamai, Chwele, 22/04/2013.

particular interest was fought with the Bukusu who came in great numbers even the women. It is notable that the Kalenjin groups united in their efforts to repel this external threat but soon the Kalenjin groups would later fall apart.

The changes were clearly seen when the British colonialism was introduced in Kenya. Starting from 1915 to 1920 the colonial government introduced Colonial land ordinances, modeled on medieval English land laws. These laws were introduced in Kenya to serve settler demands. Subsequently white highlands were earmarked, including Uasin Gishu, Laikipia, Nakuru, Navasha, Mount Elgon, Trans-Nzoia and Kericho.<sup>63</sup> The Sabaot, who by then occupied parts of Mount Elgon and Trans-Nzoia districts, were evicted among other peoples to give way to the colonial settlers in 1920s and 1930s. A section of the Mosop or Ndorobo of the Sabaot community were resettled on Chepkitale trust land in the moorlands on the slope of the mountain while another (Soy) settles downslope in Chepyuk.<sup>64</sup>

The colonial introduced laws in Mt. Elgon district in Western Kenya has been subjected to land disputes contributing to insecurity and forced displacement of people since the colonial era. During the 1920s and 30s, the Sabaots were displaced to the areas of Chepkitale and Chebyuk when the British colonial government appropriated their land for settler farms.<sup>65</sup> Tension over land escalated in particular after 1968 when the Kenyan government designated part of the Chepkitale area as a game reserve, thus forcibly displacing the communities that were established there without any consultation or compensation. In the following years, several resettlement and land distribution schemes were devised by the government of Kenya, namely the Chepyuk Settlement Scheme phase I, phase II and phase III. However, these schemes were controversial and marred by irregularities and did not resolve the land allocation issues.

The recent conflict in Mt. Elgon started in late 2006, in the wake of the implementation of the phase III resettlement program, when the Sabaot Land Defence

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<sup>63</sup> Kanogo, Tabitha. *Squatters and the Roots of Mau MAu :1905 -1963*, Ohio: Ohio University Press 1993.

<sup>64</sup> *Ibid.*

<sup>65</sup> Human Rights Watch (HRW), *All the Men have Gone: War Crimes in Kenya's Mount Elgon Conflict*, July 2008.

Forces (SLDF), an armed group composed largely by Sabaots, emerged to resist what they considered unfair land-allocation attempts by the government. This resistance evolved into criminal activities and over the years, the SLDF increased its control over the villages in Mt. Elgon district, chasing out or killing people, occupying the land it claimed and terrorizing those who failed to follow its orders. SLDF committed numerous cases of inhumane treatment, rape and sexual violence and mutilation. Between 2006 and 2008, Mt. Elgon district was under the effective control of the SLDF.<sup>66</sup>

For a long time, the government neglected SLDF and the violence out of disregard for a district of little national importance and also due to corrupt local heads of the security forces. In 2007, police activity against SLDF increased, but remained largely unsuccessful. As a reaction to this absence of state protection, the Mosop began to organise protection for themselves culminating in the establishment of the Moorland Defence Forces (MDF), named after the high region of the mountains from where the Mosop were resettled during the three Chepyuk processes and to where many Mosop fled back to from SLDF violence. The stated goal of MDF was purely defensive, as protecting Mosop from SLDF violence, and the group gradually ceased to exist when state security forces engaged more actively in the region. In March 2008, the government launched operation Okoa Maisha (Save Life). This operation resulted in the *death of Matakwei* on 16 May 2008 and the execution or imprisonment of other high ranking SLDF commanders, quickly followed by vaporization of SLDF in 2008.<sup>67</sup> Since the military defeat of SLDF in late spring 2008, the situation in Mt. Elgon district has remained calm, but tensions between the ethnic groups are still high. This forced the military to remain in the region operating from Kapkoto military camp from where they are running several post-conflict reconstruction projects.

It must be noted that the SLDF was the most lethal militia group in Kenya's recent history. This movement had essentially political objectives, and was quashed using intelligence information and police arrests as opposed to military action. It had commanders, with the top leadership believed to be David Chemaima Sichei (who is

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<sup>66</sup> *Ibid.*

<sup>67</sup> Simiyu Robert Romborah, "Militianisation of resource conflicts: The case of land-based conflict in the Mount Elgon region of Western Kenya", Institute for Security Studies, Monograph 152, 2008.

believed to be hiding in Uganda) and Wycliffe Matakwei, who was killed by the military. The SLDF was formed with a mixture of political and economic objectives.<sup>68</sup> The political being the militia's determination of Mt. Elgon's elected leaders, while the economic objectives centrally involved fair land distribution in the Chepyuk settlement scheme.<sup>69</sup>

## **2.5 Soy-Mosop Relationships in Mt. Elgon**

Mount Elgon has a long history of conflict and inter-ethnic warfare, manifested mainly as cattle rustling involving the Sabaot and their Sebei cousins from Uganda, the Pokot and the Bukusu. Indeed, accounts indicate that warfare has historically been imbedded in the landscape and cultural structure of the Sabaot community and that the territorial military organisation was just as important an integrating factor of the community as were other sociological features like the ethnic age-sets and the clans.<sup>70</sup> The Sabaot have over the years consistently been viewed as a war-like community of cattle rustlers by their neighbours. However, although cattle rustling in the area continue, albeit to a lesser extent, in recent times conflicts in Mount Elgon have also occurred over a multiplicity of issues, including political competition, administrative boundaries and land. These factors have altered the old ethnic relationships particularly between the sabaot clans of the Soy and the Mosop.<sup>71</sup>

The relationship between different Sabaot clans has been shaped by many factors. It must be stated clearly that hostile social relations have been an important cause as well as effect of intense and violent competition over land in Mount Elgon District and that it operated on three levels. The first was the intra-community rivalry between the Mosop and Soy clans, the second was the rivalry between Soy factions allied to different politicians, and the third was inter-community rivalry resulting from Sabaot ethno-nationalist politics.<sup>72</sup> Since the main focus of this research is the conflict

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<sup>68</sup> Wachira, Kiragu, Barrack Muluka and Manasseh Wepundi, *Mt. Elgon Conflict: A Rapid Assessment of the Underpinning Socio-economic, Governance and Security Factors*, (Nairobi: UNDP, 2008), p.40.

<sup>69</sup> Kenya National Commission of Human Rights, *The Mountain of Terror – a Report of Investigations of Torture by the Military at Mt. Elgon*, Nairobi: KNCHR, 2008.

<sup>70</sup> Weatherby, J M., "Inter-tribal warfare on Mount Elgon in the 19th and 20th centuries: with particular reference to the part played by the Sebei-speaking groups", *Uganda Journal*, 26(2), 1962, pp. 200–212.

<sup>71</sup> Oral interview, Joseph Kilong'i, Cheptais, Mt. Elgon, 23/04/2013.

<sup>72</sup> *Ibid.*

between the Soy and the Mosop clans of the Sabaot people this section outlines in brief the relationship between the two clans.

Tensions between the two Sabaot clans have revolved around claims that one clan is favoured by the government in land allocation, with both clans accusing the other of this. In particular, the Mosop were not happy with government decision to include the Soy in Chepyuk settlement scheme, which the Mosop consider as compensation for their more expansive Chepkitale land and as such have exclusive rights to it. Yet the minority status of the Mosop and their general marginalisation means that decisions related to land allocation were often made by Soy leaders. The Mosop lacked political representation until 1997 when the first Mosop councillor was elected. By 2004, the Mosop had only one councillor, one chief and four assistant chiefs while the Soy had an MP, ten councillors, fifteen chiefs and thirty eight assistant chiefs.<sup>73</sup> They were sidelined during delegations to state house to petition president Moi on land matters and have always been underrepresented on land allocation committees. The Soy on the other hand were dissatisfied by government decision to include the Mosop in Chepyuk III, which was created for the Soy. These factors partly informed the conflict in Mt. Elgon as will be discussed in the next chapter.

## **2.6 Conclusion**

This chapter has documented the history of the communities living in Mt. Elgon region. Before the early nineteenth century, according to the Sabaot oral traditions, “the Sabaot controlled the entire area of Mt. Elgon which they believed was their own”. However, since the early nineteenth century, they have had many conflicts with ethnic groups around them such as the Bugisu, Masai, Karamojong, Nandi, and Pökoot peoples, who all raided them a number of times.<sup>74</sup> During some of the conflicts, they were pushed into the current Sabaot region. The Sabaot also suffered from cattle rustling from other ethnic groups like the Karamojong and the Pokot in the mid-twentieth century. None of these incidents seems to have directly affected their

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<sup>73</sup> Human Rights Watch, *Western Kenya Human Rights Watch 2004*, Nairobi: Human Rights Watch, 2004.

<sup>74</sup> Goldschmidt Walter, *Culture and Behavior of the Sebei: A Study in Continuity and Adaptation*, London: University of California Press, 1976.

life like the 2006 conflict. However, there are two important events in the history of the Sabaot that have significantly influenced their life.

It has shown how the communities related until when the relations got sore particularly the relations between the Soy and Mosop. This led to the conflict that was witnessed in 2006. Since August 2006, civilians living in Mount Elgon District, Kenya, were terrorized by increased violence from several different groups such as the Sabaot Land Defence Force (SLDF), police operations, criminals and/or vigilante groups. The people struggled to protect themselves and were frequently forced to move out in order to find safety either on the upper slopes of the mountain, down the hill or in neighbouring districts. The next chapter will fully detail the conflict in Mt. Elgon.

## **CHAPTER THREE**

### **THE SABAOT LAND DEFENCE FORCE (SLDF) IN MOUNT ELGON CONFLICT**

#### **3.1 Introduction**

Much of what has been written about the SLDF militias has focused on their atrocities and relationship with the armed forces and on the latter's legal responsibility for the violence. This preoccupation with culpability, while important and understandable under the circumstances, has obscured the much deeper historical origins of the violence and the militias, and has diverted attention from the notable similarities between land grievances and the rise of the militia groups in Mt. Elgon. Indeed, it has meant that basic questions about the historical origins of the SLDF militia and the political conditions of their existence have scarcely been asked. Where did the militia actually come from? Why did the militia act in the ways it did? And what explains the behaviour of SLDF? Existing explanations of SLDF militia and of the violence of 2006-8, generally fall into two categories, both of which ignore or elude these crucial historical questions. The first, commonly expressed by the Kenyan government officials, is that the militia formed spontaneously in response to political incitement and that its acts of violence were an expression of political grievances. The second view, more common among the Kenyan political elites and some conflict scholars is that the violence was carefully orchestrated by the political elite. This research's view is that both characterizations are in significant respects wrong, or at least misleading. This chapter explains why, and provides an alternative explanation.

#### **3.2 The Sabaot Land Defense Force and Mount Elgon Conflict**

The conflict in Mt. Elgon can strongly be attributed to forced eviction, which was to be effected by the Kenya government against some of the Sabot families who had lived in Chepyuk since 1971. The reason for the eviction was the argument that some of the families did not fulfill the requirements for allocation of land which they occupied. The eviction notice did not consider the fact that the community had occupied the land since their history of settlement and some laid claim on that land as

their ancestral.<sup>75</sup> Even those who had met the requirements and had large tracks, were required to give up part of it for further subdivision and sharing with other families or other clans. Among those who were to lose part of their land were respectful elders some of them spiritual leaders. They included the Sabot spiritual leader, Jason Psongoywo Manyiror, who had already subdivided what he had to give out to his sons.<sup>76</sup> Taking part of some of the land already subdivided was a sign of conflict not only at the community level but also at a family level. The groups that were under threat of losing land would later on mobilise to seek a legal intervention to stop the government from taking their land. But the court seemed not ready to arbitrate in a fair manner. With the failure of the legal system, the young people mobilised to defend what they perceived as their land.<sup>77</sup>

The failure by the state to address the land question through a formal legal system led to the formation of the Sabaot Land Defense Force an armed group that first emerged in 2006 to resist government attempts to evict squatters in the Chepyuk area of Mt. Elgon. Key players in the militia group leadership were the son of the Sabaot elder and spiritual leader Wycliffe Kirui Matakwei.<sup>78</sup> Wycliffe Matakwei was son to Mr Patrick Komon. He was born in Kippii village of Cheptais Division. He later migrated to Kaboriot Village where his family still lives to present day. He schooled at Toloso Primary school before joining Toloso Secondary school. He however did not complete his secondary education. He dropped out of school due to lack of school fees. He married Salome Matakwei and they had six children(Fig.1).<sup>79</sup> For him to support his family he needed land for farming and that was why he and many other young people volunteered to fight if that was the only way to safeguard their land rights.<sup>80</sup>

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<sup>75</sup> Oral interview, Joseph Kilong'i, Cheptais, Mt. Elgon, 23/04/2013.

<sup>76</sup> *Daily Nation*, 17 May 2008.

<sup>77</sup> Oral interview, Francis Ruree, Chepkurkur, 23/07/2013.

<sup>78</sup> Weatherby, J M., "Inter-tribal warfare on Mount Elgon in the 19th and 20th centuries: with particular reference to the part played by the Sebei-speaking groups", *Uganda Journal*, 26(2), 1962, pp. 200–212.

<sup>79</sup> Oral interview, Ann Kee, Kapsokwony town, 03/10/2013.

<sup>80</sup> *Ibid.*



**Fig. 1. Late Wycliffe Kirui Matakwei – SLDF Militia Commander and his Wife Salome Chepkemoi.**

*Source: Documentary picture: “The Making of a Militia” Documentary , dated 24 October 2008*

Matakwei and other many young men volunteered to take up arms and fight the state machinery even before it began the eviction process. The Sabaot Land Defence Force (SLDF), comprised primarily of young men from the Soy clan. The militia group began by first targeting the members of the Mosop clan, who they perceived to be favoured by the government in its land allocations while compromising the interests of the Soy clan. The attacks were soon extended to the government installations and institutions who were blamed of being corrupt and unjust in their land allocation process.<sup>81</sup>

The conflict involving the Soy and Mosop Sabaot clans began as a fairly commonplace skirmish between the two clans in 2006. Despite the differences brought by the land question, the two lived together throughout their history. All this time they shared pastures in all parts of the District, lived side by side in market places without any serious animosity.<sup>82</sup> The Soy clan concentrated in the lower side of the mountain while the Mosop on the moorland or the upper side of the mountain. Although there had been explosions of violent conflict in past surrounding use of land

<sup>81</sup> IMLU (Independent Medico-Legal Unit), “Preliminary report of medico-legal investigation of torture by the military at Mount Elgon ‘Operation Okoa Maisha’”, Available at [http://www.kma.co.ke/downloads/IMLU\\_report.pdf](http://www.kma.co.ke/downloads/IMLU_report.pdf). Accessed on 28 June 2013.

<sup>82</sup> Kamoet, A. “A historical overview of Mt Elgon crisis”, in *Proceedings of the Mt Elgon Crisis*, Workshop held at Masinde Muliro University of Science and Technology, Kakamega, Kenya from 28 to 29 June, 2007.

or territorial claims, the 2006 was the worst in the Sabaot history because of its magnitude and damage.<sup>83</sup>

The period between 1915 and 1920 saw the Colonial land ordinances, modeled on medieval English land laws, introduced in Kenya to serve settler demands. Subsequently the white highlands were earmarked, including Uasin Gishu, Laikipia, Nakuru, Naivasha, Mount Elgon, Trans-Nzoia and Kericho.<sup>84</sup> From 1920 to 1930s, the Sabaot, who by then occupied parts of Mount Elgon and Trans-Nzoia districts, were evicted among other peoples such as the Bukusu to give way to the colonial Settlers. A section of the Mosop clan of the Sabaot community were resettled on Chepkitale trust land in the moorlands on the slope of the mountain while the Soy another Sabaot clan was settled down slope in Chepyuk. This research authentically argues that the Soy and Mosop violent rivalry started in the 1932 after the Colonial Government Proclamation No. 44 of 30<sup>th</sup> April the same year.<sup>85</sup> The Mosop moorland was also a place of refuge for runaway criminals from colonial system of justice. Some of their clan names were adopted from their neighbours, the Soy and especially the Bukusu.

Mt. Elgon Forest Reserve was gazetted through proclamation No.44 of 30th April, 1932. The forest covered an area of 91,890 hectares. Since then, various amendments were made on the boundaries of the forest as given hereunder. The first amendment was done through the 1939 Ordinance Vol. XXII which changed the boundaries of Kavirondo Native Land Unit and created Elgony Native Land Unit, now known as Chepkitale region that covers 17,000 hectares. This area is located at 11,000 feet (approximately 3,350 m) above sea level. The area is too cold but was inhabited by the Elgony Dorobos or the members of the Mosop clan of the Sabaot.<sup>86</sup> Although the area was so cold, this was not a major problem to the Mosop. What posed a problem were the frequent attacks from Ugandan raiders mainly the Bagisu people who inflicted a lot of injury to this people.

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<sup>83</sup> IMLU (Independent Medico-Legal Unit), "Preliminary report of medico-legal investigation of torture by the military at Mount Elgon 'Operation Okoa Maisha'", Available at [http://www.kma.co.ke/downloads/IMLU\\_report.pdf](http://www.kma.co.ke/downloads/IMLU_report.pdf) . Accessed on 20 July 2013.

<sup>84</sup> Kanogo, Tabitha. *Squatters and the Roots of Mau MAU :1905 -1963*, Ohio: Ohio University Press 1993.

<sup>85</sup> *East African Standard* 2008, 16 March, 6, 8 & 9 April, 17 & 23 May

<sup>86</sup> *Daily Nation* 2007, 2 July, 14 November.

