

WOMEN IN POST-CONFLICT PEACEBUILDING:

**A CASE STUDY OF MOUNT ELGON DISTRICT, BUNGOMA
COUNTY 1992 - 2011 //**

BY:

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DECLARATION

I declare that this study represents my original work and that it has never been submitted for examination in any form to another University.



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^{25th} October, 2012

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



Dr. George M. Gona

^{25th} October, 2012



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DEDICATION

This work is in memory of my late father;

Charles David Etyang' Ichani (1948-2010).

Your life was a beacon of hope and an inspiration to many.

May your painful demise be a pillar of peace, love and unity among us.

To you my mothers and all his descendants may you live in unity of life and purpose.

ACKNOWLEDGEMENT

May I take this humble opportunity to appreciate all those whose effort and assistance immensely contributed to the success of this project paper. First, I owe most gratitude to my supervisors Dr. George Gona and Dr. Mary Mwiandi, who went to great lengths to make sure this work came to fruition. Secondly, my appreciation goes to all lectures, staff and my colleagues at the Department of History and Archaeology, University of Nairobi. Special gratitude go to Professor Vincent Simiyu and Dr. Herbert Misigo who gave me valuable insights in the area of Armed Conflict and Peace Studies that was vital in carrying out this study.

I also wish to thank my parents, the late David Ichani and Sabencia for having brought me into this world and nurturing me to adulthood. I equally wish to thank my brothers and sisters Richard, Dominic, Roseline, Jude Thadeus, Godelia and Taciscio for standing by me. More so, I am indebted to thank Dr. George Tom Ekisa for inspiring me to pursue Higher Education.

Special thanks go to the people and women of Mt. Elgon district who opened their homes, heart and mind to me and so helped to shape the impression and opinions presented in this work. In the same breadth I would like to extend my thanks to my employer, Officers and Men of Kenya Air Force Flying Training School and the Command and Staff of Kenya Military Academy for the support and encouragement they gave to me during the two years of study.

I cannot forget my immediate family members, my dear loving wife Ruth and children Ivy, Ian and Cletus for their support, patience and encouragement during the study. I cherish their willingness to accept my numerous trips to college and to the field during the two years, time which we would have spent on family bonding.

Last and most important of all, I thank God for bringing me this far. Truly in his name all things are possible.

May God Bless You All.

ABSTRACT

“Women in Post-Conflict Peace-building” is a study on the commitment of women to bring sustainable peace, social justice, reconciliation and economic development in Mt. Elgon district. The premise of this study is that women as the bearers of the brunt of conflict are more predisposed to effective post-conflict peace-building than their male counterparts.

The scope of the study was to determine the involvement of women in Post-conflict Peace-building in Mt Elgon district. While in the study I refer to Mt. Elgon district as a larger administrative Unit, the zones of conflict and fieldwork did not cover the whole region. The conflict and subsequent research was centered on the Chebyuk Settlement scheme, Kopsiro and Cheptais divisions which were conflict hot spots and today constitute the newly created Cheptais District. To prevent confusion, specific names are used to refer to conflict hot spots and Mount Elgon is only used when referring to general activities of women in the region.

This study does not seek merely to portray women as peace builders but rather to demystify popular patriarchal myths about women and armed conflicts. In the study I argue that women though portrayed as passive victims of conflict are potential peace activists in post conflict society. By virtue of special attributes they are endowed with, they can be turned to be good peace builders, reconciliation agents, and human rights activist if only such stereotypes and shortcomings bedeviling women in post-conflict peace-building industry are overcome.

To illustrate these points, the study examines the role of women in peace-building bearing in mind that their roles are predetermined by societal beliefs of what “men” are and “women” are. The study argues that men’s and women’s participation in war and peace can no longer be seen as a dichotomy where men are doers, aggressors, and peacemakers while women are passive victims and bearers of the social burden of conflict, a belief that has placed women in obscurity and negated the fact that women are active in reconciling societies devastated by war.

The study also argues that the military intervention in Mt. Elgon conflict has offered women a rare opportunity to shatter traditional apportioning of roles and patriarchal definitions of gender that undervalue women’s efforts in post-conflict peace building and has opened the door for women to walk beyond these beliefs. The intervention is thus source of impetus for women to revolutionize men’s domination on post-conflict peace-building.

TABLE OF CONTENTS

TITLE PAGE.....	i
DECLARATION.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENT.....	iv
ABSTRACT.....	v
TABLE OF CONTENTS.....	vii
DEFINITION OF TERMS.....	x
ACRONYMS AND ABBREVIATIONS.....	xi
MAP OF MOUNT ELGON DISTRICT.....	xii
CHAPTER ONE	1
1.0 Introduction	1
1.2 Historical Background.....	1
1.3 Statement of Research Problem.....	3
1.4 Objectives of Study.....	4
1.5 Justification of Study.....	4
1.6 Scope and Limitations.....	6
1.7 Literature Review.....	6
1.8 Theoretical Framework.....	16
1.9 Research Hypothesis.....	18
1.10 Methodology.....	18

CHAPTER TWO	20
2.0 THE MOUNT ELGON CONFLICT	20
2.1 Introduction.....	20
2.3 Historical Background of Mount Elgon Conflict	20
2.4 Causes of the Mount Elgon Conflict.....	27
2.5 Conclusion	32
CHAPTER THREE	33
3.0 THE MOUNT ELGON WOMEN AND THE CONFLICT	33
3.1 Introduction	33
3.2 The Involvement of Mount Elgon Women in the Conflicts.....	33
3.2 Impact of the Conflict on Women of Mount Elgon District	37
3.3.1 Impact of Deaths and Torture on women.....	37
3.3.2 The impact of psychological stress and trauma.....	39
3.3.3 The impact of sexual violence	41
3.3.4 The impact of forced displacement and disappearance.....	44
3.3.5 The impact of conflict on Agriculture and the Economy.....	45
3.3.6 The impact of loss of work and forced transfers.....	46
3.3.7 The Positive Impacts of the conflict.....	47
3.3 Surviving Beyond the Conflict: The coping Mechanisms of women	47
3.4 Conclusion	48

CHAPTER FOUR	49
4.0 WOMEN IN POST-CONFLICT PEACEBUILDING IN MOUNT ELGON.....	49
4.1 Introduction	49
4.2 Women’s Activities in Post-Conflict Peace-building in Mount Elgon District.....	49
4.2.1 Peace and Women Rights Advocacy in Mt. Elgon District.....	51
4.2.2 Ending violence and Insecurity in Mt. Elgon District.....	51
4.2.3 Peace and Reconciliation Efforts in Mt. Elgon District.....	53
4.2.4 Psychological stress and Trauma Healing in Mt. Elgon District.....	57
4.2.5 Addressing Social and Restorative Justice in Mt. Elgon District.....	57
4.2.6 Poverty Eradication and Economic Empowerment in Mt. Elgon District.....	59
4.2.7 Sports for Peace in Mt. Elgon District.....	60
4.2.8 Peace clubs and Peace Education in Mt. Elgon District.....	61
4.2.9 HIV/AIDS Awareness in Mt. Elgon District.....	62
4.2.10 Reaching out to the media for peace in Mt. Elgon District.....	64
4.2.11 Rehabilitation of Ex-SLDF Combatants in Mt. Elgon District.....	65
4.2.12 Traditional Cleansing Ceremonies in Mt. Elgon District.....	66
4.3 Challenges faced by Women Peace Builders in Mount Elgon	67
4.4 Conclusion	69
CHAPTER FIVE	70
5.0 MOUNT ELGON DISTRICT WOMEN’S PERCEPTIONS ON THE MILITARY INTERVENTION.....	70
5.1 Introduction	70

5.2 Between Rhetoric and Reality: Justification of Operation *Okoa Maisha*..... 71

5.3 Circumstances Leading to Operation *Okoa Maisha* in Mount Elgon 75

5.4 *Okoa Maisha* an operation of torture: The Human Rights View..... 76

5.5 Mount Elgon District Women’s Perception on the military intervention.....78

5.6 Changing Military image on intervention in local conflicts 82

5.7 Conclusion83

CHAPTER SIX.....85

CONCLUSION.....85

6.1 Introduction.....85

6.2 Successes and Achievements of engaging women in Post-conflict Peace-building85

6.3 Observations of the study.....89

BIBLIOGRAPHY 95

DEFINITION OF TERMS

The study adopts the following definition for the terms of discourse below:

Peace - is more than a mere absence of war but the presence of non-violent relations within societies. It therefore refers to a political condition that encores justice and social stability through formal and informal institutions, practices and norms.¹

Peace-building – is an action to identify and support structures to consolidate peace in post-conflict societies in order to avoid a relapse into conflict. It combines conflict prevention, conflict management and post-conflict reconstruction.²

Post-conflict peace-building – refers to the non-military or civilian dimensions of international efforts to support societies or countries emerging from conflict even though it might accompany or succeed military operations.³

Military intervention – Military intervention is a conflict management measure which is normally undertaken when all other instruments of power have fallen short of resolving a conflict. It involves the use of military force to restore and maintain peace in a conflict zone. Military interventions are normally prompted by acute humanitarian problems. Military interventions may not always have a legitimate mandate.⁴

Operation *Okoa Maisha* – (Save a Life in Kiswahili). Is a code word used to refer to the military intervention in Mount Elgon conflict in 2008 aimed at flushing out members of the outlawed Sabaot Land Defence Force (SLDF) and to restore peace and rule of law in the region.

Patriarchy - is a social system in which the role of the male as the primary authority figure is central to social organization, and where men hold authority over women, children, and property. It implies the institutions of male rule and privilege, and is dependent on female subordination.

¹ Ekkehart Kripendorff, "Peace: An Introduction" *Journal of Peace Research*, Volume 118, No.2, 1981, p 109.

² NeclaTschirgi, *Post Conflict Peace-building Revised: Achievements, Limitations and Challenges*, New York: 2004.

³ Boutros Boutros Ghali, *United Nations Agenda for Peace*, New York: United Nations, 1992.

⁴ Laremont Branson, *Mass atrocities Response: A military Planning Handbook*, Oxford: University Press, 2002.

ACRONYMS AND ABBREVIATIONS

ACK	Anglican Church of Kenya
AMREF	African Medical AND Research Foundation
APHIA Plus	AIDS Population and Health Integrate Assistance Plus
BCC	Behaviour Change Communication
BPA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CJPC	Catholic Justice and Peace Commission
COVAW	Coalition on Violence Against Women
CSO	Civil Society Organizations
D.C	District Commissioner
D.O	Divisional Officer
DPC	District Peace Committee
FORD	Forum for the Restoration of Democracy
FPFK	Free Pentecostal Fellowship in Kenya
K A	Kenya Army
KANU	Kenya National African Union
MP	Member of Parliament
MDF	Moorland Forces
NGOs	Non Governmental Organizations
ODM	Orange Democratic Movement
OVCs	Orphaned and Vulnerable Children
PC	Provincial Commissioner
PLHIV	People Living with HIV
PRM	Political Revenge Movement
SAMA	<i>Saidia Maendeleo</i> (Help to Develop)
SLDF	Sabaot Land Defense Forces
U N	United Nations
USAID	United States Agency for International Development
WIPSA	Women's Initiative for Peace in South Asia
WISCOMP	Women in Security Conflict Management and Peace

Mt Elgon District-KENYA

UGANDA



CHEPKITALE, TOBOO, LABOCT
1800 Displaced Families, Difficult Access

5000 Displaced in Uganda

Trans Nzoia

Legend

- Settlement
- ▲ Administrative centre
- Ⓜ Church
- Ⓜ Hospital/Dispensary
- Ⓜ Market
- Ⓜ Polytechnic
- Ⓜ Primary School
- Ⓜ Secondary School
- International boundary
- District boundary
- Division boundary
- Location boundary
- Sub-Location boundary
- Road
- River
- ⊛ Access difficult
- Ⓜ Main conflict Zone

KOPSIRO
1682 Displaced Families

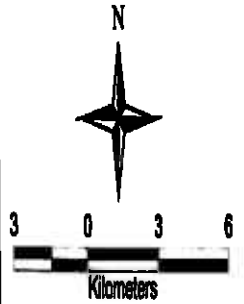
kapsokwony
403 Displaced Families

CHEPTAIS
4921 Displaced Families

KAPTAMA
614 Displaced Families

1104 Displaced Families In Bungoma

Bungoma



CHAPTER ONE

INTRODUCTION

In all regions of the world women are dealing with the violence they confront through nonviolent actions. From the Sri Lankan Mothers of the Disappeared to the Kenyan Mothers in Action: women are always organizing to confront the violence which threatens their lives.¹

HISTORICAL BACKGROUND

“Women in Post-Conflict Peace-building” is a study on the commitment of women to bring sustainable peace, social justice, reconciliation and economic development in Mt. Elgon district after a prolonged conflict accompanied by bouts of violence. Mount Elgon district is an administrative unit in Bungoma County of Western Kenya carved out of Bungoma district in 1993. When members of the Sabaot community petitioned the then president Daniel Torotich arap Moi to grant them a district of their own.

The district is located on the southeastern slopes of Mt. Elgon. Its population according to the 1999 census was approximately 135, 033 people.² The district occupies an area of 944 square kilometers. Mt. Elgon district borders Bungoma district to the South, Trans Nzoia to the East and the Republic of Uganda to the West. Although Kapsokwony is the district headquarters, Cheptais town is the economic heart of the district as it is the gateway to the largest open air market in Bungoma County, Chwele market. Cheptais town also has more numerous business activities compared to other towns in the district. Mt. Elgon district has one local authority and one constituency. The district is predominantly occupied by the Sabaot, Iteso and Bukusu ethnic groups. Due to her rich and fertile agricultural soils many other ethnic communities have since moved in making the district a melting pot of Kenyan cultures.

Mount Elgon district has had a long history of conflict dating back to the colonial period. The colonial government alienated land in Mt. Elgon rendering the Sabaot community squatters. Subsequent failure by post colonial governments to address the historical land injustice

¹ Aruna Gndason, Musimbi Kanyaro, and Lucia Ann McSpadden, (Eds.) *Women Violence and Nonviolent Change*, Life and Peace Institute, Uppsala: Sweden, 2005, p. iv.

² Ministry of Planning and Development, “Mt. Elgon District Strategic Plan 2005-2010 for Implementing of National Population Policy for Sustainable Development,” Nairobi: National Coordinating Agency for Population Development, 2005.p3.

aggravated the conflict.³ The re-introduction of multiparty democracy in 1991 saw the start of unprecedented conflicts as a result of various underlying historical injustices on land and political alignments. In 1992 for instance, the Sabaot attacked and evicted the Bukusu and the Iteso who were labeled 'foreigners', and took over their land and property. Similar violence was re-enacted in 1997 and 2002 during the general elections campaigns. However, the impact of these conflicts was watered down by the general onslaught of land clashes witnessed in Molo and Burnt Forest in the Rift Valley. In 2006, when the conflict once again resurfaced, the violence took a new turn. The target of violence was no longer Bukusu or Iteso. Instead two Sabaot clans, namely: the Soy and Mosop turned against each other. The conflict was sparked by the Sabaot Land Defense Force (SLDF). This was a militia outfit primarily of the Soy clan that revolted against the government over allegations of unfair land allocation in the Chepyuk Phase III settlement scheme.⁴

At the beginning of the revolt, the SLDF militiamen received the backing of the Soy clan because it had "Just Cause and Right Intention".⁵ The cause of defending the community and their 'ancestral' land. With time, the SLDF activities took a different turn. The militia began to engage in waves of criminal activities and to "butcher" the people it was meant to safeguard thus becoming a threat to national security. A spate of violence between October 2006 and April 2008 left over 600 people dead and about 63 000 persons displaced.⁶

Several police-led interventions failed to resolve the conflict. The government in March 2008 used its military machinery to quell the violence. The residents initially welcomed this move aimed at ending the crimes committed by the militiamen. As the military operation *Okoa Maisha* went on, the community began to have different opinions about it.⁷ The civil society protested against the strategy employed in the operation, of rounding up all men, detaining and torturing them.⁸ Thus, the residents of Mt. Elgon district felt they were doubly victimized; first, by the

³ Kenya Land Alliance, "The Mount Elgon conflict: Results of a failed Resettlement Programme". *A newsletter of Kenya Land Alliance*, issue 6 (1), 2007.

⁴ Georgette Gagnon, "Kenya Army and Rebel Militia Commit War Crimes in Mt. Elgon" Human Rights Watch, 2008. Available at: <http://www.hrw.org/English/doc/2008/kenya18421.htm>. Retrieved on 2010-05-01

⁵ Brian Orend, "Michael Walzer on Resorting to Force: Just theory", *Canadian Journal of Political Science*, Vol. 33, No. 3, 2000), pp. 523-547.

⁶ Human Rights Watch report, "All Men Have Gone" War Crimes in Kenya's Mt. Elgon Conflict, Human Rights Watch, 2008, p. 17.

⁷ Ibid.

⁸ Ibid.

SLDF militiamen and then by the army.⁹ In spite of these accusations levelled against the military, the operation *Okoa Maisha* managed to end the violence in June 2008. Though violence may have ended, positive peace which means not the mere absence of war, but the presence of non-violent relations, justice and social stability within societies remained a pipe dream as the violence left the two conflicting Sabaot clans, the Iteso and Bukusu divided and without reconciliation.

STATEMENT OF RESEARCH PROBLEM

Christine Obbo in her book *African Women: Their Struggle for Economic Independence* says, "Women Hold up Half the Sky.....yet they are invisible."¹⁰ This concern can be interpreted to mean that women who are a half of the total populace in most societies have not been offered an adequate chance to articulate their thoughts on issues that concern them, such as labor, child bearing, sexuality, peace and security. This assertion is corroborated by Ryan Reiter who argues that the main problem for women has been their "invisibility".¹¹ Thus, war and peace is essentially male view devoid of women participation.¹²

All over the world, the role that women play in post-conflict peace-building, reconciliation, security, social justice and economic empowerment has for a long time received little attention. Media coverage of armed conflicts casts men as fighters and peace builders and women as passive and innocent victims of violent conflicts.¹³ In Kenya, conflicts have been portrayed in almost the same way. During the Mt. Elgon conflict the media depicted the youthful militia as courageous fighters ready to protect their ancestral land, and elders as peace mediators. Women were not mentioned and such stories tend to mask the active role women play as peace builders.

Research conducted elsewhere in the world has demonstrated that in Pakistan and India for instance, women through having experienced the consequence of conflict formed groups that consistently facilitated dialogue between women's groups even when peace negotiations had been

⁹ Topi Lyambila, News bits for BBC News, Thursday 19th June 2008. 23:33 available online at Mt. Elgon Women peacebuilding/Mt. Elgon-stop atrocities.

¹⁰ Christine Obbo, *African Women: Their Struggle for Economic Independence*, London: Zed Press, 1980, p. 2.

¹¹ Ryna R. Reiter, (Eds.), *Towards An Anthropology of Women*, New York: Monthly Review Press, 1975, p.12.

¹² Haris Mirkin. "The Passive Female – The Theory of Patriarchy" 1996. Available online at:

<http://www/anu.edu.au/polsci/mari/avleft/patriarchy.rti> accessed on 29th May 2011.

¹³ Amara G. Odongo, Role of Women in Peace-building in Kenya: Focusing on the 1992 Rift Valley Land Clashes. M.A. Thesis: University of Zimbabwe 2004, p 3.

caught in war rhetoric and political jingoism.¹⁴ In Somalia, Faiza Jama underscores the point that women though excluded from decision making forums have used their 'position' in the clans to be the channel for dialogue between warring parties in conflict.¹⁵ Although these examples demonstrate that women elsewhere in the world are engaged in peace-building. Studies undertaken are silent on the role of women in post-conflict peace-building in Mount Elgon district. This study therefore sought to ascertain whether or not women in Mt. Elgon were involved in peace-building and how, if not why?

OBJECTIVES OF THE STUDY

The objectives of this study were;

1. To determine the involvement of Mount Elgon women in post-conflict peace-building.
2. To examine the impact of conflict and the military intervention on the women of Mt. Elgon.
3. To analyze the perceptions of women on the military intervention in Mt. Elgon conflict.

JUSTIFICATION OF THE STUDY

Boutros Boutros Ghali's work, "*An Agenda for Peace 1992*" introduced the idea of post-conflict peace-building with women as one of a series of tools at the UN's disposal to help resolve violent conflicts alongside preventive diplomacy and peacekeeping. It also recognized that peace-building required a full range of its capacities - military, political, and human rights policy at all levels.¹⁶

The idea of involving women in international peace-building was also recognized and energized on 30 October 2000, when the UN Security Council on its 4,213th meeting adopted Resolution 1325 (2000).¹⁷ This resolution reaffirmed the important role women played in the prevention and resolution of conflicts. However, over one decade after the adoption of this resolution, the sidelining of women in peace-building has continued in many parts of the World.¹⁸ Kenya and in particular Mt. Elgon district is no exception.

¹⁴ Lisa Schirich and Manjuk, Sewak, "The Role of Civil Society in the Prevention of Armed Conflict: An integrated Programme of Research, Discussion and Network Building" -*Issue paper on The Role of Women in Peace-building*, 2005, available on the website of the programme www.gppac.net.

¹⁵ Faiza Jama, "Somali Women and Peace-building" *International Review of Peace Initiatives* issue No. 21, p 62.

¹⁶ Boutros Boutros Ghali, *Agenda for Peace 1992*, New York: United Nations, 1992.

¹⁷ UN Security Council Resolution 1325 (2000).

¹⁸ Valentine M. Moghadam, "Peace-building and Reconstruction with Women: Reflection of Afghanistan, Iraq and Palestine", *Journal of Development* Vol. 48, No. 3, Society for International Development 2005, p. 64.

Several scholars have argued that lack of local ownership of peace process and the domination of post-conflict reconstruction by foreign agencies often leads to waste huge financial budgets committed on peace-building as in the case of wasted opportunities in the Somalia peace process.¹⁹ This is because peace process lacked local ownership and peace-building was seen as a short-term and project-based enterprise with a time frame. Yet it is known that peace-building is a long-term and a home-grown process which at a relatively low cost women and local civil society organizations (CSOs) can undertake.²⁰ Furthermore, women groups address key issues such as reconciliation, social justice and human rights, issues that go to the heart of what many residents consider to be the root causes of conflict.²¹ Moreover, women and local organizations tend to have a longer time horizon in efforts for sustaining long term peace processes.²²

In Mount Elgon district women are the majority of the population because men are 'missing' as result of conflict.²³ Women therefore, stand a better chance to sustain peace by working at the grassroots level and to legitimize peace and make it more than an elite concern. In addition, the exclusion of grass root women in post-conflict peace-building means that peace activists are building 'new' post-conflict societies while excluding a 'half' of her population. The study therefore sought to highlight the efforts of women towards peace in Mt. Elgon district. Documenting these efforts would help to move women beyond the "humanitarian front of the story" to active peace-building.²⁴ The study will also help to sensitize other women to continue influencing peace-building processes.²⁵ Above all, the study will help the government to use a gender lens in forming Peace and Security Committees in the grass root and National level.

¹⁹ Mark Bradbury and Sally Healy 'Whose Peace is it Anyway? Connecting Somali and International Peacemaking' in *Accord an International Review of Peace Initiative*, IssueNo21; London, Conciliation and Resources publishers 2010.

²⁰ John Prendergast and Emily Plumb, "Civil Society Organizations and Peace Agreement Implementation", in Stephen John Stedman, Donald Rothchild and Elizabeth Cousens, *Ending Civil Wars: The Implementation of Peace Agreements*, (eds.) Colorado, Lynne Rienner Publishers, 2002.

²¹ Human Rights Watch, "All the Men Have Gone p.3.

²² Ibid, p.2.

²³ Human Rights Watch, "All the Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict," Report by the Human Rights Watch, 2008 available at: <http://hrw.org/reports/2008/kenya0708/1.htm#-70c204069462>, accessed.

²⁴ Stacie Dawn Beaver, "Women Role in Peacebuilding: Nicaragua, El Salvador and Guatemala Compared," M.A Thesis, University of Saskatchewan, 2010.

²⁵ Lisa Schirich and Manjuk Sewak, "The Role of Civil Society in the Prevention of Armed Conflict: An Integrated Programme of research, discussion and network building" -*Issue paper on The Role of Women in Peace-building*, 2005. Available at: www.gppac.net.

SCOPE AND LIMITATION

The study focused on the role of women in post-conflict peace-building in Mount Elgon district between 1992 to 2011. This period was chosen because: first, during this period the conflict in Mt. Elgon intensified. Second, as opposed to colonial period, the target of violence was not the government but ethnic groups regarded as 'foreigners'. Third, it is during this period that political meddling by local politicians led to militarisation of the land based conflicts in Mt. Elgon district resulting in deaths, loss of property and massive displacement of persons both internally as IDPS and across the national borders as refugees. The choice of women as the subject of study was guided by the fact that most of the existing literatures were silent on women's engagement in post-conflict peace-building. Although several conflictual episodes over land have been documented in Kenya's history, Mt. Elgon District was chosen as the area of study because it is the only area in Kenyan where the military was deployed to end violence over land.

LITERATURE REVIEW

Although literature concentrating on the Mt. Elgon Land clashes and the role of women in post conflict peace-building in the area is scanty, a number of scholars of different disciplines have attempted to bring out the theme of women in post-conflict peace-building in relation to other areas. This work is informed by their studies in a number of ways.

Valentine Moghadam ²⁶ in an article titled *Peace-building and Reconstruction with Women* in Afghanistan, Iraq, and Palestine, proposes that conflict and non-resolution of conflict has hardened ethnic identities and strengthened patriarchal tendencies and attitudes leading to the imposition of new social controls on Palestinian women. He argues that, patriarchal gender arrangements have tended to 'normalize' and 'naturalize' violence against women. Moghadam's study though focusing on issues affecting women in the Arab world is insightful to this research as it mentions that patriarchy is leading hindrance for women's participation in peace-building.

²⁶ Valentine M. Moghadam, "Peace-building and Reconstruction with Women: Reflections of Afghanistan, Iraq and Palestine", *Journal of Development*, Vol. 48, No. 3, Society for International Development, 2005, p.63.

