Instrument for Stability, Crisis Preparedness Component

The

INVISIBLE VIOLENCE IN KENYA

A Case Study of

Rift Valley and Western Regions

This project is funded by the European Union

A project implemented by Konrad Adenauer-Stiftung
in partnership with Mount Elgon Resident Association, Catholic
Justice and Peace Commission and in association with
Community Initiative Action Group.
The
INVISIBLE VIOLENCE IN KENYA

A Case Study of
Rift Valley and Western Regions

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This study was commissioned by
Konrad-Adenauer-Stiftung (KAS) and local partners with funding from the European Union
Preface

This book is intended to help state actors, non-state actors and the donor community to identify causal factors and trends of conflict by examining the situation in Rift Valley and Western regions of Kenya. These regions comprise what, before the enactment of the new Constitution, used to be Western, Rift Valley and Nyanza provinces (of Kenya) - hence the reference to them as such in many parts of the text. The research was carried out by some of Kenya’s senior research consultants and is a response to the events that followed the announcement of the 2007 presidential election in Kenya.

The study was commissioned by the European Union in collaboration with Konrad Adenauer Stiftung (KAS) and its local partners within the context of the action “Strengthening non-state actors’ capacities to prevent and resolve conflicts in areas affected by the post election violence in Kenya”. Since perennial conflicts in the intervention areas have a direct bearing on the action, the success of the action therefore is dependent on acquiring a detailed understanding of the background to the conflict before interventionist efforts are prescribed. The research was carried out in each region with the understanding that each of them had been affected differently.

This study is unique in that it allowed the researchers to come up with easily comparable data from the three provinces (constituting the two regions) despite the fact that each province was administratively, geographically and demographically distinct. The study avoided the usual selection of “hot spot” areas that gives a fragmented view of what is taking place in the society as a whole and revealed that even so-called “peaceful” areas in the Kenyan context contain latent but very volatile elements that can explode at the slightest provocation. Since most violent eruptions are both trans-border as well as within a given province, the study gave a broad overview of how a meaningful intervention could be approached.

The study included similarities in the identified causes of violence, notably poverty, unemployment and poor governance, as evidenced by the centralization of power and control of public resources and decision-making in the institution of the presidency.
In an effort to understand how the identified fragile and socially untenable structures (causes of violence) had been able to consolidate and sustain the Kenyan socio-political system for so long, the researchers explored new areas of analysis to enable them to understand the Kenyan phenomenon. This led to the conceptualization and understanding of violence in its various forms.

The report contains a comprehensive historical background of Kenya, followed by a summary of research findings and analysis, the impact of the conflict and, finally, the relevant recommendations.

Supporting materials include case studies that the reader, especially a resident of one of the three provinces, can identify with.

The findings are expected to be a guide to approaches, contacts and engagement strategies that can be applied at various project stages to enhance increased levels of intercommunity interaction with much less occurrence of violent conflict in the selected provinces.

Anke Lerch
Project Director
Konrad Adenauer Stiftung
April, 2010.
**Note from the Lead Researcher**

In this study, we have attempted to identify the root causes of violence in Kenya by looking at three contiguous provinces (Rift Valley, Nyanza and Western provinces) using methods that had a strong anthropological bias. The use of such exploratory methods provided us (the researchers) with the means for making necessary abstractions and a window for gleaning bits of information from the relevant literature to understand how mainstream discourse on social relations and domains are capable of concealing the actual roots of the problems that afflict us. The findings brought into focus the dilemma faced by young Kenyans, most of whom were born way after independence (1963) and who have mainly grown up in multi-ethnic/cultural settings, a typical feature of our social spaces. It is this group of post-independence young Kenyans that makes the bulk of the adult population in the present-day Kenya. Unfortunately, the group continues to be the easy fodder for violence, and it is the futures of its members that such events greatly jeopardize.

A priori, we took cognizance of the fact that the people in this group find themselves incessantly thrown into social spaces that spew prejudices and other half-baked “truths”. Such situations necessarily create blurred images of reality and may lead to steady descent into a state of sublime confusion. We therefore worked on the premise that there was need to attempt a functional template, that could lead to some understanding of the root causes of violence and which would subsequently enhance their ability to recommend informed interventions in conflict situations.

The findings of the study indicate similarities in the identified causes of violence in the three provinces, suggesting the need for synergy in tackling the problems and the use of easily localized frameworks for engaging whole communities (right from the grassroots), in thinking critically and in broad terms about possible solutions. The framework of the analysis adopted involved, among other things, bringing the past into perspective. This provided a context in which to critically review certain myths that haunt our present.

We recognize that there is need for the society to engage in types of dialogue that allow alternative discourses to counteract “fossilized truths”. But most important, we envision a kind of civil society that constantly goes back to source, to draw from its positive resources and histories the inspiration to move forward, beyond the conventionally prescribed and even proscribed limits. It is also important to note that in this age of complex socio-political realities, the ability to discern
meanings and nuances of power relations that easily get dissimulated under various forms of social interactions is a worthwhile form of empowerment.