In 1960s the post-colonial government conceived a resettlement plan, meant to resettle the Mosop from the trust land high up the mountain, and the Sabaot in the diaspora who had been displaced in the 1920s and 1930s. The plan led to the institution of the 1968 Chepyuk Settlement Scheme through Legal Notice No 35 of 1968.<sup>87</sup> In 1971 some members of the Mosop group are moved to the scheme, despite resistance by the members of the Soy clan and some members of the Mosop. In 1973 an amendment was done on the Legal Notice No. 44 of 1932, when the Government agreed to exchange Elgony Land Unit with 3,686 hectares of Mt. Elgon Forest Reserve that was located at the lower slopes of Mt Elgon for resettlement of the Elgony Dorobos or the Mosop people as a measure to secure them from incursions mounted by Ugandan raiders. The identified area was excised and officially made available in 1974 and the Government therefore set aside a total of 3,686 hectares for the purpose of settling the squatters from the forest in recognition of the squatter problem. This was officially done through Legal Notice No. 51 of 1974.<sup>88</sup> The excision was initially declared an adjudication area vide legal Notice No. 35 of 1968 under the Land Consolidation Act (Cap 283). However, it was later realized that the status was government land and therefore was not subject to Land Adjudication. Subsequently the area was converted into a settlement scheme which came to be known as the Chepyuk phase one.<sup>89</sup>

In 1979 the government of Kenya realised that there was increased incidences of cattle rustling which was destabilising the peace in Mt. Elgon. This was largely attributed to the political instability in neighbouring Uganda that had resulted in firearms falling into the hands of civilians both in Uganda and the Kenyan side of the border. The security situation remained precarious that the Kenya government considered relocating the Mosop who were the main target. The government therefore initiated Phase II of the Chepyuk resettlement in 1979.<sup>90</sup> The areas covered included Cheptoror and Kaimugul.<sup>91</sup>

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<sup>87</sup> *East African Standard* 2007, 17 January, 1 July, 27 August, 29 November.

<sup>88</sup> KNA.

<sup>89</sup> Opala, K., "Failed SLDF boss mere pawn in Elgon problem", *Daily Nation*, 20 May, 2008.

<sup>90</sup> Ongugo, P, Njuguna, J, Obonyo, E and Sigu, G nd Livelihoods, natural resource entitlements and protected areas: The case of Mt Elgon Forest in Kenya. Available at <https://www.cbd.int/doc/case-studies/for/cs-ecofor-ke-02-en.pdf>. Accessed 20 July 2013.

<sup>91</sup> Oral interview, Joseph Kilong'i, Cheptais, Mt. Elgon, 23/04/2013.

During survey and demarcation of phase I, it was realized that settlement had been extended beyond the degazetted area, mainly Cheptoror area. The squatters were evicted by the Provincial Administration and subsequently, the Forest Department undertook reforestation process through a crash programme but this was halted in August 1990 by the then Western Provincial Commissioner.<sup>92</sup> This was done through his letter of Ref. No. PA.29/5A/IX/ (90) dated 6th May 1992. In the letter the Office of the President authorized the Ministry of Lands to subdivide and allocate plots to the landless people of the area.<sup>93</sup> This was the first formal communication which gave authority to the Ministry of lands to undertake settlement in Chepyuk. In mid August 1992, the Ministry of Lands sent a team of surveyors to the site to carry out survey. These included the areas known as Cheptoror and Chepkurkur, now referred to as Chepyuk Phase II and III respectively.<sup>94</sup> In 1993 the government initiated Phase III of resettlement which targeted areas including Chepkurkur. This phase was intended for 1 732 families from the Soy clan.

Under the new arrangements, Chepkitale area that was vacated by the Elgony Dorobos or the Mosop and which was gazetted as a National Reserve in 1939 under the Ordinance Vol. XXII was officially managed by Mount Elgon County Council in collaboration with Kenya Wildlife Services (KWS). Immediately after the settlement exercise that was carried out by the Ministry of Lands as directed by the Office of the President, the beneficiaries who were mainly the Mosop sold off most of their parcels to the Soy and the Bukusu and returned to the Chepkitale Land Unit which was now officially under KWS.<sup>95</sup> The KWS took an action of evicting the Mosop from the gazzeted land precipitating an influx of squatters into Chepyuk settlement Scheme which they had already sold. The squatters settled to the East and West of the legally excised and adjudicated area.<sup>96</sup> These squatters began agitating for formalization of their settlement within the forest area. In the year 2000, the Permanent Secretary,

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<sup>92</sup> Simons, C. S., "Territorializing land conflict: space, place, and contentious politics in the Brazilian Amazon", *Geo-journal*, 64, 2005, pp. 307–317.

<sup>93</sup> Weatherby, J M., "Inter-tribal warfare on Mount Elgon in the 19th and 20th centuries: with particular reference to the part played by the Sebei-speaking groups", *Uganda Journal*, 26(2), 1962, pp. 200–212.

<sup>94</sup> KHRC (Kenya Human Rights Commission) 1996, *Ours by right, theirs by might: a study of land clashes*, Nairobi: KHRC, 1996.

<sup>95</sup> Mwasserah, A K 2008, "An overview of the causes of the Mt Elgon crisis and its effects on the province and possible solutions, Paper presented at Mt Elgon crisis workshop held at Masinde Muliro University of Science and Technology, Kakamega, Kenya, from 28 to 29 June.

<sup>96</sup> Oral interview, Francis Ruree, Chepkurkur, 23/07/2013.

Ministry of Environment and Natural Resources (MENR) authorized an excision of a further area covering 3,568 hectares to accommodate these squatters. Later, another area covering 496 hectares was authorized for excision to accommodate people who had settled between river Malakisi and its tributary. To date, these two areas have not been excised and therefore effectively remain part of the Forest Reserve. These two excisions comprise of Chepyuk Phase II and III which became a source of the conflict in Mt. Elgon.<sup>97</sup>

The new arrangements meant that the settled area would cover 8,500 hectares against an authorized total area of 7,750 hectares, indicating an excess of 750 hectares of the settled area. The need for extra land for settlement at Chepyuk seemed to continue to increase over the years.

Phase I which was officially known as Emia Settlement Scheme and Phase II known as Cheptoror of Chepyuk were successfully settled, comprising a total of 2,576 plots on approximately 5,252 hectares. It was noteworthy that 80 % of occupants in the two phases were members of the Mosop clan while the remaining 20 % were members of the Soy clan.<sup>98</sup> Chepyuk phase III which is known as Chepkurkur Settlement Scheme covers an area of 2,500 hectares. The total number of plots in this scheme is 1,893. Out of these, 66 are public utility plots. Of the remaining 1,827 plots, 95 were reserved for the Sabaot Laibons or Spiritual leaders of the 2 communities of the Mosop and the Soy. The remaining 1,732 plots were available for the rest of the identified beneficiaries. Since the establishment of Chepyuk Settlement Scheme Phase III (Chepkurkur), there emerged controversy between the two clans of the Soy and the Mosop over the distribution of the plots.<sup>99</sup> The situation surrounding land allocation worsened in 2002 during the election period.

In 2002, political rhetoric in election campaigns largely centres on finalization of the resettlement programme in Chepyuk. The new government of Mwai Kibaki moved a step further in 2003 and surveyed land in phase I and II and gave title deeds to

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<sup>97</sup> Namwaya, O. "Why the Sabaot militia has been a hard nut to crack", *The East African Standard*, 27 August, 2007.

<sup>98</sup> Kamoet, A. "A historical overview of Mt Elgon crisis", in *Proceedings of the Mt Elgon Crisis*, Workshop held at Masinde Muliro University of Science and Technology, Kakamega, Kenya from 28 to 29 June, 2007.

<sup>99</sup> *Daily Nation* 2008. 24 & 25 March, 4, 6 & 8 April, 7 & 17 May

allottees without incident but Chepyuk Phase III remained unresolved. The land issues surrounding Phase III resurfaced in 2005 during the national referendum campaigns. After the referendum, the resettlement programme in Phase III was revisited in 2006. The government tries to solve the crisis by reducing the size of plots allocated to the members of the Soy clan from 2 hectares to 1 hectare in order to include members of the Mosop clan who were initially not supposed to benefit from Phase III settlement plan. The Soy protested the inclusion of Mosops particularly after seven thousand applications were received and 1 500 families missed out on land allocation and were evicted from their farms. The majority of those who faced eviction were members of the Soy clan.<sup>100</sup>

### **3.3 The Problem of Chepyuk Phase III Settlement Scheme**

The long standing controversy affected Chepyuk Phase III between the two Sabaot clans of Soy and the Mosop. The genesis of the problem was as follows: Since the establishment of the scheme, the Mosop were demanding an equal share based on the justification that the greater Chepyuk scheme was originally established to cater for them and not the Soy. In the year 2005, at a meeting chaired by the then Western Provincial Commissioner Mr. Abdul Mwasera, it was resolved that the plots in Phase III be shared equally between the two clans as demanded by the Mosop.<sup>101</sup> The meeting recommended the carrying out of a vetting exercise by elders in each sub-location. However during the vetting exercise, applicants for land allocation were 7,000. Out of these, only 2,084 applicants were found to qualify for allocation and yet only 1, 893 plots were available. And even though the available plots were 1, 893 some were to be used for public purposes.

The 1,893 available plots were allocated as follows. The total number of applicants stood at 2,084 people, the public utility plots were to be 66, the total plots for Laibons were 95, the total plots available for allottees were 1,732 and the total number of applicants left out was 352.<sup>102</sup> In total the 1,732 deserving applicants who were successful in the allocation included 866 Soy and 866 Mosop. Out of the 352

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<sup>100</sup> Oral interview, Milcah Kemei , Cheptais 26/07/2013

<sup>101</sup> KLA (Kenya Land Alliance) 2004, The national land policy in Kenya: addressing historical injustices. *Issue Paper*, 2/2004.

<sup>102</sup> KLA, "The Mt Elgon conflict: results of a failed resettlement program", *A Newsletter of Kenya Land Alliance*, 6(1), 2007.

deserving cases who were not accommodated, 41 were Mosop while 311 are from the Soy clans.<sup>103</sup> The 352 cases needed to be urgently dealt with in order to curb disaffection amongst the unsuccessful applicants from both clans. This gesture would have restored calm amongst the Soy who felt that they were unfairly dealt with in Chepyuk Phase I and II.<sup>104</sup> Although the Soy cited favourism in the allocation of the land in Chepyuk Phase III, the Mosop argued that the Soy had exploited them since independence.

The Mosop argued as far as political representation goes, the Soy from Cheptais had occupied the position of MP of Mt. Elgon for 40 years since independence out of the 45 years to the period of the outbreak of the conflict in 2006. These MPs include Daniel Naibei Moss, 1963-1979, Wilberforce arap Kisiero, 1979-1997, Joseph Kimkung, 1979-2002, John Bomet Serut, 2002-2007 and Fred Kapondi 2007-2013 who was to be elected later as Member of Parliament. Kapondi was later arrested and questioned over his involvement with the SLDF.<sup>105</sup> As a result of this political domination, they had marginalized and distributed resources in favour of the Soy clan particularly those living in Cheptais division.<sup>106</sup> The Mosop believe that a lot of the problems experienced in the settlement of Chebyuk since 1971 to 2006 and after can be linked to the unfair treatment of the Mosop by members of the Soy politicians, chiefs and councilors who dominated the administration.

The Mosop accused the Soy MPs for the political dominance since independence. The first MP the, late Daniel Moss in all round 1969 prevailed upon few Chepkitale Mosop elders who had settled in Kapsokwony led by Mr Tenderesi who was an Assitant Chief Chepkitale, Warnbete, Makusta with the assistance of the Elgon Location Chief the late Enock Chongwony to represent the residents of Chepkitale to accept and relocate to Chepyuk. This mirepresentation before the then Bungoma District Commissioner Mr. Oranga was to become the beginning, of Chepyuk

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<sup>103</sup> *Ibid.*

<sup>104</sup> KHRC (Kenya Human Rights Commission) 1996, *Ours by right, theirs by might: a study of land clashes*, Nairobi: KHRC, 1996.

<sup>105</sup> KNCHR (Kenya National Commission on Human Rights), *The mount of terror*. Available at [http://www.nationmedia.com/dailynation/downloads/Mt\\_Elgon\\_report.pdf](http://www.nationmedia.com/dailynation/downloads/Mt_Elgon_report.pdf) . Accessed 16 July 2013.

<sup>106</sup> Oral interview, Francis Ruree, Chepkurkur, 23/07/2013.

settlement.<sup>107</sup> Although the efforts had been initiated to relocate the Mosop to Chepyuk Settlement Scheme, the residents of Chepkitale did not accept relocation to Chepyuk as an exchange of their Chepkitale ancestral land.<sup>108</sup>

The refusal of the Mosop to move out of their ancestral land was an indication of their strong attachment to their ancestral land. The government had not considered this factor while suggesting their relocation. Secondly, the Mosop have a strong belief that migration towards the West is doomed.<sup>109</sup> The Sabaot have a tradition that migration should be towards where the sun comes from not where it sets to the west.<sup>110</sup> On their part, the Soy leaders interviewed, argued that Chepyuk settlement was to afford the Soy a settlement opportunity because of threats occasioned by the Bukusu assimilation. The Bukusu are the largest ethnic group in direct contact with the Sabaot and the elders have in the past seen the Bukusu as assimilating the Sabaot through inter-marriages.<sup>111</sup>

The other factor that the government of Kenya did not consider was that the Mosop having lived a pastoral lifestyle found themselves ill equipped at Chepyuk as the new life required tree felling and cultivation. The Mosop took advantage of this as they became agents of forest clearing, cultivation and settlement. The political leadership then fortified this by appointing chiefs, assistant chiefs and village elders to ensure the domination by the Mosop. The Chepyuk settlement was not de-gazetted as required by Law and subsequent adjudication to legalize land ownership. The committee which dished out land was the same people who misrepresented the Chepkitale people. Fraudulent activities were the norm.<sup>112</sup> The first faces of settlement in Chepyuk settlement scheme were a success story because the first two phases appeared to have been properly settled without any conflict. Phase three had a lot of conflicts resulting in the uprising commonly referred to as the Sabaot Land Defense Force (SLDF).

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<sup>107</sup> Kwalia, B and Kapchanga, L, “Knut wants Mt Elgon land row resolved”, in *Daily Nation*, 4 March 2008.

<sup>108</sup> *Ibid.*

<sup>109</sup> Oral interview, Stanley Kalama, Kaptama area, Mt. Elgon, 21/04/2013.

<sup>110</sup> Oral interview, *Ibid.*

<sup>111</sup> Oral interview, Joseph Kilong’i, Cheptais, Mt. Elgon, 23/04/2013.

<sup>112</sup> Oral interview, *ibid.*

### 3.4 Outbreak of Open Armed Conflict in Mt Elgon

Rooted in a long historical quest for fair and equitable distribution of land that spans all the way to the colonial period, the Mt. Elgon conflict flared shortly after the 2005 National Constitutional Referendum that pitted the Banana vs. Orange teams.<sup>113</sup> The banana and orange fruits assumed unprecedented political significance in the badges of allegiance in a heated constitutional campaign. They were picked by election officials, to assist the process of voting, in the new constitution referendum. Banana mark meant in favour of the new draft constitution while the orange mark meant against. In the period between December 2006 and April 2007, the conflict displaced over 60,000 people, with 144 people dying 115 wounded. Later intervention by the joint security forces of Kenya Police, Administration Police, General Service Unit and Kenya Army to quash the main militia group behind the conflict, the Sabaot Land Defense Force (SLDF) resulted in the killing of at least 735 people.<sup>114</sup> This section sought to interrogate new dynamics to the conflict. Therefore, while structural causes of the Mt. Elgon conflict will be discussed here, the focus shall be on what findings were made in relation to the direction that the conflict took.

A group of Soy youths is mobilised and armed themselves to resist the evictions. The Soy youths formed the Sabaot Land Defence Force (SLDF) to engage the evictors. Wycliffe Kirui Matakwei was its deputy leader and commander of the military wing. The true leader of the militia remained unknown. The conflict in Mount Elgon region between the Sabaot Land Defense Forces (SLDF), created by the Soy clan, and the government remained violent. Clashes between the two main clans of the dominant Sabaot community, the majority Soy and the minority Mosop clan, which founded the Moorland Forces (MF), about the contested allocation of the settlement scheme by the authorities led to loss of many lives. In June 2006 the SLDF started attacking members of the Mosop clan, forcing many people to flee their homes. What began as a fairly commonplace skirmish took on a different aspect when a local official of the provincial administration, the chief of Kapkateny Location, Cleophas Sonit, was killed in June 2006 in his office.<sup>115</sup> This was followed by the killing of an assistant

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<sup>113</sup> UNDP/OCHA, *Mt. Elgon Conflict: A Rapid Assessment of the Underpinning Socio-economic, Governance, and Security Factors*, Unpublished, 2009, p.2.

<sup>114</sup> Kenya Red Cross Society, *Mount Elgon Clashes Status Report*, 4th April 2007.

<sup>115</sup> Barasa, L and Kimani, P., "Deadly militiamen: the untold story", *Daily Nation*, 4 September 2007.

chief called Shem Cherowo Chemuny, together with his daughter and two guards in August 2006.