Amal Sabbagh²⁷ adds weight to Moghadam's views by saying that patriarchy is still a major force hindering Arab women's advancement. Sabbagh argues that a combination of patriarchy and cultural stereotyping have built a very strong psychological barrier among Arab populations regarding women's participation in the public sphere. Sabbagh argues that the acceptance of the *status quo* and the unconscious fear of change have become a major challenge to women participation in peace-building. Sabbagh's findings though also based on the Arab world, informs this study as it sheds light on how acceptance of *status quo* and patriarchy "naturalize" domination by men over women in society.

Birgette Sorensen²⁸ in a work titled *Women and Post-Conflict Reconstruction: Issues and Sources* analyses the political and socio-economics of post-conflict reconstruction from a gender perspective. Sorensen points out that women have gone beyond the conventional image of being victims of war, and that in many different ways women make a contribution to the rebuilding of countries emerging from armed conflicts. She argues that in spite of this, in most cases women are excluded from formal peace negotiations which are identified as male domains. As a result, women lack direct influence in the identification of reconstruction priorities that are usually part of a peace agreement. Nevertheless, women play an influential role through their work in grassroots organizations working for peace, reconciliation and building a culture of peace. Sorensen's view on invisibility of women in formal peace negotiation sheds light on the study because it looks at the gendered nature of post-conflict peace-building in war-torn societies.

Mazurana and McKay²⁹, in *Women and Peace-building* define peace-building to include gender awareness, and women's rights empowerment. To them, peace-building should foster the ability of women and girls to promote conditions of non-violence, justice and human rights of all. They recommend six lessons for effective peace-building. These are: the inclusion of a gender perspective, reconciliation, healing and building relationships, documentation and evaluation of all peace activities. They argue that grass root women are the "major stakeholders in conflict

²⁷ Amal Sabbagh, "Women in Parliament: Beyond Numbers, Case Study: The Arab States, Enhancing Women's Political Participation". *Journal of Conflict Development*, Vol. 3, No.2, 2008.

²⁸ Birgette Sorensen, "Women and Post Conflict Reconstruction: Issues and Sources", War-torn Societies Project Paper No. 3, New York: 1998, p. 2.

²⁹ Mazurana Dyan and Susan McKay, *Women and Peace-building*, Montreal: International Centre for Human Rights and Democratic Development, 1999.

situation”, and that as such, they should be at the centre of peace-building. Their finding is relevant to the study as it regards women as key actors in peace-building.

John Paul Lederach³⁰ in his work titled *Building Peace: Sustainable Reconstruction in Divided Societies* stresses that peace-building encompasses a full array of stages needed to transform conflict into sustainable peaceful relationships. Lederach argues that peace-building entails pre and post peace activities that deal with long term commitments. He adds that peace-building must have leadership at various levels of society. These levels include; the top, middle and grass root level. This assertion is very informative to the study as it calls for an all inclusive approach to peace-building, an aspect previously ignored in Mt. Elgon district when women were sidelined in peacemaking and traditional cleansing ceremonies because of traditional beliefs.

Shalmali Guttal³¹ in an article, “The Politics of Post-War/Post-Conflict Reconstruction” argues that post-conflict reconstruction is not simply about rebuilding lives after violence, but is also about establishing a free market based capitalist economy. This should be accompanied by a political regime change that is willing to promote and defend free market, capitalism, privatization, neo-liberalism and ‘good governance’ aimed at creating wealth. Guttal further argues that, post-conflict reconstruction seems to be the preserve of the private sector from outside the country with the ability to fund reconstruction. As such governments of affected countries have little say in the policy prescriptions and the aspirations of local populations for peace and political stability thus become secondary to the vision of reconstruction architects. This study sheds light on the research as it highlights that the local community is always sidelined in post-conflict peace-building as international multilaterals agencies take centre stage fund the process.

According to Sanam Anderlin and Judy El-Bushra³² the signing of a peace agreement or other events like military intervention that mark the official end of war signal the beginning of post conflict reconstruction. Anderlin and El-Bushra argue that at this point in time large bilateral or multilateral agencies arrive to work with national governments, and to manage and disburse most

³⁰ John Paul Lederach, “Building Peace: Sustainable Reconstruction in Divided Societies”, paper submitted to the United Nations University, 1994.

³¹ Shalmali Guttal, “The Politics of Post – War/ Post-conflict Reconstruction”, *Journal of Development* Vol. 48, No.3, Society for International Development 1011-6370/05, 2005, p73.

³² Sanam Naraghi Anderlin, and Judy El-Bushra, *Post conflict Reconstruction*, New York: Basic Books, 2008, p 38.

funds for social and economic reconstruction. They add that when peace agreements hold and military violence subsides, the focus of aid shifts from emergency relief to long-term social and economic development. Their findings inform the study as they assert that military intervention to end violence presents an opportunity to initiate post-conflict peace-building. It will therefore be interesting to examine the post-conflict peace-building activities initiated in the by the women of Mt. Elgon district after the military intervened to end the violence.

Necla Tschirgi³³ in a book titled *Post Conflict Peace-building Revisited: Achievements, Limitation, challenges* argues that the UN Agenda for Peace 1992, which collectively defined the aspirations of peace in the post-Cold War communities no longer remains the nucleus of the UN peacekeeping. Furthermore, the 1992 aspiration of peace-building has been over taken by a new discourse on “nation building,” and “regime change,” of failing states. The work argues that preoccupation with regime change as advocated by the Western world undermines the basic premise of peace-building by local communities. Tschirgi adds that this “regime change” needs to be nurtured internally in tune with domestic political realities of war torn countries. Tschirgi’s findings were relevant to this research as it highlighted that the government priority on national security which prompted her decision to intervene in the conflict may have jeopardized reconciliation and achievement of justice in the context of the underlying historical injustices on land that remain unresolved in Mt. Elgon district.

Alejandro Bendana’s³⁴ article “From Peace-building to State Building; One Step Forward and Two Steps Back” looks at Post-conflict peace-building as state building in post-war situations. In the work Bendana argues that international peace-building doctrine and practice has slowly given way to conflict pre-emption. Thus, legitimizing external military intervention. Bendana argues that peace-building should not be equated to state-building, and the militarist agenda of the USA. Bendana appeals to people to work for peace by supporting democratization with economies based on solidarity not profit. Bendana’s argument is crucial to the study as it points out that non-violent intervention should not be a core element of peace-building. Bendana’s arguments helped

³³ Necla Tschirgi, *Post Conflict Peacebuilding Revisited: Achievements, Limitation, challenges*, New York: 2004.

³⁴ Alejandro Bendana, “From Peacebuilding to State Building: One Step Forward and Two Steps Back?” *Journal of Development*, Vol. 48, 2005, pp 422.453.

in answering the question, whether the military intervention was the only available means of resolving the land based violence in Mount Elgon District.

William Lahneman³⁵ in a book titled *Military Interventions: Cases in context of 21st Century* highlights ten fundamental questions that act as principles for military intervention in internal conflicts. These are: first, what are the principal circumstances that prompt military intervention? Second, what is the nature of intervention force - police or military? Third, at what phase of the internal conflict did the intervention occur? Fourth, what are goals of intervention - is it political, military, economic or social justice? Fifth, in what ways may the intervening forces have improved their goal attainment? Six, would an earlier intervention have improved the situation? Seven, would a more powerful force improve the situation? Eight, to what extent was the military intervention sufficient in resolving the conflict? Or, to what extent would a nonmilitary intervention be sufficient to produce long lasting peace? Nine, did a clear exit strategy of the intervening force exist at the start of intervention? Finally, was the intervention a “success”? Lahneman’s principles have a bearing on the study as they offer the parameters to assess what prompted the military intervention in Mt. Elgon conflicts, its justification and its success.

David Lipmann’s³⁶ article “Change and Continuity in Legal Justification for Military Intervention” says that international law does not outlaw the use of force as a means to settle disputes within states. He adds that international law treats internal conflict as matter of domestic jurisdiction to be decided solely by the affected State as required by Sovereignty of State. As such the international law only prohibits foreign military involvement in internal conflict and not the sovereign country’s military. Wippman’s work informs this study by giving the legal boundaries for military intervention. However, it fails to outline the specific rules of operation for a State military intervention in local conflict such as that carried out in Mount Elgon by Kenyan troops.

³⁵ William J. Lahneman, *Military Interventions: Cases in Context for Twenty First Century*, Rowman and Littlefield Publishers Inc., Lanhary USA: 2004.p 116.

³⁶ David Wippman, “Change and Continuity in Legal Justification for Military Intervention in Internal Conflict”, *Journal of Law Library*, 1995. <http://home.heinonline.org>. Accessed on 25th February 2011.

Prendergast and Plumb³⁷ in a chapter titled “Building Local Capacity: From Implementation to Peace-building” propose that the ending of civil war does not end societal suffering, division, and conflict. They argue though military intervention and signing of peace agreements may bring about semblance of peace, positive peace still remain elusive as most post war communities continue to be beset by ethnic, political, economic, social and religious rifts. They argue that structural root causes of armed conflict may remain intact or may even be exacerbated long after fighting has ceased. The duo’s assertion is relevant to this study as it points out the need for government to support peace-building beyond military intervention in addressing the root cause of the land clashes in order to realize sustainable positive peace.

Arnold Abassa³⁸ in an article “The Nexus between Peacekeeping and Peace-building” says that one of the hallmarks of UN peacekeeping operation is the paradigmatic change from being a passive observer of the 1940s to the active rebuilders of damaged societies in 1990s. He adds that the UN that was notorious for packing bags and leaving the warring parties to agree on ceasefire has begun to put in place measures to ensure that the war is never re-enacted after its departure. This is after realizing that peacekeeping without peace-building is tantamount to merely providing a reprieve for conflicting parties to regroup and go back to the battle field. This literature informs the intended study as it offers close analysis for the need to follow up military intervention with post-conflict peace-building. Lack of which would lead to relapse into yet another conflict. It also sheds light on the study as it asserts for delayed pull out of military or peacekeepers to monitor possibilities of relapse yet to another conflict.

Wendy Lambourone³⁹ in an article “Post-Conflict Peace-building: Meeting Human Needs for Justice and Reconciliation” asserts that the ending of overt violence via a peace agreement or military victory does not mean the achievement of peace unless it is followed by reconciliation and justice. Rather, the so-called ‘post-conflict’ situation may provide a new set of opportunities that can be grasped or thrown away. She further argues that both justice and reconciliation are

³⁷ John Prendergast and Emily Plumb, “Building Local Capacity: From Implementation to Peace-building”, in *Ending Civil War: The Implementation of Peace Agreements*, edited by Stephen John Stedman, Donald Rothchild and Elizabeth Cousens, Lynne Rienner Publishers, Inc, Colorado, USA, 2002, p.327.

³⁸ Arnold Abassa, “The Nexus Between Peacekeeping and Peace-building: Debrief and Lessons”, *Journal of Conflict and Security Law* Vol. 7, No. 1, 2002, pp 137-140.

³⁹ Wendy Lambourone, “Post Conflict Peace-building: Meeting Human Needs for Justice and Reconciliation” in *Journal of Peace Conflict and Development*, Volume 2004, pp 213-226.

fundamentally significant goals that need to be addressed in the design of successful post-conflict peace-building processes. Lambourne argues that warring communities need to overcome enmity through the acknowledgement of chosen traumas and developing shared histories. Lambourne offers this study a critical analysis tool beyond the narrow conception of peace-building associated with military intervention. It calls for these efforts to be extended to social justice and reconciliation issues that the military hardly addresses during pacification operation.

Eugenia Zorbas⁴⁰ in an article “Reconciliation in Post Genocide Rwanda” describes reconciliation as a vague and ‘messy’, process involving imposition of certain “silences”. In Rwanda, Zorbas argues that the silences included failure to prosecute alleged Rwanda Patriotic Alliance (RPA) crimes, the collective stigmatization of Hutu as ‘genocidaires’ and outlawing of divisionism that helped in the reconciliation process. Zorbas argument has bearing on the study as it calls for need to impose some silences on the SLDF atrocities and other stereotypes held about the warring communities in Mt. Elgon in order to encourage peace and reconciliation.

In the same articles Zorbas also advocates for use of traditional grass roots courts - *Gacaca* since they involve the population in ‘solving’ problems. Above all it is in line with the Rwandese tradition that triumphs where there is hostility towards Western justice. Though this work centers on the Rwanda genocide it is insightful to this study because it roots for alternative justice systems and the need to conserve monuments for remembrance of the past atrocities.

Caroline Sweetman⁴¹ in her book *Gender, Peace-building and Reconstruction* which addresses post genocide reconstruction in Rwanda and the role of women therein, believes that NGO’s tend to limit the focus on women’s welfare and that they should focus also on supporting women’s attempts to gain access to leadership positions. Sweetman’s findings sheds light on this study by pointing out that some NGOs activities fall short of empowering women on leadership.

⁴⁰ Eugenia Zorbas, “Reconciliation in Post-Genocide Rwanda” *African Journal of Legal Studies*, Volume 1, No. 1 2004, p. 2.

⁴¹ Caroline Sweetman, *Gender, Peace-building and Reconstruction*, London: Oxfam, 2004.

Sengulane and Goncalves⁴² in *The Mozambican Peace Process in Perspective* argue that during the Mozambique liberation war, the Council of Churches invoked God to bring peace. The authors add that the clergy were outspoken in their criticism of the colonial regime and that the church leaders publically called for peace and reconciliation.⁴³ Despite press criticism the Catholic Church continued to represent the feeling of the suffering of masses. The church was involved in negotiation and supervision of the peace accord.⁴⁴ This perspective sheds light on the study as it draws a parallel that the church played a major role in the peace process in Mt. Elgon district.

Dennis Sengulane and Jamie Pedro Goncalves on discussing land allocation after displacement argue that in Mozambique, the process of land allocation following the peace agreement in 1992 was very successful because it was locally driven. They argue that after the war, about five million Mozambicans, including refugees and internally displaced people, returned to their villages over a period of two years. In many cases, the refugees and the internally displaced people had been away from their villages for ten to fifteen years. Their dwellings and agricultural plots had often been occupied by other displaced persons. To resettle the returning displaced persons an estimated 500,000 land transactions took place during the two year period.⁴⁵ These transactions were all carried out at the grass root level by local and traditional authorities using indigenous knowledge, with no external assistance of any kind from the government. Two years after this unique land allocation program, there were no reports of land conflicts except in cases where the government had allocated communal lands to outside business interests.⁴⁶ This assertion that the locally owned land allocation process is the best in settling the internally displaced persons will be examined in this study.

The case of Mozambique's Post Stress Traumatic Syndrome Treatment Process presented by Alcinda Honwona⁴⁷ also exemplifies the management of traditional healing in the context of conflict in traditional societies. Honwona argues that during the war in Mozambique there were over a million military and civilian deaths and about 90,000 surviving combatants at the time of

⁴² Denis S. Sengulane and Jamie Pedro Goncalves, *The Mozambican Peace Process in Perspective*, London: Conciliation Resources, 1998 p. 26-33.

⁴³ Ibid. p.26

⁴⁴ Ibid. p.28

⁴⁵ Ibid. p. 29.

⁴⁶ Ibid. p. 30.

⁴⁷ Alcinda Honwona, "Sealing the Past, Facing the Future: Trauma Healing in Rural Mozambique", in Dennis Sengulane (ed.) *The Mozambican Peace Process in Perspective*, London: Conciliation Resources, 1998 p. 75-82.

signing the peace agreement. Both sides had inflicted brutality and horror on each other. Stories about child soldiers being forced to kill their own families to ensure their loyalty to rebels were quite common. There were no practicing western - trained psychotherapists in the country either, and thus no formal treatment of Post-Traumatic Stress Disorder (PTSD). But there were many traditional healers carrying out PTSD treatment.⁴⁸ Honwona adds that cultural understanding of trauma healing is important because of the manner and way people express and interpret their affliction are locally specific.⁴⁹ Honwona's assertion has a bearing on the study as it advocates traditional healing process in post-conflict peace-building in Mt. Elgon district.

Pamela Kabahezi⁵⁰ says that in Northern Uganda, women formed groups to enable them to fend for their families after the conflict. She adds that through these groups, attempts have been made to address the problem of poverty and dependency. These groups engage in dairy farming, chicken rearing and stone quarrying among other activities. Women have also formed revolving funds where members of a group contribute money into one pool on a monthly basis and give it to one member in turns. These groups are well organized and sometimes lend money to members who encounter a problem. These groups also are able to secure loans from banks.⁵¹ Kabahezi's argument has relevance to the study as it informs about women's unity in forming groups for economic empowerment in Mt. Elgon district helped to rebuild economies as will be discussed in the study.

Sharon Rolls⁵², in *Use of community Radio to encourage Women's involvement in Peace Building and Conflict Resolution*, argues that in Fiji, women used the community radio to champion issues concerning women. The radio station an initiative of Femi-LINKPACIFIC media – a female run company offered women opportunities to advocate for political and economic empowerment. It also sought to establish a common agenda and to conduct out reach for women and women groups among many more issues. The major achievement of the station besides equipping women with the opportunity to train and to develop community strategies was that it ensured a gender sensitive

⁴⁸ Ibid. p.76.

⁴⁹ Ibid, p.79.

⁵⁰ Pamela Kabahezi, "An Exploration of Peace Building Challenges Faced by Acholi Women in Gulu, Northern Uganda", M.A Thesis, Nelson Mandela Metropolitan University, Port Elizabeth: 2010.

⁵¹ Ibid, p.35

⁵² Sharon Rolls, *Use of community Radio to encourage Women's involvement in Peace Building and Conflict Resolution*, New Papua Guinea: Femi-LINKPACIFIC media, 2010.

documentation of human rights abuses as well as addressing the information gap in matters concerning women.⁵³ A similar initiative was used in Burundi as documented by Mary Mwangi⁵⁴ arguing that in Burundi, the Burundian Studio Ijambo has eradicated hate speech in Burundi through the power of speech.⁵⁵ These sentiments shed light on the study as it draws a parallel with the use of media in Mt. Elgon district to enhance post-conflict peace-building as will be examined.

Addressing women's participation in peace-building in Kenya, Monica Juma⁵⁶ says that conventional methods of peace-building do not capture the full range of informal efforts required in nurturing sustainable. She argues that several new studies portray women as a principal driving force in peace initiatives and yet, the 'rituals' of peace often preclude their full participation. She argues that when peace negotiations and rebuilding of destroyed economies become more formal, the women fade into the oblivion. Thus, important peace activities by women, such as reviving economies and reconciliation are seen as peripheral to the formal peace process. This study will examine this view.

Finally, Muthoni Wanyeki⁵⁷ argues that the Kenyan women's optimism in highlighting the plight of women was never ended by the 2007 Post-Election violence. She says that despite women facing lethal violence in form of rape many of them never shied away from documenting their ordeals. Her thoughts inform the study as she concludes that Kenyan women's movements for peace have responded to the violence against women with attempts to document women's experiences so as to ensure that those involved in humanitarian relief do the same. This study will examine how women of Mt. Elgon have tried to document atrocities committed against them.

⁵³ Ibid. p.6.

⁵⁴ Mary Mwangi, "The Role of Radio in Peace Building in Burundi 1995-2005: A case study of Studio Ijambo", M.A Thesis University of Nairobi, 2010.

⁵⁵ Ibid. p, 17.

⁵⁶ Monica Kathina Juma, "Unveiling Women As Pillars Of Peace: Peace Building In Communities-Fractured By Conflict In Kenya", *Report of Management Development And Governance Division Bureau For Development Policy, United Nations Development Programme* available on: [Http://Magnet.Undp.Org/](http://Magnet.Undp.Org/).

⁵⁷ Muthoni Wanyeki, "Lesson from Kenya: Women and the Post-Election Violence" in Mbugua Wa- Mungai and George Gona, *(Re)-Membering Kenya* Nairobi: Twaweza Communications Ltd., 2010.

THEORETICAL FRAMEWORK

This study was based on the theory of patriarchy which says that in patriarchal social systems, power is primarily held by adult men, and men tend to oppress, exploit and dominate women. Women are viewed as morally, intellectually, and physically inferior to men. Patriarchy sees women as the property of men, and claims that women's role in society is to reproduce and serve men.⁵⁸ This perpetuates the belief that war and peace-building is the preserve for men. Hence it is seen as "natural" for men to dominate peace-building whereas women who bear the brunt of conflict⁵⁹ are perpetually sidelined in a field in which they should be actively involved.

Some of the proponents of this theory include Steven Goldberg, Eleanor Leacock, Juliet Mitchell, Jody Raphael, Anne Witz and Susan Kingsley. These scholars argue that in virtually every known society past and present, women have not been treated as the full equals of men. Inequality between men and women has always in particular characterized the culture of war and violence. In their view women's equality is essential to the culture of peace.⁶⁰

Harris Mirkin⁶¹ alongside other feminists have criticized the theory of patriarchy saying it depicts traditional women as institutionally non-individuals and subgroups to a man's world. Thus, traditional male roles are seen as desirable and those of women as undesirable. Steven Goldeberg⁶² however, says that patriarchy as theory explaining the dichotomy of male and female has been simplified to the rubric of 'nature versus nurture' and ignores other factors such as physiology, environment and interaction between the two genders that determine the capability of the either gender. He argues that social behavior is primarily determined by genetics and thus that patriarchy arises more as a result of inherent biology than social conditioning. Goldberg also contends that patriarchy is a universal feature of human culture.

⁵⁸ Gordon, April, *Transforming capitalism and patriarchy: gender and development in Africa*. Lynne Reiner. p. 18.

⁵⁹ Gracá Machel, "Report of the Expert of the Secretary-General on Impact of Armed Conflicts on Children", New York: United Nations, 2002, p. 6.

⁶⁰ Strategy for Revolution in the 21st Century: Women Equality versus Patriarchy in Relation to Culture of Peace, available on <http://www.Patriarchyandwar/womenequalityvspatriarchy.mhm>.

⁶¹ Haris Mirkin. "The Passive Female – The Theory of Patriarchy" 1996. Available online at: <http://www.anu.edu.au/polsci/mari/ayleft/patriarchy.rti> accessed on 29th May 2011.

⁶² Steven Goldeberg, "The Theory of Patriarchy: A Final Summation Including Response to Fifteen Years Criticism", *International Journal of Sociology and Social policy*, Vol. 9, Issue 1, MCB OP Ltd, 1981, pp 15-62.

In Africa, patriarchal practices shape and perpetuate gender inequality and strip women of any form of control over their sexuality. This is because customs in Africa are regarded as stronger as the law and religion.⁶³ As such patriarchy is equivalent to culture and culture is patriarchy.⁶⁴ Over the years, customary practices have been incorporated into religion, and ultimately have come to be believed by their practitioners to be demanded by their gods.⁶⁵

The standard sociological theory explains that patriarchy results from sociological constructions that are passed down from generation to generation.⁶⁶ These constructions are most pronounced in societies with traditional cultures with little economic development as compared to developed world.⁶⁷ Other scholars argue that the genetic predisposition of male and female bodies is the basis of patriarchy. This school of thought holds that testosterone is associated with aggression and heightened sexual drive. Thus, leadership, authority, aggressiveness and responsibility reside in men and masculinity; while nurture, compliance, passivity and dependence are the part of the nature of women and femininity.

Understanding patriarchy explains why women must fight so hard to defeat the power of men even when a level playing field has been enacted through legislation as Mao Tse Tung said:

Under capitalism, the female half of the human race suffers under a double yoke ... they are, firstly, in an inferior position because the law denies them equality with men, and secondly, they are in domestic slavery, crushed by the most petty, most menial, most arduous, and most stultifying work of the kitchen. This is the women's world.⁶⁸

The theory of patriarchy posits that 95% of direct violence is committed by men.⁶⁹ The theory has also been used to explain how politics is portrayed as a dirty game, which requires such tough qualities that very few women are attracted by it⁷⁰. Finally, the theory explains why women lack

⁶³ Maureen Kambarami, *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*. University of Fort Hare, South Africa: ARSRC Publishers 2006.

⁶⁴ Johan Galtung, *Peace by Peaceful Means: Peace and Conflict Development and Civilization*, Oxford: 2004, p.41.

⁶⁵ Lightfoot-Klein 1989 cited by Okome, 2003, p.71.

⁶⁶ Stephen K. Sanderson, *The Evolution of Human Sociality*. London: Rowman & Littlefield, 2001, p. 198.

⁶⁷ John J. Macaronis, *Sociology: A Global Introduction*, New York: Prentice Hall, 2000, p. 347.

⁶⁸ Mao Tse Tung as quoted by Brian Martin, *Uprooting War: Publications on War and Peace and Nonviolence*, London: Freedom Press 1990.

⁶⁹ Johan Galtung, *Peace by Peaceful Means: Peace and Conflict Development and Civilization*, Oxford: 2008. p.41.

⁷⁰ Maureen Kambarami, *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*. University of Fort Hare, South Africa: ARSRC Publishers, 2006.

control over their sexuality as is displayed through the rape and domestic violence.⁷¹ The theory of patriarchy is relevant to the study as it shows how people in Mt. Elgon have shape and perpetuated gender inequality. It also helps to explain why although international legal regimes have recommended complete equality of men and women; societies are far from “ensuring complete equality”.

HYPOTHESES

The following statements had been formulated to test as the hypotheses:

1. Women in Mt. Elgon were actively involved in post-conflict peace-building.
2. The SLDF atrocities and the military intervention had dire impacts on women of Mt. Elgon.
3. Women of Mt. Elgon district had different perceptions on the military intervention in the area.

METHODOLOGY

The study was based on both secondary and primary data. The secondary data was obtained from books, journals, articles, chapters in edited works, published research papers and reports prepared by various non-governmental organizations. Internet sources were relied on when access to hard copy books and journals was not within reach. Field work was undertaken to conduct oral interviews using an open-ended question guide. This gave the respondents a complete freedom of responses. It also provided them with an insight into their feelings, background, hidden motivation and interest. While posing questions, probing was used to make respondents to remain focused on the research questions.

To find respondents, the purposive snowball method was used. In this method the initial informant with the desired information on women involvement in peace-building was identified using the purposive sampling technique with the assistance of research assistance. One of the identified respondents then named others whom they knew had the required characteristics. This was repeated until the desired data was collected. Purposive snowball helped to save time. I also carried out focused group discussion to collect different views where the groups of informants were homogenous.