These positions are premised on the view that it is a critical, well informed and therefore transformed civil society that is capable of ensuring the transformation of the state, and not the other way round (cf. Fisher, 1997). According to Adams (1993: 329), this transformation requires and emerges from the "forging together, wrenching apart and recreation of discourses which break with their predecessors". It is what Foucault calls the "strategic reversibility" of power relations; a situation where the terms of government practice can be turned into focuses of resistance (Fisher, ibid.) When all is said and done, it looks like the challenge of achieving progressive change in our societies lies on the ability of individuals, groups and associations within our collective communities to challenge certain terms of institutional "truths" so as to move the boundaries of what is "thinkable" and therefore "doable". Or as Stephen Biko (quoted in Fisher, op. cit.:20) puts it; "Change the way people think and things will never be the same".

Phoebe Akinyi-Dar Nyawalo (Ph.D).
Lead-researcher

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1 See list of references at the end of the preliminary pages (just before the beginning of Part One).
Acknowledgements

We would like to acknowledge all the contributions to this research. Our heartfelt thanks go to the main field researchers, together with their assistants, who meticulously worked hard to make sure that reliable data were collected and compiled in good time. We are also grateful to the project team for excellent facilitation of the process as well as the donors for enabling this noble undertaking to reach a logical conclusion.

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Foreword

This book – The Invisible Violence in Kenya: A Case Study of Rift Valley and Western Regions – could not have been more appropriate and timely.

With the new Kenyan constitution having been adopted in August, this book provides background details, informs the reader about the events which took place during and after the last presidential elections and takes a look ahead. It is a plea for more national cohesion, a well-justified aim in the light of the outcome of the last elections. The book provides an excellent narrative of Kenyan political history and reminds us not to forget. At the same time, it encourages us to learn from the past and to look forward.

The urgency of the moment dictated that a co-operation of Kenya’s Party of National Unity (PNU) and Orange Democratic Movement (ODM) leaders was of utmost importance to find a workable solution to the 2007/2008 post-election crisis. However, the diplomatic community which helped in brokering the peace deal between the parties involved as well as Kenyans themselves are aware of the fact that there were long running underlying causes to the violence.

In resolving national problems, it is important to have a systematic understanding of the dissatisfaction of the people and of grassroots-level issues which ultimately feed the dynamics on the national level. The strength of this book is that it methodically explores conflict issues starting from the local to the national level by using the case study of two regions that have been plagued with perennial conflicts - the Rift Valley and Western regions, the latter encompassing what at the time of research were Western and Nyanza provinces. It generates a first-hand understanding of the state of the three provinces and provides informed guidelines for building durable and sustainable peace in the regions and Kenya as a whole.

While this book is of particular interest to government officials as well as to peace and development practitioners, it also serves to increase awareness among the general public seeking to understand historical underpinnings to conflicts in Kenya, and serves to demonstrate opportunities for peacebuilding.
Published by the German Konrad Adenauer-Stiftung (KAS), I believe the book informs in detail about conflict intervention and the peacebuilding activities of KAS as well as of other relevant actors – governments, and human rights, peace and development agencies. I am united in solidarity with every actor focused on achieving genuine and sustainable peace in Kenya and the East African region at large.

Her Excellency, **Margit Hellwig-Boette**
Ambassador of the Federal Republic of Germany to Kenya
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Phoebe Akiyi-Dar Nyawalo is presently a coordinator for the “Education for Peace in Africa” project at the UN Affiliated University for Peace – Africa Programme. She holds a PhD in Education Sciences (Language Education) from the University of Bordeaux 11 (France) and a post-doctoral work in Peace Education and Children’s Rights from the University of Gothenburg (Sweden). She worked as a Teacher Educator for many years in Kenya and abroad. Lately, working as a Principal Researcher at the UN Affiliated University for Peace. She has travelled widely around Africa, working on peace education issues. She is also actively involved in community development issues at grass-roots levels. Currently, she is a chief editor to the East Africa Grassroot Women Empowerment Network’s newsletter (GWEN) and also coordinates “Community Learning and Empowerment for Sustainable Livelihoods” project for VIRED International.

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George Kabongah is a Senior Programme Officer/Researcher in charge Rapid Response at Africa Peace Forum (APFO). He has managed various projects in Human Security among them “Towards Developing a Regional Security Architecture for the Horn of Africa: Developing Regional Responses to Human Insecurity” and “Developing Conflict Sensitive Approaches to Electoral Reforms in Kenya”. The two projects have led to two publications titled “Human Security: Setting the Agenda for the Horn of Africa” and “A Citizens Voice in Electoral Reforms”. He holds a Masters of Arts (degree) in International Studies from the University of Nairobi, Kenya and a Graduate Certificate in Conflict Transformation from SIT Graduate Institute, Program of World learning, USA. He is currently researching on “The Role of Civil Society in Mediating Violent Electoral Conflicts: A Case Study of Kenya’s 2007-2008 Post Election Violence”.