As mentioned above in August 2006 an assistant chief together with his daughter and two guards were killed. The situation seemed to worsen every day. In January 2007 a local councilor was killed provoking the government to deployed 600 security personnel to Mount Elgon to clear up the deteriorating security situation.<sup>116</sup> Mr. Ben Kipnusu, a councilor representing Chepkube ward and his relative Sonit were killed. The two were related to Hon Serut. The killings were meant to force Serut to comply with SLDF demands but he refused. Others killed were some of the MP's supporters, and Chemuny one of the people implicated in bribery to influence land allocation.<sup>117</sup> The militia's activities were concentrated in Kopsiro division where Chepyuk settlement scheme is located and in Kaptama and Cheptais divisions where most SLDF commanders (including Matakwei) hailed from. The majority of land claimants in Chepyuk III originally came from Kaptama.<sup>118</sup>

In the same month of January, suspected SLDF members shot dead seven people, injuring four others as well as burning down several houses in the Kalaha area in Saboti Constituency of Trans-Nzoia County. On January, 24 suspected SLDF militiamen attacked Kapkaten village in Mt. Elgon, killing two people and burning down several homesteads. The police started the operation in February 2007 by arresting forty two people who were alleged connected to the clashes and three were killed. In response the SLDF killed a policeman, bringing the death toll to 72. In the same month, the Commander of the SLDF is granted a TV interview in which he made various demands as a condition for laying down arms among them is defending the Soy land. In March 2007 the police published and widely circulated pictures of three people they consider to be ringleaders of the militia. They included Fred Kapondi, a local politician, the SLDF deputy leader and military commander, Matakwei, and a councilor, Nathan Warsama. Following the publication Kapondi was

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<sup>116</sup> The Standard Reporter, "Mt. Elgon Conflict", *East African Standard*, 17 January 2007.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

arrested and arraigned in court for promoting war-like activities in Mt. Elgon but he denied the charges forcing the police to keep him in their custody.<sup>119</sup>

In the month of March 2007, there were peace meetings held between the provincial administration and leaders from both the Soy and Mosop clans but they were disrupted by fresh attacks. On March 3, unknown raiders attacked villages in Mt. Elgon region, leaving six people dead.<sup>120</sup> Two days later, the government launched a massive military operation against the SLDF including air raids in Cheptais Division, Mt. Elgon District, and Trans Nzoia District. The government sealed off the two districts, and deployed additional forces to the Ugandan border to prevent SLDF fighters from fleeing. Additionally, the army launched a massive military operation backed by five helicopters, several armored vehicles, and tanks against SLDF, MF, and the newly founded Political Revenge Movement (PRM) in Bungoma and Mt. Elgon District, starting on March 9.<sup>121</sup>

On March 14, 2007 Uganda handed over four suspected SLDF rebels and three rebels of PRM. Fighting intensified at Chebweki, a SLDF center of recruitment and training, from March 14 to 17. Security forces shelled the area and conducted air strikes, leaving 32 people dead. 600 people fled to neighboring Uganda. On March 17, the military started arresting males above the age of 15 in the Mt. Elgon area, and detained more than 100 alleged SLDF members. In the aftermath, SLDF, PRM, and MF moved towards West Pokot in Kenya and Kapchorwa and Bukwo Districts in Uganda. On March 26, police shot dead three suspected SLDF members and arrested 18 in the Chebwek area of Mt. Elgon. The same day, the government issued an ultimatum to all members of the rebel groups, demanding them to surrender their weapons by March 31. On the same day, 13 other SLDF suspects were arrested by police in Uganda.<sup>122</sup>

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<sup>119</sup> Human Rights Watch 2008, Kenya: army and rebel militia commit war crimes in Mt Elgon, 4 April. Available at [http://www.reliefweb.int/rw/rwb.nsf/db900sid/ASAZ\\_7DDCD5?opendocument](http://www.reliefweb.int/rw/rwb.nsf/db900sid/ASAZ_7DDCD5?opendocument). Accessed 13 May 2013..

<sup>120</sup> Heidelberg Institute for International Conflict Research, *Conflict Barometer 2008: Crises - Wars - Coups d'Etat Negotiations - Mediations - Peace Settlements, 17th Annual Conflict Analysis*, University of Heidelberg, Germany, 2008.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*

In April 2007 six people were killed as the SLDF raided Kapsokwony, the Mount Elgon district headquarters. Shops were raided and schools closed. In May 2007, the attacks were extended to Kitale as eleven people were killed by the SLDF. The police made some arrests of ninety nine people who were charged with murder in Mount Elgon. In June 2007 a brother to the area MP was killed. As the Kibaki seemed not to know what to do with the militia, former President Moi called on the government to grant amnesty for the militia, after the SLDF killed a woman.<sup>123</sup> In September 2007 diplomacy intensified leading to the feuding Sabaot clans to agree on a ceasefire plan and stop of killings of innocent people. The ceasefire lasted for a short time because in November to December 2007 fighting resumed in Mount Elgon as people were killed, including another brother of MP John Serut. In the same month Kapondi won the ODM nominations in absentia as he was still in police custody. Kapondi was later released and eventually elected area MP in the December 2007 elections. On 31 December 2007, a family of twelve was exterminated in Kimama village, and their land taken over by the SLDF and subdivided among militiamen. In January 2008 twenty two people were killed by SLDF fighters in Chesikaki village.

In March 2008 Matakwei claimed to have a 35,000 strong SLDF militia force. Although the realistic estimates placed the group at between 3 000 and 4 000 men, the claim by its leader sent worrying signals to the government in Nairobi.<sup>124</sup> The government in Nairobi was forced to deploy the army to fight the militia which seemed strong for the police to deal with. The Kenya army was deployed in the region to stem the tide of violence that had overwhelmed the police and other security agents. Local residents celebrated the deployment of the army which arrested hundreds of SLDF suspects and handed them to the police who arraigned them in a Bungoma court to answer charges that ranged from promoting war-like activities, murder and robbery with violence.<sup>125</sup>

In April 2008 the some residents of Mt. Elgon accused the army of indiscriminate torture of civilians and SLDF suspects, and demanded that the army withdraws. Their

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<sup>123</sup> The Daily Nation Reporter, "Hardliners Blocking the Goal of National Reconciliation", in *Daily Nation*, 21 May, 2008.

<sup>124</sup> Kwalia, B and Kapchanga, L , "Knut wants Mt Elgon land row resolved", in *Daily Nation*, 4 March 2008.

<sup>125</sup> Luchuli, I., "Moorland Defence Force presents another headache", in *East African Standard*, 1 June, 2008.

sentiments were echoed by the Kenya National Human Rights Commission which also condemned the army's human rights violations. In the same month eight hundred SLDF suspects were denied bail by the law court and also the Kenya Police in Eldoret arrested Jason Psongoywo Manyiror, the Soy laibon leader who was accused of administering oaths to SLDF militiamen. Also some councilors were arrested by the army for interrogation. In the month of May KDF operation intensified in the region and on a Friday morning, on 16 May 2008, Wycliffe Kirui Matakwei, commander of the Sabaot Land Defence Force (SLDF), was ambushed and killed in the Mt Elgon forest. The killing of Matakwei was a major morale boost for the army just a day after the Kenya National Human Rights Commission (KNHCR) condemned the army's counter insurgency tactics in Mt Elgon.<sup>126</sup> The gunning down of Wycliffe Kirui Matakwei by the army, dealt the militia a severe blow forcing the remnants of SLDF militiamen to surrender.

The militia had become notorious for their ruthlessness and human rights violations, including physical assaults, abductions, rape, physical and psychological torture of their victims, murder of people perceived to be opposed to its agenda, and on occasion wiping out entire families. The militia also looted properties and attempted to impose their own administration in the area and to levy taxes as a strategy for sustaining their activities. Initially they demanded KShs 1 000 from every household as a one-off payment. Later they resorted to individual monthly payments levied according to an individual's level of income. People working in the district, such as teachers and civil servants, were required to pay over monthly amounts of between KShs 2,000 and KShs 5,000 as protection levy.<sup>127</sup> The militia also collected a certain amount of food produce for every unit area harvested, for example, each household was required to surrender a 90-Kg bag of maize for every acre harvested. The emergent 'insurgency economy' became a critical factor in drawing out the conflict by sustaining the lifestyles of militia fighters and by making the SLDF attractive to idle lower-class youths. The support of the so-called powerful individuals for the SLDF, however, may have had a moral and political rather than a financial dimension. Although the

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<sup>126</sup> The Reporter Nairobi Chronicle, *Kenya Government Celebrates Death of Rebel Commander*, Nairobi Chronicle, May 18, 2008

<sup>127</sup> Kenya Red Cross 2007, Website, 4 December. Available at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/DPAL-79NJE2?OpenDocument> [accessed 17 June 2008].

militia initially defined their goals in terms of protecting the land rights of the Soy in Chepyuk III, the SLDF later broadened its mission and geographical scale to include getting back community land, not just in Mt Elgon, but also the entire Trans-Nzoia that was forcefully taken from the community by the colonialists.<sup>128</sup>

### **3.5 Conclusion**

According to KNHCR and government Provincial administration, an estimated 600 people died in Mt. Elgon from the SLDF operation in the district. The government authorized the deployment of the army in the operation which was coded, *Operation Okoa Maisha* (Operation Save Lives) which was launched in February 2008. The chapter has shown that the militia outfit was founded in 2006 by a sub-klan of the Sabaot ethnic group. The Sabaot are in the same ethnic family as the Kalenjin. The SLDF militia wanted to restore the members of the Soy clan to their former ancestral lands which, was occupied by other clans of the Sabaot community and non Sabaot migrants. Mr Matakwei the military leader of the militia claimed that his clan had been pushed to the higher reaches of Mt Elgon which was too cold for agricultural activities.

The main questions raised at the start of this chapter have been addressed by the documented evidence narrating the genesis of the Mt Elgon conflict which was sparked off by allocation of land in the Chebyuk settlement scheme between 2004 and 2006. The land allocation was bungled by former Mt Elgon Member of Parliament, Mr. John Serut. The various clans within the Sabaot community felt they were cheated, sparking off tension that led to the formation of the SLDF. Since then, other clans formed their own militia outfits such as the Progressive Defense Forces, Moorland Defense Force, and the Political Revenge Movement, among others. As the fighting intensified the government deployed the army to fight the SLDF. The history of Mt Elgon land politics reveals that each time the Sabaot were allocated a chunk of land from the Mt Elgon forest, they would sell the land and request for more. By the turn of the millennium, the Sabaot found themselves so high on the mountain slopes that agriculture was impossible due to low temperatures. However, they could not

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<sup>128</sup> KLA, "The Mt Elgon conflict: results of a failed resettlement program", *A Newsletter of Kenya Land Alliance*, 6(1), 2007, p. 11.

return to the lowlands because they had already sold it, thus, the burning desire to regain what they referred to as ancestral land.

## **CHAPTER FOUR**

### **THE PEACE EFFORTS AND THE MILITARY INTERVENTION**

#### **4.1 Introduction**

The rising demand for military intervention in protracted conflict environment has increasingly become an essential element to peace and security in countries affected by high intensity conflicts beyond internal security force capability. The proliferation of inter-clan conflicts in Mt Elgon and the eventual escalation of violence to a level which necessitated military intervention had some sacrifices and costs to both the target militia group and the civilians in the affected areas. Past literature has focused on the effectiveness of such intervention without properly evaluating the reasons why the military is important in such operations and why states choose to commit military resources to such endeavours. The chapter assesses both military and humanitarian aspects to these interventions and the preceding peace initiatives in the region initiated by various state and non-state actors prior to military deployment. The chapter will also attempt to examine the reasons underlying them and, most importantly, the implication and upholding of the international law, and why at the initial stage they were not authorized by the government of Kenya.

#### **4.2 The Peace Initiatives in Mt. Elgon**

Following the violent conflicts in Mt Elgon region of western Kenya in which hundreds of people were killed, displaced and their social life severely affected, different peace efforts were initiated to try and bring calm to the area. As a way of dealing with dysfunctional effects of the conflict, various NGO, government institutions and private initiatives were started to intervene and to support active non violent youth groups movements with focus on the area youth who had been found most involved in violence and killings in the region as a result of land dispute, in order to help achieve reconciliation and peaceful coexistence in the region. The overall goal of the peace projects was to contribute to the consolidation of the

democratic process in Mt. Elgon through a more informed and responsible engagement of the youth.<sup>129</sup>

NGOs such as the Peace Tree Network (PTN) through its youth network organized trainings for the other youth who were involved in conflict and even those who were in prison at the time the project was on-going, and they did this through the support provided by the PTN. The area youth happened to understand that conflict instigated by political manipulation only benefited politicians and violence never leads to a lasting solution. The rehabilitated youth trained by the PTN continued with the mission to reach out to their peers re-integrating with the community after being in jail or in the bush fighting with the militia. These efforts were geared to realizing reconciliation benefits. The youths were able to organize football matches in the region between the conflicting clans/groups to foster reconciliation and peaceful coexistence in the region.<sup>130</sup> Soon after the outbreak of hostilities, NGOs embarked on the project of sending to the field peace workers to engage with fighting clans. They focused on advocacy work with specific objectives of strengthening the capabilities of the youth of Mount Elgon to participate in decision making and monitor the local democracy.

The Pace Tree Network organizers tried to enhance capacities and inclusion of Mt. Elgon youth in the National Reform Processes so as to solve the long stranding land issue and improve their livelihood but all the efforts seemed to fail as the violence escalated.<sup>131</sup> The projects objectives were hoped that in the long run would have contributed towards fostering the development of a democratic culture in Mount Elgon based on respect of human rights. For the first phase of peace projects, various NGOs such as Peace Tree Network (PTN), Friends Church Peace Team (FCPT), and Turning the Tide (TTT) operating in the region conducted trainings on human rights and advocacy for peace in four divisions of the region, namely Kaptama, Kapsokwony, Kopsiro and Cheptais divisions attended by selected youth, as one of the means of building the capacity of the youth to engage with their leaders and

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<sup>129</sup> Peace Tree Network (PTN), *Civic Awareness and Engagement: Peace caravan Organized by Kapsokwony Youth*, Nairobi: PTN, 2011

<sup>130</sup> Otieno, C et al, *Valley of Conflicts: Analysis of Conflict, Threats and Opportunities for Peace in the Rift Valley and Mt Elgon Regions of Kenya*, Saferworld and Peace-Net for DFID, 2009.

<sup>131</sup> Oral interview, Alex Cheptot Ndiema, Kipsigon Mt. Elgon, 25/07/2013

advocate for issues that create peace and development in their communities.<sup>132</sup> This was meant to ensure effective implementation of the skills acquired, and together with the youth in Mt Elgon develop a strategic plan with a priority concern on civic education with actions and activities to be implemented as a way forward to achieve peace in the region. Civic education in the area was further meant to ensure that the youth were peacefully united and also give them the ability to participate non-violently in the land issues. One such initiative was carried out by the Friends Church of Kenya.

### **4.3 Quaker Peace-Building Programs in Mt. Elgon**

The Friends Church which has a strong presence in western Kenya was also a key player in peacemaking in Mt Elgon. The Quaker peace efforts were led by Daniel and Kathy, American Missionaries who arrived in Mt. Elgon on 25th March 2007. They engaged in evaluative interviewing about the various Quaker peace-building programs that had been going on in the region for several years. They travelled in the company of, among others, Getry Agizah and their almost two month old son. The American missionaries operated from a hotel in Chwele, from where they went different communities every day through Saturday to interview people who had participated in and/or facilitated one or more of the programs sponsored by Friends Church Peace Teams or Change Agents for Peace International, the main Quaker peace umbrella.<sup>133</sup>

The Quaker initiative spread over to Uganda where they were involved in violence project workshops. In their report on their encounter in Mt. Elgon, the Quaker team noted that the area of Mt. Elgon was the scene of a period of pretty brutal guerilla conflict for several years. That looking at the mountain from the down slopes, all seems to be quite calm on that front, but the area was the scene of the worst violence. Because of its history of violence, Mt. Elgon was one of the targets for very intensive work by Friends Church Peace Team, including a lot of Healing and Rebuilding our Communities (HROC) workshops. HROC focused on healing from trauma, and typically brought fighting groups together from opposite sides of a conflict.<sup>134</sup>

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<sup>132</sup> Peace Tree Network (PTN), *ibid.*

<sup>133</sup> Oral interview, Joe Chesongon, Church Leader, Kipsigon Friends Church, 25th March, 2013.

<sup>134</sup> *Ibid.*

In the midst of the violent chaos, the Friends Church Peace Teams (FCPT) which had been formed by Kenyan Quakers began immediate visits to IDP camps and distributed relief items. The FCPT, in partnership with the African Great Lakes Initiative (AGLI) of Friends Church Peace Teams, visited the camps in Chwele which housed many Mt. Elgon victims.<sup>135</sup> The programs that AGLI/FCPT conducted since the outbreak of violence in the Mt. Elgon area was intended to help people recover from atrocities and to prevent re-emergence of violence. The Quaker program adapted to the immediate needs of Mt. Elgon residents. It adopted the approach of alternatives to Violence method. This was done through workshops conducted by AGLI/FCPT that taught participants non-violent means of resolving conflicts. It involved three levels basic, advanced, and training for facilitators. The Alternative to Violence Program (AVP) workshops used the shared experience of participants, interactive exercises, games and role-plays to examine the ways in which people respond to situations where injustice, prejudice, frustration, and anger can lead to aggressive behavior and violence.<sup>136</sup> This approach was begun in the United States in the 1970s and spread to Mt. Elgon region during conflict period.

The Quakers and the African Great Lakes Initiative also organized a Healing and Rebuilding our Communities (HROC) workshop. HROC was an experiential workshop developed by AGLI, modeled on AVP methodology, which dealt with the personal and community trauma from the violent conflicts in the region. There was a basic workshop with a follow-up day and then a community celebration. An advanced workshop and a special workshop for HIV+ women were developed.<sup>137</sup> HROC workshops typically were structured with equal numbers of participants who were on opposite sides of conflicts. Facilitators, called healing companions, were trained in a three-week session. The Friends Church initiative also involved civic education on peace. Since the outbreak of violence, the church conducted civic education classes throughout the safer areas of Mt. Elgon.<sup>138</sup> These sessions focused primarily on teaching the people of Mt. Elgon about peace.

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<sup>135</sup> Oral interview, Pastor Erustus Chesondi of Friends Church, Mt. Elgon, 25/07/2013.

<sup>136</sup> Oral interview, Alex Cheptot Ndiema, Kipsigon Mt. Elgon, 25/07/2013.

<sup>137</sup> Oral interview, Emily Sikhoya, Chepkube, Mt. Elgon, 26/07/2013.

<sup>138</sup> Oral interview, Winston Ndiwa Chemokoi, Chepkube, 26/07/2013.