⁷¹ Ibid.

The observation method was also used to capture the non-verbal cues such as expressions of bitterness from the informants that enriched this study. To create good rapport and confidence with the respondents, I sought the assistance of research assistant Mr. Matasero. After data collection I analyzed individual category of informants 'data to collaborate the collected information. Finally, the qualitative method of data analysis was used to analyze, present and report both the primary and secondary data collected into this study.

CHAPTER TWO

2.0 THE MOUNT ELGON CONFLICT.

2.1 Introduction

The Mount Elgon conflict presents a conflict where and when historical injustice in the form of failure to settle the former squatters displaced during the colonial period in Kenya has culminated in conflict. This was a conflict perpetuated by the Sabot Land Defense Force – an armed militia group that revolted against the government eviction of squatters in the Chepyuk settlement scheme. The conflict was also caused by the interplay of factors including socio-economic and political issues related to land distribution, ethnic consciousness and inter-clan rivalry.

Drawing from historical background this chapter will develop the argument that the colonial government land policy of replacing customary with modern systems of land ownership led to conflict. It will also argue that the failure of subsequent post-independence government of Kenya to resolve lingering disputes emerging from land allocation triggered violence in Mt. Elgon district. Violence that resulted in death of civilians, massive displacement and wanton destruction of property. The chapter will also focus on how the political elites in the district were able to use the emotional issue of land to incite the public to protests against the government.

2.2 Historical Background of the Mount Elgon Conflict

An analysis of the Mt. Elgon conflicts shows that the present conflict is a result of an accumulation of historical events and colonial legacies on land. Of paramount significance is the history of control of forests by the colonial government for conservation purposes. When the colonial government introduced this policy, it emphasized that “the public good was best served through the protection of forests and water resources, even if this meant the displacement of the local communities.”⁷² By 1932 a total of 43 forests covering an area of 609 square kilometer were defined as government forests that must be protected against unsustainable exploitation from people living adjacent to them.⁷³ The government therefore, implemented strict rules to prevent

⁷² J.R. Kamugisha, Z.A Ogotu and M. Stahl, *Parks and People-Conservation and Livelihoods at the Crossroads*, Nairobi: Regional Soil Conservation Unit (RSCU). 1997.

⁷³ Paul Ongugo, Jane Njuguna, Emily Obonyo and Gordon Sigu. “Livelihoods, Natural Resource Entitlements and Protected Areas: The Case of Mt. Elgon Forest in Kenya”, Nairobi: IFRI Collaborative Research centre, 2008, p. 1.

‘illegal’ activities. These rules led the Sabaot community living adjacent to Mt. Elgon to develop hostile attitudes towards the government’s conservation program.

The gazette of Mt. Elgon forest and national park in 1932 and 1968 respectively also led further opposition of the government forest’s conservation program.⁷⁴ Soon after gazette, the forest that was once viewed as belonging to the local people changed hands and became an institutionalized asset of the government. This institutionalization of the forests was never welcome by the Sabaot. To the residents of Mt. Elgon district, the Mt. Elgon ecosystem was ‘theirs’ by right and government’s by might.⁷⁵ According to Sabaot, the protected areas represented the perfect grazing grounds, water sources, and fertile land for cultivation among other benefits. The result of these was a continuous encroachment and exploitation of the forest by the community while also accusing the government of neglecting their traditional and long-term *de facto* rights to exploit the forest resources.⁷⁶

The Mount Elgon district conflict was also as a result of the colonial land policy that was introduced in Kenya to serve settler demands.⁷⁷ This policy ensured the alienation of African land to create white settler farms. Subsequently, the “White Highlands” were earmarked in Uasin Gishu, Laikipia, Nakuru, Mount Elgon, Trans-Nzoia and Kericho areas. In the event, the Sabaot ancestral land on the extensive plains of what is now Trans-Nzoia district was taken away from the community without compensation. The community was displaced to Chepkitale forest as squatters.⁷⁸ Not only did this displacement alienate the Sabaot community from its means of livelihood, but the dispersion and displacement also heralded a process of intra-community differentiation and rivalry between the Soy and the Mosop clans that fed the conflict in 2008.

⁷⁴ Claire Medard, “Indigenous Land Claims in Kenya: A study of Chepyuk, Mount Elgon District” in *The Struggle over Land in Africa: Conflicts, Policy and Change* (eds.) Ward, Anseuw and Chris Alden, London: Human Science Research Council, 2009, p.19.

⁷⁵ Kenya Human Rights Commission, *Ours by Right, Theirs by Might: A study of Land Clashes in Kenya*, New York: KHRC, 1996.

⁷⁶ Robert Rombaroh Simiyu, “Militianisation of Resource Conflicts The case of Land-based Conflict in the Mount Elgon Region of Western Kenya, Moi University, Monograph 152, October, 2008.

⁷⁷ *Ibid.* p. 12.

⁷⁸ Wilberforce Kisiero, Oral submission of Sabaot People to Memorandum of Understanding submitted to TJRC on 26th May 2011.

As result of intra-community differentiation brought by the creation of the “White Highlands,” a section of the Sabaot community (Mosop or Ndorobo clan) settled on Chepkitale trust land in the moorlands on the slope of the mountain as pastoralists, hunters and gatherers while another group (Soy clan) settled down the slopes in Chepyuk and Cheptais becoming agriculturalist. The economic activities adopted by these groups explain why the Mosop have always sold their plots allocated by the government and returned to the forests while the Soy who practiced agriculture developed a high affinity for fertile agricultural land in the schemes.

After independence in 1963 the Kenyatta government bought the former “White Highlands” from the settlers and began resettling the people displaced. Since the “White Highlands” had attracted a labor from all ethnic groups the government encouraged the former laborers to form land buying cooperatives. As result most of the schemes were settled by non-Sabaot making Mount Elgon region a cosmopolitan district inhabited by the Sabaot, Bukusu, Iteso and other ethnic groups.

In 1967 the government also began to resettle the Mosop from the Chepkitale trust land, and the Sabaot squatters in the Diaspora displaced in the 1930s by the colonial government. For this purpose the government in 1968 created the Chepyuk Settlement Scheme through Legal Notice No 35 of 1968.⁷⁹ In 1971 the Mosop were evicted from the forest in the expansive Chepkitale and relocated to a settlement scheme in Chepyuk despite resistance by the Mosop. Close to 109 Mosop families were forcibly resettled in the scheme even before it was degazetted out of forest land as required by law⁸⁰. In the same year, the first initiatives to degazette the scheme and give the allotted title deeds were proposed but immediately nullified because the initial number of ‘families’ allocated land had increased to over two thousand as a result new people buying the plots from the Mosop pastoralist moving back to the moorland. Subsequent attempts to issue title deeds were carried out in the 1970s and 1980s to no fruition.

In 1989 the government through a former Provincial Commissioner Francis Lekoolo tried to complete the resettlement but the process was marred by political interference, nepotism and

⁷⁹ Robert Simiyu. “Militianisation of Resource Conflicts The case of Land-based Conflict in the Mount Elgon Region of Western Kenya, Moi University, Monograph 152, October, 2008

⁸⁰ Kenya National Commission on Human Rights, “The Mount of Terror”, KNCHR Report on Mt. Elgon, Nairobi: National Commission on Human Rights 2008, p. 9.

corruption. This led to the nullification of the process once more. Meanwhile the Mosop who had been allocated land in Chepyuk Phase I and II had already sold their plots to buyers mostly the Buskusu and returned to the moorland that was an ideal grazing land for their animals. The availability of fertile land in the schemes attracted more and more 'foreigners' into the heart of Mount Elgon Chepyuk settlement schemes and thus the new owners of plots and the original list of "beneficiary" did not tally making formalization and issuance of title deeds problematic. Once again the formalization of the land allocation in 1989 was put on hold.⁸¹

Another attempt to resettle the squatters begun in 1990, but was also abandoned due to the 1992 ethnic clashes pitting the Sabaot against the Bukusu and Iteso that hit the region. There was another attempt at resettlement in 1997. This was also abandoned due to a lack of political will and the pre-election violence witnessed in the region. The most recent attempt at resettlement in Chepyuk started in 2000. This time, the resettlement in the first two phases of the scheme was completed. However, phase III sparked controversy as both Soy and Mosop clans laid claim to the land. The two clans had separately led delegations to the two former heads of State to get their confirmation to the ownership of land in contention. The Mosop were the first to petition the first Kenyan president Jomo Kenyatta to give them the land as compensation to 'their' expansive Chepkitale.⁸² The Mosop believed that this justified their claim of Chebyuk phase III.

The Soy clan also petitioned for allocation of this controversial piece of land. The Soy clan sent a delegation to former president Daniel arap Moi demanding allocation of phase III in its entirety. They claimed that the Mosop had already had their share in Phase I and II. Unfortunately, neither clan had any documentation to show a presidential decree taken in regard to the land ownership. By 2002, allocation of land and issuance of title deeds had not yet been completed. In efforts to entice the electorate to vote for them, politicians vying for the Mt. Elgon parliamentary seats used issuance of land title deeds as a campaign promise. They advocated settling squatters on the very plot they occupied commonly known as *nyumba kwa nyumba* (household basis).⁸³ This political rhetoric during election campaigns on finalization of the resettlement program in Chepyuk

⁸¹ Ibid. p, 10.

⁸² Ibid. p, 9.

⁸³ Kenya National Commission on Human Rights. "Mountain of Terror" KNCHR Report on Mt. Elgon Conflict, Nairobi, Kenya National Commission on Human Rights, 2008, p 11.

settlement scheme once again foiled the planned issuance of title deeds to the “genuine beneficiaries” of the plots.

In 2005 the land issue resurfaced during the national constitutional referendum campaigns. This continued until 2006 when another effort at resettlement in Phase III was made to settle the ever increasing list of “beneficiaries” as population swelled. The government in 2006 reduced the size of plots from two acres to one acre and proposed to include the Mosop who were initially not supposed to benefit from phase III. The Soy protested the inclusion of Mosop in phase III but the government went forward with the resettlement process. Seven thousand applications were received for land allocation. The majority of the applicants were allocated land. However, 1,500 families mostly of the Soy clan who had already settled missed out. They were thus evicted by the government from their farms sparking protests.⁸⁴

The finalization of settlement in Chepyuk phase III located at Chepkurkur became a problem to the government. It had several obstacles. First, the Soy clan who were the majority clan among the Sabaot community felt dissatisfied with mode of the allocations in the first two phases in which they only got 40% of the allocations. Secondly, the non-Sabaot communities felt left out. Thirdly, people who had purchased the land on willing - buyer – willing - seller basis before nullification of land allocation in 2005 were still claiming the land. The majority of these buyers were of non - Sabaot origin. To resolve these conflicts a number of consultative meetings between the elders of the two clans, the provincial administration as well as political leaders were held, and an agreement for sharing the land was reached between the Soy and Mosop on a ratio of 50:50.⁸⁵

After the agreement was signed, a second round of applications for allocation of land in the Chepyuk phase III settlement scheme was announced. Residents from either clans submitted their application. The vetting process begun in January 2006 after submission of application and ended in March the same year. The vetting was done by a group of elders from both the Soy and Mosop clans as opposed to chiefs. This was a measure to curb against cases of corruption and nepotism witnessed earlier. Elders elected by the representatives of the two clans sat in vetting council.

⁸⁴ Kenya Land Alliance, “The Mount Elgon Conflict: Results of a Failed Resettlement Programme”, *A newsletter of Kenya Land Alliance*, issue 6 (1), 2007.p. 24.

⁸⁵ *Ibid*.p.25.

They were also not permanent, but had to be re-elected each time the committee sat to avoid lobbying. Applications were also filed separately for the each clan. For one to be considered, one had to be a Kenyan citizen living physically in the scheme and had to appear in person to the vetting committee.⁸⁶ During the consultative meetings, the methodology of settlement of squatters on the basis of *nyumba kwa nyumba* was found unviable mainly because a number of people residing were not genuine applicants. Some had land elsewhere and could therefore not meet the new vetting criteria for benefiting as “deserving” squatters.

Soon after completion of the vetting process in March 2006, a number of people particularly those who were not allocated land were dissatisfied. Some civic leaders from the Soy clan were also dissatisfied because the new agreed mode of sharing land on fifty – fifty basis between the Soy and Mosop went against their earlier expectations to have most of the land allocated to the Soy. Above all their application to be allocated land had been trashed by the new agreed criterion. The dissatisfied parties began calling for a total overhaul of the process. They began collecting money to enable them take legal redress.⁸⁷ They moved to court to file a case only to realize that the land in contention had not yet been degazetted and therefore they lacked *locus standi* in the case.⁸⁸

Disappointed from the failed legal action in court. The Soy clan leaders allegedly sought to channel the money raised for legal action into financing firearms for purposes of stopping the land allocation.⁸⁹ This was the genesis of the Sabot Land Defense Force (SLDF). The SLDF was a group mainly opposed to the 50:50 sharing agreement between the Soy and the Mosop clans. They were also those who did not apply for land allocation citing corruption in the process. The dispute degenerated into inter-clan warfare between the Soy and Mosop with the Soy calling the Mosop ‘foreigners’ to the land and the Mosop threatening to take up arms should there be a nullification of the scheme.⁹⁰ A number of dissatisfied politicians also instigated the violence. The “Mountain of Terror” a report of KNHRC put it as follows:

⁸⁶ Kenya National Commission on Human Rights, “Mountain of Terror” a report on the investigation of torture by the military at Mt. Elgon district, KNCHR, May, 2008, p.8.

⁸⁷ Ibid. p.10.

⁸⁸ Ibid. p.10.

⁸⁹ Ibid. p. 10

⁹⁰ Ibid. p. 4.

Councilor Nixon Manyu (a Soy) is one such leader who agreed with the entire process up until when the elders refused to acquiesce to his demands of being allocated land. It is alleged that he incited a number of people not to go for the vetting process hence making them ineligible for land allocation. Two prominent families the Songoiwo and Komon owning close to 400 acres of land in the disputed scheme refused to go for the vetting process.⁹¹

The discontent among the two clans marked the beginning of violence mainly attributed to the Sabaot Land Defense Force (SLDF) attacking members of the Mosop clan. The militia was largely a creation of politicians meant to evict '*madoadoa*'.⁹² As violence escalated the security situation in the area deteriorated as residents fled in fear of the dreaded SLDF. The SLDF killed more than 600 people, terrorized the local population through the levying of taxes, indiscriminate murder, torture, rape, displacement, and destruction of property.⁹³

At the peak of the violence between August 2006 and March 2008, the murders included that of a chief, an assistant chief together with his daughter and two guards. Earlier in January 2007 a local councilor had also been killed prompting the government to deploy 600 police to Mount Elgon. Immediately the police moved in, forty two people were arrested in connection with the clashes and three were killed by the police.⁹⁴ In February 2007 the self proclaimed Commander of the SLDF Wycliffe Matakwei granted a television interview in which he made various demands as a condition for laying down arms. In the interview, he claimed to have a 35,000 strong SLDF militia force.⁹⁵ More realistic estimates however, put the group at between 3,000 and 4,000 men⁹⁶

In March 2007 the police circulated pictures of three people they considered to be ringleaders of the militia. They included a local politician Fred Kapondi, the SLDF deputy leader and military

⁹¹ Ibid. p.6.

⁹² Madoadoa is a Kiswahili term meaning "spots" which was used by SLDF to refer to non-Sabaot people living in Chepyuk Phase III.

⁹³ Human Rights Watch report, "All men have gone" War crimes in Kenya's Mt. Elgon conflict, Human Rights Watch, 2008, p. 15.

⁹⁴ Kenya National Commission on Human Rights, "Mountain of Terror" a report on the investigation of torture by the military at Mt. Elgon, KNCHR, May, 2008, p.13.

⁹⁵ Ibid. p, 12.

⁹⁶ Robert Rombaroh Simiyu, "Militianisation of Resource Conflicts The case of Land-based Conflict in the Mount Elgon region of Western Kenya", Moi university, Monograph 152, October 2008.

commander, Matakwei, and a councilor, Nathan Warsama.⁹⁷ Fred Kapondi who then was contesting the Mt. Elgon parliamentary seat was arrested and arraigned in court for promoting war-like activities. He denied the charges but was remanded in police custody. He was later released and subsequently elected Member of Parliament for Mount Elgon Constituency. His election in the December 2007 General Election invigorated SLDF activities at a time most parts of the country was witnessing violence accompanying the General Election campaigns in 2007.⁹⁸

Earlier on in 2007, a series of peace meetings were held between the provincial administration and leaders from both the Soy and Mosop clans. A ceasefire agreement was reached in September 2007. But this did not deter the militia from committing atrocities as general violence associated with 2007 campaign and election engulfed the country. While the negotiations were on course the militia raided Kapsokwony and killed six people. SLDF then moved to Kitale in May 2007 and killed eleven people. In June 2007 the brother of the then area MP Hon. John Serut was killed. In January 2008 twelve people were killed by SLDF fighters in Chesikaki village prompting a military intervention in March 2008.⁹⁹ The two-month long military operation against the SLDF managed to quell the violence.

2.3 Causes of the Mount Elgon Conflicts

A number of writers have analyzed the causes of the conflict in Mt. Elgon district and drawn various conclusions. The Kenya Land Alliance (KLA) a non-profit and non-partisan umbrella network of Civil Society Organization and individuals committed to advocacy of land laws and land reforms summed the conflict as the “result of a failed resettlement programme.”¹⁰⁰ The Kenya Human Rights Commission (KHRC) viewed the violence in terms of issues revolving around land ownership and rights of tenure. KHRC’s opinion can be summed by the description of the land as “ours (Sabaot) by right and theirs (government) by might”.¹⁰¹ Mwangi Kimenyi concluded that the conflict in Mt. Elgon district is part of the “sporadic ethnic violence in

⁹⁷ The Kenya National Commission on Human Rights, “Mountain of Terror”, KNCHR Report on Mt. Elgon Conflict, 2008, p. 7.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ KLA (Kenya Land Alliance), The Mount Elgon conflict: Results of a failed Resettlement programme, A newsletter of Kenya Land Alliance, issue 6 (1), 2007.

¹⁰¹ KHRC, *Ours by Right, Theirs by Might, a study of land clashes*, Nairobi, KHRC, 1996.

Kenya.”¹⁰² Another scholar, Robert Simiyu asserts that conflict in Mt. Elgon is result of ‘militianisation’ of land based conflict. Informed by these discussions, this section will illustrate the causes of the conflict.

The genesis of the conflict in Mount Elgon district is a culmination of a long history of the Sabaot community’s struggle against historical injustice in the form of colonial disinheritance of land without compensation.¹⁰³ According to this assertion, the colonial government policy to create the “White Highland” for settler demands alienated land from the Sabaot and displaced them as squatters into Chepkitale trust land and the neighbouring districts in the early 1920s and 1930s. This was further aggravated by the failure by successive post-colonial governments to satisfactory settle the squatters.

The first post-colonial government of Kenyatta for instance used the land formerly held by white settlers for patronage purposes to solidify political support. The trend continued and intensified in the successive Moi regime. As this tendency flourished the government adopted the policy of allocating squatters land only after several petitions and lobbying by their leaders. This personalized approach dependant on president’s good will created an ‘artificial’ land scarcity and made political patronage the surest way to access communal land.¹⁰⁴ One resident of Chesikaki location in Mt. Elgon argued that it is skewed land allocation and not political meddling that is the cause of the conflict. Matasero sums the problem as follows:

The conflict between the Soy and the Mosop was not a result of clan rivalry or politics of representation but rather a conflict stemming from years of skewed government land allocation. Had the squatters been allocated land without favoritism and corruption, there could be no conflict. People were fighting because the government was biased during allocation.¹⁰⁵

Another cause of conflict was the inequitable distribution of land by the government between the Soy and Mosop clans that brought about inter-clan competition. Conflict thus arose over which

¹⁰² Mwangi, S. Kimenyi and Njuguna S. Ndungu, “Sporadic Ethnic Violence: Why Has Kenya Not Experienced a Full-Blown Civil War?” *Understanding Civil War* (Vol.1: Africa) edited by Paul Collier and Nicholas Sambians, Washington D.C: World Bank 2005, pp.123-156.

¹⁰³ KLA (Kenya Land Alliance). “The National Land Policy in Kenya: Addressing Historical Injustices”, Issue paper, No.2, 2004.

¹⁰⁴ Ibid.

¹⁰⁵ Oral Interview, Wycliffe Matasero, Cheskaki 23rd June 2011.

clan gets what ratio in which scheme. This was because both Soy and Mosop clans had laid claims to the contentious land. On different occasion both clans had separately made delegation to former Presidents to get ownership. During phase I and II distribution of approximately 4, 450 and 1,410 hectares respectively the two clans shared the land in the proportion of 60:40 between the Mosop and Soy. Largely because the Chepyuk settlement scheme was a compensation for the Mosop evicted in the Chepkitale trust land. The populous Soy clan felt marginalized by this decision. The Soy clan demanded 100% of the allocation in phase III arguing that the Mosop had received the lion's share in the phase I and II.¹⁰⁶ This competition eventually culminated into the conflict.

Monopoly by the State was yet another cause of the conflict. Land allocation by the government created what Robert Simiyu terms 'supply-induced scarcity' of land that also caused the conflict.¹⁰⁷ For instance, Simiyu argues that in the late 1960s the government restricted the Mosop pastoralists' access to forest resources in the extensive Chepkitale. This eventually culminated in their down-slope relocation to Chepyuk in 1969. This in due course resulted in tensions between them and the Soy who lived down the slope.

Besides inequitable distribution of land, there was also 'demand-induced' land scarcity that arose from natural population growth.¹⁰⁸ The number of squatters in Mount Elgon had increased to approximately 50,000 persons by 2010. Demand induced land scarcity was also a result of migration into the rich Mt. Elgon agricultural soils that had attracted farming populations. The influx of new communities from other districts who bought land in the Chepyuk settlement scheme led to conflict between the Sabaot and the new entrants. This was because the Sabaot believed that Mt. Elgon was their ancestral land and labeled the new immigrants as 'foreigners' who deserved no allocation of land whatsoever.

Insecurity and uncertainty of land tenure and ownership also led to conflicts in the region.¹⁰⁹ This was because the resettlement of the Soy and the Mosop in Chepyuk I, II and now III had never

¹⁰⁶ The Kenya National Commission on Human Rights, "Mountain of Terror", KNCHR Report on Mt. Elgon Conflict, 2008, p. 8.

¹⁰⁷ Op cit, Robert Simiyu, p. 14.

¹⁰⁸ Ibid. p, 15.

¹⁰⁹ Robert Rombaroh Simiyu, "Militianisation of Resource Conflicts The case of Land-based Conflict in the Mount Elgon region of Western Kenya", Moi University, Monograph 152, 2008, p.7.

been followed by the issue of land title deeds since its creation in 1968. This would make land ownership certain and irreversible. Thus, parcels of land could change hands many times without the necessary transactions being formalized. For this reason, whenever annulment of allocation was effected or evictions carried out, not just the initial owners lost the land but also people who had bought the land genuinely from the allotted squatters were dispossessed.

Another cause of the conflict in Mount Elgon was the long history of conflict and inter-ethnic warfare among the Sabaot and neighboring communities, manifested mainly as cattle rustling. Simiyu argues that the Sabaot community and the Sebei of Uganda had a history of warfare. This habit in turn contributed to militarization of the communities turning even a simple conflict into a bloodbath. Intra-ethnic rivalry among the Sabaot clans also fueled the conflict. The Mosop clan for instance sponsored the Moorland Defense Force while the Soy clan formed the Sabaot Land Defense Force. This engrained culture of violence and militia within community made it easier for the youth to readily join militia groups to protect their communities against any invasion.¹¹⁰

The agitation for and re-introduction of multiparty politics in the early 1990s also sparked the 1992 ethnic clashes that occurred throughout the Rift Valley, in Molo, Olenguruone, and Burnt Forest. The Sabaot also wanted to reclaim their land from migrants by evicting those termed 'foreigners' or non-Sabaot. The main targets were the Bukusu and Iteso from neighboring districts who had moved into the area and purchased fertile agricultural land from the Mosop pastoralists returning to the moorland.

The conflict was also as a result of politicization of landlessness. To woo voters, political leaders promised to settle their supporters if elected. As a strategy local politicians often incited their supporters to threaten to kill, burn or evict supporters of their opponents so as to gain advantage of numbers over their opponents in the event their supporters fled violence. In 2007 for instance, the supporters of Fred Kapondi encouraged the state of anarchy while they threatened Serut's supporters who finally fled the district prior to election in December 2007. The later lost the seat to the former.¹¹¹

¹¹⁰ Ibid. p, 7.

¹¹¹ Focused Group Discussion, Kapsokwony May, 31st 2011.

The conflict in Mt. Elgon district is also mainly due to proliferation of arms in the region. Violence has contributed to militarization of the area as local residents buy weapons either for self-defense or for cattle rustling.¹¹² The influx of arms has also been worsened by the porous Kenya Uganda boarder and the protracted conflict in northern Uganda between the Lord's Resistance Army and the Uganda Peoples Defense Forces (UPDF). Thus arms easily found their way into the Mt. Elgon district.¹¹³

Another factor that fueled the conflict in Mount Elgon was the perceived feeling of marginalization among the Sabaot visa viz the Bukusu. The Sabaot community for long had felt marginalized by the Bukusu ethnic group in terms of accessibility to job opportunities in the Bungoma County Council. To escape the perceived marginalization the Sabaot community demanded a district of their own while the Bukusu living in the heart of Mt. Elgon opposed the idea of curving a new district for the Sabaot. The clamor for the new district thus led to conflict between the two communities. To end the conflict, former President Moi in 1993 granted the Sabaot a district. Soon after the creation of Mt. Elgon district, the Bukusu in Mt. Elgon felt that they had become subjects of marginalization in terms of jobs opportunities in the new district.¹¹⁴

The conflict in Mount Elgon was also caused by political rivalry between the Sabaot and Bukusu based on party politics. In 1992, the majority of the Bukusu supported the opposition party, the Forum for the Restoration of Democracy (FORD), while the Sabaot remained steadfast supporters of the then ruling party, the Kenya African National Union (KANU). Majority of Kenyans had for long sought the abolition of the one party system because they believed that the ruling party KANU had been responsible for wide-spread corruption and poor leadership.¹¹⁵ When a multi party political system was re-introduced, the ruling elites in Mt. Elgon district for example Wilberforce Kisiero and Joseph Kimkung' facing the challenges to their power resorted to the

¹¹² Robert Simiyu. "Militianisation of Resource Conflicts The Case of Land-based Conflict in the Mount Elgon Region of Western Kenya, Moi University, Monograph 152, October, 2008

¹¹³ Ibid. p, 8.