To monitor the security situation, the church recruited volunteers throughout the area to serve as citizen reporters. These individuals were asked to watch for circumstances of violence, precursors of violence, or illegal political activity in their communities, and to communicate such occurrences by SMS text message to a Call-in Center which was established so that it could alert appropriate agencies and/or encourage direct preventive action.<sup>139</sup> Citizen radio and television reporters were particularly on alert throughout the conflict period, watching for illegal violence-related activity such as intimidation. The church organized a significant peace observation effort which was meant to turn the tide of violence. This was done through an initiative known as Turning the Tide (TTT) program. TTT was a program developed in England by Quaker Peace and Social Witness (QPSW) and introduced into Mt. Elgon by the Quaker Missionaries during the violence period in 2007.<sup>140</sup> The program focuses on community organization for social change. The individuals from Mt. Elgon were trained by TTT in another location and sent to the area to engage in peace efforts. Other programs that the Friends church engaged in were Transformative Mediation Program (TMP) which involved what was known as transformative dialogue or inter-ethnic community dialogue.<sup>141</sup>

The Quaker peace efforts faced various barriers. Apart from the insecurity to the peace workers, the transport was very poor in the area. The peace workers had to depend on motorbike transport system. The mountain was usual deeply rutted dirt roads, used by pedestrians, bicyclists, cattle, oxcarts, heavily laden burros, and other motorbikes. Some of the route was extremely steep, and most of it was breathtakingly scenic, with vistas of intensively cropped undulating slopes. The Quaker efforts were well received in Kipsigon, where they were able to do discussions in the yard of a church. The Quaker team held more than 17 peace discussion meetings. Some of the stories that came out of the discussions were pretty stunning, as people told about being driven from their homes, family members being killed, and other stories from the SLDF atrocities.

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<sup>139</sup> Oral interview, Mercy Chebini, Kikai, 27/07/2013.

<sup>140</sup> Oral interview, Silvester Chemiat, Kikai, 27/07/2013.

<sup>141</sup> Oral interview, Helen Makoe, Cheptais, 27/07/2013.

Efforts by the Church to rehabilitate former members of Sabaot Land Defense Force in Mt Elgon District stalled. The members of the Sabaot community also tried but in vain. The Kalenjin elders also began a series of peace meetings aimed at bringing the protagonists together urged the Government to participate in the peace process. The elders who met at Mabanga Farmers Training Centre in Bungoma County said most youth who were members of the SLDF were willing to be rehabilitated but feared arrest and social rejection. The elders urged for unity of, the two former MPs John Serut and Wilberforce Kisiero and requested them to join the elders and resolved to work together to promote peace.<sup>142</sup>

However, they argued that the reconciliation efforts be done at the grassroots to involve locals. The church efforts were joined by the Kalenjin Council of Elders Chairman John Seii who announced that the elders will partner with the Church, Government and other non-governmental organisations to spearhead peace efforts. They requested for more funding of forums aimed at bringing peace and rehabilitation victims. They insisted that the people of Mt. Elgon needed to be given a chance for a fresh beginning. The Kalenjin elders joined hands in the three-day forum that brings together elders from the Sabiny, Koony, Bok, Somek, Bongomek and Ndorobo clans and the neighbouring Bukusu and listened to testimonies from 500 former SLDF members who had escaped from the group.<sup>143</sup>

#### **4.4 Efforts by Global Network of Women Peacebuilders**

Women were never left behind in the peace efforts in Mt. Elgon. When war-ringing communities in Mt Elgon were on the verge of unleashing terror at each other, the women stood the ground and tried to ensure that amicable solution was arrived at. Their relentless, irresistible determination tried to ensure that peace was restored among communities.<sup>144</sup> Although they have not taken credit, they tried to stand out as selfless women but also as women with impeccable credentials. The women dreams were to be ambassadors for the voiceless developed in them when they experienced

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<sup>142</sup> Robert Wanyonyi, "The State Urged to Support Peace Efforts in Mt. Elgon", in *The Standard*, Thursday, April 28th 2011

<sup>143</sup> *Ibid*

<sup>144</sup> Kennedy Kibet, "Selline Korir: Ambassador of Peace", *Global Network of Women Peacebuilders: Kenyan Women*, Issue Number 25: April 2012

violence unleashed on them.<sup>145</sup> One such woman was Selline Korir who always wanted to assist people especially women and children from all walks of life in making their plight known to the world. She wanted the world of men to protect the vulnerable in Mt. Elgon.

In advocating for peace, women exposed themselves to risks of being direct victims of the conflicts and also face death or other forms of retribution by the militia. Their undeterred determination to reach and comforted families that had lost loved ones in ethnic clashes was a tremendous achievement. They listened to the horror stories of mothers whose husbands and children had been killed in the conflict. Despite all these, women still soldiered on in their quest for fostering peace which had proved to be very elusive to communities especially for those living in Mt Elgon.<sup>146</sup> In 2005, what began like a land dispute escalated under the influence of outside political forces into a full scale war leaving hundreds dead and many more displaced. Women found themselves intervening towards this by initiating mechanism that was meant to bring together all stakeholders to address the crisis. When conflict began to build up, many young men who did not join the Sabaot land Defence Force (SLDF) fled leaving their wives to tend their farms.<sup>147</sup> There were reports of rape perpetuated against women by both the SLDF militia and security forces deployed by the Government.

Women began by registering over 600 women who had lost their husbands in the conflict under the umbrella of Rural Women Peace Link a network of grassroots women's organisation working for peace in western Kenya region. They listened to their stories of torture and documented all cases of rape.<sup>148</sup> They interacted with the child-based families in which both parents had been lost in the conflict and with boys and girls forced into militia. They supported widowers whose wives had been killed. When conflict broke out in Mt Elgon, the Government declared it a closed zone, prohibiting any organisation from entering the district. It was in the face of this, that women organised a group dubbed "The multi-sectoral forum of security of women

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<sup>145</sup> *Ibid.*

<sup>146</sup> Oral interview, Benson Kwalia Mustuni, Kopsiro, 28/07/2013.

<sup>147</sup> Oral interview, Gentrix Nangila Simiyu, Kubura, Mt. Elgon, 27/07/2013.

<sup>148</sup> Oral interview, Alice Nyongese, Sesik, friends Church, Mt. Elgon, 26/07/2013.

and children in Mt Elgon”, that brought together all service providers from the region and the neighbouring districts.<sup>149</sup>

Through the program, all the actors from the Ministry of Health to relief providers committed themselves to the plan of remedying the situation of women in Mt. Elgon. The women even organized for the media to cover the situation of women and children in Mt. Elgon. It was through this initiative that for the first time, stories about Mt Elgon ran across all major media for a full month. As if that was not enough, when the region was on a brink sliding into a civil war following the disputed land issues, and men had locked themselves in the houses fearing abduction by the SLDF and the wrath of government security agencies.<sup>150</sup> Some women however, were determined to learn what was going on outside and soon discovered that friends had been forced to take refuge in schools, churches, and makeshift camps. They made it their mission to reduce the suffering by distributing phone cards so the displaced could call loved ones. They rallied local leaders to tend to the killed, wounded, and homeless. They organised the women who had been mistreated into a social force, helping to restore their dignity and confidence while facilitating talks between women from warring factions.<sup>151</sup> However, and despite all this efforts Mt. Elgon still burned in flames.

The women categorically stated that the intervention they made during the Mt. Elgon conflict was not meant for recognition. It was just part of the action they took at that time as a service to humanity.<sup>152</sup> The women recall how they rallied young people, politicians, government officials, media and civil society organisations so that they could keep information on events flowing, and connect the information with those who could save lives in Mt. Elgon. They used their contacts from the Rural Women Peace Link, both inside the camps and outside, passed messages back and forth through their, providing tips on people, including the elderly, trapped inside houses in villages stricken by the violence. They networked with the security teams that they knew to go to locations and save the situation. There were a lot of bodies that had not been buried and the women networked to ensure the families had their dead buried with the Rural Women Peace Link support. Women organized space for the victims to

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<sup>149</sup> Oral interview, Sylvia Tibin, Kubura, Mt. Elgon, 26/07/2013.

<sup>150</sup> Oral interview, Fred Keneroi, Kopsiro, 21/07/2013.

<sup>151</sup> Oral interview, Hillary Kibet, Cheptais, 22/07/2013.

<sup>152</sup> Oral interview, Robin Masai Kimtai, Chepkube, 22/07/2013.

cry, to tell their stories and relieve trauma.<sup>153</sup> They organised all these groups in small corners within the camps at their own risk.

The women and girls narrated their ordeals of being misused and sexually abused by men in the IDP camps, including security personnel. Young women who had just delivered babies were not being well attended to as they had no one to represent them at the food distribution points.<sup>154</sup> Through a radio programme organised by Rural Women Peace Link, people donated necessities to families in the camps. When the situation normalised somewhat, the women formed groups and met weekly to think about life after the camps, including making peace between the rival soy and Mosop clans. Women network became the bridge to take information back and forth from the communities to the camps.<sup>155</sup>

#### **4.5 UNDP's Peace-building and Conflict Prevention Programme and Government of Kenya efforts**

Inter-clan conflicts, forestalling violence and insisting on harmonious living among traditionally same clans of Mt. Elgon was also noticed by the United Nations.<sup>156</sup> The United Nations initiated the UN Volunteer Peace Monitor Program in the region. The program was meant to help in easing tensions in the volatile area, and its volunteers crisscrossed the region preaching peace. Working with the district peace committee, the volunteers traversed the expansive region, being involved in peace initiatives reconciling not only the Sabaot clans but also the Teso, Bukusu and Sabaot communities, as well as intervening in cross-border conflict between Kenyans and Ugandans. Most of the conflict experienced in these areas stems from deep-seated issues that have sometimes lasted generations, and the efforts were to try and see these conflicts solved to ensure peaceful co-existence.<sup>157</sup>

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<sup>153</sup> Oral interview, Christopher Walmalwa, Masaek, 28/07/2013.

<sup>154</sup> Anthony Kipngetch Marucha, "Selline Korir: Ambassador of Peace", *Global Network of Women Peacebuilders: Kenyan Women*, Issue Number 25: April 2012.

<sup>155</sup> Oral interview, Gladys Ngaira, Cheptais, 28/07/2013.

<sup>156</sup> Oral interview, Reverend Edwin Kilong, UN Volunteer Peace Monitor serving the Mt. Elgon region, 28/07/2013.

<sup>157</sup> *Ibid.*

The displaced population in Mt. Elgon represented close to 30% of the district population which at the time stood at about 160,000 people. People took refuge within the district but also in neighbouring districts of Bungoma, Busia and Teso, as well as fleeing across the border to Uganda. At this time of crisis, UNICEF, MSF Belgium and World Vision Kenya joined with the Kenya Red Cross Society and Kenya Government line ministries to deliver much needed food and non-food items to the affected population in the area.<sup>158</sup> UNIFEM, Action Aid, PeaceNet also joined the efforts and supported advocacy and peacebuilding efforts from local faith-based organizations and the Coalition on Violence against Women. Several organizations were also involved in the process of establishing a more robust presence in the area. The Government of Kenya in turn announced full support of peace efforts in the region. A committee from Parliament visited the area as well as the then Minister of State for Internal Security, Mr. John Michuki and the Minister of Lands Mr. Kivutha Kibwana. The ministers requested the two fighting clans to identify teams of 30 people each who could jointly vet the list of the 7,000 applicants for land titles and solve the land dispute without shedding more blood.<sup>159</sup>

Additional to the government effort and concern for victims of the conflict was the visit of the Mt Elgon region by the former First Lady, Mrs. Lucy Kibaki on Tuesday 17th April 2006. Her mission was to reinforce the government efforts in restoring peace and also distribute food, blankets and mosquito nets to the IDPs. However, well-intentioned, the distribution was itself a cause of violence when IDPs at Kopsiro trading centre began fighting for the food. Five people were seriously injured and admitted at Kapsokwony District Hospital.<sup>160</sup> The National Steering Committee on Peace Building and Conflict Management (NSC) was also very active in the peace building efforts in Mt Elgon.<sup>161</sup> The body brings together government, private sector and civil society actors in a bid to consolidate efforts geared towards peace building and conflict management in Kenya and its border states. With support from Pact Kenya under the Kenya Civil Society Strengthening Program (KCSSP), the NSC implemented a capacity-building programme aimed at enhancing the technical

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<sup>158</sup> Report by Humanitarian Support Unit to the Office of the United Nations Resident Coordinator (OCHA-Kenya), April 2007.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> Oral interview, Richard Sankula Male, Chair District Peace committee Chairman, 26/07/2013.

capacity of local peace structures to effectively carry out peace work at the district, divisional and location levels. Part of the programme's activities included the establishment and training of peace committees in Mt. Elgon region. Against the backdrop of conflict that affected the district, the Mt. Elgon DPC and formation of a new DPC in Cheptais came from recommendations of rapid response initiatives to quell conflict outbreak.<sup>162</sup> Several meetings were held at DC's office and chaired by the DC or DO Cheptais whereby they emphasized that the entire Mt Elgon area needed a lot of conciliation and exhorted the purpose of forming peace committees.

Despite substantial efforts to restore peace and security in Mt. Elgon, there was a climate of fear and intimidation with the population being trapped between attacks and counter-attacks from both the Sabot Land Defence Forces and government security forces. Humanitarian workers were also not spared as in early April 2006 a humanitarian volunteer from Action Aid was shot dead by the police for being an alleged Sabot collaborator. The Kenya Red Cross was forced to replace all its local volunteers with non-locals when their impartiality was questioned early in the humanitarian response. The suspicion and distrust between the communities themselves and between them and the authorities presented a serious challenge for the peacebuilding in the area.<sup>163</sup> The SLDF continued with human rights violations. They carried out rape and sexual abuse but with retaliatory threats and other forms of intimidation being made towards victims and their families. Although a lot of efforts were put in place to end the violence, they all seemed to fail.

#### **4.6 The Failed Peace Effort**

As the peace efforts continued, thousands of civilians were being displaced by violence related to land disputes in Mt Elgon, western Kenya. They needed urgent assistance to cope with their new conditions. For instance, about 50 houses were destroyed on 10 December 2007 in three villages in Cheptais division one day after a peace meeting was held in the area.<sup>164</sup> During the peace meeting which had been, chaired by District Commissioner Birik Mohamed, several leaders said little effort had been made to help the displaced, especially those who had sought refuge in

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<sup>162</sup> Oral interview, Milka Kemei Cheptais, 26/07/2013

<sup>163</sup> *Ibid*

<sup>164</sup> IRIN, "Thousands of IDPs in Mt Elgon need help", Nairobi: IRIN, December, 2007

neighbouring districts. “The situation of women and children was especially pathetic, what Mt Elgon needs most is peace, the displaced need to come back home, children will need help to resume learning when schools re-open; this is not possible without peace” said Janepher Mbatiany, an official of the Maendeleo Ya Wanawake Organisation, a national women’s group.

In the meeting the NGO leaders appealed to the government to intervene and stop the destruction of homes and instead go after the fighters in the bush. They condemned the curfew that was imposed in the district saying it was hurting mostly civilians as those caught violating it allegedly were charged KSh 3,000 (US\$50). They wondered what they would do if they had to take a wounded person for treatment. Mr.Chongin, a church leader alleged that security officers destroyed the houses in an operation aimed at flushing out members of the Sabaot Land Defence Force (SLDF), a key player in the year-old land-related conflict that had ravaged the district. He said hundreds of displaced people, who had initially fled violence in their homes in Kopsiro Division, had been caught up in the latest security operations, and become displaced again.<sup>165</sup> The conflict involved two main clans of the dominant Sabaot community. These are the majority Soy clan and the minority Mosop/Ndorobo clan. The violence revolved around disputed government allocation of land to squatters in a settlement scheme known as Chebyuk.

According to the district commissioner, at least 45,000 people were displaced and 132 died in 2006 alone. However, he said although due to peace efforts in some areas the situation was calm, but the district still experienced incidents of insecurity. He added that a series of security operations had been launched, targeting SLDF members, who operated from the bush and had acquired firearms from a neighbouring country.<sup>166</sup> The United Nation was also a key player in the peace efforts that failed. The UN delegation was led by Jeanine Cooper, head of the Kenya office of the UN Office for the Coordination of Humanitarian Affairs (OCHA). Representatives of the UN Children’s Fund (UNICEF), UN Population Fund (UNFPA), UN Development Programme (UNDP), Kenya Red Cross Society (KRCS), Kenya Human Rights

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<sup>165</sup> *Ibid.*

<sup>166</sup> *Ibid.*

Commission, European Union elections observer mission, and the government's National Disaster Operation.<sup>167</sup>

Cooper stated that they were in Mt Elgon to support the peace-building efforts on the ground. He insisted that local partners which were the NGOs and government organizations wished to reinforce and support activities aimed at bringing peace to the district but insecurity was the main challenge as they could not reach the fighters in the forest.<sup>168</sup> Aid workers said security operations had limited access to the vulnerable in the district because violence had increased amid peace efforts but access to those affected had decreased because of the conflict. Reports indicated that shooting was going on daily and the most affected were the innocent civilians who needed protection.<sup>169</sup> The escalation of violence throughout Mt Elgon region worsened as atrocities against humanity continued.