¹¹⁴ Oral interview, Focused Group Discussion, Cheptais, May 31st 2011.

¹¹⁵ Mwanngi S. Kimenyi and Njuguna S. Ndungu, "Sporadic Ethnic violence: Why Has Kenya not Experienced a Full-Blown Civil War", *American Journal of Sociology*, Volume 43, 2010. pp167-180.

formation of militia groups to champion their political interests.¹¹⁶ Thus, the transition into pluralism spawned violence targeting the Bukusu because they belonged to the opposition.

The conflict in 2006 was occasioned by intra- clan and inter-community rivalry between first, the Mosop and the Soy and secondly, between Soy factions allied to different local politicians namely, Fred Kapondi and John Serut.¹¹⁷ Conflicts between the Soy and Mosop revolved around claims by the Soy that the government favored the Mosop in the land allocations. On the other hand, the Mosop were dissatisfied with the government decision to include the Soy in Chepyuk phase III, which they considered as compensation for their more expansive Chepkitale that they had been evicted from.¹¹⁸

The rivalry between the two clans was aggravated by claims of marginalization. The Mosop felt that politically marginalized by the Soy because of their population size. The Mosop for instance had not been able to elect any political representative until 1997 when the first Mosop councilor was elected. By 2004, they only had one councilor, one chief and four assistant chiefs while the Soy had an MP, eleven councilors, sixteen chiefs and forty two assistant chiefs.¹¹⁹

2.4 Conclusion

This chapter has demonstrated that conflict over land was the centre of the violence in Mount Elgon District. With illustration the chapter has addressed how the colonial legacy and the historical injustice coupled with political meddling and patronage and the culture of rewarding close associates with land has exacerbated the conflict. It has also shown how the political elite appropriated the land issue to fight their political opponents by championing demand by different groups for territorial land claim in the region around Mount Elgon. The discussion also showed how the politicians tapped into feelings of marginalization within the community to articulate grievances about historical injustices. The chapter also showed that the government at first downplayed the conflict as it was seen as a clan issue. However, the conflict spread and caused deaths and displacements and wanton destruction of property.

¹¹⁶ Oral Interview, Jonh Wekesa, Cheptais, 23rd June 2011.

¹¹⁷ Op cit, Robert Simiyu, p.38.

¹¹⁸ The Kenya National Commission on Human Rights, "The Mountain of Terror: War Crimes in Kenya's Mount Elgon Conflict", Nairobi: Kenya National Commission on Human Rights, May, 2008, p. 12.

¹¹⁹ Kenya National Commission on Human Rights, "The Mountain of Terror", p, 12.

CHAPTER THREE

3.0 WOMEN AND THE MOUNT ELGON CONFLICT

3.1 Introduction

According to Graca Machel, women and children can no longer be regarded as bystanders in armed conflict.¹²⁰ Instead, women are increasingly becoming participants in armed conflict contrary to patriarchic belief that holds that conflict and peace-building is a preserve for men. However, the majority of the women still fall under the category of victims in conflicts. As victims, women are particularly vulnerable to threats of violence, including sexual violence. As perpetrators of violence, women play both active and supportive roles in conflict. For example, women are believed to comprise one third of Revolutionary Armed Forces of Colombia (FARC) and up to 30% of the fighting force in El Salvador. In addition, about 12% of the Revolutionary United Front (RUF) forces in Sierra Leone were women.¹²¹ Women also are increasingly participating in resolving conflict.

This chapter will examine the involvement of Mt. Elgon district women in the conflict. This is because understanding the gender perspective of conflict is vital in planning and executing policies to resolve conflict and to avoid relapse into further conflict. The chapter also examines the impact of the conflict on Mt. Elgon women because men and women, boys and girls experience conflict differently. As a result, they had different needs either as victims, perpetrators or actors in the post-conflict phase. The impacts also gave women impetus to work for peace as discussed in the next chapter.

3.2 The Involvement of Mount Elgon women in the conflicts.

As part of the larger community in Mount Elgon district, women were deeply concerned about their livelihood during the conflict. The settlement of squatters of which they were part was a core concern to their community. For this reason women always supported the cause of the larger Sabaot community in respect to land allocation and readily challenged any cause that would

¹²⁰ Graca Machel, "Report of The Experts of The Secretary General on the Impact of Armed Conflict on Children", New York: United Nations, 2002, p.6.
United Nations Department of Peacekeeping Operations (UNDPKO), *Gender Peacekeeping and Peace-building*, New York: United Nations, 2000, p. 54.

deprive them their livelihood.¹²² Thus, when the government threatened to evict squatters in Chepyuk, the women rallied behind the community's intention to protect 'their' ancestral land. A number of women therefore, supported the Sabaot Land Defense Force's mission to reclaim the land from people who had been irregularly allocated land in the Chepyuk settlement scheme.¹²³ Supporting the militia who went into the forest to revolt against skewed land allocation was seen as the best way to stop government's evictions. Being part of the larger Sabaot community fighting to protect 'their' ancestral land women supported the SLDF militia fighting for the cause of the community in solidarity. Moreover, the chief actors in the conflict – the SLDF – were their husbands and sons and so women had all the reason to take part or to support the conflict. As was the Case in Kerio Valley women supported men to win back their livelihood for the sake of the community.¹²⁴

Given the historical longevity of the conflict in Mount Elgon, women got involved in the conflict because the conflict had negatively impacted on them. It stalled almost all the economic activities in the region. It also brought impoverishment, disillusionment, anger and frustration among residents.¹²⁵ As result of the conflict made women to support the conflict because as an agricultural based community land held a central position to their community.¹²⁶ So when the women realized they were losing land to other communities they pressed men to seek audience with the presidents so as to be allocated land and when this failed they indirectly asked their husbands and sons to take up arms to protect their livelihood.¹²⁷

Women also supported the conflict in order to shield their men and themselves from harassment by the government forces. When the SLDF went to the forest to fight as men fled, women were left at home with the obligation to protect their sons and husbands from police arrests. The police patrols were viewed as hindering their aspirations.¹²⁸ Arrests violated women rights as well as went against the wish of the community to reclaim the land. To shield and protect combatants

¹²² Oral Interview, Wilfred Chemos, Kapsokwony, May 31st 2011.

¹²³ Oral Interview, Focused Group Discussion, Cheptais, May 31st 2011.

¹²⁴ David Masika, "The Role and Impact of Armed Conflict on Women; The case of Kerio Valley 1978-2007", M.A Project Paper, University of Nairobi, 2010.

¹²⁵ Kenya National Commission on Human Rights, "The Mountain of Terror", p. 12.

¹²⁶ Op cit, David Masika, p. 34.

¹²⁷ Ibid, p. 37.

¹²⁸ Oral Interview Salome Chepkemoi Matakwei, Sasuri, June 12th 2011.

from security agents, women took the role of spying on the enemy by posing as friends, lovers or wives of the police. By doing these the women of Mt. Elgon district were sure they were less likely to be suspected of being spies.¹²⁹

Besides supporting and shielding the militiamen regarded as community warriors, women also occasionally took active roles as combatants. A number of Soy women were involved in active combat through burning of houses. Some women looted their absent neighbors' belongings.¹³⁰ These were generally acts of crime, but they can also be regarded as combative because the militia used this as a strategy to attack and displace their neighbors. They again used this as a means to get access to their land. Even though most informants interviewed for this strictly avoided talking about the role of women as combatants for fear of victimization by the security apparatus, a few informants confirmed that some women played supportive roles like organizing and alerting the militia to flee to safe places during an impending police and military patrol.¹³¹

A number of women also helped in arms acquisition. In one of the Focused Group Discussion (FGD), the informants narrated how one woman 'married' a corporal of the Anti Stock Theft Unit (ASTU) to steal his firearm. After several months of cohabiting the woman finally run away with the officers' G3 riffle and gave it to the militia.¹³² This riffle was later recovered by the military. Informants also indicated that a number of women also smuggled arms from a neighboring country.¹³³ Women carried the arms under their clothes. Thus, they maintained steady flow of arms that fed the conflict.¹³⁴

Women in Mt. Elgon were also involved in the conflict through the provision of non military support for the warriors. Significantly, women played a major part in rendering logistics to the militia. They provided food and mobile phones credit cards. The food sustained the SLDF in the forest while mobile phones ensured communication. Women also collected charms from the

¹²⁹ Oral Interview, Focused Group Discussion, Chemondi, 23rd June 2011.

¹³⁰ Ibid.

¹³¹ Oral Interview, Mr. Alfred Cheminiwa, Chemondi, 23rd June 2011.

¹³² Focused Group Discussion, Chemondi, 23rd June, 2011.

¹³³ Robert Rombaroh Simiyu, "Militianisation of Resource Conflicts The Case of Land-based Conflict in the Mount Elgon Region of Western Kenya", Moi University, Monograph 152, October 2008.

¹³⁴ Ibid.

'Olaibon' the traditional spiritual leader with supernatural powers and delivered them to the SLDF combatants. To conceal identity, some women sent their children to deliver the messages.¹³⁵

The Mt. Elgon district women also constituted a system of intelligence for the combatants.¹³⁶ Women often hid information that could have led to the arrest of the SLDF militiamen. Women also hid the SLDF amongst them and refused to surrender them to the security agents. Women thus gave information that pictured "their sons" as good people with no criminal record..¹³⁷

While in the initial stages of the conflict in 2006 women of Mt. Elgon district did support the SLDF. The impact of atrocities they endured made them change their minds in early mid 2008. The deliberate attacks on women by SLDF prompted women to side with security agents against the militiamen. Women especially from the Bukusu ethnic group who had been direct targets of sexual abuse vowed to avenge by betraying the SLDF to the military.¹³⁸ These views are corroborated by other women from the Soy clan. Alfred Cheminiwa a Soy resident of Chemondi Sub-location pointed out that the residents of Mt. Elgon district begun to betray the SLDF militiamen after enduring the atrocities of the SLDF. As he narrates:

SLDF failed in their vision, they became politicized and lost direction. Had they just fought for our land we would have supported them. The SLDF then became a political tool no longer fighting for land. They started targeting the Ndorobo, the Bukusu and the government. They became criminals shedding blood of their own cousins.¹³⁹

Such sentiments explained the disillusionment and resentment women begun to have towards the militia. Subsequently, when the military intervened in March 2008 to stop the violence in the area, women became important sources of information about the militia. Women took on a new role and supported the security personnel to end the atrocities of the SLDF. Women readily volunteered to give information that led to arrest of the SLDF militiamen. They also alerted the

¹³⁵ Focused Group Discussion, Cheptais, 26th June 2011.

¹³⁶ David Masika, "The role and Impact of Armed Conflict on Women; The case of Kerio Valley 1978-2007", M.A Project Paper, University of Nairobi, 2010.

¹³⁷ The Kenya Police Report on Inquiry into Human Right Abuses in Mt. Elgon, available on: <http://www.kenyapolice.go.ke/resources/ing-HR-Abuses.pdf>

¹³⁸ Oral Interview, Florence Wanyonyi, Sasuri Location, 24th June 2011.

¹³⁹ Oral Interview, Mr. Alfred Cheminiwa, Chemondi, 23rd June 2011.

military about criminals who still possessed illegal arms.¹⁴⁰ As such, the women were supporting the peace process in Mt. Elgon. However, the Mt. Elgon Conflict was not without an impact on women. This is discussed in the next section.

3.3.0 The impact of the Conflict on the women of Mount Elgon District

The guns have been silent in the Mt. Elgon since 2008, but the impact of the conflict has remained etched in the minds and bodies of the women. What started as a revolt against government evictions turned into a bloody conflict between the Soy and the Mosop that went out of control attracting military intervention.¹⁴¹ During the conflict the SLDF militia committed widespread criminal activities and atrocities. According to the Human Rights Watch, SLDF abuses seemed to follow a pattern. To begin with, the victims were abducted from their homes and their livestock and food stores looted. They were then marched into the forest and beaten, strung up on trees, forced to beat or violate others and then mutilated by having their ears cut; some were then forced to eat their own ears and feces.¹⁴² Victims were also warned not to report the crimes to the police or they would face serious consequences. Many therefore suffered in silence.¹⁴³

When the military intervened to quell the violence, in March 2008, things were not any better for women. The military operation was extremely heavy handed. Its actions were characterized by mass detentions and systematic torture of men. Although the military did not target women specifically, the torture of their sons and husbands endured in their minds.¹⁴⁴

3.3.1 Impact of Deaths and Torture

The spate of violence in Mt. Elgon between 2006 -2008 claimed over six hundred lives, the majority being men. The consequence of deaths as result of SLDF atrocities and the military intervention was that most families were left with no income earners. This left women as the sole bread winners in the homes. The conflict also claimed lives of energetic youth who provided labor depriving Mt. Elgon region of reliable work force necessary for development. The death of male

¹⁴⁰ Oral Interview, Mr. Wafula a Military insider, Kapkoto Camp.

¹⁴¹ Urgent Action Fund-Africa, "Kenyan Women and Children Bear the Brunt of Mt. Elgon Conflict," UAF Africa, 2009-07-02 issue No. 400, available on <http://www.pambazuka.org/en/category/advocacy/57397> accessed 3 /6/2011.

¹⁴² Kenya Human Rights Watch, "Kenya: Army and Rebel Militia Commit War Crimes in Mt. Elgon", KHRW Report, 2008.

¹⁴³ Ibid.

¹⁴⁴ Oral Interview, Focused Group Discussion, Cheptais May 31st 2011.

youths in the district made women widows and has encouraged polygamy for the purpose procreation as result of engrained patriarchic believes .¹⁴⁵

The death of men also rendered women widows and single mothers at an early age. There were two categories of widows in Mt. Elgon district. The SLDF widows (women whose widowhood was occasioned by SLDF killing their husbands) and the Military Widows (women whose widowhood was occasioned by the military killing the SLDF militia).¹⁴⁶ The majority of 'teen' widows were 'wives' of the militiamen who succumbed to the military intervention. A downing reality is that these 'teen' mothers and widows were never prepared to take care of themselves or make important decisions in life. But conflict thrust them into early motherhood.¹⁴⁷ In addition these 'teen' widows were isolated and shunned by the rest of community for they were spouses of the ex - SLDF militiamen who indiscriminately killed other members of the community. Most of these widows experienced trauma and regarded themselves as outcast. Many of these widows were innocent abductees forced to be 'wives' of the militia.¹⁴⁸

Death of their men also rendered some women to become household heads.¹⁴⁹ The women-headed households and their families in Mt. Elgon district are now very poor and live in very small houses in market centers, normally shared with their children, grand children and at times with their daughter in-laws who are also widows.¹⁵⁰ To ensure enough family income is generated, children engage in income generating activities. Prior to the conflict, household expenses were shared with their husbands. While men tended to attend to livestock the women attended to food crops on the family land. After the conflict they either had no land to cultivate due to government evictions or their land ceased to be a source of income because it was left unattended for long.

The impact of torture of thousand inflicted by the militia and the military operation conducted under the veil of secrecy reveals itself through scars of healing wounds resulting from gun shots,

¹⁴⁵ Ministry of Planning and National Development, Mount Elgon District Strategic Plan 2005-2010 on National Population Policy for Sustainable Development, National Coordination Agency for Population and Development, Nairobi. p,12.

¹⁴⁶ Focused Group Discussion, Chemondi, 21st June 2011.

¹⁴⁷ Elvin Nyukur, The Gender Dimension of the Land Resource Conflict: Implication for Peace and policy Intervention in Kenya 1995-2005, M.A Thesis, University of Nairobi, 2008.

¹⁴⁸ Oral interview, Sophie Cherop, 30 years, 23rd June 2011

¹⁴⁹ Oral interview, Salome Chepkemoi Matakwei, Cheptais 23rd June 2011.

¹⁵⁰ Focused Group Discussion, Kopsiro, 26th June 2011.

caning and machetes cuts. Numerous human remains including skulls and other skeletons that litter the Kamarang forest attest to the tortures that resulted in death.¹⁵¹ Interviews with residents also revealed that residents suffered enforced disappearance, torture, inhuman and degrading treatment like standing naked in the rain, as forms of punishment by state agents. Some torture resulted in paralysis and sterility in men leading to psychological stress. Infantilism of men also meant women were deprived of their conjugal rights.¹⁵² As one male victim narrated:

I was in a lot of pain and unable to walk. I arrived at a nearby homestead and requested them to give me somewhere to sleep as I had been seriously beaten and wounded. The following day I woke up and I was completely unable to stand up and walk, I told the people around where I was from and they sent for my wife. After a few minutes my wife came and she took me to Cheptais Health Centre. I was treated for four days at Cheptais and referred to Eldoret for better treatment and it is here that the media highlighted my plight to the public. To date I still have wounds on my back and joints. I feel a lot of pain when I bend and I am unable to conduct my daily errands in my farm.¹⁵³

In the Sabaot Culture when men say “they can no longer run errands in their farm”¹⁵⁴ is a euphemism that means they can no longer function on as sexual males. In certain cases the impact of death and torture also led to the related consequence of post traumatic stress disorder.

3.3.2 The impact of psychological stress and trauma

Most of the psychological stress and trauma resulted from witnessing the death of relatives, gang rape, being exposed to long hours of torture, lonely confinement at homes and in cells, witnessing other atrocities like chopping of peoples’ ears and being compelled to spend nights with dead bodies. The Independent Medico Legal Unit (IMLU) while conducting medical legal camp in the region in 2008 documented that 74% of the 166 torture victims who sought medical attention in the camp exhibited signs of Post Traumatic Stress Disorder (PTSD) developed after terrifying ordeal that involved physical harm or physical threat.¹⁵⁴ As one torture survivor recounts;

¹⁵¹ Independent Medico Legal Unit (IMLU), “Torture and Terror in Mt. Elgon”, *Rights Journal: Newsletter of the Independent Medico Legal Unit (IMLU)*, September 2008, p.17.

¹⁵² Human Rights Watch report, “All Men Have Gone: War Crimes in Kenya’s Mt. Elgon Conflict”, Nairobi, Kenya Human Watch, 2008, p. 26.

¹⁵³ Statement of torture survivor as quoted in “Torture and Terror in Mt. Elgon”, *Rights Journal: Newsletter of the Independent Medico Legal Unit (IMLU)*, September 2008, p.8.

¹⁵⁴ *Ibid*, p.5.

The militias killed and chopped peoples' ears mercilessly and you could do nothing about it. Not even reporting them to the police for fear of attack. I will live to remember the death of Mr. Ambuchi an enormous man who weighed approximately 120 kilograms who was forcefully buried in our homestead after the body laid prostrate overnight in my grandmother's house. The body was very big, so they christened him Boss. I had never seen such huge body before. Even today I still dream about it. What worries me is why they had to burry unknown body in my grandmother's house against the traditions¹⁵⁵.

Today, effects of PTSD cut across the population. The majority of Mt. Elgon district residents have lost interest in things they used to like. They have also lost affection for visitors, a normal characteristic of the African culture. A visit to Mt. Elgon district now reveals that it has become a norm for the residents to stare at visitors from a distance, tree tops or other vantage points as if they are unwelcome.¹⁵⁶ The residents of Mt. Elgon district also do not want to be reminded of the conflict. As a result, some walk away or shed tears when scenes of the conflict are recounted.

Trauma also resulted from a feeling of helplessness women experienced during the violence. As conflict escalated the women became immobilized and were forced to endure the SLDF atrocities. During the conflict the militias were coming to them at night and demanding food, money, and sex. Sometimes they would also demand that women "surrender" their husbands and their grown up sons to be members of the militia. When they didn't comply they were raped, their houses torched, food stores destroyed and livestock seized.¹⁵⁷

The women were also held hostage in their homes and not allowed to work on their farms, go to work, hospital or market centers. This is because the militia believed the women would betray them. The only time women would be left to go out was when they went to collect weekly ration from the Red Cross or posh mill to grind. Even in these occasions the militia monitored their movements lest they betrayed them. There was totally no freedom.¹⁵⁸

In some occasions women would be forced to witness their husbands being maimed or killed. If they wept in sympathy, they would be beaten and raped and warned never to report to the police. For fear of retribution the women obliged.¹⁵⁹ Though most women were spared death, death of their husbands still traumatized them. Some are yet to bury their missing husbands as required by

¹⁵⁵ Oral interview, Rose Cheptiek Kipchang, Cheptais, 24th June, 2011.

¹⁵⁶ Oral interview, Ernest Magut, Nakuru, 8th August, 2011.

¹⁵⁷ Human Rights Watch report, "All Men Have Gone War Crimes in Kenya's Mt. Elgon Conflict", HRW, 2008.

¹⁵⁸ Oral interview, Alfred Cheminiwa, 42 Years 23rd June 2011.

¹⁵⁹ Oral Interview, Florence Cheminiwa, Kopsiro, 25th June 2011.

the Sabaot tradition of *kiwootoi kutondoet*. Such extreme experience have caused unfathomed trauma among women and children in Mt. Elgon district.

Deplorable living conditions and poverty also led to psychological stress. The prolonged conflict in Mt. Elgon district created extreme economic conditions and psychological hardships that rendered women destitute. Most women were forced to beg to feed their families leave alone to eat. With high food prices due to famine experienced in the horn of Africa in 2010 the women were constantly worried about what to eat tomorrow if they managed to secure that days' meal. During these hard times the unwavering and desperate stare of their malnourished children carried in their arms was enough to break them into tears during the interviews.

The majority of the defunct SLDF militia equally shared the trauma. They had regrets for the time lost, property destroyed and family friends killed. The former militia members confessed that it was quite difficult to turn back the hands of time and so they had to live with the guilt. The consequence of this included the community refusing to buy farm produce of former militia who were now reintegrated farmers. Some former members of the defunct militia confessed that that was understandable as some prospective customers of their farm produce were the very people they had attacked during the violence.¹⁶⁰

3.3.3 The impact of sexual violence

The women of Mt. Elgon district experienced and continue to experience a lot of sexual violence against them. According to a report by Urgent Action Fund Africa, a non governmental organization on livelihoods, the sexual violence in Mt. Elgon was preplanned. Every Tuesdays to be precise, the armed militia emerged from their caves in the forest to strike terror in the hearts of the men, women and children. They spared no one, not even elderly women. They raped them in the presence of their husbands and grandchildren. The husbands who resisted were killed. And for two years between 2006 and 2008 the women of Mt. Elgon district suffered in silence. Those who dared to speak out had their ears and lips chopped off. Those who dared to seek medical attention

¹⁶⁰ Erick Ngobilo, "Peace Meeting in Mt. Elgon where Militia Killed Hundreds," Daily Nation. Friday May 6, 2011. Nairobi: Nation Media Group, p.23.

in hospitals after the sexual violence would be attacked the same night. The militia had succeeded in intimidating the civilians into silence.¹⁶¹

Sexual violence injured women both physically and mentally. The rapes were deliberate and meant to humiliate the women. In extreme cases the rape ordeals led to brutal killing of victims. The killing of victims was meant to conceal the identity of the perpetrators as Janet who witnessed her sister undergo the ordeal recounted:

It was on Tuesday night February 12 (2008). I won't forget. My husband had already fled to the forest in company of my two sons for fear of the militia. I was left behind with my younger daughter and sister believing they (militia) will not come for me. But when I saw a group of them coming towards our home I took off with my sister. I could not run fast because I was seven months pregnant. But while we were running away I had labour pains and had a miscarriage. My sister tried to help me but the militia caught us and raped her. When she screamed for help they covered her mouth. I watched helpless in tears while they raped her. She died during the ordeal. I suspected they strangled her for fear she will reveal them. After she passed on, they covered her body using leaves and they left. I was helpless. In the morning when relatives helped me, we discovered that wild dogs and hyenas had found the body and made a meal of it.¹⁶²

The rapes were also very inhuman as victims were raped irrespective of age and health conditions. There were instances when the militia raped pregnant women leading to miscarriage as Doctor Omondi Wasunna of Nairobi women hospital commented:

We saw a woman walking with her uterus hanging between her legs. She was attacked while in the process of delivering a baby at home. When the SLDF kicked the door, she got frightened and pushed the baby out suddenly.¹⁶³

Some rapes also triggered psychological imbalance, depression, and also set in a feeling of worthlessness in victims. Several women say they contemplated to end their lives after realizing they tested HIV positive.¹⁶⁴

¹⁶¹ Urgent Action Fund Africa, "Kenyan Women and Children Bear the Brunt of the Mt. Elgon Conflict", Nairobi: UAF-Africa. Available at: <http://www.urgentactionfund-Africa.or.ke>

¹⁶² Oral interview, Janet*(not her real name) Tuikut, 21st June 2011.

¹⁶³ Doctor Omondi Wasunna quoted in Urgent Action Fund Africa. "Kenyan Women and Children Bear the Brunt of the Mt. Elgon Conflict", Nairobi: UAF-Africa. Available at: <http://www.urgentactionfund-Africa.or.ke>

¹⁶⁴ Oral Interview, Florence Nalianya, Kapsokwony May 27th 2011.