#### **4.7 SLDF Atrocities and the Military Intervention**

The rebels of Sabaot Land Defence Force were responsible for horrific abuses, including killings, torture and rape of civilians, during armed conflict in the Mt. Elgon area of western Kenya.<sup>170</sup> The Sabaot Land Defence Force (SLDF) was an armed group formed in 2005 to resist government attempts to evict squatters in the Chebyuk area of Mt. Elgon district. It killed over 600 people and terrorized the local population through physical assaults and threats, and the seizure and destruction of property. Worsening of the conditions surrounding the civilian life made the government to deploy the army to suppress the violations in the region.<sup>171</sup> The Kenyan army was deployed in March 2008 to quell the insurgency. Local residents initially welcomed attempts to deal with the rebellion but later some residents accused the army for pursuing a strategy of rounding up all the adult males in the district. The people of Mt. Elgon were victimized, by the rebel militia which committed hideous crimes and people welcomed the army to deal with it.<sup>172</sup>

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<sup>167</sup> Oral interview with a Government Official at the DC office Kapsokwony, 25/07/2013

<sup>168</sup> *Ibid*

<sup>169</sup> Oral interview, Peter Ndung'u, aid worker in Mt. Elgon, 23/07/2013

<sup>170</sup> Human Rights Watch, "Sabaot Land Defense Force Committing Atrocities Against Humanity", 2007

<sup>171</sup> Oral interview, Violet Chemtai, Kikai, 24/07/2013

<sup>172</sup> Oral interview, Gladys Ngaira, Cheptais, 24/07/2013

SLDF troops broke into homes, kidnapped men at gunpoint, and told the women that they won't see their men again. Many of them had not seen their husbands to the period when this research was being carried out. Some women learned about the fate of their husbands when they were given piles of the clothes their husbands were wearing during the period of abduction. James Chesame described his experience as an SLDF captive;

“I was a sleep in my house when they came and broke in. They had guns and torches staring at me. They stated beating me after which they rounded up my cows. They took me to the bush where they tied me by my feet to a tree, my head hanging down. There were others hanging also. They beat me and told me that they were going to kill me if I don't surrender all your possessions including my land. I agreed to surrender to save my life. They then cut off my ear as a mark then they made me eat it. They released me to go back home. It was an experience that I do not wish to remember.”<sup>173</sup>

On some occasions the male captives were beaten to death. The SLDF troops could hold the legs of male prisoners' apart and smash their private parts with a club. Some were falling unconscious while some died.<sup>174</sup> Many of the young men were maimed in 2007 because they refused to join the SLDF or because they supported political parties opposed to SLDF candidates. Numerous people had had their ears cut off by the SLDF and women beaten by members of the SLDF searching for their husbands. On some occasions the SLDF striped women naked and beat them in front of their husbands as a warning to the husbands not to stand for the party which SLDF was opposed to. Men who were abducted were forced to have sex with each other.<sup>175</sup> Many young men who did not join the SLDF fled the area, leaving their wives to tend their farms. There were incidents of rape of men and women by members of the SLDF. The sexual violations become a routine for more than two years before the military intervened.

Before the military moved in the Mt. Elgon region, many victims were too scared to report violations to the police because the SLDF explicitly warned all their victims

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<sup>173</sup> Oral interview, James Chesame, Kaptama Area, Mt. Elgon, 25/07/2013.

<sup>174</sup> Oral interview, Rose Nakhumicha, wife to a primary school teacher who was killed, 19/06/2013.

<sup>175</sup> Oral interview, Francis Ruree, Chepkurkur, 23/07/2013.

not to go to the police or seek hospital treatment.<sup>176</sup> Several cases of sexual violence were not being documented as victims feared for their security. Women were victims of gang-rape for long periods while in the custody of SLDF. Homes were set on fire and livestock, money, and land were taken by the SLDF at gunpoint. The actions of SLDF left many people to relocate to towns further down the mountain where they lived as destitute since their land and their livelihood was taken away by SLDF. Residents argued that although they had title deeds, but the SLDF had guns. The residents had no option but to leave SLDF with the land.<sup>177</sup>

SLDF enforced unlawful killings in the Mt Elgon region as a strategy of instilling fear in the local residents. The mortuaries of Webuye and Bungoma in districts neighboring Mt. Elgon were full of bodies of men brought by police from Mt. Elgon. The bodies showed obvious visible signs of torture such as welts, bruising, swollen faces, broken wrists and rope burns around the wrists.<sup>178</sup> When the bodies were identified by the kin, they were collected without post-mortem and the relatives were advised to swear an affidavit stating, that they did not intend to lodge any complain because they feared the SLDF wrath.<sup>179</sup> It was a common practice to search for relatives in mortuaries particularly for the missing men if they were lucky to be found by the police. The Daily Nation newspaper on March 27 reported how bodies had been dumped in the forest and later transferred to mortuaries.<sup>180</sup>

The atrocities committed by the SLDF, included killings of civilians, torture, extortion and rape. Throughout the period the civil police authorities were unable to deal with the situation because SLDF seemed to have more powerful weapons as compared to the police.<sup>181</sup> The SLDF set up its own administration in the Mt. Elgon area. It destroyed property and taxed the local residents. The SLDF did not respect the fundamental principles of international humanitarian law (the laws of war). Although not a signatory but the rebel militia in Mt. Elgon district was obliged to respect Common Article 3 of the four Geneva Conventions of 1949, the Second Additional

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<sup>176</sup> Human Rights Watch, *ibid.*

<sup>177</sup> Oral interview, Susan Kalama, Kaptama Mt. Elgon, 17/06/2013.

<sup>178</sup> Oral interview, Paul Wangusi, mortuary attendant in Bungoma, 22/07/2013.

<sup>179</sup> *Ibid.*

<sup>180</sup> The Daily nation Reporter, "Mt. Elgon Conflict: More Bodies Found in the Forest", *The Daily Nation Newspaper* on March 27, 2007.

<sup>181</sup> Oral interview, Peter Wanundu, Chwele Town, 23/07/2013.

Protocol of 1977 to the Geneva Conventions (Protocol II) which was ratified by Kenya, and customary international humanitarian law.<sup>182</sup> This law requires the humane treatment of all persons taking no active part in hostilities, prohibits deliberate or indiscriminate attacks on civilians, and prohibits the destruction of property indispensable to the survival of the civilian population. Serious violations of the laws of war carried out intentionally or recklessly are war crimes.<sup>183</sup>

International human rights law also applies in Mt. Elgon, particularly regarding the detention and treatment of individuals by SLDF forces. The use of torture is prohibited at all times. Whether the actions are by a militia or security operation, every party must respect the right to life of all citizens. Even if those killed are responsible for crimes, and it is not clear that they are, they should be tried in a court, not summarily executed or beaten to death.<sup>184</sup> The international humanitarian law requires that all parties to conflict must respect the lives of civilians, the wounded and the dead bodies. SLDF did not allow the people to bury their dead family members which are against the Geneva Convention on respect for dead bodies.

The convention requires that all parties to conflict must respect the dead. The obligation to take all possible measures to prevent the dead from being despoiled (or pillaged) was first codified in the 1907 Hague Convention.<sup>185</sup> It is now also codified in the Geneva Conventions.<sup>186</sup> It is also contained in Additional Protocol I albeit in more general terms of respecting the dead, which includes the notion of preventing the remains from being despoiled. The obligation to take all possible measures to prevent the dead from being despoiled or the prohibition of the despoliation of the dead is set forth in numerous military manuals hence it's more of a requirement of all parties to conflict. The despoliation of dead bodies is an offence under the legislation of many States and when the SLDF started engaging in burning of dead bodies, it was a sign that they could not be entertained any more.

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<sup>182</sup> Geneva Convention, 1949, Second Additional Protocol of 1977.

<sup>183</sup> *Ibid*

<sup>184</sup> *Ibid*

<sup>185</sup> Hague Convention (X), Article 16 (cited in Vol. II, Ch. 35 and 125)

<sup>186</sup> First Geneva Convention, Article 15, first paragraph (*ibid.*, and 126); Second Geneva Convention, Article 18, first paragraph

All parties to conflict are prohibited by these conventions of despoliation of dead bodies. The prohibition of mutilating dead bodies in armed conflicts is covered by the war crime of committing outrages upon personal dignity under the Statute of the International Criminal Court, which according to the Elements of Crimes also applies to dead persons. Many military manuals prohibit the mutilation or other maltreatment of the dead. Mutilation of the dead is an offence under the legislation of many States. Apart from what is mentioned above, the obligation to take all possible measures to prevent the dead from being despoiled in non-international armed conflicts is set forth in Additional Protocol II.<sup>187</sup> In addition, this obligation is contained in other instruments pertaining also to non-international armed conflicts.

Article 17 of the First Geneva Convention is concerned specifically with the burial of the battlefield dead. The bodies are to be examined, preferably by a person with medical skills, so as to confirm death. Burial is to be, where possible, in individual graves. The idea is that individual graves would be more consistent with the general requirement that the dead be respected, and also that individual burial would make subsequent exhumation easier. The requirement, however, is not absolute.<sup>188</sup> Climate, sanitation, and hygiene may make mass burial the only proper action. The remaining half of the double identity disk must remain with the body. Cremation is prohibited except where it is based on the religion of the deceased or where imperative reasons of hygiene justify cremation.<sup>189</sup>

The manner in which the parties to the conflict in Mt. Elgon were conducting hostilities remained alarming before the military intervention. No regard was being paid to the population as the hostilities intensified. Attacks were causing a very high number of casualties amongst civilians in Mt. Elgon. It seemed as if the parties to the conflict were not taking measures to fully comply with the international humanitarian law. The rules and principles of international humanitarian law applied to all parties to the armed conflict in Mt. Elgon, and imposed restrictions on the means and methods of warfare that they were using. The ICRC repeatedly reminded the parties that they must at all times distinguish between civilians and persons directly participating in the

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<sup>187</sup> Additional Protocol II, Article 8 and 130 which was adopted by consensus

<sup>188</sup> Yves Sandoz, Christophe Swinarski, Bruno Zimmermann (eds.), *Commentary on the Additional Protocols*, ICRC, Geneva, 1987, p. 446

<sup>189</sup> Elements of Crimes for the ICC, Definition of committing outrages upon personal dignity as a war crime (ICC Statute, Footnote 57 relating to Article 8(2)(c)(ii)) (cited in Vol. II, Ch. 35, and 65).

fighting.<sup>190</sup> With the escalation of the fighting, an increasing number of casualties were left behind owing to the life-threatening risks associated with the retrieval of the wounded and the dead. International humanitarian law requires that dead bodies be treated properly and with respect.<sup>191</sup>

The parties to the conflict must take all feasible measures to evacuate the dead and the wounded without delay but the SLDF did not in any occasion do this. The reality on the ground did not reflect these obligations. The death of many people across Mt Elgon also overstretched the capacity of many morgues and hospitals in Bungoma town and Kitale, which were left struggling for material resources and technical expertise.<sup>192</sup> Moreover, families were expected to be properly informed and the bodies of those who died in SLDF custody be returned to relatives. While the members of SLDF might have had grievances against the state and each other, they fighters in the conflict were required to respect the rights guaranteed by the Kenyan constitution and international instruments to which Kenya is a state party. These rights include freedom from arbitrary detention, the right to have access to the captured by the humanitarian organizations and the right to life. At all times, the prohibition on the use of torture and inhuman and degrading treatment is absolute.

There was an urgent need to end the conflict and put in place credible early warning system that could also prompt pro-active advocacy to pre-empt new clashes and consequent crises. The government was left with no option other than establishment of a rapid response mechanism to prevent further conflict. Effective solutions to the government were to deploy the military to assist the civil police which had failed to stop the conflict. This was the most common reaction by the government. To deploy security forces to the area to create a short term solution while putting in place mechanisms to address the underlying causes that continued to simmer and erupt occasionally.

#### **4.8 The Operation *Okoa Maisha* (Operation save Life)**

In response to the escalating violence in Mt. Elgon, the Government of Kenya in early March 2008 authorized the military to intervene and stop the killings and restore

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<sup>190</sup> Yves Sandoz, Christophe Swinarski, Bruno Zimmermann (eds.), *Commentary on the Additional Protocols*, ICRC, Geneva, 1987, p. 446

<sup>191</sup> *Ibid.*

<sup>192</sup> Oral interview, Francis Ruree, Chepkurkur, 23/07/2013.

peace and order. This operation was authorized after the Internal Security operation led by the police and codenamed Operation *Tafuta Amani* failed to achieve the intended objective<sup>193</sup>. The Kenyan army launched an operation dubbed *Okoa Maisha* (save life) targeting the Sabaot Land Defence Forces (SLDF) which was accused of carrying out an increasing number of attacks on villages, killing people, stealing cattle and destroying homes. Upon deployment the military immediately sealed off Mt Elgon region from the media, the Red Cross and other humanitarian agencies and human rights organizations from accessing the region. The operation started on the 10<sup>th</sup> of March was meant to restore order and peace in the region. During the press briefing on the 14 of March 2008, the Police Spokesman outlined the mission of Operation *Okoa maisha* as to arrest and bring to justice persons responsible for the crimes committed in Mt Elgon area, recover all illegally held firearms, create an enabling environment for the population to cooperate with the Police in the investigation of serious crimes reported without fear of retribution, prevent commission of further crimes in the area and restore law and order in the region.<sup>194</sup>

This operation resulted in the death of SLDF Deputy Leader and Military Commander Mr. Wycliffe Kirui Matakwei on 16 May 2008 and the execution or imprisonment of other high ranking SLDF commanders, quickly followed by a vaporization of SLDF in the late spring of 2008. Operation *Okoa Maisha* was carried out by over 400 members of security forces composed of the military, the Kenyan police, the general service unit, the administrative police and the anti-stock theft police. The military set up a troop control base at Kapkota where all the operations were coordinated. According to government figures, a total of 3,265 persons were detained in Kapkota military camp, out of which 2,187 were released after questioning.<sup>195</sup> When the operation ended, the leaders and members of SLDF had been identified and arrested. The people of Mt Elgon returned to rebuild their shattered lives. They were appreciative of the efforts made by the Army to rid them of the SLDF menace that had dogged them for so long. Severally, they came out in demonstration in support of the military operations, insisting that the security forces should stay on and even

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<sup>193</sup> Kenya Human Rights Commission: "Mountain of Terror " KHRC Report 2008, P.4.

<sup>194</sup> Kiraithe Eric, Police Press Brief on 5<sup>th</sup> April 2008.

<sup>195</sup> Isura Christopher, 300 still missing 3 years after operation "Okoa maisha" in Mt. Elgon, also available at: <http://westfm.co.ke/index-page-news-bid-3728.htm#ixzz2cn3nYPXf>  
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establish a permanent base in the region and take part in the post-conflict reconstruction of the region's dilapidated infrastructures (Fig.2).<sup>196</sup>Owing to the community demand, the government agreed to set up a military base in Kapkota to serve as deterrence to future conflicts, and from where the military could operate in their routine post-reconstruction tasks.



**Fig. 2. Mt. Elgon residents demonstrating against orders to withdraw the military from the conflict region.**

*Source: Documentary picture: "The Making of a Militia" Documentery, dated 24 October 2008*

#### **4.9 Conclusion**

The findings presented in this chapter indicate that several peace efforts were initiated in Mt. Elgon. Although the efforts produced a number of beneficial results, they did not manage to stop the atrocities that the warring parties committed. The peace work in Mt. Elgon never ended the conflict. Conflicts, some deadly, still occurred and the programs were concentrated in about one third to one-half of the community. There was need to reach every individual in the district but it was impossible because of the conflict. As the conflict escalated, the government was left wondering on how could it bring and reinforce peace in Mt. Elgon. By the first half of 2008, the Mt. Elgon area of western Kenya was decimated. The region had suffered more than two years the reign of terror visited upon the region by the Sabaot Land Defense Force (SLDF) militia. Thousands of people had fled their mountain homes, most of which no longer

<sup>196</sup> The Government of Kenya, [http://www.mod.go.ke/army/?page\\_link=okoa%20maisha](http://www.mod.go.ke/army/?page_link=okoa%20maisha)

had existed. The diaspora lived in Internally Displaced Persons (IDPs) camps or found temporary shelter wherever they could outside the area. Hundreds of residents were dead, numerous were physically injured, virtually all were traumatized forcing the government to resolve in use of the military.

## **CHAPTER FIVE**

### **THE KENYA DEFENCE FORCE IN MOUNT ELGON PEACE-BUILDING AND POST-CONFLICT RE-CONSTRUCTION EFFORT**

#### **5.1 Introduction**

Increasingly complex post-conflict operations require joint efforts of a variety of actors which to a larger extent include the military, the state and non-governmental organizations (NGOs). In Mt. Elgon, these different entities had different responsibilities and comparative advantages in the post-SLDF conflict stabilization, rehabilitation, and reconstruction and development operations. Their actions are essential and ought to be well documented yet, in most cases the military story is never told. The silence on what the military have achieved in any post-conflict reconstruction often impedes the efficient passing of knowledge on key players in conflict management. For example, most scholars tend to focus on the development projects that are long-term, and the military usually work on short-term containment issues. Therefore, the overall objective of this chapter is to create a dialogue surrounding the military involvement in peace, conflict resolution and post conflict reconstruction in Mt. Elgon. The specific objective of this chapter is to research and identify the roles played by the members of the Kenya Defense Forces in the post-conflict reconstruction in Mt. Elgon.

This chapter starts by giving descriptions of the elements of constitutionalism and of post-conflict reconstruction which are intended to assist in understanding why the military took a leading role in the reconstruction of Mt. Elgon. While all of the elements are essential in effective post-conflict reconstruction, those that are a greater immediate priority are at the top of the list of priority. Each item must be considered within the context of reconstruction efforts from both internal and external actors. Interaction between the local community and the military is an important part of post-conflict reconstruction but may bring with it certain challenges to the process. A review of scholarly writings reveals there are gaps in the field of military involvement in post-conflict reconstruction operations and peace-building missions in Kenya. The gaps primarily exist in the following three areas. First and foremost, how were the

Kenya Defence Forces effectively involved in the interagency and sometimes intergovernmental process of conducting such operations as post-conflict reconstruction? Second, with the increased reliance on and use of Kenyan military in internal conflict and enshrined in the constitution, how has their involvement in these largely non-kinetic operations affected the lives of civilians? Finally, the issue of whether or not the Kenyan military should even be involved in peace-building and post-conflict operations needed to be further addressed. These identified gaps were the primary focus of this chapter.