Some of the rapes resulted in serious medical conditions such as HIV/AIDS infection. The medical camp organized by Urgent Action Fund-Africa, in partnership with the Rural Women Peace Link a network of Community Based Organizations based in Cheptais and the Nairobi Women's Hospital, discovered that most of the women who received psycho-social counseling and medical treatment had contracted the HIV as a result of rape.¹⁶⁵ One of the informants interviewed narrated how two boys picked her up while fetching firewood and handed her over to the SLDF. The militiamen interrogated and beat her up the mountain to a place called Kepsis where four of them raped her repeatedly. They also forced her to eat feces and drink urine. Late at night they carried her back home and told her husband that they had infected her with HIV/Aids. As result the husband abandoned her in pain and in dire need of medical care.¹⁶⁶

The Mount Elgon district women also suffered the consequence of forced marriages by security officers. One significant consequence of this was that many young women were left pregnant by the security officers. In Cheskaki and Chemondi location about 50 children were born out of such relationships.¹⁶⁷ Some women have also carried between two to four pregnancies from different police officers who eventually deserted them when they were posted out to other stations.¹⁶⁸

The needs for security and financial support, in addition to the enhancement of social status rather than love, are some of the factors that contributed to the involvement of many girls in sexual relationships with security personnel. For some women in Mt. Elgon district, being involved in a relationship with the police and military not only increased their social status but also assisted them in handling the problem of insecurity. Due to ignorance many women viewed these relationships as consensual rather than sexual exploitation.¹⁶⁹

In some cases where the relationships seemed to be mutual, reports of harassment were never made and some relationships led to pregnancies. For those girls who went on to give birth after desertion, they faced the challenge of being single parents. For fear of early parenthood several

¹⁶⁵ Urgent Fund Africa Report, "Mt Elgon Conflict Affects Women and Children", Urgent Action Fund-Africa. 2009-07-02, Issue 440.

¹⁶⁶ Confessions by Hellen 35 years, During the Public Hearing of the Truth Justice and Reconciliation Commission of Kenya at Kibuk Church in Kapsokwony, on 24th May 2011.

¹⁶⁷ Oral Interview, Alfred Cheminiwa, area leader Chemondi, 23rd June 2011.

¹⁶⁸ Ibid.

¹⁶⁹ Oral Interview, Jackyline Temko, Women Rights Activists, Cheptais, 24th June 2011.

young women procured abortions. Most of these relationships rarely ended in marriage because the police officer's involved were already married and perceived the girls as sexual objects to satisfy their sexual urges during their assignment in Mt. Elgon district.

The deliberate use of sexual violence on women increased the HIV/AIDS prevalence in Mount Elgon district. Prior to the 2006 conflict the HIV/AIDS prevalence in Mt. Elgon stood at 21 per cent.¹⁷⁰ Analysis by division soon after the conflict indicated that HIV/AIDS prevalence was on the rise with 75 percent of these cases being reported in Cheptais and Kopsiro divisions where the conflict was most intense. Some HIV/AIDS infections by militia were deliberate simply because the Sabaot militia wanted to demean and intimidate the Bukusu community.¹⁷¹ Rape was also meant to "punish" and humiliate a target group of women like teachers, nurses and peace activists especially the non-Sabaot women who opposed the SLDF activities.

3.3.4 The impact of forced displacement and disappearance.

Since 1992, civilians living in Mount Elgon District have been terrorized by increasing violence from different groups: the SLDF, police, criminals and other vigilante groups. Men who were the major targets of SLDF attacks were the first to flee. Women and children then followed. They fled their homes since the men who had the responsibility to protect them had already gone. They also fled because their houses had been torched and therefore they had no place to call home. Thus they were forced to move in order to find safety - either on the upper slopes of the mountain, forests and caves, down the mountain or in neighboring districts.

By March 2008 when the military intervened the conflict had displaced about 66,000 people. This was nearly a half of the entire population of Mt. Elgon district. Over 5,000 people were displaced to Uganda, but were never recognized as refugees. Close to 1,800 families were displaced to Chepkitale forest where reach by humanitarian aid was not possible as the region was under curfew. Over 1,682 families were displaced in Kopsiro division alone. About 4,921 families were displaced in Cheptais. Approximately, 403 and 614 families in Kapsokwony and Kaptama

¹⁷⁰ Ministry of Planning and National Development, Mount Elgon District Strategic Plan 2005-2010 on National Population Policy for Sustainable Development, National Coordination Agency for Population and Development, Nairobi. p,17.

¹⁷¹ Oral Interview, Rose Wekesa, Kapsokwony, May 30, 2011.

divisions were displaced respectively. It is estimated that over 1,104 families were displaced to Bungoma.¹⁷² (see also the map of Mt. Elgon district in preliminary page xi).

The internally displaced persons faced further challenges. They could not stay in camps because they were vulnerable to attacks from their assailants due to lack of security in the camps. The police who were meant to provide security were overwhelmed by the militia. Most people of Mt. Elgon resorted to renting houses in towns. Others moved to stay with relatives. Others decided to go into the forest, only coming out whenever there was food distribution by the Red Cross. The consequence of such a magnitude of displacement meant that almost all development activities including education, healthcare, agriculture and business came to standstill.¹⁷³

Displacement also separated and broke up many families. During the conflict many men fled to nearby districts or were forced to hide away in the forests leaving women with no one to help them.¹⁷⁴ The absence of men exposed women to harassment by the militia. Families were also separated by the military strategy that employed arrests, detentions and interrogations as tools to punish residents. In the operation nearly all males were rounded up.¹⁷⁵ Arrests, detentions, displacement greatly affected family units. While spouses were separated from one another, children were left without care, which caused them a lot suffering. Where parents fled leaving children alone the older children were forced to assume parental responsibility of their siblings.

3.3.5 The impact of conflict on Agriculture and the Economy.

Agriculture was and is still the principal form of livelihood in Mt. Elgon district. As the bread basket of the region, Mt. Elgon district has often produced bumper harvests in maize, beans, sweet potatoes and Irish potatoes. Due to the conflict in the region, farms have not been adequately cultivated for a long time. This has led to hunger. Wanton destruction of property and torching of food stores has also left the residents vulnerable to food insecurity. In addition, the Ndorobo livestock were stolen by the militia.¹⁷⁶ The surviving livestock face starvation due to lack of

¹⁷² United Nations Education Programme, "Map of Mt Elgon District-Kenya", available on <http://www.depha.org>.

¹⁷³ Georgette Gagnon, "Kenya Army and Rebel Militia Commit War Crimes in Mt. Elgon" Human Rights Watch, 2008. Available at: http://www.hrw.org/English/doc/2008/kenya_18421.htm. Retrieved on 2010-05-01

¹⁷⁴ Human Rights Watch, "All Men Have gone: War Crimes in Mt. Elgon", Human Rights Watch report, 2008, p. 13.

¹⁷⁵ Ibid. p 17.

¹⁷⁶ Oral Interview, Reverend Stephen Kirwa, Kopsiro, June 24th 2012.

grazing land after the military regiment at Banantega made Chepkitale that used to be a major grazing land for the Mosop a no go zone.

Food insecurity was also made more intense by wanton destruction and burning of food stores by both the security organs and the militia. There were several cases of indiscriminate burning of houses and food stores especially in Cheptais and Chepyuk. At Kabero, Kabkwes and Bukweno locations, 187 houses were reportedly burnt down and an unquantifiable value of property destroyed as a result of the security operation. There were also cases where school stores were broken into due to declining food supplies in the district.¹⁷⁷

Torching of houses in the absence of the owners meant everything went in flames including education certificate and other personal credentials. In Chemondi village, for example the widow of the late Francis Cheminiwa a teacher at Kimama primary school killed by the militia four years ago has been unable to access her husband's terminal benefits from the employer since all the documents were burnt up. The family felt demoralized and has left things to fate.¹⁷⁸

3.3.6 The impact of loss of work and forced transfers

The conflict also led to loss of work or forced transfers for government employees. This affected employment in the formal sector in the entire Mount Elgon District and the surrounding areas. This is because some categories of workers had been targeted for extortion and execution. Teachers and doctors for instance who were working in the district but hailed from outside the region were forced to leave the district and were redeployed in safer areas. As one teacher recounts:

I count myself lucky to have my job. Mt. Elgon was terrible. I don't ever wish to go back to Mt. Elgon. When they raped my colleague living next door I couldn't stay to wait. I fled to Bungoma my home district. For the whole term I never bothered to go to work. I was worried the Head teacher would write a Casualty letter to TSC that I had deserted duty. But I didn't care because what mattered then was life not a job. We were lucky that TSC was considerate and redeployed us.¹⁷⁹

¹⁷⁷ Human Rights Watch report, "All men have gone: War crimes in Kenya's Mt. Elgon conflict", HRW, 2008, p. 8.

¹⁷⁸ Oral Interview, Rosemary Cheminiwa, June 21st 2012.

¹⁷⁹ Oral Interview, Ruth Waswa, Kimaeti Primary School, 10th July 2011.

The trend of targeting women from non-Sabaot communities for rape and execution scared teachers and nurses serving in the district. This had negative effects on education and medical service delivery in the District.

3.3.7 The Positive Impacts of the conflict.

The consequences of violence are always very grave. However, the tendency to document the negative consequences of conflict has always obscured the positive impact of the conflict. Research elsewhere in the world has shown that conflict gives women impetus to participate in new positive roles. Mount Elgon district women are no exception. The Mt. Elgon conflict for instance has provided women with the platform to address their issues affecting their rights. Women in Mt. Elgon district are today are indirectly allowed to participate in Council of Elders. Attend peace Meetings. Women also chair peace committees hence they can address issues affecting the community. They therefore, have overcome patriarchal tendencies. This was unheard before.

3.4 Surviving beyond the conflict: The coping mechanisms of Women in Mt. Elgon District

Women in Mount Elgon district exercised various types of strategies and coping mechanisms not only for safeguarding their own lives but also those of their families and other people during and beyond the conflict. During the conflict some women chose to move to other places, leaving behind their family property and starting a new life in a place they considered safe. Some women abandoned their homes, moved to Uganda where they got remarried. Other women decided to live in the market centers as they felt safer living collectively next to police station.¹⁸⁰

Another coping mechanism involved engaging in peace activism. Some women choose to become peace activists and to work voluntarily to assist the security forces especially in mapping out the hideout of the SLDF militia. They also assisted humanitarian agencies, to deliver material and financial services to the victims and returnees. Engaging in peace activism and voluntary work

¹⁸⁰ Oral Interview, Janerose Kiptege, Chemondi, 21st June, 2011.

often provided these women with the opportunities to earn additional money. In addition, it also provided them with the opportunity to learn how to survive in extreme circumstances.¹⁸¹

Women also took up odd jobs as a strategy to enhance their survival. Some women were forced to flee to towns where they took different jobs like clothes washing, house keeping and farm attendants to earn income for their family. The majority of young women also became restaurant and bar waiters. Prior to conflict the Sabaot girls hardly took up this kind of chores.¹⁸²

Another coping mechanisms women exhibited was compliance with the SLDF sanction. Since the militiamen executed all those who went against the militia activities some women were forced to support the SLDF activities for survival. They gave out food ration, credit scratch cards for mobile phones. Some women had to endure rape, threats and humiliation for the sake of survival. Those sexually abused had to undergo treatment at home as ordered by the militiamen for fear of retribution. By enduring these atrocities women have survived the conflict.¹⁸³

Women in Mount Elgon like others elsewhere established women groups and merry-go-rounds to earn and augment their income. Women group would take up joint labor such as farming, harvesting food crops or onions for cash. These women groups also besides advocating for peace also reached out for loans from banks.¹⁸⁴

3.5 Conclusion

This chapter has examined how women of Mt. Elgon district were perpetrators, victims and actors in the conflict. It has concluded that some women supported SLDF activities while others were against SLDF. It also observed that a section of women that initially supported the course of SLDF also turned and betrayed them. Out of the pain they instead welcomed the security agents. The conclusion reached is that while only limited number of women was openly supporting the militia as fighters, spies or acquirers of weapons, most of the women in Mt. Elgon district endured serious consequences of the violence. Most of the atrocities were attributed to the overt SLDF activities and partly to the military intervention. The chapter has also shown that women exercised certain coping mechanisms to survive beyond the conflict.

¹⁸¹ Oral Interview, Rosemary Cheminiwa, Chemondi, 23rd June 2011.

¹⁸² Oral Interview, Caroline Chemos, Kapsokwony, 31st May 2011.

¹⁸³ Focused Group Discussion, Cheptais, 25th June, 2011.

¹⁸⁴ Focused Group Discussion, Chemondi, 23rd June, 2011.

CHAPTER FOUR

4.0 WOMEN IN POST- CONFLICT PEACEBUILDING IN MOUNT ELGON DISTRICT

4.1 Introduction

This chapter explores the involvement of Mt. Elgon district women's in post-conflict peace-building by examining their activities at home, in the villages and the public which emphasize peace and reconciliation, justice, security, economic empowerment and the rights of women. The chapter will develop argument that the Mt. Elgon district women like other women elsewhere in the world were active in post-conflict peace-building. They were also faced by challenges which hinder their full involvement in post-conflict peace-building. These obstacles include lack of gender awareness and patriarchal beliefs. The chapter underscores that despite these constraints the women of Mt. Elgon district were able to develop networks for post-conflict peace-building.

4.2 Women's Activities in post-conflict peace-building.

The outbreak of the wave of violence in Mt. Elgon district in 1992 encouraged some women to organize and build a network for peace. The activities undertaken by these women revolved around major entry points like the church, non-governmental organization and government agencies. The rural women in Mt. Elgon work for peace in their homes and villages while elite women are engaged in public forums such as the District Peace Committees.¹⁸⁵ Together, they attend peace seminars and workshops. They also participated actively in radio programs enhancing peaceful co-existence and wrote articles in the peace rights voice magazine. Women were also informally engaged in traditional alternative peace processes through the church.¹⁸⁶

The call for peace by women in response to SLDF militia atrocities in Mt. Elgon begun as early as 2007 when women from both the Soy and Mosop clans, as well as the Bukusu and Iteso ethnic communities joined hands to denounce the deteriorating security situation. These women presented their memorandum to the elder's council that was the only recognized forum mediating

¹⁸⁵ Erick Ngobilo, "Peace Meeting in Mt. Elgon Where Militia Killed Hundreds," Daily Nation, Friday May 6, 2011. Nairobi: Nation Media Group, p.23.

¹⁸⁶ Dyan Mazurana and Susan Mckay, *Women and Peace-building*, Montreal: International Centre for Human Rights and Democratic Development, 1999.

negotiations to end the conflict.¹⁸⁷ During the vetting and balloting of land allocation in Chepyuk, women though conspicuously excluded from the vetting committees encouraged those criticizing the allocation to submit their application for consideration. The women also denounced acts of corruption where people already owning land elsewhere allegedly paid the unnamed members of the vetting committee between twenty and thirty thousand Kenya shillings to secure ballots.¹⁸⁸

Starting with a single organization called the Rural Women Peace Link, women's involvement in Post-conflict peace-building broadened in its scope and work. Their activities include active participation in trauma healing, counseling, peace education, socio-economic empowerment, trust building, reconciliation, security, peace advocacy, social justice, HIV/AIDS awareness, economic empowerment and traditional cleansing. As the majority (about 55%) of the rural population in Mount Elgon district, the role of women is increasingly becoming crucial in bringing change to the community. This is because they endured the impact of conflict and the fact that they have limited choices outside their traditional roles.¹⁸⁹ They undertake these activities as follows:

4.2.1 Peace and Women Rights Advocacy in Mt. Elgon District

Peace and women's rights advocacy was at the heart of all women groups and organizations. As early as April 2008 the Rural Women Peace Link organized a solidarity visit to the conflict area where they advocated for women to participate in peace building. The organizations that participated in the solidarity visit included the representatives of Kenyan Women Parliamentary Association (KEWOPA), and Education Centre for Women in Democracy (ECWD).¹⁹⁰

The Mt. Elgon district elite women in company of women political leaders under the umbrella of the Coalition on Violence Against Women (COVAW) called for an end to rape and abduction of women and young girls perpetuated by both militiamen and security officers. They also asked the area Member of Parliament to stop issuing threats to leading women peace activities and the NGOs in the region. At this forum, the women also called for civil society, peace-building organizations and faith based groups to come together and initiate dialogue between the warring

¹⁸⁷ Urgent Action Fund-Africa, "Mount Elgon Conflict Affects Women and Children", issue No. 440, 2009 available on <http://www.urgentactionfund-africa.or.ke/>. Accessed on June 7, 2011.

¹⁸⁸ Oral Interviews, Salome Matakwei, Tuikut, 21st June 2011.

¹⁸⁹ Peter Kibas, "The Challenges Facing Women Enterprises", Moi University, (Unpublished), 2010.

¹⁹⁰ United Nations Fund for Women (UNIFEM), "Report on Joint Visit to Mt. Elgon Organized by Coalition on Violence Against Women (COVAW)", UNIFEM, April 2007.

parties. Women also appealed to the Kenyan government to lift the ban on operations of humanitarian organization willing to support the suffering communities in the area. Finally, they demanded that the government nullifies the Chepyuk phase III settlement process and appoint a neutral and an all inclusive committee to oversee the vetting and allotment since the existing one had led to bloodshed.¹⁹¹

To ensure gender equity and departure from the bond of patriarchy, the women also demanded allocations of land to widows in the controversial scheme challenging the traditional land ownership tenure where only men inherited land. Soon after the military intervention in 2008, the widow of an ex-SLDF commander Wycliffe Matakwei along with others started spearheading this campaign. Their efforts started bearing fruits. Matakwei's widow, Salome Chepkemoi for example was among widows that the government allocated land in Chepyuk phase III in the 2011. The government has since then promised to consider more widows when settling squatters in Trans Nzoia in future phases.¹⁹²

The women organizations also called to an end of various forms of cultural violence against women. The most visible was championing against widow inheritance and female genital mutilation. Most of the widows have refused inheritance and instead encouraged other women to support the eradication of widow inheritance and to stop female genital mutilation.¹⁹³

4.2.2 Ending violence and Insecurity in Mt. Elgon District

The women of Mt. Elgon district opposed violence because it was a major challenge to peace and reconciliation in the region. The women equated peace to end of violence i.e. the protection of victims from police and militia harassment. Thus, women advocated for disarmament, demobilization and reintegration (DDR) of ex-SLDF combatants in order to end the violence. The women also called for disbanding of the Moorland Defense Force (MDC) and other militia groups operating in the area. They also dissuaded the youth against picking arms to fight. This was

¹⁹¹ Ibid. p.12

¹⁹² Oral Interview, Salome Matawei, Cheptais, June 23rd 2011.

¹⁹³ Standard Group, "Hon. Fred Kapondi Authors Law to Criminalize FGM", *The Standard*. Nairobi: Retrieved from <http://www.stanndardmedia.co.ke/parliament/insidePage.php?id2000032339&cid=37&story=kapondi%.htm>

evident in rehabilitation forums they organized through churches. Mt. Elgon district women also fully supported the disarmament by the military in order to free the region from small arms.¹⁹⁴

Women of Mt. Elgon district also fought to influence the District Security Committee through offering themselves for election into the District Peace Committees. The newly constituted peace committees of both Mt. Elgon and Cheptais district were formed with a gender lens. Six members of out of the fifteen member committee were women.¹⁹⁵ The Kaptama Divisional Peace Committee in 2010-2011 was chaired by a woman. Women also constituted the membership of the Police Community Policing structures that have become strong institution of early warning to counter militia activities. The local community peace structures are called '*Okoa Maisha*' named after the military operation.¹⁹⁶ The local '*Okoa Maisha*' were offered an early warning system to the society. These local peace committees were established from *mkasa* (village) level to location level and district levels.

The local peace committees called regular meetings attended by all community members aimed at enhancing the technical capacity of local peace structures to effectively carry out peace work at the grass roots level.¹⁹⁷ The peace committees constituted an elaborate network capable of detecting even small conflicts in the village. They were so elaborate that even household quarrels were reported to the authorities. The intelligence reports gathered by these committees were sent to the National Steering Committee on Peace Building and Conflict Management every Monday.¹⁹⁸ These networks have greatly reduced the chances of the militia regrouping in Mount Elgon district.

¹⁹⁴ Hellen Nyukuri, Oral Submission, "Mt. Women Memorandum of Understanding Submitted to TJRC of Kenya on May 31st 2011 at Kibuk Church Kapsokwony".

¹⁹⁵ National Steering Committee on Peace-building and Conflict Management (NSC). "Report of the Formation and Training of Peace Committees in Mt. Elgon and Cheptais Districts", NSC Secretariat, Ministry for State for Provincial Administration and Internal Security, Nairobi: February 2011, p.6.

¹⁹⁶ Focused Group Discussion, Chemondi, 23rd June, 2011.

¹⁹⁷ National Steering Committee on Peace-building and Conflict Management (NSC). "Report of the Formation and Training of Peace Committees in Mt. Elgon and Cheptais Districts", NSC Secretariat, Ministry for State for Provincial Administration and Internal Security, Nairobi: February 2011.

¹⁹⁸ Moses Wefwafwa, "Policing Mt. Elgon; Overenthusiastic spies make village life frightful!" The Standard, Monday 8th November 2011.

4.2.3 Peace and Reconciliation Efforts in Mt. Elgon District.

For over a decade since 1992, Mount Elgon district witnessed a series of conflicts that caused strife between the Sabaot and Bukusu then Soy and Mosop clans of the Sabaot community. As result of the conflict between these ethnic groups hatred poisoned peoples' minds such that suspicion was the order of the day. During the study there were several ongoing reconciliation efforts to counter this 'hate' atmosphere. Reconciliation as a process of restoring fractured relationships called for moving from strife to a more positive relationship. It involved bringing together Sabaot and Bukusu, Soy and Mosop who have had a history of conflict into a harmonious relationship and developing the capacity of warring parties to live in peace with one another.¹⁹⁹

Women in Mt. Elgon district also advocated for reconciliation in order to be reunited with relatives who went into the forest as militia or those forcibly evicted, raped, or their property destroyed. According to Assefa Hizkias, reconciliation involves seven core elements which include: honest acknowledgement of the harm or injury each party inflicted on the other, having sincere regrets and remorse for the injury done, readiness to apologize for one's role in inflicting the injury, readiness of the affected parties to let go of their anger and bitterness, commitment by the offender to repent the injury, sincere effort to redress past grievances that caused the conflict and compensation of the damage caused to the extent possible and finally, entering into a new mutually enriching relationship that enables the parties to cooperate and interact harmoniously.²⁰⁰

While recognizing the elements above, the Mt. Elgon district women jointly with several organizations worked day in day out to reconcile the community. However, many members of the SLDF who committed the atrocities and managed to escape the police dragnet did not want to acknowledge, apologize, repent or risk returning home for certain reasons. Those who returned did not confess their wrongs. Only a few had done so in churches. Not even during the Truth Justice and Reconciliation Commission (TJRC) public hearing.

Meanwhile the internally displaced persons of non- Sabaot ethnicity displaced by the 1992,1997 and 2002 conflicts but settled elsewhere were not ready to return since their land was taken by other people. This was an indication that reconciliation among communities was far from

¹⁹⁹ Macharia Appolos, *Working for Peace: New Thinking for Peace Building*, Nairobi: EAEP, 2000.

²⁰⁰ Assefa Hizkias, "The Meaning Reconciliation" in *People Building Peace*, The European Centre for Conflict Prevention, 2008.

becoming a reality. Residents were yet to come in terms with realities of betrayal during the conflict. The women's constant efforts to reconcile the communities may take long to transform the community from war and vengeance. One woman of Bukusu origin formerly married to a Sabaot interviewed for this research said:

I know those who raped me. They were fellow villagers. I hate them. They raped me because I was a Bukusu. I hate all Sabaot. When I see them I get frightened. What I want is peace, so that I can take my children to school. My parents took me to school but today my children can't go because of conflict. When I go with my children to my relatives they ask me "Why do you bring this Sabaot blood here?" I cry. This is my blood where do I take them anyway?²⁰¹

One striking organization handling issues of reconciliation was the Free Pentecostal Fellowship in Kenya (FPFK) that has put up a Peace and Reconciliation office at the entrance to Cheptais town. Among other things, this organization was involved in public forgiveness, trauma healing, and peace through sports. The FPFK Cheptais organized reconciliation forum across the district and beyond. It also organized exchange program for victims of conflict to other parts of the country. Examples are Thesalia Mission in Muhoroni and Manor House Agricultural Centre in Kitale. Women also attended seminars and attest that the teachings changed their minds on peace and reconciliation issues.²⁰² The training and encouragement they received during the exchange programme, in the seminars and workshop enabled them to dispel beliefs of male domination that seemed to challenge women's participation on issues of peace as Mary Kiptege a victim of conflict narrated:

In the seminars we were taught how to forgive and how to forge ahead. We learnt how to bring up orphans without the help of their fathers. We also learnt how to avoid HIV/AIDS, and how to generate income and a lot more. It was very informative to me. I have known how to live as widow with my children and not always look for help from men, or think of inheritance during this era of HIV/AIDS²⁰³

The Human Rights Office in Cheptais was another organization that promoted reconciliation efforts in Mt. Elgon district. The office had assembled a collection of pictures and video footage of the atrocities that act as a historical record of the conflict. This was a parallel with Rwanda,

²⁰¹ Oral Interview, Hellen, Cheptais, 21st June 2011.

²⁰² Oral Interview, Janerose Nahumicha Kiptege, Chemondi, 20th June 2011.

²⁰³ Oral interview, Mary Kiptege, 52 years, Chemondi 21st June 2011.

where the storage of such information provided closure between the perpetrator and the victims of genocide.²⁰⁴ In Mount Elgon district the victims of the conflicts have through this office advocated for public confession and forgiveness for the wrongs committed. They were opposed to the idea of reconciliation in camera adopted by the TJRC. As one respondent remarked:

We know who the SLDF were and who victims were. We demonstrated against TJRC for taking the public hearings to Kapsokwony because it is far away from many victims who could not afford to travel. We were also against testifying in camera. People should confess in public not in camera in order for true healing and forgiveness to take place. We need to know who did what to whom, and who is asking for forgiveness. Such things should be done in open forums like the market. We did one here in Cheptais and people confessed and were forgiven. Why does the church do it in the open while TJRC conceals identities of people?²⁰⁵

Though these were sentiments of one focused discussion group held with women in Cheptais town the study regarded these sentiments as a representative of the general feeling of women in Mt. Elgon district. This portrayed a clear indication that the women were ready to forgive and forge ahead for a peaceful and united Mt. Elgon district.

The peace and reconciliation workshops and seminars organized across the district have made remarkable achievement. They have optimized the role of women in reconciliation and forgiveness. In the first such seminar, women from the two warring groups were not talking to each other, but subsequent meetings and counseling opened up these groups and a rapport was established. The seminars attracted women from all walks of life and groups including the SLDF widows and the military widows. In these workshops, women discussed and expressed their opinions on the conflict and the potential role of women as peace builders.²⁰⁶

The seminars also made women from different groups to recognize and accept their differences. It also enabled for instance the 'military widows' and 'SLDF widows' to begin rebuilding the trust and friendship after the violence. The Sabaot and Bukusu women have also started building cooperation with one another evident in joint village activities they undertook as a group. For example, widows come together to assist each other plant and harvest onions, beans, or sweet

²⁰⁴ Eugenia Zorbas, "Reconciliation in Post Genocide Rwanda" *African Journal of Legal Studies, Volume 1, No. 1* 2004, p. 2.

²⁰⁵ Focused Group Discussion, Cheptais Peace and Reconciliation Office, 23rd June 2011.

²⁰⁶ Oral Interview, Jackline Temko, Cheptais, June 23rd 2011.

potatoes for sale in markets. During such gatherings women freely discussed their tribulations while working. This helped them to develop potential for sustained dialogue.²⁰⁷

Women of Mt. Elgon district alongside their male counterparts have also formed theatre groups to propagate message of peace and reconciliation after dark years of bloodshed that left the region with a lot of hatred and bitterness.²⁰⁸ In one of their songs, the Soet theatre group likens the violence experienced in the region to cattle grazing in the field with the herder in deep slumber. When the herder sleeps, the cattle stray. The herder represented the community leaders whose failed leadership led to the 2006 conflict. In the analogy the cattle represented the people who saw the region transform from peaceful coexistence to anarchy – where they butchered, mutilated and maimed one another. The use of cattle a scenario was captivating as it was well understood by the Sabaot pastoralist community. This had the ability to send a far reaching message of reconciliation.²⁰⁹

Besides the song and dance for peace, the residents of Mt. Elgon district established a Food for Peace program. This program is spearheaded by a Community Based Organization that has initiated a program that brings the locals together for a meal. The Food for Peace program has ensured the locals from both sides of the warring parties prepare and eat food together. The aim this initiative was to see people interact and co-exist.²¹⁰ Other than fostering reconciliation this initiative also encouraged the community to unite against poverty and retrogressive cultures.

4.2.4 Psychological stress and Trauma Healing in Mt. Elgon District

The women of Mount Elgon district also promoted trauma healing. The trained counselors in the FPFK Peace and Reconciliation Office in Cheptais assisted traumatized women heal from the past traumatizing experiences. The Free Pentecostal Fellowship of Kenya also trained local counselors who offered counseling services to women sexually assaulted during the conflict. Like in Mozambique where there were no Western-trained Psychiatrist to handle trauma.²¹¹ The locally trained grass root counselors also facilitated the interaction between the SLDF widows and the

²⁰⁷ Focused Group Discussion, Chemondi, June 20th 2011.

²⁰⁸ Roselyne Obala, "Marching on flatten Mountain of Anarchy", *The Standard*, Monday, October, 17, 2011, p.18

²⁰⁹ Ibid. p. 18.

²¹⁰ Roselyne Obala, "Marching on flatten Mountain of Anarchy", *The Standard*, Monday, October, 17, 2011, p.18.

²¹¹ Alcinda Honwona, "Sealing the Past, Facing the Future: Trauma Healing in Rural Mozambique", in Dennis Sengulane (ed.) *The Mozambican Peace Process in Perspective*, London: Conciliation Resources, 1998 p. 75-82.

military widows who for long traded counter accusations. After several session of trauma healing therapy, the victims accepted the past and forged ahead. They also terminated suicidal tendencies and openly shared their traumatizing experiences that included rape regarded as a taboo subject.

4.2.5 Addressing Social and Restorative Justice in Mt. Elgon District

The atrocities committed by the SLDF militia and the military amounted to infringing of human rights. Civil Society Organizations such as the Human Rights Watch accused both the militia and the government agents for committing war crimes and crimes against humanity. It also accused the politicians for alleged funding of the militia. The politicians were also blamed for helping the militia evade justice by shielding the youths from police's arrests. The government was also accused of laxity in addressing the root cause of the conflict. Similarly, the military stood accused of brutality.²¹² Under these circumstance impunity and criminality was thus the order of the day. To restore durable peace there was need for those who committed the crimes to face justice.

Justice in post-conflict society in Mt. Elgon district appeared in three dimensions namely, recificatory, legal and distributive justice. Recificatory justice was meant to rectify the injustices that were direct consequences of the conflict, in terms of abuses committed against civilians by the SLDF and security agents. These abuses included gross violation of human rights, war crimes and serious crimes against humanity.²¹³ The second dimension of justice is legal justice. This in the context of Mt. Elgon referred to rule of law. There were several complains about the break of rule of law, manipulation of the legal system and corruption of law enforcers who failed to mitigate the impact of conflict in the initial stages. In fact corruption among the provincial administration, manipulation and complacency of police had led to violence in Mt. Elgon district. All these injustice and grievances by the residents in Mt. Elgon urgently required redress.²¹⁴

The third dimension of justice was distributive justice. This dimension of justice stemmed from structural, systematic and distributive inequality of economic resources among communities in Mt. Eldon district. Uneven resource distribution among communities was one of the causes of the conflict. Distributive justice in form of corrupt resettlement process and equity in employment

²¹² Georgette Gagnon, "Kenya Army and Rebel Militia Commit War Crimes in Mt. Elgon" Human Rights Watch, 2008. Available at: http://www.hrw.org/English/doc/2008/kenya_18421.htm. Retrieved on 2010-05-01

²¹³ Rama Mani, "Balancing, Peace with Justice in the Aftermath of Violence", *Journal of Development*, No. 48, Vol. 3, pp.25-34, Society for International Development, 2005.

²¹⁴ Ibid.

between Bukusu and Sabaot tended to be neglected. Similarly, the Mosop for long felt that the Soy had marginalized them in terms of political representation and appointments of chiefs in the district. The Soy too felt that the government had favored the Mosop on land allocation. As result of these inequalities the ethnic groups resorted to violence.²¹⁵

Addressing justice in Mt. Elgon district would involve prosecution of the militias and the government agents who allegedly committed crimes. There was also a need for political elites alleged to have recruited and funded the combatants to face justice. However, the possibility of these people facing justice was low due to court bureaucracy and lack of evidence. Those previously arrested had been acquitted, released or had already served their sentences since only lesser charges had been preferred against them.²¹⁶

The desire to have justice prevail in Mt. Elgon led women to call upon the government to investigate and charge in a court of law all those who were alleged to have committed crimes. The Mt. Elgon women also called for a government investigation of the allegation that the area MP' Honorable Fred Kapondi had supplied weapons to the SLDF.²¹⁷ Women also teamed with the Human Rights Office in Cheptais on several occasion and staged demonstrations calling the government to speed up investigation and prosecute security officers who raped women and shot dead villagers in broad day light. In Chemondi and Kimama, women also protested against the return of the self-proclaimed chairman of SLDF in Kimama sub-location Mr. Kones whom they accused to have ordered execution of twelve people in Kimama village.²¹⁸

Most of the questions on justice that remained unanswered were to do with the released militia who are freely living amongst the people without being punished. Women also raised questions over who would compensate people killed and tortured by both the militia and the military. Another question asked was who will pay for crimes of rape committed by the militia and the security officer.²¹⁹ These issues remain unresolved. But there was also fear amongst residence that

²¹⁵ Wilberforce Kisiero, Oral Submission of Sabaot Memorandum of Understanding submitted to TJRC Kenya, at Kibuk Church, Kapsokwony, May 26th 2011.

²¹⁶ KNCHR Report, "The Mountain of Terror". p.13.

²¹⁷ United Nations Fund for Women (UNIFEM), "Report on Joint Visit to Mt. Elgon Organized by Coalition on Violence Against Women (COVAW)", April 2007.

²¹⁸ Oral Interview, Alfred Cheminiwa, Chemondi, June 22nd 2011.

²¹⁹ Ibid.

pursuance of justice would jeopardize the fragile peace already won so far. Therefore, there was need to balance peace with justice so that justice is not seen as might but rather a right.²²⁰

4.2.6 Poverty Eradication and Economic Empowerment in Mt. Elgon District.

Virtually in every bout of violence in Mt. Elgon district since 1991, property was destroyed, food stores burnt and houses torched. Farms were left unattended as residents fled violence. As a result almost all agricultural activities and business came to a standstill.²²¹ The community increasingly became impoverished and dependent on food donation from humanitarian organization. But quite often the humanitarian aid was either not forthcoming or was taken away by armed militiamen. The militia also levied quotas on the food rations the residents received. For instance in 2007 at the peak of SLDF atrocities each family had to part with a half of the ration received. Failure to render the ration to the militia meant torture for victims. The food rations were also inadequate because the government as early as 1992 banned NGOs operation in the area. The only exception was the Red Cross which was accorded rights to distribute aid.²²²

As relative peace returned to the region in June 2008 women in Mt. Elgon district began to take active roles to rebuild destroyed economies. Women played a significant role in terms of poverty eradication and economic empowerment of their families since their men's access to income generation was jeopardized by the aftermath of the conflict. Although a number women and children were tortured too, the torture men endured under the SLDF and then the military dramatically reduced their ability to engage in economic productivity.²²³ Families that culturally depended upon men to provide relied on the economic activities conducted by women.

Women in Mt. Elgon district increasingly formed merry-go-rounds in the villages that helped them raise money to change the economic life of the families thrown off balance by violence. Widow groups like *Sungura* Self-Help Women Group in Kopsiro had a merry-go-round where the women contributed five hundred shillings on monthly basis, put it together and received the

²²⁰ Rama Mani, "Balancing, Peace with Justice in the Aftermath of Violence", *Journal of Development*, No. 48, Vol. 3, pp.25-34, Society for International Development, 2005.

²²¹ Kenya National Commission on Human Rights Report, 'The Mount of Terror', p. 19.

²²² Ibid, p. 19.

²²³ Independent Medico Legal Unit, (IMLU), "Double Tragedy": Report on Medico-Legal Documentation of Torture and Related Violation in Mt. Elgon, August 2008.

money in turns. They also started a joint business venture while motivating each other to start their own businesses. Similarly, the market women in Cheptais town participated in merry-go rounds which in turn increased their business capital. Women groups also take bank loans to assist individual group members to expand their businesses. By doing these, the groups dispel believes that women cannot take bank loans. The activities of these groups have gone beyond the economic empowerment as they assist these women build trust on each other and have constructive and reconciling dialogue.²²⁴

As income earners, women had limited access to opportunities to generate additional income. This was because of the lack of formal education and skills related to economic activities outside farming. Thus the majority of women in Mt. Elgon district engaged in the informal economic sector and in small-scale business enterprises called *Jua kali*²²⁵ at the market centers. Through their petty trading activities, such as selling fresh vegetables, cooked foods, snacks and tea in the market, women – Soy and Mosop, Bukusu and Sabaot - interact with each other as they did before the conflict in 2006 regardless of their ethnicity and clan.

The Non Governmental Organizations operating in the area and other women organizations were helping the women to cope with the hard economic situations. They promoted women's economic activities as the main entry point for women's peace building programs. To help women generate income, these organization like Action Aid assisted women to create small-scale business enterprises. They also provided business training, seed grants and micro-credit finance. The Rural Women Peace Link in Cheptais has helped women to market their farm produce. It encouraged women across the district to form cooperatives. It was also engaged in revitalizing the existing cooperatives that had been run down by poor management.²²⁶

4.2.7 Sports for Peace in Mt. Elgon District.

Achieving peace through sports was a new way women in Mt. Elgon district built new relations in the post-conflict society. Women organizations/groups organized Divisional peace tournaments

²²⁴ Focused Group Discussion, Cheptais Market, 25th June, 2011.

²²⁵ The petty trade is referred 'jua kali' because the trade is carried out in open air market where this women endure the scorching sun the whole day.

²²⁶ Oral Interview, Action Aid Kenya representative, Cheptais, 26th June, 2011.

from time to time. One such tournament was held in March 2011 in Kopsiro division. In the tournament, Chepyuk location beat Emia location to win the Kopsiro Peace Cup in the male category. In the women's category, Chepyuk location beat Chongeywo location in the match officiated by a FIFA woman referee from Teso district. The tournament was organised by the Teso Peace and Human Rights Development Initiative and financed by the Finland Embassy.²²⁷

The game of pool table played virtually in every market centre in the district kept the youth together and busy. They were no longer idle.²²⁸ During the game the youth also discussed pertinent issues about the conflict. There were several pool tables in market centres. Many of these pool tables were also income generating activities owned by local residents. Though, some of them were donation from the Mt. Elgon Constituency Development Fund.²²⁹

The major success of peace through sports was its ability to pull together large crowds of spectators of different age groups. At the end of every tournament leaders preached reconciliation and forgiveness. In the peace tournament held in Kopsiro, the then Member of Parliament Fred Kapondi and his predecessor and bitter rival John Serut shook hands indicating they were ready to work for peace.

4.2.8 Peace clubs and Peace Education in Mt. Elgon District.

Peace education is the first of the United Nations' Eight Action Basis for a Culture of Peace. The relationship between culture of peace and peace education is emphasized by Nastase.²³⁰ He says, the roots of violence are engrained in cultures and it is through transforming these cultures that durable peace can be achieved. Nastase argues that peace Education leads to informed public that actively gets involved in peace making. Peace Education in schools aims firstly, to remove barriers and false arguments that obscure peace, secondly, to develop in the minds of individuals a consciousness of the precipice or dangers of war, and thirdly, to create the conditions for actions that will halt the rush towards conflict.²³¹

²²⁷ Reuben Olita, "Chepyuk Triumph at Peace Football", *The Star*, Monday, April 25, 2011, p 12.

²²⁸ Focused Group Discussion Kopsiro, 22nd June 2001.

²²⁹ Op.cit. Mt. Elgon Constituency CDF Strategic Plan 2008-2012, p.6.

²³⁰ Andrian Nastase, "The Culture of Peace and Peace Education" *Journal of International Review Education*, Volume 29, No. 3, Sage Publications Ltd, 1983 pp, 391-401.

²³¹ Ibid.

In order to help develop a culture of peace in the district, several secondary schools in the Mt. Elgon district had established peace clubs. The pioneer school in this peace venture was Kibuk Girls High School. This school in Kapsokwony division had admitted students from other schools in Kopsiro division during the violence. About twenty schools in Kopsiro and Cheptais division which were the epicenter of the conflict had not reopened in January 2008. The creation of peace clubs in schools has proliferated across the district and peace clubs were to be found in other schools like Kim Girls Secondary School and Toroso High school. In the peace clubs students were taught conflict and peace management, peaceful coexistence, tolerance and reconciliation. The students also attend workshops where they were trained as peace ambassadors. During school vacations the student's peace ambassadors taught fellow youths in seminars. Members of the peace clubs also attended major peace initiatives like the TJRC public hearings.

Peace organizations in Mount Elgon district were utilizing these peace clubs to reach the youth out of school. During the school holidays the trained peace scouts in turn train their peers on advantages of peace and disadvantages of conflicts. One of such forums was organized in Cheptais where students preached the need for creating peaceful relations and good neighborliness. Peace education then became endorsed by several organizations and was carried out in all social gathering.²³²

4.2.9 HIV/AIDS Awareness in Mt. Elgon District.

Another major consequence of the conflict in Mt. Elgon district was increased level of sexual violence which in turn increased the spread of HIV/AIDS infections in the district. In Mt. Elgon district, Cheptais division was the most affected by the HIV/AIDS pandemic.²³³ The infection rates of the HIV/AIDS and prevalence in the division accounted for a cumulative total of 21% of the total population.²³⁴ Women and girls however constituted the population groups that had disproportionately been affected by the pandemic. The high rate of the spread of the disease among women and girls was linked to acts violence such rape and abduction. The impact on women and girls was also compounded by culturally prescribed standards of behavior such as

²³² Oral Interview, Stephen Kibet, Teacher Kibuk Girls, 26th May 2011.

²³³ Ministry of Planning and National Development, "Mount Elgon District Strategic Plan 2005-2010 for Implementation of the National Population Policy for Sustainable Development", Nairobi: National Coordination Agency for Population and Development, 2005, p.12.

²³⁴ Ibid. p.13

polygamy. For instance, most of the SLDF militiamen had more than two wives.²³⁵ In addition the poor economic status of some women tended to force them to depend on sexual relationships with security agents to meet their survival needs.²³⁶

The response of women of Mt. Elgon district to the spread of HIV/AIDS took various forms of informal and formal group initiatives. The initiatives were meant to improve the capacity of families and communities to support those affected with the virus. Most of the women's organizations were involved in structural transformations and institutional building that encouraged self reliance. The most common way was educating victims to reject patriarchy.

Bukonoi SAMA Community Based Organization for example played an important role in empowering women and the community on HIV/AIDS awareness. Its objective was to assist Orphans and Vulnerable Children (OVCS), widows, people living with HIV (PLHIV) and sex workers through psychosocial support. The organization partnered with AMREF, USAID and APHIA Plus. Jointly they provided free medical care, nutritional supplements, and referral services. they also carried field training in Behavior change Communication (BCC). In addition the CBO sponsored orphans in primary and secondary schools. The Bukonoi SAMA CBO also planned to build a school for Orphans and Vulnerable Children.²³⁷

Through various advocacy groups and NGOs, women also challenged traditional institutions and practices that contributed to the vulnerability of women to HIV/AIDS. Some of the practices include: female genital mutilation, forced marriages, and the inheritance of widows. Women engaged in HIV/AIDS awareness, home care visits to orphans and HIV/AIDS patients and formation of small projects that combined care and income generation.

These organizations trained and demonstrated to women the ability to make decisions and choices concerning safe sex, childbearing and marriage. Though these issues may not directly be under women's control, they had the right to share it since they were key to protecting themselves and

²³⁵ Focused Group Discussion Chemondi, 23rd June 2011.

²³⁶ Focused Group Discussion, Sasuri Location, 27th June 2011.

²³⁷ Oral Interview, Joshua Kipsisiei, 23 years, Cheptais 21st June 2011.

others from HIV/AIDS. The women also educated and encouraged men to change the culture of polygamy.

Although women's efforts to address the impact of HIV/AIDS were on progress, stigma eradication, post-trauma counseling and rehabilitation programs had not adequately evolved to fully address the needs of the women who suffered from the conflicts and their aftermath. HIV/AIDS infected and affected women of Mt. Elgon were still faced isolation, poverty, and increased responsibilities. Stigma for instance had forced some victims to relocate to the neighboring counties where no one knew their past. This has also further increased the spread of the HIV/ AIDS virus. As one victim noted:

I was going home when I came across the militia. They began beating me while a load of firewood lay on my head. They beat me again and again, with kicks, blows and metal bars because I had called them militia when they deserved to be called soldiers. They even forced me to drink blood. They then dragged me to the peak of the mountain and raped me in turns. After the ordeal, they told my husband they had infected me with AIDS.²³⁸

4.2.10 Reaching out to the media for peace in Mt. Elgon District.

The mass media played a key role in the Mt. Elgon conflict. Its role took two different and opposing forms. To begin with, the media highlighted the conflict that often increased the violence. Secondly its reporting contributed to the end of violence.²³⁹ Having realized the importance of the media in peace-building, the Mt. Elgon district women through the FPFK launched media activities organized by the Peace Rights Programme. These activities included the Peace and Rights Magazine and the Radio Broadcast programme. The Peace Rights Voice Magazine is a quarterly publication advocating peace and conflict resolution. The magazine called on the residents to dialogue. For example, in the February 2011 issue, the headline of the magazine read, "Let Us Reason Together: Dialogue is the only Sensible and Intelligent way of Resolving Human Conflict".²⁴⁰ The chief editor of the magazine was Pastor Jeniffer Mbatiany. This helped to dispel patriarchal beliefs that women cannot lead and attracted other women to contribute articles. In general, the articles in the magazine were written by the residents of Mount

²³⁸ Oral Interview, Margaret Wanyonyi, Chepkube 24th June 2011.

²³⁹ Andrew Puddephatt, "Voices of War: Conflict and the Role of Media", International Media Support, 2006, p.1

²⁴⁰ Oral Interview, Rev. Stephen Kirwa, Kibuk, 26 May 2011.

Elgon district from either gender. The magazine also received wider readership especially among the followers of the FPFK. The magazine was freely distributed to members of the church and to all those who attend seminars organized by the Peace Rights programme.²⁴¹

The FPFK Peace and Rights Programme also broadcasted a weekly radio programme with West FM Radio Station in Bungoma town. The broadcast addressed issues of conflict in Mt. Elgon and other regions covered by the FPFK Kitale region. The decision to utilize the media came after the church realized that conflict in Mt. Elgon district had subsisted because many people in the region did not have access to full, reliable and non-partisan information on about the conflict. This gap in knowledge and information was utilized by some interests to further their agenda to the detriment of the community. Thus the program informed the residents objectively and accurately on issues affecting peace and security in the region.²⁴²

4.2.11 Rehabilitation of Ex-SLDF Combatants in Mt. Elgon District

The withdrawal of military officers in 2009 witnessed the stealthy return of members of the defunct SLDF to the community. They were shunned to the extent that some of them felt outcasts. In order to rehabilitate and reintegrate them back to the community and make them part of the peace process, women groups rehabilitated the ex-SLDF fighters and converted them into peacemakers. They were also installed as Peace and Unity commanders.²⁴³ By July 2011, over 300 ex- combatants had been rehabilitated under the programme implemented by the Rural Women Peace Network in collaboration with the Mt. Elgon district Peace Committee.²⁴⁴

The FPFK also carried out psychological and life skills training for the former SLDF combatants. The training programs focused on individualized livelihoods support. The ex-combatants were taught how to earn a living rather than just generate income. In the seminars, former militias confessed that their colleagues were willing to be rehabilitated but feared arrests and social rejection from other community members. One former ex-SLDF narrated that although they renounced the SLDF some security officials still followed them. Thus, they are unable to engage

²⁴¹ The Peace and Rights Programme of the FPFK Kitale region, The Peace Rights Voice: A Newsletter of FPFK Kitale region. Peace and Rights Programme, Issue No.3 Feb. 2011.

²⁴² Ibid, p.2

²⁴³ Mathews Ndanyi, Women Groups Convert SLDF fighters into Peacemakers, Nairobi Star, 21-22 July 2011.

²⁴⁴ Ibid, p 23.

in gainful economic activities. Some police officers also kept on referring to them as *wewe muuaji* (you killers).²⁴⁵ Former widows of ex-SLDF also experienced rejection. These women pleaded not to be held responsible for the deeds of their slain husbands.²⁴⁶

4.2.12 Traditional Cleansing Ceremonies in Mt. Elgon district

The importance of the role of culture in conflict resolution and governance has become increasingly more obvious. In particular, one growing school of thought argues that indigenous cultural practices and traditional structures of leadership have a vital role to play in the building of sustainable peace in Africa.²⁴⁷ Traditional healing ceremonies were lauded as an effective and integral aspect of psychosocial healing and reintegration.²⁴⁸ For example, the *Gacaca* in Rwanda and *Omat Oput* in Northern Uganda were instrumental in the reconciliation.

The residents of Mount Elgon district have also recognized the value of traditional conflict resolution mechanism. The Church and the government jointly facilitated elders of the Sabaoat Community to perform traditional reconciliation and cleansing ceremony called *mumiandet*. This was conducted in all the divisions across the district.

In the ceremony a ram is killed by squarely hitting it on the head using a special club. This symbolizes that no further blood is shed. As the sacrificed animal gasps and wreaths in pain the elders chant words to proclaim peace and to condemn the atrocities committed. The animal is later skinned, roasted and eaten by all. This ceremony is significant to the Sabaoat community as it is believed to cleanse the atrocities committed during the violence and also acts like a curse to deter the community going against the covenant.²⁴⁹

²⁴⁵ John Oywa, "Security Suffocation: Overenthusiastic Spies Make Village Life Frightful, The Standard, Monday 8th November 2011.

²⁴⁶ Anderson Ojwang, "Widow of Slain SLDF Leader Cries for Acceptance" Standard Digital a Diaspora Voice, Updated on Saturday 9, June 2009.

²⁴⁷ Samuel Gbaydee Goe, "Indigenizing Post-Conflict State Reconstruction in Africa: A Conceptual Framework", *Africa Peace and Conflict Journal*, Vol. 2, No. 1, 2009, p 1.

²⁴⁸ Lindsay Stark, "Cleansing the Wounds of War: An Examination of Traditional Healing, Psychosocial Health and Reintegration in Sierra Leone", *Journal of Intervention*, Volume 4, Number 3, 2006, Page 206 - 218

²⁴⁹ Oral Interview, Alfred Ndiema, Chemondi, 30th September 2011.

4.3 Challenges faced by women peace builders in Mt. Elgon district

Women's post-conflict peace-building organizations and networks in Mount Elgon district were faced by numerous challenges in conducting their envisioned activities. The major challenges included: first, insecurity and intimidation of leading women peace builders. The women peace activists in Mt. Elgon were intimidated and terrorized by both SLDF and local politicians. During the violence the SLDF militia earmarked these women for rape and execution. Women and other human rights activists also received threats from a politician who made threatening public statements.²⁵⁰ Such threats made some of the organizations to close shop as the officials fled violence. These stalled planned activities and reduced the impact of their peace-building work.²⁵¹

The second challenge faced by women organization was the exclusion from community decision making as a result of culture. Women in Mt. Elgon for long were excluded from the formal political and peace process which was dominated by male political elites, elders and religious leaders. Sighting the Sabaot people memorandum submitted to TJRC a nominated woman counselor narrated how her male counterparts with former Member of Parliament drafted the article without women's participation.²⁵² It's only after the conflict that women were permitted to attend peace forums like reconciliation and TJRC public hearings. Exclusion of women has made the majority of grassroots women peace workers to engage in 'informal' peace activities such as peace tournaments, distributing aid and organizing prayer sessions.

Another challenge faced by women especially the youthful female peace activists' was the challenge of traditional stereotyping. The Sabaot elders viewed youthful women engaged in public activities as women with 'questionable' moral characters just because they confidently talk about what are considered taboo topics before men even of their father's age. As a result only post-menopause women got recognition. These women have therefore tended to dominate peace activities in the district.²⁵³

²⁵⁰ International Federation for Human Rights, "Observatory for the Protection of Human Rights Defenders Annual Report 2009 – Kenya", 18 June 2009, available at: <http://www.unhcr.org/refworld/docid/4a5f300b23.html> [accessed 6 June 2011]

²⁵¹ Ibid, p. 3.