## **5.2 Constitutionality of the Kenyan Military Intervention in Mt. Elgon**

Military intervention to restore law and order is a very noble idea but it is important also to regulate their behavior.<sup>197</sup> From this chapter's point of view, it has become clear that the Kenyan military played a crucial role in Mt Elgon. If human beings are not monitored, they easily violate the laws of the land. This violation is also extended to their internal constitutions when they are regarded as being limiting or threatening to the augmentation and preservation of their power interests. This section therefore analyses the extent to which the Kenyan military subscribed to the Kenyan constitution during their interventions in the Mt Elgon conflicts. The constitutionality of the interventions and the effectiveness of the parliaments of Kenya in facilitating the military is a very important point of consideration. This is crucial because the military, as the coercive institution of the state, cannot be left to generals and president of Kenya alone.<sup>198</sup>

While the military is a state institution which is equally important, the security of the civilians is even more critical and like other state institutions it should not escape public scrutiny. It is imperative that the civilian leadership, and most importantly parliament, must be closely involved in matters related to security. The parliamentary oversight and scrutiny of the military is therefore critical in any state. It is also important to note that prior to the launch of the Mt. Elgon military intervention, the then old Kenyan constitution was in play and was silent on the military intervention

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<sup>197</sup> John Locke, "Two Treatises of Government": In Peter Laslett, ed. Cambridge texts in the *History of Political Thought*, Cambridge: Cambridge University Press, 1991, pp. 355-6.

<sup>198</sup> Mwesiga Baregu, "Parliamentary Oversight of Defence and Security in Tanzania's Multiparty Parliament": In Len Le Roux, Martin Rupiya and Naison Ngoma ed. *Guarding The Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC*, South Africa, Pretoria: Institute for Security Studies; 2004.

into domestic conflicts save for the requirement for the KDF to perform its secondary role when called upon to assist the internal security forces in situations beyond their capability, to maintain law and order. The Kenyan concept of developing a new State constitution and subsequent implementation, limits the arbitrariness of political power. While the concept recognises the necessity of government, it also insists upon limitations placed upon its powers.<sup>199</sup> In essence, constitutionalism is an antithesis of arbitrary rule. For the Kenyan military to function effectively, they needed to operate within a constitutional framework.<sup>200</sup>

The constitution of Kenya sets the rules and powers of the governors and the rules of the political game. The constitution forms the crucial aspect in this case as a rule-binding instrument. Similarly, it is worth mentioning that the Kenyan parliament played a central role in the military intervention in Mt Elgon. Legislatures are the most important organ of the state. The parliament has the power of and the right to direct how the military force is employed to preserve territorial integrity and security of the state. It discussed the Mt. Elgon security issue and assessed security policies and approved the deployment of the military.<sup>201</sup> The study brings to the fore the sanctity of parliament and constitutionalism aspect in this decision making process because, the state is the only organisation in society with a legitimate monopoly of force. This is delegated to the military and the military must therefore be accountable to the democratic and legitimate authority. As an instrument of national power, the Kenyan military was required to conduct its activities within the confines of the nation state, hence the reason that the parliament must sanction its activities.

In society, the issue of human rights has become an essential requirement for democratisation and good government. This conditionality has equally elevated the role of parliament more than ever to ensure their protection particularly after the dictatorial regime of Daniel arap Moi. Inevitably, this has made parliamentary oversight organ over the security apparatus of the state including prevailing over the military to respect sanctity of life and desist from acts which may violate human

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<sup>199</sup> Nwabueze, B.O., *Constitutionalism in the Emerging States*, London: C. Hust and Company; 1973, p. 2.

<sup>200</sup> Rod Hague, Martin Harrop and Shaun Breslin, 3rd ed. *Comparative Government and Politics: An Introduction*, London: Macmillan Press LTD, 1993, p. 261.

<sup>201</sup> Melvyn Read, "The Place of Parliament", in Ian Budge and David McKay 3rd ed. *The developing British Political System: the 1990s*, London: Longman Group UK Limited, 1993.

rights as they whenever deployed in armed conflict environment. The military as a disciplined force must have controls within its institutional chain of command to ensure adherence to the Law of the Armed Conflict (LOAC) and avoid lest they degenerate into an instrument of torture to the innocent civilians.<sup>202</sup> The institutionalization of these measures in the Kenyan constitution and empowering the parliament with requisite authority over military deployment enabled the military to operate in the Mt Elgon land conflict within the confines of the law to a successful completion of the mandated mission.

### **5.3 Legality and justification of Kenya Defence Forces intervention in Mt Elgon conflict**

The Kenya Defence Forces intervention in the SLDF conflict was much informed by the roles enshrined to the Kenyan Defence Forces by the constitution. Under the old constitution, the primary role of the military was the responsibility of providing defence and protection of sovereignty and territorial integrity of the Republic. Further as a secondary role, the military could be called upon to intervene in internal security matters as and when the mandated internal security machinery are unable to effectively deal with the threat. Similarly, the military is mandated to provide Civil-Military assistance to civil authority in matters related to community development project as well as provision of assistance in major national disasters and emergencies. Owing to the magnitude of the SLDF atrocities committed in Mt Elgon, it was apparent that the internal security forces deployed to address the situation was far much outmatched by the SLDF in terms of weaponry superiority and guerilla tactics which the police and other internal security agents are not trained to handle. The deployment of the KDF was in response to the National Security Council requirement for the military to secure an entry point into the conflict under its secondary role to restore peace and security in the region.

The Kenya Constitution enacted in 2010 further elaborated the KDF roles as stipulated in Kenya Gazette Supplement Act of 2012. Under the Supplement Act Part

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<sup>202</sup> Willibrod Peter Slaa, "Challenges for the SADC Parliamentary Forum: Experience and Contribution": In Len Le Roux, Martin Rupiya and Naison Ngoma ed. *Guarding the Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC*, Pretoria South Africa: Institute for Security Studies; 2004, p. 26.

2 – Constitution, Structure, Command and Administration of the Defence Forces states as follows:

“An Act of Parliament to provide for the functions, organization and administration of the Kenya Defence Forces pursuant to article 232 and 239(6) of the Constitution to give effect to article 241 and other relevant articles to provide for the disciplinary matters, and for connected matters.” Para 6(1) states that; “pursuant to article 241(1) Of the Kenya Constitution, the Defence forces consists of the Kenya Army, Kenya Air Force and Kenya Navy”. The functions of the Kenya Defence Forces under para 8 of article 241(3) of Kenya constitution stipulates that the role of the Defence Forces will be as follows:

- a) Shall be responsible of the defence and protection of the sovereignty and territorial integrity of the Republic.
- b) Shall assist and cooperate with other authorities in situation of emergencies or disaster and report to the National Assembly whenever deployed in such circumstances and;
- c) May be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly”<sup>203</sup>

In conjunction with (b) and (c) above, the 2010 constitution gave the military explicit mandate to be deployed in such situations and ordered to carry out post-conflict or post-emergency reconstruction tasks in aid to the civil authorities due to immense capability and resources endowed with the Defence forces. The case of Mt Elgon conflict intervention though sanctioned by the constitution of the time was a sacrosanct mission because the constitution provided for the KDF participation in such conflict beyond the capability of the internal security mechanism. In this context the legal existence and continued participation in post-conflict reconstruction tasks by the KDF in Mt. Elgon region is further embedded in the 2010 constitution, as stated in the above Gazette Supplement Act of September 2012.

#### **5.4 Elements of Post-Conflict Reconstruction that Kenyan Military had to Consider**

The period following any armed conflict often reflects much of the danger and confusion witnessed during the conflict itself. At this time, it is crucial that a state

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<sup>203</sup> Kenya Gazette Supplement Act dated 14 September 2012.

develops and implements the means of ensuring for its citizens safety from internal and external threats. Moreover, there must be a level of security sufficient to allow the resumption of economic activities and the recovery of other societal functions.<sup>204</sup> The responsibilities inherent in establishing the rule of law, providing an effective police force and carrying out judicial responsibilities are frequently confounded by border security issues, managing disarmament and demobilization, safeguarding infrastructure, dismantling oppressive government and militia institutions, and responding to emergencies, not to mention the challenges involved with containing emerging internal conflicts and rogue policies which might have led to conflict.<sup>205</sup>

Rebuilding a system of governance following a debilitating armed conflict is essential for the transition toward a functional society. At the very least, the system of governance Mt Elgon must provide security for it's for citizens, establish the means of expediting political decisions in an acceptable manner, and develop appropriate mechanisms and resources to operate.<sup>206</sup> Furthermore, an emerging or re-established system of justice in the region had the added responsibilities of protecting basic human rights while providing basic services and oversight in rebuilding the institutional and infrastructural elements necessary for the Mt Elgon society to function, all the while establishing its own legitimacy to its people.<sup>207</sup> It should be noted that the conflict in Mt. Elgon was a sought of people contesting the legitimacy of the Nairobi government. Legitimacy tied to land or property, however, may be destabilizing, as was the case in Mt Elgon.

The armed conflict in Mt. Elgon disrupted or destroyed the physical elements of a Mt Elgon society. Transportation systems such as roads, bridges water and water treatment facilities were destroyed. This meant that the means of basic sanitation needed to be entirely rebuilt. Early, dedicated efforts at reconstructing such infrastructure were essential to providing basic service to the citizens of Mt Elgon

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<sup>204</sup> Adedeji Ebo and Laura Mazal, *Small Arms Control in West Africa*, West Africa Series no. 1 , 2003, p. 10.

<sup>205</sup> Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed at Dakar, 21 December 2001.

<sup>206</sup> Barkat, Sultan and Steven A. Zyck, "The Evolution of Post-conflict Recovery," *Third World Quarterly* Vol. 30, No. 6, 2009, pp. 1069-86.

<sup>207</sup> Brooks, Doug and Matan Chorev, *Ruthless Humanitarianism: Why Marginalizing Private Peacekeeping Kills People*, New York: Routledge, 2008.

while jump starting economic functions within the region.<sup>208</sup> Economic restructuring is vital to the survival of a society's population. Economic reconstruction efforts in Mt Elgon ensured that people had to go back to their farms to work and were able to provide for their families. While engaging the public in pursuing legitimate economic activity and allowing resuming government activities that ultimately will rely on effectively reestablishing government institutions, emerging or reconstructed governments' offices which must be careful to address the consequences of illegal or underground economic activities which could threaten the fragile peace.<sup>209</sup> Furthermore, the government had imposed a curfew on Mt Elgon. Outside efforts such as peace dividends were to be encouraged by lifting the curfew, relaxing economic sanctions or charitable contributions was necessary to economic growth.<sup>210</sup>

Reconstructing a disrupted social fabric following a conflict is imperative to a society's survival. In Mt Elgon, the military tried to identify human and cultural resources which needed to be identified and protected as society rebuilds. The conflict disrupted social and cultural institutions which included major elements of educational systems (schools, teacher education), arts, media, and religious organizations. Social groups, particularly those most impacted by conflict, were often severely weakened during the conflict and consequently needed the tools and resources appropriate for reintegration into an established social structure.<sup>211</sup> Success in this capacity in Mt Elgon required simultaneous efforts in improving and expanding civil liberties, reconstructing government and economic functions, security provisions and infrastructure. Furthermore, the means of facilitating reconciliation among the people of Mt Elgon social and cultural groups was critical to an enduring peace.

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<sup>208</sup> Barkat, Sultan and Steven A. Zyck, "The Evolution of Post-conflict Recovery," *Third World Quarterly* Vol. 30, No. 6, 2009, pp. 1069-86.

<sup>209</sup> Baumann, Andrea Barbara, *Clash of Organizational Cultures*, Royal United Services Institute Journal, December, 2008, Vol. 153, No. 6. 71.

<sup>210</sup> Oral interview, Alex Cheptot Ndiema, Kipsigon Mt. Elgon, 25/07/2013.

<sup>211</sup> Brown, Seyom. 2003. "The Illusion of Control: Force and Foreign Policy in the 21st Century," Washington, D. C.: The Brookings Institution, 2003.

## **5.5 The Pillars of Post-Conflict reconstruction that the KDF Considered in Mt. Elgon**

The Mt. Elgon communities emerged from conflict under differing and unique conditions. The priority, precedence, timing, appropriateness, and execution of tasks by the KDF therefore varied from other regions considering that the KDF was a militia group that was attacking its own people. This section outlines the range of tasks that were initiated by the Kenyan military when rebuilding the Mt. Elgon society in the wake of violent conflict.<sup>212</sup> The KDF efforts were designed to help indigenous people in the region. While it is generally understood that reconstruction often takes place at various times during and after conflict, the argument in this section places the KDF tasks between the cessation of violent conflict and the return to normalization. While primary responsibility for reconstruction must lie with indigenous actors, the military intervention in Mt. Elgon was often critical during the early stages of post-conflict transition. Not surprisingly, initial response was often characterized by military intervention for basic security, stability, and emergency services.<sup>213</sup> The second phase, transformation, focused on developing legitimate and sustainable indigenous capacity, often with special attention to restarting the economy, establishing mechanisms for governance and participation, and securing a foundation of justice and reconciliation.<sup>214</sup> The final phase was fostering sustainability, consolidating long-term recovery efforts.

The Kenyan military role in Mt. Elgon post-conflict reconstruction was organized around four distinct issue areas, or pillars namely the security, justice/reconciliation, social/economic well-being and governance participation.<sup>215</sup> Security addresses all aspects of public safety, in particular establishment of a safe and secure environment and development of legitimate and stable security institutions. Security encompasses the provision of collective and individual security, and is the precondition for achieving successful outcomes in the other pillars. In the most pressing sense, it concerns securing the lives of civilians from immediate and large-scale violence and

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<sup>212</sup> Center for Strategic and International Studies, *Post- Conflict Reconstruction*, Washington DC: the Better World Fund and the William and Flora Hewlett Foundation, May, 2002, pp. 1-4.

<sup>213</sup> Jordan Schwartz, Shelly Hahn and Ian Bannon, *The Private Sector's Role in the Provision of Infrastructure in Post-Conflict Countries: Patterns and Policy Options*, Washington, DC: World Bank, 2004.

<sup>214</sup> *Ibid.*

<sup>215</sup> Oral interview, Engineer Battalion demining troops Commander Capt K, 20/04/2013.

the restoration of territorial integrity.<sup>216</sup> While justice and reconciliation addresses the need for an impartial and accountable legal system and for dealing with past abuses; in particular, creation of effective law enforcement, an open judicial system, fair laws, humane corrections systems, and formal and informal mechanisms for resolving grievances arising from conflict. These tasks encompass the provision of mechanisms to redress grievances, exact appropriate penalties for previous acts, and build capacity to promulgate and enforce the rule of law.<sup>217</sup> Incorporating the concept of restorative justice, they include extraordinary and traditional efforts to reconcile ex-combatants, victims, and perpetrators.

Social and economic well-being addresses fundamental social and economic needs of the people of Mt. Elgon. In particular provision of emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, and initiation of an inclusive, sustainable development program.<sup>218</sup> Often accompanying the establishment of security, well-being entails protecting the population from starvation, disease, and the elements. As the situation stabilized, attention shifted from humanitarian relief to long-term social and economic development which will act as a barrier to return to conflict. Governance and participation addresses the need for legitimate, effective political and administrative institutions and participatory processes. In particular, it involved establishing a representative constitutional structure, strengthening public sector management and administration and ensuring active and open participation of local people and civil society in the formulation of government and its policies. Governance involved setting rules and procedures for political decision-making, and delivering public services in an efficient and transparent manner. Participation encompasses the process for giving voice to the population through the development of civil society that includes the generation and exchange of ideas through advocacy groups, civic associations, and the media.<sup>219</sup> There were several cross-cutting tasks inherent in post-conflict reconstruction that the military engaged in. They began by initiating the “Quick impact projects” in the region.

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<sup>216</sup> Center for Strategic and International Studies, *Post- Conflict Reconstruction, Ibid.*

<sup>217</sup> Center for Strategic and International Studies, *Post- Conflict Reconstruction, Ibid*

<sup>218</sup> Oral interview, Engineer Batallion demining troops Commander Capt K, 20/04/2013

<sup>219</sup> Center for Strategic and International Studies, *Post- Conflict Reconstruction, Ibid*

## 5.6 Quick Impact Projects Established by the Military in Mt. Elgon

In any post-conflict society quick impact projects are very essential in stabilisation. Quick Impact Projects(QIPs) are those projects developed and managed within the framework of a broader programme of stabilisation activities. Quick Impact Projects are not the stabilisation programme, but may support aspects of stabilisation. Stabilisation and quick impact projects programmes should support, or at the very least be de-conflicted with, the full range of stabilisation work, the legitimacy of the host community and the efforts of peace actors.<sup>220</sup> Where sustainability is important, then the quick impact projects should address the issue of recurrent costs these provide direct support to conventional stabilisation objectives through the protection of people and critical security, political and economic institutions and facilities. They should focus on key elements of security, political processes, economy and infrastructure where the primary effect of a project is likely to be direct and immediate through protecting people and critical institutions and creating the conditions necessary for sustainable development to begin.<sup>221</sup> Quick impact projects should directly support a goal on a critical path to stability hence their name.

The Kenya Defence forces were called upon in Mt. Elgon to do the important job of providing a safe and secure environment in which other post-conflict re-constructors could operate. If security is too bad for civilians to be present, no post-conflict activity can take place. The Mt. Elgon condition was worse as the SLDF engaged in committing atrocities against civilians. The KDF was then tasked to carry out activities beyond their core function of protecting the international borders, but their operation was kept to a minimum in both scope and time so as to ensure that too much force is not applied on the civilians that they were meant to protect.<sup>222</sup> There are some stabilisation and reconstruction tasks for which the military have specific skills, assets and capabilities to deal with. The conditions that sanction such tasks include, when there is a gap which cannot be filled by another actor apart from the military, where the military involvement adds value for the recipient community, where the military operation is acceptable to the local population and culture, when the military

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<sup>220</sup> DFID, *Stabilisation Quick Impact Projects – QIPs: Tools for Development: A handbook for those engaged in development activity*, London: DFID, 2003.

<sup>221</sup> Otieno, C et al, *Valley of Conflicts: Analysis of Conflict, Threats and Opportunities for Peace in the Rift Valley and Mt Elgon Regions of Kenya*, Saferworld and Peace-Net for DFID, 2009.

<sup>222</sup> Mott MacDonald, "Provision of Infrastructure in Post-Conflict Situations," London: Government of Great Britain, Department for International Development, 2005

operation is planned in such a way to support other assistance efforts in a post-conflict society and where the military has a specific comparative advantage over other factors.<sup>223</sup>

### **5.7 The KDF in Stabilization and Post-Conflict Peace Support Operations**

QIPs are usually planned in post-conflict situations, where the military have a peace support role. Such a case was what was experienced in Mt. Elgon where the Kenyan Army was involved in recovery, reconstruction or development activities that were meant to stabilize Mt Elgon region after a long period of conflict between the members of Soy and Mosop clans. Military forces played a vital role in creating a secure environment needed both by the local population and humanitarian and development actors to work.<sup>224</sup> The KDF was well suited to undertake certain stabilisation tasks such as repairs to infrastructure or utilities and demining. The military also provided logistical support to other actors who were valuable in post-conflict reconstruction.

During combat operations with SLDF, Kenyan troops had to abide by the Law of Armed Conflict (LOAC), which includes the obligation to ensure the provision of humanitarian assistance to civilian populations under their control, as well as providing protection. The Kenyan military was obliged not to go outside of this responsibility.<sup>225</sup> Although in most cases the military forces should not, if at all possible, be involved in bringing emergency humanitarian assistance to civilians in the immediate aftermath of an intervention where they have been used as an instrument of political power, the Kenyan forces did it without blurring the identity of military and humanitarian actors. Blurring might in any case threaten the principles of independence, impartiality and neutrality.<sup>226</sup> It is not recommended that this type of activity is considered when designing QIPs.

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<sup>223</sup> Jordan Schwartz, Shelly Hahn and Ian Bannon, *The Private Sector's Role in the Provision of Infrastructure in Post-Conflict Countries: Patterns and Policy Options*, Washington, DC: World Bank, 2004.

<sup>224</sup> Oral interview, KDF Brigade Commander Col (rtd) B, on 14 Apr 2013.

<sup>225</sup> Robert C. Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, Washington: Center for Strategic and International Studies Press, 2004.

<sup>226</sup> World Bank, *Post War Reconstruction and Transition to a Market Economy*, Washington: World Bank, 2004.

The KDF worked together with the Mt. Elgon communities to ensure that military involvement was always appropriate, taking into account the humanitarian principles which underlie provisions of the Kenyan constitution and Kenyan Government interests and objectives as a whole.<sup>227</sup> In exceptional cases in Mt. Elgon post-conflict circumstances, where other organisations lacked access or capacity, the Kenyan military played a role in providing certain kinds of humanitarian relief such as medical services, food, water/sanitation or shelter. For instance, during the stabilization and post-conflict re-construction phase, KDF provided medical services to over 20,000 local civilians (Fig. 1) injured and, or maimed as a result of the SLDF conflict.<sup>228</sup>



**Fig. 3. KDF Doctors providing medicare to Mt. Elgon victims of SLDF atrocities.**

*Source: Documentary picture: "The Making of a Militia" Documentary, dated 24 October 2008*

### **5.8 Clearance of Mines and Unexploded Ordinances**

The Institute of Security Studies (ISS) reported that the SLDF had access to several types of weapons including machine guns, rocket propellers, hand grenades, land mines, rocket launchers, AK-47s and G3 rifles from several sources from Uganda. The hazard represented by mines and unexploded ordnance in Mt. Elgon were to be assessed, for example via the lead agency on mine action, before any physical,

<sup>227</sup> Kenyan Constitution

<sup>228</sup> Oral interview, KDF Operation Officer, Major M 23/7/2013

inspection of remote infrastructure occurs in any post-conflict society. Mine hazards are mostly experienced on roads, bridges and farms. Unexploded ordnance caused major hazards in farms in Mt. Elgon. The Kenya Defence Forces provided specialist mine and unexploded ordnance clearance teams which cleared the region to make it safer for economic re-construction. Mine clearance activities were prioritised by the Kenyan military forces for civilian shelters or public buildings, over clearance of ordnance from farms and roads.<sup>229</sup> The military engaged in mine and explosive clearance because without making the area safe would have caused lengthy delays to development projects. Improvised Explosive Devices (IEDs), developed from explosive ordnances and mines, were used to destroy government vehicles and installations.

The Kenya Army Engineer Brigade is the only national agency engaged in mine and unexploded explosive clearance. The team has operated in various countries which experienced civil wars. It worked in Mt. Elgon mine infested region cleaning up a devastated territory. The work has not been independently evaluated. As the work in the region progressed, the regiment turned its attention to demining further afield, notably around Mount Elgon, an area of intense factional strife. Its operational priorities were clearance of Mt. Elgon areas, infrastructure, particularly utilities, roads and areas attractive for government installation, and land needed for agriculture. Since the government had not considered the creation of a police agency to direct demining. The military coordinated all areas of mine action, from planning and implementing clearance to mine awareness and victim assistance in Mt. Elgon. It also operated a centre which was a database which will be the principle source of national mine action data on completion of the operation.

Another element in the Mt. Elgon demining programme was prevention from mine risks.<sup>230</sup> Since its inception, an effort has been made to strengthen the preventive aspects of the programme, giving overall direction and establishing basic principles, and to clarify the role of the military in certifying awareness materials for use. They

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<sup>229</sup> Institute for Security Studies (ISS). 2010. "Chapter 6. Marginalisation and the Rise of Militia Groups in Kenya: the Mungiki and the Sabaot Land Defence Force", By Adams Oloo in *Militias, Rebels and Islamist Militants: Human Insecurity and State Crises in Africa, 2010*. <<http://www.issafrika.org/uploads/MilitiasRebelsIslamistMilitantsNov2010.pdf>> Accessed 20 August 2013

<sup>230</sup> Oral interview, KDF Operations Officer, Maj K 23/7/2013

took part in marking of mined areas. Before the Mine Action Operation was set up, marking and awareness tasks for the population were performed in the mined areas where the mine action activities were taking place were operating.<sup>231</sup> The Marking Detachment was comprised, military engineering deminers, mine awareness teams; logistics support team, and medical crew. Its main tasks were to mark mined and contaminated areas, destroy deactivated stockpiles of landmines mines and other UXOs, and carry out Mine Risk Education (MRE) campaigns for the general public awareness of the risks associated with landmines and how to identify and report the presence of such devices in the SLDF action areas.<sup>232</sup> These awareness campaigns were also communicated through the radio, newspapers and, directly through workshops, at schools, through the students and other non-state actors. Several mine awareness materials, posters and audiovisual material were used. The outcome of the education programme was a guide with a general orientation and basic guidelines on messages for accident prevention and mine identification.<sup>233</sup> This initiative allowed reduction of mine related injuries. This was a very productive campaign, which was well developed, and is the first exercise done by the military to provide the community with awareness and identification of mines and other explosive remnants of war (ERW)

### **5.9 Benefits associated with Demining**

The Army was responsible for managing the mine crisis in Mt. Elgon. Although the work was tedious because of the rugged terrain and extreme weather condition, military nevertheless went ahead and accomplished its mission to pave way for a long term resolution of the conflict. The Public was required to cooperate with the military and volunteer intelligence information to make it feasible for faster completion of military demining activities. The Mine action in general achieved psycho-social, socio-economic and environmental impact in Mt. Elgon. Concerning psycho-social aspect has a major impact because it involved the preservation of the physical and psychic integrity of the people of Mt. Elgon.<sup>234</sup> The affected communities expressed satisfaction for the demining operation and the military decision to give demining as

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<sup>231</sup> *Ibid.*

<sup>232</sup> Oral interview, Rose Chesarmat, Kipsigon, 23/07/2013.

<sup>233</sup> Anderson, David, "Vigilantes, Violence and the Politics of Public Order in Kenya", in *African Affairs* Vol.101, 2002, pp.531-555.

<sup>234</sup> Otieno, C et al, *Valley of Conflicts: Analysis of Conflict, Threats and Opportunities for Peace in the Rift Valley and Mt Elgon Regions of Kenya*, Saferworld and Peace-Net for DFID, 2009.

first priority to save their lives and re-assure their physical integrity and emotional stability. This led to gradual recovery of the ability to move freely and securely in the SLDF operation. Although recovery was only partial and some people still live fear and uncertainty that all mines have been eliminated, they have been able to go back to their farms and continue normal life. Mt. Elgon region which is a renowned agricultural hub in Western Kenya began to take its position in agricultural economy (Fig. 4).



**Fig.4. Demining and other Post-conflict reconstruction tasks in Mt. Elgon facilitated the return of IDPs and restoration of agricultural activities.**

**Source:** Documentary picture: "The Making of a Militia" Documentary, dated 24 October 2008.

Demining operations also dispelled fear among the IDPs and facilitated their safe return to their original farms and rebuild their homes and carry on with normal life.

Many constraints that prevented the people of Mt. Elgon from returning to their farms were eliminated following military intervention. Demining also enabled effective restitution of land ownership, use and exploitation to old owners. Generally speaking, land has been returned to original owners after clearance of mines and UXOs. These are some specific cases where economic benefit associated with demining has been realised. The security of citizens has been enhanced in demined areas. Population resettlement has led to social progress in terms of spontaneous resettlement by the displaced population displaced from areas invested with mines and other hazardous materials.<sup>235</sup> Positive impact on farming and animal breeding production was restored in Mt. Elgon. However, the population lacks the resources needed in order to develop productive use in their land. Farmers have benefited only partially. On the side of the environment, battle Area Clearance (BAC) activities including mine awareness were conducted in mine contaminated areas. The process in general was a positive impact to the environment hitherto contaminated by the conflict. Other positive impacts included confidence building and strengthening corporation between the military and the beneficiary population of Mt. Elgon.<sup>236</sup> Inhabitants have expressed gratitude for the demining operations and restoration of contaminated land to the owners.

### **5.10 Military and Resettlement of Internally Displaced Persons**

Government officials proudly proclaim their success in returning to their home areas almost 100 per cent of the nearly 70, 000 people displaced by the SLDF conflict from 2005 to 2008 and later held in government camps in the nearby districts. Resettlement was achieved at a faster pace because of the military involvement.<sup>237</sup> The vast majority of the displaced were able to be return to their home villages through military assistance. That military provided the IDPs with medicare facilities and foodstuffs to sustain their lives as they prepared to resettle in their original homes. For the first nine months after military intervention large numbers of displaced civilian populations streamed back to their original homes including, including non-Sabaot people who had been expelled by the SLDF. The military with the assistance of

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<sup>235</sup> Oral interview, Sylvia Cheratei, Kubura, 22/07/2013.

<sup>236</sup> Oral interview, Rose Chesarmat, Kipsigon, 23/07/2013.

<sup>237</sup> Oral interview Provincial Administrator, Local Chief Sasuri location, 22/07/2013.

various NGOs operating in the region made it possible safe return of the displaced populations.<sup>238</sup>

Although resettlement process of the IDPs was a difficult process for the military owing to the large number of the affected people, the military effort played a significant role in boosting government's resettlement programme. Virtually all government installations in the conflict areas of Mt Elgon were destroyed by SLDF action. Closing down schools and other social service institutions disrupted social networks and livelihood opportunities in the region.<sup>239</sup> However the military provided a dignified safe return of the IDPs to their original home villages. Consequently, the military took part in the rehabilitation of the damaged schools and health centres to facilitated re-opening of schools and provision of medical services respectively. This reconstruction phase included rebuilding of damaged government infrastructures.<sup>240</sup> The pressing challenges however were experienced in situations related to lack of adequate shelter for the returning populations and income generating opportunities since SLDF had paralysed all the economic activities in the region.<sup>241</sup> The situation was particularly bad in the poorest divisions of Chepyuk where the conflict started. Although the returnees were scared of returning to their abandoned homes for fear of return of hostilities after military departure from the region, the military reinforced security confidence amongst the populations by setting up a military base in Kapkota to deter any future attacks to the people from within or aggression form the neighbouring state.<sup>242</sup> The Kapkota Military Base was provide specialized security operations and and a buffer zone to any militia elements intending to regroup and use the Mt Elgon forest as militia training area.<sup>243</sup> The system of security camps and checkpoints in the area constitutes an unprecedented physical entrenchment of the military in the daily life of the people of Mt Elgon.<sup>244</sup> Construction of Kapkota military camp in particular and additional Police Posts in region has already contributed to enhanced security and stability in the mountain region.

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<sup>238</sup> Oral interview, Jackline K. Simotwo, Kubura, 22/07/2013.

<sup>239</sup> Oral interview, Rose Chesarmat, Kipsigon, 23/07/2013.

<sup>240</sup> Oral interview, Stephen Kasuswa, Kubura, 22/07/2013.

<sup>241</sup> Oral interview, Gentrix Nangila Simiyu, Kubura, 22/07/2013.

<sup>242</sup> Oral interview, Sylvia Cheratei, Kubura, 22/07/2013.

<sup>243</sup> Oral interview, Robert Juma Omari, Kubura, 22/07/2013.

<sup>244</sup> Oral interview Provincial administrator.

### 5.11 Post-Conflict Reconstruction in Health Sector

One of the key challenges in communities emerging from conflict is their relative lack of capacity to establish or rebuild legitimate, stable, and functional government institutions. Post-conflict reconstruction efforts are instrumental in helping these communities accomplish a successful transition from conflict situation to peace time environment with self-sustaining state institutions capable of providing essential services to the populations.<sup>245</sup> This section examines post-conflict health sector reconstruction in Mt. Elgon. Post-Conflict reconstruction is commonly perceived as a process of restoring pre-conflict physical infrastructure. However, as a concept, it also deals with the broader need to rebuild the socio-economic structures and the institutional capacity in conflict torn societies. Post-conflict reconstruction requires a devoted commitment from all stakeholders. Post-conflict reconstruction in Mt. Elgon came in the aftermath of a KDF-led military intervention that was meant to suppress the atrocities committed by the SLDF.<sup>246</sup> After killing of Wycliffe Kirui Matakwei, the government of Kenya intended to have a brief post-conflict involvement and planned to use pre-conflict Mt. Elgon government institutions to quickly stabilize the region to provide basic services, and jump start the reconstruction process.

The conflict in Mt. Elgon came with an unrealistic impact on the health sector and healthcare system. After the conflict, the military focused primarily on establishing and maintaining healthcare centers. The deterioration of the Mt. Elgon healthcare system worsened in 2006 with the outbreak of conflict and continued through the conflict period. The negative impact on healthcare due to the 3 year war between the Soy and Mosop clans became evident during the end of the conflict as medical equipments could not reach the region.<sup>247</sup> The situation worsened due to the considerable devastation to Mt. Elgon's infrastructure caused by the conflict. In addition, Mt. Elgon situation could not maintain a stable and qualified workforce as a result of the conflict. Post-conflict environments in Mt. Elgon involved large numbers

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<sup>245</sup> Roland Paris, "Understanding the 'Coordination Problem' in Postwar State-building," in Roland Paris and Timothy D. Sisk, eds., *The Dilemmas of State building: Confronting the Contradictions of Postwar Peace Operations*, New York: Routledge, 2009, pp. 53-78.

<sup>246</sup> Otieno, C et al, *Valley of Conflicts: Analysis of Conflict, Threats and Opportunities for Peace in the Rift Valley and Mt Elgon Regions of Kenya*, Saferworld and Peace-Net for DFID, 2009.

<sup>247</sup> Marina Travayiakis, "Civil-Military Coordination in Post-conflict Settings: United States Policy and Practice," 2010; available from [http://www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/4/1/5/7/0/pages415708/p415701-1.php](http://www.allacademic.com/meta/p_mla_apa_research_citation/4/1/5/7/0/pages415708/p415701-1.php); accessed on 23 July 2013

of civilian and military groups responding to often diverse and sometimes common needs and requirements.<sup>248</sup> They performed different tasks and shared others ranging among peacekeeping, humanitarian assistance, reconstruction, security, and planning and implementing development and reform projects.

### **5.12 The KDF and Disarmament in Mt. Elgon**

The Disarmament, Demobilization and Re-integration (DDR) phase in Mt. Elgon was well coordinated by the Kenya Defence Forces and proceeded well, particularly after the conflicting parties were brought under control. The SLDF combatants were disarmed and demobilized by the military. This section attempts to assess and discuss the disarmament process in Mt. Elgon. The program of disarmament and demobilization was established under the United Nations Charter under the UN Security Council Resolution 1509, which provides a legal framework for the deployment of peacekeeping operations. Since then disarmament, demobilization and reintegration has become part of the United Nations peacebuilding effort.

Since 1989, international efforts to end protracted conflicts in Africa, Latin America, and Asia have included sustained investments in the Disarmament, Demobilization, and Reintegration (DDR) of combatants from the warring parties. Many of these programs have been part of comprehensive political settlements, negotiated and agreed to under the watchful eye of international observers after years of inconclusive fighting. In Mt Elgon demobilization operation was spearheaded by the KDF.<sup>249</sup> The Kenyan military employed coercive means to facilitate disarmament and the re-establishment of security in Mt Elgon. The basic purpose of DDR in Mt Elgon was to eliminate the SLDF capability and re-establish rule of law and ensure a legitimate monopoly over the use of force and restoration of government authority in the region. Peace-building is now considered a critical instrument of the international community for addressing countries in conflict.<sup>250</sup>

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<sup>248</sup> Travayiakis. Scott Feil, "Building Better Foundations: Security in Post-conflict Reconstruction," in *Roland Washington Quarterly*, Vol. 25, No. 4, Autumn 2002, pp.97-109.

<sup>249</sup> Berdal, Mats, *Disarmament and Demobilization after Civil Wars: Arms, Soldiers, and the Termination of Conflict*, Adelphi Paper No. 303. Oxford, UK: Oxford University Press, 1996.