²⁵² Oral Interview, Beatrice Nyukuri, Kapsokwony, 26th May 2011.

²⁵³ Oral Interview, Jackline Temko, Cheptais, 24th June 2004.

Emerging polarization among military widows and SLDF widows was the other challenge that faced peace-building organizations. This polarization is based on 'who was a victim to whom?' The major division among women of Mt. Elgon was the formation of parallel groups one that represented the SLDF widows and another one representing the military widows. Although these organizations were not registered or overt there were in every woman lips in Mt. Elgon district. The SLDF widows for instance, alleged that the government was biased in treating the military widows.²⁵⁴

The fourth challenge was lack of adequate knowledge and skills to manage women groups. The emergence of women organizations spearheading reconciliation or the integration of peace-building issues into existing women organization is a new phenomenon in Mt. Elgon district. Most of these women groups were made of women who hardly completed primary education. Some women activists however, had completed secondary school and received training to improve their knowledge and skills of peace related issues through seminars. Though a number of women had received training, more still lacked the necessary education to lead the organizations. This has prevented other women's organizations from engaging on constructive development. It also limits women's access to established NGOs in terms of attracting resources.²⁵⁵

Another challenge was lack of sustainable financial resources. The majority of women's organizations had very limited financial support. Even though some of the women's organizations received funds from local, national and international donor agencies, generally the financial support gained from donor agencies is small, temporary, and not sufficient to support and maintain the activities of women's organizations. For example, women often need to attend meetings, group discussions and seminars but without transport facilitation the women prefer to work on their farms neglecting peace seminars.²⁵⁶ Most women expressed that they often found it difficult to conduct or to participate in peace building related issues, as they did not have enough money to support their activities.²⁵⁷

²⁵⁴ Focused Group Discussion, Chemondi, 23rd June 2011.

²⁵⁵ Oral Interview, Reverend Stephen Kirwa, Kapsokwony, 25th May 2011.

²⁵⁶ Ibid.

²⁵⁷ Endah Trista Agustiana and Maria Pakpahan, "Women and Peacebuilding: Central Sulawesi and North Maluku", *The Crisis Prevention and Recovery Unit (CPRU)*, 2004.

4.4 Conclusion

The chapter has highlighted the involvement of Mt. Elgon women in post-conflict peace-building. It has demonstrated that women in spite of having experienced the consequence of conflict formed groups and organizations such as Rural Women Peace Link, *Kikar* Women Group, Samantha Self Help Group, and *Soet* Theatre Group which helped the community to try to reconstruct their lives. The chapter showed that the women of Mt. Elgon district had three major entry points to post-conflict peace-building namely; the government agencies, churches and the NGOs. The women also participated in seminars, workshops and conferences. It has also emerged that these organizations employed a variety of methods to achieve peace. Some of the methods discussed are the traditional informal methods, solidarity visits, organizations of exchange programs, peace through sports, formation of groups and merry-go-round. This chapter also underscored that though women in Mt. Elgon were traditionally excluded from formal peace forums such traditional cleansing ceremonies attended by elders alone. They have actively fought against exclusion by influencing elder's decisions on community issues. This demonstrates that women in Mt. Elgon district like the rest elsewhere in the world were actively engage in post-conflict peace-building with remarkable success.

CHAPTER FIVE

5.0 MOUNT ELGON DISTRICT WOMEN PERCEPTIONS ON THE MILITARY INTERVENTION

5.1 Introduction

Thousands of people were killed, raped and displaced by the Sabaot Land Defense Force during the recurring violence in Mt. Elgon district between 2006 and 2008. SLDF was a non-state armed militia group that had revolted against government eviction of squatters in the Chebyuk settlement scheme. In an effort to restore peace in the area, the government deployed security forces comprising of the regular and Administration police, the Anti-stock theft Unit (ASTU), the General Service Unit (GSU) and the Rapid Deployment Unit (RDU) to the area. Despite the large number of forces in the area, SLDF continued to terrorize residents, leading to loss of more lives and a mass displacement.²⁵⁸

In March 2008, after the initial police-led security response coded Operation *Tafuta Amani* (Seek Peace) failed to contain the rapidly evolving armed militia, the Kenyan military was deployed to flush out the militiamen and to regain control of the region. This intervention was called Operation *Okoa Maisha*. The local residents of Mt. Elgon district initially welcomed the crackdown but were quickly alienated by the strategy pursued by the security forces that was viewed by some residents as harassment and brutality to the community.²⁵⁹

The operation *Okoa Maisha* became a much-discussed topic among the residents of Mt. Elgon district and Kenya as whole. Some people were in support of the operation while other were against it. The operation was an unprecedented participation of the military and the police jointly in an internal resources conflict based whose history - as discussed in earlier chapters - dated back to the colonial historical injustices on land alienation, among other hosts of factors.

There was widespread public debate regarding whether the military intervention was legitimate or illegitimate, favoured or rejected. Politicians and human rights activists out rightly criticized the operation but what remained unclear was whether this debate was a true representation of the

²⁵⁸ Georgette, Gagnon, "Kenya Army and Rebel Militia Commit War Crimes in Mt. Elgon", Human Rights Watch Report 2008. Available on http://www.hrw.org/English/docs/2008/Kenya_18421.htm, retrieved on 2010-05-01

²⁵⁹ Kenya National Commission of Human Rights. "Mountain of Terror", KNHCR Report, 2008, p. 4.

views of women of Mt. Elgon district about the intervention. Despite criticism on the operation the government maintained that the operation was a much needed intervention for national security.²⁶⁰ Beginning with the International grounds for justification of military intervention the chapter will highlight the reasons advanced by the government in support of the military intervention. It will also debate the humanitarian view of the operation and wrap up with the Mt. Elgon district women's perception of the military intervention in the local conflict.

5.1 Between Rhetoric and Reality: Justifying the Operation *Okoa Maisha*

As the Cold War ended, there was a rapid increase in number of peacekeeping missions.²⁶¹ These missions occurred when many national militaries were faced with serious decisions over whether, when, and how to intervene in internal conflicts for national security. Efforts to contain these new threats to stability increased at a time when the debate on military intervention in internal conflicts had more questions than answers. The debate was whether the only available means of restoring peace in internal conflict was through military intervention.²⁶²

Since the early 1990s, humanitarian agencies have been intricately involved in debate with the international community over the use of military force in situations of gross human rights violations. For these reason, the humanitarian agencies have supported military intervention. However, humanitarian agencies have also strongly objected the strategy of military interventions.²⁶³ The military intervention in Mt. Elgon conflict therefore elicited different opinions from the humanitarian agencies.

Despite the essentially different views –as operation of torture or a necessary evil, it is possible to identify common themes that most concern humanitarian agencies about military intervention. Overall, it can be said that, in principle at least, the great majority of humanitarian agencies welcome the intervention with reservations. This is because, there are many serious concerns

²⁶⁰ Erick Kiraithe, "Kenya Police Security Media Briefs: SGI/Quarterly/ Restoring peace in Mt. Elgon", available at: [http://www.sgiquarterly.org/feature 20111TCM g html](http://www.sgiquarterly.org/feature%20111TCM%20g.html), Accessed May 12, 2011.

²⁶¹ United Nations Information Service, "60 Years of the United Nations Peacekeeping", Vienna: Austria, Vienna , International Centre, 2008. Available on <http://www.unis.univiennea.org>.

²⁶² Hugo Slim, *Military interventions to Protect Humanitarian Rights: The Humanitarian Agency Perspective*, Oxford Brookes, Oxford University, London, 2001.

²⁶³ Ibid.

about the effect and implications of how such force are applied.²⁶⁴ The reality should be that the humanitarian agencies should make their reports in a way that is not biased or meant to please their donors.

The debate on military intervention can also be analysed and justified in line with UN policy which dictates that before any intervention the military should make decision about internal military intervention and ensure it takes place in accordance with international norms of non-intervention, the non-use of force and the primacy of state sovereignty laid down in the UN charter. The military also needs to consider the high value placed on individual human rights as documented in the UN charter and the enacted human rights laws.²⁶⁵ After meeting all these considerations the State may then sanction a military intervention.

Once military intervention has been sanctioned for a good cause practical challenges arise in the field. The main challenge is about civilians' and humanitarian agencies' relationship with military forces at field. These relationship challenges are known as civil-military cooperation (CIMIC).²⁶⁶ They concern issues of association and perception; cooperation and coordination, roles and responsibilities. The military doctrine has however, been to operate in secrecy. Although a number of Humanitarian agencies dealing with policy issues accept the need to distance themselves from the military operations so as not to seem partisan. They abhor the military strategy that sidelines them through the occasional denial of entry of civil society and the press. The military argue that their ethics require operation based on relationship of co-operation without co-option.²⁶⁷

The justification of military intervention and war against the SLDF is valid on a number of explanations of international law and sovereign nature. Sovereignty dictated that the State be the one to pressure warring parties in the Mt. Elgon conflict to negotiate for peace, as was in the case of USA NATO led military intervention in Kosovo. In this international military intervention the U.S. Secretary of State reportedly thought "three or four days of bombing would force the Serbs

²⁶⁴ Ibid.

²⁶⁵ UN Charter. "The Principle of Non-Intervention and Non-Use of Force", Article 2 paragraphs 3,4 and 7 of the UN Charter.

²⁶⁶ Robert M. Perito, *Guide For Participants in Peace Stability and Relief Operations*, Washington, DC:, United States Institute of peace Press, 2010, P.279.

²⁶⁷ Hugo Slim, *Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective*, Oxford Brookes, Oxford University, p,32.

back to the negotiating table.”²⁶⁸ But what U.S. conceived as coercive diplomacy became a medium-sized war.²⁶⁹ While intervening in Mt. Elgon conflict, the government was convinced that a short operation would compel the militia to pursue non-violent means of resolving the conflict. However, this was never the case of the two months military intervention in Mt. Elgon conflict.

According to Michael Walzer, the debate on military intervention can also be justified on the framework of just and unjust war. He argues that a State can only wage war for the sake of a just cause of self-defence, protection of innocent and punishment for wrong doing.²⁷⁰ He adds that, military intervention also requires serious calculations within individual intervening states of the appropriate cost in lives and finances to its own citizens to carry out the intervention. In addition to the risk of casualties, there is also the risk of failure. Thus the State can intervene if the benefits of universal good are proportional to, or “worth” than the universal evils. As Michael Walzer points out:

A state contemplating intervention or counter-intervention must for prudential reasons weigh the dangers to itself, but it must also, and for moral reasons, weigh the dangers its action will impose on the people it is designed to benefit.²⁷¹

The Mount Elgon conflict was a war pitting Kenya’s defense forces against the outlawed militia. The war was one that was justified by at least two criteria of Just War Doctrine- *jus ad bellum* of Michael Walzer. Firstly, the military intervention was *a last resort*,²⁷² initiated only after negotiations and government decrees and pleas for armed militia to surrender failed. Secondly, the anticipated harm of armed intervention was relatively small compared to the immediate harm it sought to end. At worst the use of armed force was the lesser of the evils in the existential choice the military faced in Mt. Elgon conflict.

From the public debate, it could be argued that the military intervention was unwise on terms of proportionality, because it seemed that the military used unnecessarily severe force against the small militia incapable of acts of aggression and that there was lack of proportionality as

²⁶⁸ Condelisa Rice, “U.S.A Intervention in Kosovo”, quoted by Charles Knight. *What Justifies Military Intervention*, London: Oxford University Press, 2001.

²⁶⁹ Charles Knight, “What Justifies Military Intervention?” *A PDA Commentary*, 27 September 2001.

²⁷⁰ Brian Orend, “Michael Walzer on Resorting to Force, *Canadian Journal of Political Science*, Vol. 33, No. 3, 2000, pp 523-547.

²⁷¹ Michael, Walzer. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York: Basic Books, second edition 1992, p.95.

²⁷² Bjorn Moller, “Kosovo and The Just War Tradition”, Paper for the Commission on Internal Conflicts at the 18th International Peace Research Association conference in Tampere, 5-9 August 2000.

suggested by the just war theory. Conversely, it can be argued that the SLDF as any non-state actor was capable of making an armed attack on the State. Thus unchecked triumph of aggression by SLDF would have been a "greater evil" than war.²⁷³ It was therefore possible for the government to construct the right of self-defense against SLDF. This conclusion, gave the SLDF militia a combatant status, and that their action equated to aggression to national security.

The military intervention was also justified because it in no way went against the international law. The international legal regime advocates for the respect of territorial integrity of sovereignty of states. Thus, any military in a state that unilaterally intervenes without the consent of the UN in internal conflict is by definition not contentious and not in violation of International Law because it does so under its sovereign mandate. As such allegations are not within the jurisprudence of the International Criminal Court (ICC) as advocated by NGOs unless there is human rights violation.

Another important parameter on justifying the military intervention as "just war" is to assess the success of the operation. There are two issues to measure success of military or third-party intervention according to Regan.²⁷⁴ First, are the events of conflict that precipitated the intervention and secondly, the range of motivational factors behind the intervention. According to security intelligence briefs of the Kenya Police, the atrocities committed by SLDF were by any definitions beyond reproach for any state security organs. There was thus a need to restore the rule of law and to end impunity perpetuated by the militia.²⁷⁵

The military intervention was also justified on the premise that there was no guarantee that a non-military intervention would be effective in ending violence. Prior to the police led operation *Tafuta Amani* the government had used the Provincial administration to resolve the conflict through non-violent means but the militia revolted against it. The SLDF also continued to engage in spate of violence even after peace agreement had been signed. The State thus had a moral obligation to intervene when people of Mount Elgon district were in peril.

²⁷³ Brian Orend, "Michael Walzer on Resorting to Force", *Canadian Journal of Political Science*, Volume 33, No. 3, 2000, pp 523-547.

²⁷⁴ Patrick M. Regan, "Conditions of Successful Third Party Intervention in Intrastate Conflicts" in the *Journal of Conflict Resolution*, Volume 40, No. 2, June 1996 ;pp336-359.

²⁷⁵ Erick Kiraithe, "Kenya Police Security Media Briefs: SGI/Quarterly/ Restoring peace in Mt. Elgon", Kenya Police Report available at: http://www.sgiquarterly.org/feature_20111TCM_g.html, Accessed May 12, 2011.

5.3 Circumstance Leading to Operation *Okoa Maisha*.

The Operation *Okoa Maisha* was according to the government necessitated by a host of security factors.²⁷⁶ The police security briefs indicated that in the months preceding the March 2008 military intervention, numerous incidents of violent crime had been witnessed and reported in Mount Elgon and surrounding areas. All the incidents were attributed to a local criminal gang-SLDF- which had been operating with impunity for over two years.²⁷⁷

The State Security organs showed that the Mount Elgon conflict which initially started as local land dispute confined to Kopsiro and Cheptais divisions of then Mount Elgon District had spread to affect neighboring districts. It also showed that the militia was engaged in absolutely unjustified criminal acts of murder, robbery, arson, rape and extortion. The net result of this wave of violence was distress to the region.

According to the police, the last criminal incidence by the SLDF that prompted the military intervention was the grisly murder of twelve civilians who had been accused of betraying the gang in Kimama village. Prior to this, the police had investigated over 145 cases of murder as well as several cases of rape and mutilation. Schools had been closed with over 10,000 primary school children not attending school. The small scale farmers in the area had also lost over 712 heads of cattle. All subsistence farming, the economic base of the region, had been grounded exposing the populace to the possibility of famine.²⁷⁸

As violence intensified the residents of Mt. Elgon district especially women left behind begun calling for a more formidable force to end the violence. The government therefore launched the operation *Okoa Maisha* on the night of 10th March 2008 to restore security. The mission of the operation was, first, to apprehend criminals who had committed crimes against innocent people and recover all the firearms illegally held in the area. Secondly, the government was to create an enabling environment for the population to cooperate with the police in the investigation of serious crimes reported in the area. Thirdly, to arrest and bring to justice persons responsible for the crimes committed in that area. Fourthly, was to prevent commission of further crimes in the

²⁷⁶ Erick Kiraithe, "Kenya Police Security Media Briefs: SGI/Quarterly/ Restoring peace in Mt. Elgon", available at: <http://www.sgiquarterly.org/feature20111TCMg.html>, Accessed May 12, 2011.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

area. Fifth, the government also intended to restore law and order in the region that would enable relevant government authorities to comprehensively deal with the root cause of the conflict.

The operation *Okoa Maisha* was an extensive exercise meant to achieve results as soon as possible. The first phase involved thorough security patrols in Mt Elgon forest, caves and the inhabited areas to apprehend criminals and recover illegal firearms. It also included interrogation of all persons suspected of committing, aiding and abetting the commission of crimes in the area. Phase one lasted five days and involved the screening of over 300 persons ranging from chiefs, assistant chiefs and teachers at Kapkoto military camp.²⁷⁹

The first success of the operation was the ending of the fear of retribution by criminals which the local resident's had been subjected to. This fear had blocked citizens from volunteering information to security forces on criminals and criminal activities in the area. The second success was the recovery of illegally held firearms. In the first phase of the operation, the security forces had disarmed the militiamen of 41 AK47 rifles and over 1,027 rounds of assorted ammunition, hand grenades and other crude weapons like machetes, bows and poisoned arrows. The military also recovered 93 camouflage uniforms within the five days of the operation.²⁸⁰

The fourth mandate of the operation included the prevention of commission of further crimes in the District. The military successfully stopped cases of murder, rape, extortion and stealing of livestock that had been reported in Mt. Elgon district. Finally, the police report indicated that schools had reopened and teachers, civil servants and internally displaced persons had returned. Clearly, law and order once again prevailed in Mt. Elgon district after 18 months of anarchy.²⁸¹

5.4 *Okoa Maisha* as an Operation of torture: The Human Rights View.

From several reports from Human Rights groups detailing the violations of human rights and torture in Mt Elgon district, the study concluded that from the onset the civil society regarded the government security response to SLDF abuses as that of lackluster, fostering a climate of

²⁷⁹ Kenya National Commission on Human Rights Report "The Mount of Terror" 2008, p 3.

²⁸⁰ The Kenya Police, "Security Media Briefs: SGI/Quarterly/ Restoring peace in Mt. Elgon", available at: <http://www.sgiquarterly.org/feature20111TCMg.html>. Accessed on 12th May 2011.

²⁸¹ Ibid.

impunity.²⁸² The Human Rights Watch argued that since the emergence of the SLDF, the militia gradually increased its control over the area, levying taxes over the already impoverished population. It had also terrorized those who failed to follow their orders, but the government kept mum or took unnecessarily long time before decisively responding to SLDF atrocities in 2008.²⁸³

The Human Rights Watch in its submission to the 41st Session of the United Nations Committee against Torture on Kenya voiced concerns over serious and widespread torture by state security forces in Mt. Elgon district. At the same time it laid blame on the state for having failed to protect the rights of citizens by being unwilling to hold both state and non-state violators to account.²⁸⁴

According to some of the Human Rights Organization reports the victims of the SLDF received no justice from government.²⁸⁵ They say that the militia abducted civilians from their homes, while looting their homes and livestock and then marched their victims into the forest where they beat them, strung them up on trees and then mutilated them by cutting off their ears. Some were then forced to eat their own ears, and feces. Further, the victims were warned not to report the crimes to the police or they would face serious consequences. Many complied with this threat.²⁸⁶

An overview of these reports also showed that from August 2006, civilians living in Mount Elgon had been terrorized through increased violence from several different groups: the Sabaot Land Defense Force, police operations, criminals and or vigilante groups. The civilian population was double victimized first by the militia and secondly by the torture committed during the military intervention.²⁸⁷ The reports add that the civilians have struggled to protect themselves and were frequently been forced to move in order to find safety either on the upper slopes of the mountain,

²⁸² Human Rights Watch. "All The Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict," Report by the Human Rights Watch, 2008, p. 3.

²⁸³ Ibid. p. 5.

²⁸⁴ Ibid.

²⁸⁵ Some of the of the Human Rights Organization reports on alleged human rights abuses and crimes against humanity are: first, "All the Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict" Report by the Human Rights Watch. Second, is the "Double Tragedy: Report on Medico-Legal Documentation of Torture and Related Violations in Mount Elgon "Operation Okoa Maisha." Third, is the Medicines' Sans Frontiers' Report, "Mt. Elgon: Does Anybody Care?" Finally, the Kenya National Commission on Human Rights Report "Mountain of Terror".

²⁸⁶ Human Rights Watch, "All the Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict", Human Rights Watch's report 15th September 2008, p. 4.

²⁸⁷ Ibid.

down the hill or in neighboring districts. The civilian population lived in a precarious condition, dependent on local communities and humanitarian assistance.²⁸⁸

The negative reports over the military intervention was further given credence by the Report of The Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions which claimed that the police killings were officially sanctioned and that there existed a police "death squad". The report also highlighted that the government laxity which had allowed organized criminal gangs to operate with impunity amounted to abating crime, claims which the government refuted. The government asserted that no torture had ever taken place and does not condone extrajudicial killings. Instead the government was committed, to ensuring the rights of all. The government also reiterated its determination to help people of Mt. Elgon area prior to operation *Okoa Maisha* through the Operation *Tafuta Amani*.²⁸⁹ The civil society thus held the view that the operation was much of torture that amounted to perpetuation of violence.

5.5 Mount Elgon District Women Perception on the military intervention

As early as May 2007, the women of Mt. Elgon district had expressed fear and skepticism over the impending security operation to flush out Sabaot Land Defense Force (SLDF) militia.²⁹⁰ They feared that innocent people, including women and children, could be harassed and sometimes killed in such operations. The operations might also lead to closure of schools. They also feared that some criminals may take advantage of such operations to rape women and commit other crimes.²⁹¹ But when the SLDF activities increasingly became brutal and the police and GSU security contingents present in region seemed to be out rightly overwhelmed by the militia, the residents of Mt. Elgon called for a more formidable force to stem out the vice.

²⁸⁸ Médecins Sans Frontières, "Mt. Elgon: Does Anybody Care?" June 2008, Report available online at: www.msf.org.uk/mount_elgon_report_20080616.news, p. 2

²⁸⁹ Government of Kenya "Government Response to Mars Group Accusation of gross human rights Violation in Mt. Elgon," available on www.marsgroupkenya.org/pdfs/2009/06/Kenya-Government-Response.

²⁹⁰ Allan Kisia, Robert Wanyonyi and Isaiah Lucheli, "Women Oppose Police Search in Mt. Elgon", *Daily Nation*, October 22, 2007, p.23.

²⁹¹ PeaceNet Kenya, "A Brief Report on the Peacenet Led Mission to Mt. Elgon", May 25, 2007, available on <http://www.internaldisplacement.org>. Accessed on June 1, 2011.

Initially, the civilians in Mt. Elgon happily welcomed the military.²⁹² Prior to the military intervention in March 2008, the residents had gone through a rough time in the hands of the militiamen and the initial police led operation called operation *Tafuta Amani*. The suffering occasioned by these groups made the intervention by the military highly welcome. Immediately the military stepped in, the victims of SLDF volunteered information on the whereabouts of the militiamen to the military. Women also frequented military camps for food aid and clinical services. As the operation and hunt of SLDF intensified, the SLDF adopted a new strategy. The militias run out of their hideout in the Mt. Elgon forest and caves into Cheptais town and villages. They concealed themselves amongst the residents.

The military also changed tact and resorted to pursue the militia up to the villages rounding them for interrogation and screening at Kapkota. This strategy of rounding all males was never taken kindly by the community. A section of women blamed the military for using excess force against their husbands and sons and failing to distinguish between the innocent civilians and the militia. Overall, the women supported the intervention in ending the violence. The women perceived the military action at least as a lesser evil. As one informant recounted:

When the military choppers were first spotted in Cheptais and Kopsiro. The villagers were elated, but this elation was short lived. The military's biggest mistake during the operation was failure to draw a line between the local man and the militia. They made everyone a target and causality. The soldiers swooped on villages at dawn as scared residents ran for their lives. Virtually everyone was tortured. But at the end the military saved as from the merciless militia.²⁹³

The women in Mt. Elgon district had different perceptions about the military intervention. Their perceptions reflected their diversity. Depending on the category of their victimization and by which group, the Mt. Elgon district women were either "military widows" or "SLDF widows".²⁹⁴ The SLDF victims or women whose widowhood was occasioned by the militia killing their husband and the women that became victims to SLDF atrocities supported the military intervention. Most of these women are members of the Mosop clan.²⁹⁵ These women denied the allegations that the military committed any rape. They also argue that although the military

²⁹² Human Rights Watch, "All the Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict," The Human Rights Watch Report, 2008, p. 6.

²⁹³ Oral interview, Mr. Peter Kirwa, 41 years, Cheptais, 22 June 2011.

²⁹⁴ Oral interview, Jackyline Temko, Cheptais, 23rd June 2011.

²⁹⁵ Oral Interview, Reverend Stephen Kirwa, Kapsokwony, May 29, 2011.

tortured and killed their relatives, some of the residents deserved such treatment since most the said victims were members of the SLDF militia who failed to surrender to the military. Therefore, when the amnesty period ended the military acted and should not be blamed.²⁹⁶

The second category of widows was the “military widows”, widowed as a result of the military intervention. These widows also happen to be the widows of ex- SLDF combatants. This category holds a contrary opinion to that held by the former category. They blamed the military for using excess force against their husbands. They hold that their men were fighting for just cause of the community. However, this category of women as the former also was of the opinion that the SLDF actions had lacked a sense of direction. Some of the women in this category also became victims of the SLDF. They were very bitter about the militia because they had been forcefully made ‘wives’ of the militia and were occasionally raped by the other militiamen.²⁹⁷

This second category of women also absolve the military from rape but blame the police Rapid Deployment Unit (RDU) and the GSU. These two police contingents had participated in the earlier operation that the local termed *anti-janjaweed*. Other than rape, the women also blamed the police for wanton destruction of property.²⁹⁸ This view was also shared by women peace builders. They say that the information on the press that accused the army of rape was unfounded.²⁹⁹ However, it is possible for one to argue that in such state of fright it was hard for civilians to distinguish between the military personnel and the police. To dispel these claims, the women of Mount Elgon however say that most of the rape associated with security personnel happened well before the operation *Okoa Maisha* was put in place.