<sup>250</sup> King, Charles, *Ending Civil Wars. Adelphi Paper* No. 308. Oxford, UK: Oxford University Press, 1997.

Disarmament in Mt Elgon involved the collection of small arms and light weapons within Mt Elgon conflict zone and any other lethal weapons in the possession of the SLDF and other organized gangs. It frequently entailed the assembling of combatants in a military cantonment and collection of illegally held weapons including their safe storage accountability and eventual disposition. Demobilization in Mt Elgon involved the process by which the SLDF fighters structures were disbanded structures and combatants absolved into transformation programmes into civilian life. The operation succeeded in recovering assortment of weapons including those captured from government security forces, especially the dreaded GPMG weapon captured from the GSU by the SLDF (Fig.5). It generally entailed registration of former combatants and including them in some life support programmes to enable them re-integrate into the society and meet their immediate basic needs.<sup>251</sup> Increasingly, DDR programs in Mt Elgon was one of the key inducements used by the military to manage spoilers in post-conflict situations, to the extent that DDR programs were designed to reintegrate combatants into non-military life and help them to find gainful employment. DDR programmes were also becoming part and parcel of larger efforts to reform societal structures in post-conflict environments.<sup>252</sup>



**Fig.5. Assorted weapons recovered by the KDF from the SLDF militia during operation 'Okoa Maisha' and after surrender of the militia rebels during DDR process in Mt. Elgon SLDF conflict.**

**Source:** Documentary pictures: "The making of a Militia" Documentary, dated 24 October 2008.

<sup>251</sup> Ginifer, Jeremy. 2003. Reintegration of Ex-Combatants. In Meek, Sarah, Thokozani Thusi, Jeremy Ginifer, and Patrick Coke (eds). 2003. *Sierra Leone: Building the Road to Recovery*. Institute for Security Studies Monograph No. 80. Pretoria, South Africa: Institute for Security Studies.

<sup>252</sup> Walter, Barbara. 1995. Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace, *International Security* 24, No. 1, pp. 127.

### 5.13 Reconstruction of Schools, Roads and Bridges in Mt Elgon

Majority of the communities that lived below the poverty benefited a great deal from military led post conflict reconstruction effort. The military provided essential social services such as rebuilding of damaged education facilities, health centres, water and sanitation facilities and road infrastructure to help restore normal life to the affected communities. This effort became a central and of uttermost important to the state in the confidence building among the populace and restoration of legitimate government authority in the region. These strategic choices and decisive actions were beneficial to the region at large, especially in the area of road rehabilitation and transport sector in general.<sup>253</sup> Mt Elgon region was the first region in Kenya to enter into a special quadripartite arrangement allowing the military to make available under certain conditions important human and physical assets through the engineering battalions of the army to take part in road reconstruction (Fig.6). The military become a pillar and a key participant in the overall execution of works services on primary road infrastructure in Mt. Elgon. The people of Mt Elgon benefited from a military fast-track mechanism which has allowed it to work with the local community in the implementation of quick-impact projects.<sup>254</sup>



**Fig.6 : KDF Army Engineers reconstructing roads and bridges in Mt. Elgon conflict region; from: Kamkuywa- kaptama – Kapsokwony – Kopsiro and branches to – Namwela , and Kapkota barracks.**

**Source:** Documentary pictures: “The making of a Militia” Documentary, dated 24 October 2008.

<sup>253</sup> Oral interview, Robert Juma Omari, Kubura, 22/07/2013

<sup>254</sup> *Ibid.*

The Kenya Defense Forces were a central resource for the Kenya Government in infrastructure development, with a special focus on peace building situations in Mt Elgon. The military designed and constructed infrastructure that focused on the social, environmental and economic development of the communities living in Mt Elgon, while ensuring the ability of future generations to meet their needs. In addition to managing the implementation of construction projects, the Kenyan military helped governments procure the necessary equipment in a transparent, cost-efficient manner.<sup>255</sup> In the construction of the road from Kamkuywa, Kaptama, Kapsokwony, and branching at Kopsiro to Namwela and Kapkota military barracks, the military deployed various earth moving machinery to execute its tertiary role of Military Assistance to Civil Authority (MACC) in implementing community based infrastructures and development projects.

The military also supported the construction and rehabilitation of numerous road segments and bridges linking rural townships and government installations. The Mt. Elgon post-conflict reconstruction effort helped enhance year-round access to key services and road transportation convenience by the local people. In many cases, this involved working closely with the authorities and other non-state actors to mainstream the local population into self help community based projects and build the capacity of the local construction industry.<sup>256</sup> They also helped partners construct or repair other transport infrastructures, including bridges and water reticulation systems. For example, the military constructed the Kapkota military base capable of providing security to the SLDF conflict zone and the Mt Elgon region at large as well as providing deterrence for any external aggression from the neighbouring state. The reconstruction process was multidimensional in a nature. It provided for faster means of landing military logistics in a secure zone and quicker response to emergencies using military logistic helicopters and gunships. The provision of skilled military labour and machinery to carry out reconstruction of social service infrastructures saved the Government of the Kenya enormous funds which otherwise would have been availed at the time of crucial need. Opening the damaged roads and non-existent rural access roads facilitated for faster delivery of humanitarian aid vulnerable and

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<sup>255</sup> S. Feil, "Building Better Foundations: Security in Post-conflict Reconstruction," *The Washington Quarterly*, 25, 4, 2002, pp. 97-109.

<sup>256</sup> David M. Law, "The Post-Conflict Security Sector," Policy Paper No. 14, Geneva, Switzerland: Geneva Centre for the Democratic Control of the Armed Forces, 2006; quote at p. 1.

displaced populations in Mt Elgon as well as opening up the region to economic development using all weather road networks.

To restore the lost glory of the region, and improve the lives of the people immediately after the conflict, the military helped partners such as the Friends Church to advance education and Medicare facilities in post-conflict communities of Mt Elgon, constructing or repairing core community infrastructure such as schools, health centres and other life-support facilities. For example the military worked closely with the NGOs and the United Nations Children's Fund (UNICEF) and other partners to provide schools with the facilities to promote increased attendance by the children of Mt Elgon (Fig.7). The schools increased the ratio of school going children by rebuilding the schools damaged by the SLDF. In general, re-building of schools that had been destroyed in Mt Elgon was part of confidence building the military aimed to gain to enable the population in order to entice the population back to their homes and carry on with normal life and participate in the development projects in the hitherto conflict affected areas in a secure environment. The military also assisted in the reconstruction of police stations destroyed by the SLDF and additional, police monitoring facilities to assist the police to manage the security in the conflict-torn area . Rehabilitation of schools and roads in general significantly improved the living conditions of the local people because of increasing security.<sup>257</sup>

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<sup>257</sup> Michael Brzoksa, "Introduction: Criteria for Evaluating Post-Conflict Reconstruction and Security Sector Reform in Peace Support Operations," *International Peacekeeping*, 13, 1, 2006, pp. 1-13.



**Fig.7: KDF Army Engineers and local civilian volunteers rebuilding damaged buildings in Mt. Elgon Conflict areas.**

**Source:** Documentary pictures: “The making of a Militia Documentary, dated 24 October 2008

Conflict devastates a society. Extreme form of violence and atrocities against the masses destroys a lot more. It often leaves the society with shattered lives, collapsing infrastructures, disorganized political and security system which must be rebuilt, often from scratch.<sup>258</sup> In Mt Elgon it was understood the logic that in order to prevent re-occurring violence there was need to rebuild the Mt. Elgon society ravished by conflict. Roads, buildings and agricultural infrastructure and economic and political systems all that needed to be rebuilt most often with the assistance of the military. The burnt down schools including the KApkota Primary School were reconstructed and reopened for pupils to commence learning (Fig.8). However, what construction projects aimed at was largely to rebuild the Mt Elgon society and recover from the scourge of conflict. The effort acknowledged a wider context of a complete societal reshaping that was driven by fundamental changes to communities and a breakdown

<sup>258</sup> Oral interview, Winston Ndiwa Chemokoi, Chepkube, *Ibid*.

of social fabrics as an outcome of the violence.<sup>259</sup> With the complete breakdown of the social fabric, mistrust and suspicion tended to dominate all interactions and exchanges between the opposing parties in Mt Elgon. In order for the Mt. Elgon society to truly move on and to minimise the risks of falling back into the cycle of violence, the root cause of the conflict needed to be addressed.<sup>260</sup> This demanded rebuilding of relationship between all community members through a process of reconciliation and negotiating new roles, responsibilities and social interaction. Building trust and working towards a more unified society in Mt Elgon was part of the efforts of the military in Mt. Elgon conflict intervention.<sup>261</sup> The military post conflict reconstruction initiative is increasingly becoming an essential component pos-conflict peacebuilding effort the world over.



**Fig.8: Schools re-opened and children went back to class after KDF intervention in the Mt. Elgon SLDF conflict.**

**Source:** Documentary pictures: “The Making of a Militia” Documentary, dated 24 October 2008.

### 5.14 Conclusion

This chapter began by asking the following questions: how did the military effectively involve itself in the post-conflict reconstruction in Mt. Elgon and sometimes inter governmental process of conducting peace building and post-conflict reconstruction operations? With the increased reliance on and use of the KDF, how did their involvement in these largely non-kinetic operations affect the life of the affected people? Should the KDF military even be involved in peace building and post-conflict

<sup>259</sup> Oral interview, Alice Nyongese, Sesik, *ibid.*

<sup>260</sup> Oral interview, Benson Kwalia Mustuni, Kopsiro, *ibid.*

<sup>261</sup> Oral interview, Sylvia Tibin, Kubura, *ibid.*

operations? Thus far, this chapter has examined the roles that the military engaged in in post-conflict reconstruction in Mt. Elgon region. The introduction of military doctrine to take part in internal peace operations as envisioned in the constitution of Kenya to specifically conduct these operations have demonstrated official Kenyan recognition of the importance of conducting peace building as a means to preempt direct action combat and post-conflict reconstruction as a way to mitigate the effects of combat and curtail insurgencies.

The importance of military response to post-conflict reconstruction and the eventual enshrining it in the constitution represented a great leap forward to tap the military potential for the benefit of the society. While the military is sometimes referred to as “warrior-diplomats”, it is important not to confuse soldiers for diplomats. Diplomats are clearly the best fit to handle strategic level diplomacy. The military and other trained military personnel can handle small-scale conflict resolution, tactical, and occasionally operational level diplomacy. In other words, while the implementation of pre-emptive KDF action in the form of peace-building and post-conflict reconstruction operations represents a step forward for use of the Kenyan military in aspects related to internal security effort in maintenance of peace and security, it is not in itself a conclusive answer. In the twenty-first century, where the most important terrain is public opinion, the KDF units represented the best option for the Kenyan government to possess the human terrain. The projects and coordinating efforts of the military units in Mt Elgon in many instances, replaced the need for direct violent action in the future through use of coercive force of the national instruments of violence. This study has revealed that, while the military can be an effective executor of peace-building and post-conflict reconstruction operations, it cannot in broader perspective accomplish such missions singly.

## **CHAPTER SIX**

### **CONCLUSION**

This study has highlighted a number of aspects related to the idea of the Kenya military involvement in Mt Elgon post-conflict reconstruction. While significant amount of literature has been focused on defining post-conflict reconstruction, consensus on how the military undertook the task in Mt Elgon amongst these writers remains low. Because of its amorphous definition and its dynamic nature, techniques used to measure the Kenya military involvement in Mt Elgon post-conflict reconstruction remained under-explored. Existing attempts at measuring post conflict reconstruction focused on risk reduction, emphasising the situation of vulnerability before the occurrence of the SLDF induced shock. There is little information on how the Kenya military undertook the tasks of post-conflict reconstruction through the creation of new environment that reduced risks and deprivation. In addition, existing concepts and measurement methodologies proposed by these studies tend to be inflexible: they are not context-specific and may lose their relevance when applied to various situations such as where the military was involved. They simply put the military in the category of fighting the SLDF existing research on post-conflict reconstruction treats it as a static concept and not a dynamic process where the military can change and reconstruct the war-torn Mt Elgon society. These studies do not effectively highlight how the KDF undertook the process by which economic livelihoods and security was reinstated.

The research has also attempted to study post-conflict reconstruction, particularly in the immediate aftermath of the Mt Elgon conflict. Policy making in such environments is inhibited by a number of factors. The study has shown that to achieve stability, political legitimacy and policy interventions in Mt Elgon were aimed at both appeasing the populations affected by conflict and achieving other development objectives. Also, the nature of post-conflict needs that the KDF undertook evolved from emergency to sustainable development. The KDF policies aimed towards post-conflict reconstruction and were sufficiently flexible to incorporate this transition. The central themes explored by this study are two-fold. First, it examined the root causes of conflict in Mt Elgon. Secondly, it highlighted military involvement in post-

conflict environments, especially in the immediate aftermath of conflict. In order to address these questions, the first step was to define post-conflict reconstruction. Post-conflict reconstruction was viewed in terms of entitlements, capabilities and functioning's as explained by the system dynamics model. The study begins by outlining the relation between conflict induced risks and shocks, arguing that it was the existence of risks per se that directly caused the intervention of the military to restore the well-being of the people of Mt Elgon. These are the negative shocks that adversely affected household and individual well-being in Mt Elgon.

The study argues that the occurrence of the conflict in Mt Elgon not only depleted resources to which households and individuals had access, but also caused a breakdown in the process by which households and individuals converted their resources into achievements. It should be understood that, resources under the legal control of households are referred to as entitlements the conversion process reflects a capability and the achievement that a society is functioning. The study has shown that the destruction of resources by the conflict increased internal insecurity of the people of Mt Elgon. The inability to convert resources into achievements because of the conflict results to exposure to a risky environment that surrounds the household or individual, or external insecurity. The combination of these factors resulted in vulnerability. Based on this argument, the study identified major losses that typically characterized the Mt Elgon society forcing the military to revert to post-conflict reconstruction. The vulnerability that the people of Mt Elgon faced included loss of human security, exchange freedom, social capital and access.

A profile of multidimensional approaches to peace-building in Mt Elgon was developed using the relevant data gathered from the field. However, in order to contextualise the military intervention, the study profiled the failures in the peace efforts and identified how the occurrence and persistence of the conflict influenced household access to and utilisation of resources in the region. This analysis indicates that the people of Mt Elgon were most deprived. For indicators such as sanitation, access to safe farms and sources of essential commodities which came from outside the region in the domain of human security, deprivation in Mt Elgon was pervasive. A significant portion of the population also experienced deprivation across the indicators of income stability and availability. Deprivation in the domain of exchange freedom

was severe. The occurrence of the war did not only depleted production, trade-based and labour-based entitlements in Mt Elgon, thereby reducing resilience, it also resulted in a breakdown of the organisations and markets that made it difficult for households to utilise the meagre assets to which they were entitled. In the domain of social capital, prolonged war forced households to develop strong mechanisms of informal risk management even-though community membership was low and sources of information remained informal. Availability of access is limited, leading to diminished utilisation of social services and markets for productive purposes.

The research has shown that, households in Mt Elgon experienced serious deprivations in the three domains of human security, social capital and access to life support services. Deprivation in the domain of exchange freedom was severe and households experienced multidimensional deficiency inhuman security. The denial of freedom exacerbated vulnerability and losses across the domains of social capital. With such analysis, the study concluded that the largest proportion of households experienced deprivation. As a type of offering stability, the Kenyan military was effective in reducing post-conflict vulnerability by ensuring income gains which had a primary short term impact and rehabilitation/reconstruction of much needed infrastructure and improved access to and, or strengthening governance institutions or the secondary, medium to long term impact.

Data collected from Mt Elgon revealed that generally the military efforts had a positive effect on beneficiary populations despite regional variations. Infrastructure creation facilitated trade by providing connectivity to lucrative and bigger markets. Road construction helped improve asset value of land located along the road. Improved roads facilitate access to vocational education and grazing lands. Income transfer helped hunger victims and returning IDPs to stabilise incomes. Road construction programme provided employment for youth who were facing psychological problems and helped transfer incomes to women, especially widows and children who were affected by the conflict.

The military initiated projects in Mt Elgon had a tremendous impact at three levels (governments, communities and individuals/households or micro-levels). The post-conflict reconstruction projects have helped the people of Mt Elgon to garner political

legitimacy and build capacity. Since the projects were implemented through community cooperation's, they promoted community development and enhancement of social capital. At the micro-level, the study has shown that the post-conflict reconstruction projects helped augment household/individual incomes through cash transfers. The secondary impact for the Government was that they helped achieve poverty reduction at the community level and helped strengthen trust relations by fostering accountability and ownership in the development process.

In terms of advancing the literature on post-conflict reconstruction, this research makes distinct contributions. First, the study consolidates current knowledge from different strands in the literature to compile bring out a view on post-conflict reconstruction. The contribution of this research to existing literature is that it provides a framework to measure multidimensional post-conflict reconstruction. In terms of furthering the understanding of post-conflict environments, this study makes two key contributions. First, this research explores reconstruction in the environment that exists in the immediate aftermath of the conflict when such environments are still characterised by emergency needs. Post-conflict environments are characterised by emergency needs that require projects of quick impact. As the environment stabilises, these needs evolve. Interventions made to address such needs become more long-term in the type of impact they envisage and are geared towards providing sustainable development. Post-conflict reconstruction entails making this transition from emergency to sustainable development in the most effective manner. This study identifies aspects of the post-conflict environment that may diminish the impact of policies in this period.

The study attempted to examine the strategies used by the KDF to accomplish the essential tasks of post-conflict reconstruction and stabilization of the Mt. Elgon conflict region. The focus was on the applicability and capability of the KDF as an entity to execute community based post-conflict re-construction projects without integrating other actors. The study therefore has revealed that civil-military cooperation is an overarching factor in such missions albeit the institutional divergence endowed with the KDF to meet peacebuilding and post-conflict re-construction missions.

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