In general, most of the women in Mt. Elgon district found the military friendly. They often visited the military camp for medical attention and also to seek food aid as the military had it in plenty.³⁰⁰ Majority of these women also argued that if any of the women became a victim of rape by the military then it was “voluntary”. As Rosemary recounted:

The military camped on top of the mountain and far away from the people but the women still followed them up the mountain. I cannot deny. Some of these were young girls that

²⁹⁶ Oral Interview Focused Group Discussion, Cheptais, June 23, 2011.

²⁹⁷ Oral Interview Focused Group Discussion, Chemondi, 21 June 2011.

²⁹⁸ Ibid.

²⁹⁹ Oral Interview, Jacklyne Temko, 30 years, Cheptais, 21st June 2011.

³⁰⁰ Focused Group Discussion, Cheptais, 24th June 2011.

had been widows of ex-SLDF. Thus after the death of their husbands they feared the military would target them for torture and so they run to military for a cover up. The death of their SLDF husband also left them without the food they were so used to. These girls had also gotten used to befriending the security personnel especially the police and ASTU in the region in order to spy the police. If at all they slept with military personnel it was for their convenience.³⁰¹

The overall assessment of the intervention shows that although the military generally did well, it was blamed for the torture leading to death of some innocent members of the community. They were also blamed for having dumped the bodies of those who succumbed to death during torture at Chepcheiwa cave just like the SLDF. Women peace activists believe that there were about 800 human skulls at Chepcheiwa cemetery in Mt. Elgon.³⁰²

The Mt. Elgon women's perception of the military intervention is similar to what Nicholas Wheeler sums up as "the agonizing moral choices" involved in any decision to use force in the rescue and protection of people enduring massive cruelty and suffering.³⁰³ Thus, while all military intervention tend to bring about an end to violent conflict setting the beginning of post-conflict reconstruction and peace building the success of interventions have been compromised by atrocities committed by the military while in operation.³⁰⁴

The existence of this blame has made it impossible to give the military a clean bill of health in the intervention thus warranting them as 'a necessary evil'. During the intervention in Mt. Elgon the military thus never intended to do no harm but some good. Therefore, the women supported their roles. This is evident in the cordial cooperation between the military and women in the region. The women assisted the military through volunteering information leading to arrests of the militia and the subsequent disarmament. In fact, residents of Mount Elgon trust the military more than local police in handling criminal issues. They travel to Kapkoto camp to report cases of drug abuse and of theft which are under the police jurisdiction.³⁰⁵ This is a testimony that Mount Elgon women supported the military action in ending violence.

³⁰¹ Oral Interview, Rosemary Cheminiwa, 54 years, SLDF widow at Chemondi market 23rd June 2011.

³⁰² Ibid.

³⁰³ Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, OUP, Oxford, 2000, p.

51.

³⁰⁴ Ibid. p, 123.

³⁰⁵ Oral Interview, Mr. Wekesa, Kapkota may 24, 2011,

5.6 Changing the Military Image on Intervention in Internal Conflicts

Military interventions worldwide continue to receive sharp criticism from the Humanitarian organizations because of the difference in strategies of operation. Military institutions on one hand place a high value on command and control, top-down hierarchical organizational structures and clear lines of authority, discipline and accountability i.e. directive and coercive approach.³⁰⁶ The humanitarian organizations on the other hand are less hierarchical and more participatory in their style of decision making and operations. They also attach more importance to long-term impacts, while the military with huge financial back-up engage in short-term objectives that can be met within a short time. The military's approach is informed by security rather than long-term development considerations, while the NGOs take the message of reconciliation, conflict transformation and culture of peace directly to the people.³⁰⁷

Since military intervention play a significant role in bringing about peace, there is need to enhance its performances to avoid widespread criticism. This can be done through reorientation of the military strategy to address the impact of its operations. For instance, there is need to change the isolationist and responsive short sightedness of the military that tends to ignores the impact of their activities on the people. This can be changed by adopting the international call for surrogate security institution³⁰⁸. This adjustment however might be done with little disruption to the operational routines in the military. It is therefore very possible though with challenges for the military intervention to bring sustainable peace without compromising their security role.

The military can do this through acting as a surrogate institution and through civic – military operations (CMO).³⁰⁹ Anthony Anderson argues that societies suffering from atrocities committed by militia welcome the military interventions because the post-conflict societies view the military as a surrogate because it replaces former discredited institutions. Therefore, it is expected to have a significant impact on the transformation of popular attitudes toward security until new local institutions are built. While intervening in local conflicts the military should establish a good will

³⁰⁶ Catriona, Gourlay "Partners Apart: Managing Civil-Military Co-operation in Humanitarian Interventions", in *Journal of International Peacekeeping, Disarmament* Volume 4, No. 3, 2000.

³⁰⁷ Anthony, Anderson, "Enhancing the Role of Military Peacekeepers in Post Conflict Peacebuilding: Revisiting the Centre of Gravity", *Security and Peace Journal*, Volume 32, No. 6. 2004, pp. 312-330.

³⁰⁸ Ibid.p.319.

³⁰⁹ Ibid.p 324.

through ethical behavior, impartial implementation of the mandate, basic humanity and military professionalism.³¹⁰

The military should also involve the community in security issues. In most cases the traumatized post-conflict population is willing to offer details of atrocities and torture by the rebels or militia. But once their good will towards the military intervention fades, they tend to refrain from giving security information that would help the military operation to restore law and order.³¹¹ This is what hampered the police led operation *Tafuta Amani* in Mt. Elgon.

The initial police led operation failed because the police compelled the residents to give information about the SLDF militia. As a result the local community found it extremely difficult to divulge information or to relate positively with the police unless encouraged to do so. This never happened until the army intervened in March 2008. Failure of coercion to succeed implies that the military need not to employ the strategy of rounding up victims for screening. Instead, for success in operations the military, should take active measures to involve the population in the security situation on a hierarchical basis over time as the situation permits. As soon as it is possible, the local people should have a voice in community security affairs through a consultative mechanism. The civilian voice should be expanded as the security situation improves. Such a progressive program must ensure that the surrogate security force does not impede the drive to self-sufficiency but rather encourage the local population including women and the youth to build capacity to take control of its own affairs.

Another way to improve the image of the military is through developing a proper complaint process. The military should guarantee a free and fair complaint process that ensures the exercise rights of victims vis-a-vis security. An independent ombudsman- type of office to which citizens could bring complaints should be established and feedback given to the community through the independent office on how the complaint was dealt with. The creation of such system earlier on in the post conflict period would assist in building confidence within the civil society.³¹²

³¹⁰ Catriona Goulay, "Partners Apart: Managing Civil-Military Co-operation in Humanitarian Interventions" in *Journal of International Peacekeeping, Disarmament* Volume 4, No. 3, 2000.

³¹¹ Op. cit. Anderson, 2004.

³¹² Ibid.

During the intervention the government agents should be democratic. Both politicians and provincial administrators should not take sides. In Mt. Elgon the provincial administration was accused of wrong doing through encouraging corruption and illegal land allocation. The politicians were also blamed for funding the SLDF militia. To ensure impartiality there is need for military intervention in local conflict to be sanctioned and controlled by a civilian body like the UN. However, the setback to this is the UN bureaucracy which takes long to intervene.

The military can also cultivate a good image through civil-military cooperation and using its resources to support local reconstruction that are not only seen to be aiding their operations. The dilemma is when the military does undertake CMO projects, the civil society is often critical, arguing that the activity is ill considered and motivated by military considerations as opposed to needs of the community. In Mt. Elgon district the military opened new roads only to be accused of doing so in order to ensure accessibility to their logistics and the success of the operations.

5.5 Conclusion

Even though the military intervention won the hearts of the local women in Mt. Elgon district by ending the violence, in the opinion of residents of the area, lasting peace can only be achieved if the root causes of the conflict are addressed. The success of the operation despite of the criticism is a clear indication that if well timed and managed, military intervention should serve the immediate purpose of restoring law and order in internal conflict and never to come as a last resort. The operation *Okoa Maisha* thus serves as a good example for the military's capability to restoring national security and peace in the wake of increased civil armed conflict by militia.

Notwithstanding, the military's ability to do good is tainted by isolated cases of brutality and torture leading to death. In such cases the commanders and the perpetrators should accept liability as required by the international Human Rights law. The Department of Defense should also not be a stumbling block between the individual perpetrator and the call for justice. For justice to be done, there is need to prosecute military perpetrators of crimes not just dismiss the culprits.

CHAPTER SIX

6.0 CONCLUSION

6.1 Introduction

This final chapter of the study will examine the success and achievements of the involvement of women in the post-conflict peace-building process. The chapter will also in a summary make a recap of the general observation of the study. Most of the conclusion arrived at in this chapter were discussed in the earlier chapters of the study.

6.1 Success and Achievements of Engaging Women in Post-Conflict Peace-building

The involvement of women in the peace process has yielded noticeable success. The women largely worked through the military, churches, Non-governmental organization and the local community as their entry points. The first success was support of the military intervention that managed to control the Sabaot Land Defence Force. A militia group that had revolted in parts of Cheptais and Kopsiro division.³¹³ Prior to the intervention the militia was a threat to national security and controlled the whole district.

Secondly, the peace efforts have ended rape and abductions of women and school going children. During the reign of terror by the SLDF militia, women and girls were abducted and taken up the mountain where they were raped repeatedly and infected with HIV/Aids virus.³¹⁴ The abductees were also tortured for long periods of time. The SLDF rapes and sexual violence by the Rapid Deployment Unit (RDU) and the General Service Unit (GSU) made the situation to deteriorate below human dignity.³¹⁵ This has since ended and relative peace has returned.

Thirdly, the peace won so far has enabled the IDPs to return back to their homes. During the conflict thousands of people were forced to flee the region to neighboring district. Some residents also lived as Internally Displaced Persons in camps at Toroso. However, many still haven't returned to their former abode and have vowed never too, instead they have opted to purchase

³¹³ Human Rights Watch. "All Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict", Human Rights Watch Report, 2008.

³¹⁴ Kenya National Commission of Human Rights. "The Mountain of Terror," KNCHR Report, 2008, p 3.

³¹⁵ Focused Group Discussion, Cheptais, 24th June 2011.

land elsewhere in neighborhood or to live with relatives elsewhere³¹⁶. Other people especially widows have opted to live in market centers where they felt there was adequate security.³¹⁷ The IDPs who had already returned said the peace already gained symbolized a new beginning and had given many of them especially men back their pride as heads of household.³¹⁸

The return of the alleged former members of the SLDF militia had begun to receive some attention because the ex-combatants were given special care in order to make their reintegration and return to normal life in the society easier. Most of the ex-militia returning home no longer come in stealthily. There is an organized arrangement to receive them back. Unlike the return Francis Kones from custody that caused a stir as his victims bayed for his blood even in the presence of the area of police, the community seems to have forgiven the ex-combatants.³¹⁹

The fourth achievement of the peace efforts was the drastic reduction of security personnel in the region showing local ownership of the peace process. The operation *Okoa Maisha* at its peak had several battalions of military formation and thousands of regular police, Administration Police and the General Service Unit that participated in the operation to flush out the militia group. After the intervention the military withdrew most of its soldiers and closed the Kapkota screening centre. By June 2011 only the "A" company of 81 Tank Battalion was at Kapkota and Banantega to monitor peace and to continue with the disarmament process.³²⁰

The already won peace has also enabled the government to initiate development activities. In Education for instance the twenty schools which did not re-open for first term in 2009 had opened and many children and teachers had gone back to school. However, schools were hard hit by understaffing as only teachers from Sabaot ethnic group had returned to teach.³²¹ The government had also undertaken renovation of some schools as a result of being damaged in the fighting. In Cheptais division Kebei Primary school had been made a model school³²² In healthcare, health centers and hospitals were renovated and those that were made redundant are now functional. A number of medical practitioners were posted back to work in Mt. Elgon district. During the

³¹⁶ Oral interview, John Isiya, 1992 a Mt. Elgon district displacee living in Teso, 1st June 2011.

³¹⁷ Oral interview, Rose Cheptiek, Cheptais, 24th June 2011.

³¹⁸ Focused Group Discussion, Cheptais town, 25th June 2011.

³¹⁹ Oral interview, Rosemary, Chemondi. 23th June 2011.

³²⁰ Oral interview, Mr. Wafula* (not his real name) Kapkota Military Camp 24th June 2011.

³²¹ Oral Interview, Assistant Education Officer, Kopsiro Division, 24th June 2012

³²² Oral interview, Reverend, Stephen Kirwa, Kibuk Church, 26th May 2011.

conflict government dispensaries like Chemondi had closed down denying pregnant women prenatal care.

Business in Mt. Elgon district was starting to pick up and soon the district will regain her status as the bread basket of the region. The women confessed that since the return of peace so much money had been in circulation especially during harvesting season as peace has enabled traders to travel freely to purchase newly harvested food crops for external markets. Although there were no banks in region, Equity Bank, Commercial Bank Kenya and the Co-operative Bank had established retail agents in the region that enabled some women to acquire banking services.

The road infrastructure also developed. During the intervention, the military constructed new rural access roads and rehabilitated others. The roads included Chesikaki to Kamarang and from Chesikaki to Forest Guard Post roads. A total of 36 kilometers of new rural access roads were graded. The government was also constructing the road linking the district headquarters Kapsokwony with Kimilili town and all the way to Kaptama and Kitale for the first time since the district was created. The government also intended to tarmac the same road. Many residents were hopeful that completion of road would improve transport and trade.³²³

There was high optimism among the Saboot because of the recently created Cheptais district. Many women viewed this as step towards the recognition of the marginalized. The district headquarters at Cheptais town has reduced the hardship of travelling to Kapsokwony town to receive attention from the government officials. Although these offices were new and not yet fully capacitated, women of Mt. Elgon said that it was a good beginning and that time would make things better. For now, they just had to make good use of the offices available.³²⁴

There was also slight increase in job opportunities and wealth creation. Periodic conflicts had disrupted both the formal and informal employment sectors diminishing job opportunities. The existence of many NGOs and Community Based Organizations contributed to the employment of many people in the area both in skilled and semi skilled employment. Jobs like receptionists, translators for expatriates or TJRC public hearings, statement takers for various NGOs enabled people to earn an income and to provide families with basic needs like medical care, food and

³²³ Oral Interview, Focused Group Discussion, Kapsokwony, 26th May 2011.

³²⁴ Oral Interview, Focused Group Discussion, Cheptais, 23rd June 2011.

clothing. The little money earned was used to help residents reconstruct their lives. The newly created Cheptais district headquarters also absorbed more into employment through direct employment or tendering supplies at the district.

Land allocation to address the root of conflict in Chepyuk phase III had been completed. This was meant to promote positive peace. The issue of land and squatters was seen as a long term problem that resulted into unending conflicts. To the Sabaot community land is not only family resource for inheritance but also a political weapon to win election. The local residents, regard Mt. Elgon ecosystem as 'theirs' by right irrespective of any government conservation policy and thus squatters need to be settled. For a long time the Sabaot men had fought for resettlement of approximately 50,000 squatters.³²⁵ By August 2011, the government had settled 1800 families at the contentious Chepyuk Phase III. A few widows were considered in the new land allocation.³²⁶

Freedom of movement in the district had returned enabling an influx of expatriates, researchers and easy operation of NGOs. The early economic embargo issued in 1992 on Mt. Elgon was fissuring as NGOs are increasingly coming back to the region. In 1992 during the February 28th Movement (FERA) and early 2006 at the height of insecurity the government blocked Mt. Elgon district from the NGOs. Consequently, movement was restricted and limited to day time.³²⁷

Gender equity has greatly developed. There was a gender lens in the reconstitution of Mt. Elgon District Peace Committee (DPC) and formation of a new DPC in the newly created Cheptais district.³²⁸ These committees have gone a long way in promoting peace education, a culture of peace and non-violence. It also enhanced conflict early warning response. The local *okoa maisha* peace initiatives had helped the eradication of illicit firearms.

³²⁵ "Sabaot People Memorandum of Understanding submitted to the Truth, Justice and Reconciliation Commission", as read by Hon. Wilberforce Kisiero, 26th May 2011.

³²⁶ Oral Interview, Mrs. Matakwei, 25th June 2011.

³²⁷ Human Rights Watch Report, "All the Men Have Gone: War Crimes in Kenya's Mt. Elgon Conflict". Nairobi: Human Rights Watch's, 2008

³²⁸ National Steering Committee on Peace-building and Conflict Management (NSC). "Report of the Formation and Training of Peace Committees in Mt. Elgon and Cheptais Districts", NSC Secretariat, Ministry for State for Provincial Administration and Internal Security, Nairobi: February 2011, p.6.

6.2 Observation of the Study

Based on several key findings, the study observed that amidst challenges and sidelining, women in Mt. Elgon district were active peace activists involved in rebuilding lives destroyed by violence. From the onset of violence, women in their homes and villages denounced the SLDF activities by calling the militia to end the violence and return to the negotiating table. Women also worked through the churches, non-governmental organizations and government agencies like the Provincial Administration and the military to bring about peace and reconciliation. They also worked for economic enhancement of the residents of Mt. Elgon district through formation of women groups and merry-go-rounds.

Most women's organizations and networks involved in post- conflict peace-building in the area were gradually increasing in size and scope. Beginning with Rural Women Peace Link as the first formal organization, new networks have since come into play and their involvement has had a rippling effect across the entire district. Women's activities ranged from reconciliation, public forgiveness, trauma healing, and peace through sports among other activities. Although women were actively involved informally in post-conflict peace-building, their participation in the formal peace process was wanting because women were still marginalized by patriarchal traditions.

The study observed that the biggest challenges faced by women engaged in post-conflict peace-building were related to lack of knowledge, skills, training and experience in gender and peace building. As a result most women did not know how to demand for their rights. Only a few elite women dominated all fronts. This had made peace-building a reserve for a few women.

The study also found out that the challenges faced by women were not only a consequence of the conflicts, but also a result of patriarchy. Domination by men gave women undue advantages in bringing about peace and reconciliation. Most of the challenges faced by women included: competition from well established male-dominated enterprises, lack of accurate information and support, lack of finance for expanding their petty trade, fear of risk-taking to acquire loans, domestic commitments, and stereotyping among others.

The study also observed that the conflict in Mt. Elgon district had a long history dating back to the colonial period when the colonial government took control of forests for conservation purposes while also alienating African land to create room for white settlers. The other causes of the current conflict included: political rivalry, economic marginalization, the clamor by the Sabao to have a district of their own, lack of employment, tribal animosity and the general feeling of marginalization and counter marginalization among most communities in Mt. Elgon district.³²⁹

The study also observed that during the SLDF revolt women experienced various types of violence from physical to psychological. They were sexually abused, tortured, abducted and held in captivity for long hours. They were also deliberately infected with the deadly HIV/AIDS virus. The younger women were coerced into premarital sex by both militia and security forces. They had unwanted pregnancies which forced them to become single parents or to procure unsafe abortions. For fear of retribution and stigmatization among a host of other cultural reasons, the women never reported the atrocities but opted to suffer in silence. Even after opting to return to their former abode, women were still exposed to serious problems including the lack of sources of livelihood, housing facilities, food insecurity, health, water and sanitation. They also lack adequate social amenities including access to health services and education for their children.

In spite of that, it would be hypocrisy to assume that women were mere passive victims of the conflict. Women of Mt. Elgon district were also important actors in the conflict and in ensuring the peace process. As perpetrators, women aided the conflict through non violent means such as being spies for the SLDF combatants particularly by monitoring police patrols and relaying the information to the militia. They also provided non-military logistics like mobile phones credit cards and food for combatants. More courageous women even went further to provide arms to combatants through stealing them from unsuspecting security officers while acting as 'wives'.

The study also observed that the unresolved conflicts in Mount Elgon had changed the social context of the region. There was social disorder attributed to insecurity and displacement caused especially by the 2006-2008 conflict. The consequence of all this was the breakdown of family

³²⁹ Robert Rombaroh Simiyu, "Militianisation of Resource Conflicts The case of Land-based Conflict in the Mount Elgon region of Western Kenya", Moi university, Monograph 152, October 2008, p, 8..

and social life as numerous families were traumatized or broken by the conflict. There was also an increase in the number of orphans and vulnerable children (OVCs) and youthful widows.³³⁰ In addition, there was a rise in dropout rates among school going children, especially girls due to early marriages. More so, the desire to forget the past had led to high instances of alcoholism.³³¹

The study also found out that Mount Elgon district continued to suffer from media publicity spreading misconceptions about its people. Stories about the presence of militia groups such as Sabot Land Defense Forces (SLDF), Moorland Forces (MDF) and Political Revenge Movement (PRM) dominated the media. This negative publicity had created wrong impression among public servants, private sector and the NGOs who were yet to be convinced that Mt. Elgon was neither peaceful nor conducive for settlement.³³²

Gender division of labor in Mt. Elgon district had significantly changed - men were no longer solely perceived as the family bread winner as women are also generating income in the absence of men. The economic life of the family relied on the economic activities conducted by women because the torture maimed and incapacitated some men to an extent that they can hardly attend to family responsibility. Women were therefore becoming the backbone of Mt. Elgon economy.

Participation of women in the community activities had greatly increased as well as their role in decision making at the family and community levels. This had brought an enhancement of women's self-esteem and confidence as they felt part and parcel of the community. However, this has been a doubled edged blessing. It has also doubled women's burden because women still had to attend to traditionally predestined household chores.

With poverty levels currently standing at 62%, the bigger challenge faced by women was the responsibility of providing for the extended families.³³³ Many rural women were increasingly

³³⁰ Mount Elgon Constituency Development Fund Committee (CDF), "Ten Year Strategic Plan: Psychological Liberation", 2008, p,8, Available on www.cdfintelgon.org/images/downloads/strategicplan.pdf, accessed on June30,2011.

³³¹ Ibid. p, 12. .,

³³² Ibid. p, 12.

³³³ Ministry of Planning and National Development. Mount Elgon District Strategic Plan 2005-2010 for Implementation of the National Population Policy for Sustainable Development, National Coordination Agency for Population and Development, Nairobi: 2005.

engaging in entrepreneurship in order to eke out a living. The study also observed that most women who have ventured into businesses in the rural areas are under capitalized and urgently need financing. Although Banks like Equity Bank and the Kenya Women Finance Trust have come to their aid by providing loans, some women were not able to apply for these loans. Either they are unable to secure guarantors or they feared to take risks. As income earners women still had limited access to opportunities to generate income. This was due to the lack of formal education and therefore lack skills related to economic activities outside farming.³³⁴ Lack knowledge and income had slowed the peace-building processes in the region.

□The current political context of Mt. Elgon constituency had taken ethnic and clan dimension impacting negatively on peace-building. Ethnic and clan rivalry caused a lot of political suspicion and mistrust among residents making it almost impossible for them to work together. Moreover, there is high skepticism over the current attempts by the local administration in collaboration with the area Member of Parliament to establish durable peace. Peace also seemed elusive because of gender disparity in politics. Lack of gender equity in politics had also slowed peace-building as women are sidelined in politics circles.

There was also an emotional debate on military engagement in Mt. Elgon district. Although security in Mount Elgon had greatly improved, there were gender and generational differences in how women and men, boys and girls perceived the continued presence of the police and military. Men were generally suspicious but supportive of the presence of the police and military in their areas, the youth were afraid of being labeled members of the defunct SLDF militia. Thus they felt more unsecure in the hands of police. They were also very suspicious of foreigners visiting the district whom they suspect to be military informers. On the contrary, women were happy of the military presence. Women also continue to support the pacification operation of the military as it had made it easier for the women to talk about peace.

The study observed that the current security suffocation in Mount Elgon may threaten local ownership of the peace process. Though the presence of many soldiers, police, informers and state agents in Mt. Elgon district has deterred the regrouping of the militia it has frightened some

³³⁴ Professor Peter, B. Kibas, "Challenges facing Women Enterprises", Moi University, Monograph, 2010.

residents. The former SLDF complain that the heavy presence of security officials has intimidated them out of making public confession for reconciliation.³³⁵

The inability of the first security response to end the conflict was attributed to several problems. First, the failure of police to involve the public in giving workable strategies aimed at ending the clashes. Secondly, the District Security Committees acted half-heartedly to forestall the clashes. Thirdly, the immediate release of arrested suspects before they were charged in court encouraged continued fighting. Fourth, the preferring of lesser charges against those reported to have been responsible for loss of life and destruction of property brought alarm and suspicion. It implied the government was not ready to end impunity. Finally, unlike the military, there was evident reluctance by police to take firm and decisive action to stop the fighting.

In general, the people of Mt. Elgon think that the settlement of squatters remained a thorny issue in Mount Elgon. The completion of settlement in Chepyuk phase III was seen as a drop in the ocean as there remain approximately 50,000 squatters requiring about 125,000 hectares of land. Squatters in Mt. Elgon district fall into five categories, firstly, squatters displaced by the colonial government while establishing "White Highlands" and secondly squatters displaced at Independence when the white farmers for whom they worked for left and their farms were taken away by new owners. These two categories of squatters live in slums in Trans Nzoia.³³⁶

The third category of squatters is made up of people evicted from the forests by the government in 1986 who now live in Sosio, outside Kitale town. Then there are squatters displaced during the 1991-1992 ethnic clashes. These categories of squatters have never returned to their farms in Mt. Elgon and live as far away as Kwanza and Teso Districts. The final categories of squatters were people evicted from Chepyuk settlement scheme. These groups were joined by people displaced by the 2008 Post-Election Violence.³³⁷

³³⁵ John Oywa, "Security Suffocation: Overenthusiastic Spies Make Village Frightful", The Standard, Monday 8, November, 2011, p.6.

³³⁶ Emman Omari, "Co-existence: Elders Seek Reconciliation for Squatters Problem", Daily Nation, November 3, 2011 County Edition, p.2.

³³⁷ Ibid, p.2.

6.4 Conclusion

In a nutshell, the study observed that the protracted conflict in Mount Elgon district has posed several challenges to the community. Like women elsewhere in the world, the women of Mt. Elgon district are involved in peace-building through non-violent actions. Though women as part of the larger society are involved in several initiatives to bring about durable peace in the region, the prospects of positive peace in the region are still a distant dream and that peace will only be achieved when the root causes of the conflict are addressed.

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