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Otieno Ombok is a journalist, a trainer and researcher in peace-building, nonviolence and nonviolence communication, human rights, advocacy, gender, governance and community development. He is a social activist and founder and executive director of Bondo Institute for Development and Technology. He is a consultant in Peace-building with Peace and Development Network, World Vision, Oxfam and Catholic Justice and Peace Commission.
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# Abbreviations and Acronyms

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<tr>
<td>BEAC</td>
<td>British East Africa Company</td>
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<tr>
<td>CARE</td>
<td>Constituency Development Fund</td>
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<tr>
<td>CIAG-K</td>
<td>Community Initiative Action Group</td>
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<tr>
<td>CJPC</td>
<td>Catholic Justice and Peace Commission</td>
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<tr>
<td>COTU</td>
<td>Central Organisation of Trades Unions</td>
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<tr>
<td>CPDA</td>
<td>Christian Partners Development Agency</td>
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<tr>
<td>ECK</td>
<td>Electoral Commission of Kenya</td>
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<tr>
<td>FORD</td>
<td>Forum for the Restoration of Democracy</td>
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<td>GSU</td>
<td>General Service Unit</td>
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<tr>
<td>ibid.</td>
<td><em>ibidem</em> (Latin for ‘in the same place’ - used here with an author’s name when the publication by that author remains the same (year, page, etc.) as indicated earlier in the same text)</td>
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<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>IIBRC</td>
<td>Interim Independent Boundaries Review Commission</td>
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<tr>
<td>KADU</td>
<td>Kenya African Democratic Union.</td>
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<td>KANU</td>
<td>Kenya African National Union</td>
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<td>KAU</td>
<td>Kenya African Union</td>
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<tr>
<td>KARI</td>
<td>Kenya Agriculture Research Institute</td>
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<tr>
<td>KNDR</td>
<td>Kenya National Dialogue and Reconciliation, Monitoring Project1</td>
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<tr>
<td>KPU</td>
<td>Kenya Peoples Union</td>
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<tr>
<td>MERA</td>
<td>Mt. Elgon Residents’ Association</td>
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<td>NARC</td>
<td>National Rainbow Coalition</td>
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<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>NEMA</td>
<td>National Environment Management Authority</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NRI</td>
<td>National Response Initiative</td>
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<tr>
<td>ODM</td>
<td>Orange Democratic Movement (Party)</td>
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<td>ODM-K</td>
<td>Orange Democratic Movement – Kenya</td>
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<td>op. cit.</td>
<td><em>opere citato</em> (Latin for ‘in the quoted/cited work’ – used here when in-text reference is made to a work/publication cited earlier and all details (author, year, etc.) are left out)</td>
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<td>PACT Kenya</td>
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<td>PeaceNet</td>
<td>Peace and Development Network</td>
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<tr>
<td>PNU</td>
<td>Party of National Unity</td>
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<tr>
<td>PSC</td>
<td>Protracted Social Conflict</td>
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<td>q.v.</td>
<td><em>quod vide</em> (Latin for ‘which see’ – used here to lead the reader to a reference item which mentions another reference. The entry for the second reference contains the q.v. symbol guiding the reader to another reference item)</td>
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<tr>
<td>SALW</td>
<td>Small Arms and Light Weapons</td>
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<tr>
<td>SDLF</td>
<td>Saboti Land Defence Force</td>
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<tr>
<td>TJRC</td>
<td>Truth Justice and Reconciliation Commission</td>
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<tr>
<td>WP</td>
<td>Western Province</td>
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Definitions of Terms

- Mwakenya: a political publication by University lecturers termed “subversive” by the state in mid 1980s.


- Coalition Government: an arrangement of power-sharing between two Kenyan political parties, PNU (headed by President Kibaki) and ODM (headed by Raila Odinga), leading to what Kenyans see as a ‘hybrid’ type of government.


- Historical injustices: unresolved grievances in Kenya dating back to the colonial times and the period immediately after independence.


- Saba Saba day: the 7th of July, named after a protest rally organized against the Moi regime on the same day in the 1990s by the opposition and civil society organizations, with an agenda that targeted minimum reforms of the electoral system.

- Jeshi la Mzee: an informal security outfit of party youth that was maintained by the ruling party, KANU, in the 90s, and whose main role was to harass the opposition, the civil society groups and anyone else they viewed as being anti-establishment.

- Muungano wa Mageuzi: an informal organization of populist multiparty activists that were dissatisfied with the unchanging state of the political structures and leadership after the 1997 elections. They clamored for alternative leadership and good governance.
Executive Summary

This study was commissioned by Konrad Adenauer Stiftung (KAS) and local partners and associates: Catholic Justice and Peace Commission of the Kenyan Episcopal Conference (CJPC); Mt. Elgon Resident Association (MERA) in Cheptais, and associate Community Initiative Action Group (CIAG-K) in Kisumu. It is part of an intervention program, funded by the European Union, which seeks to strengthen non-state actors in issues concerned with conflict prevention, arising from the events of the 2007/2008 violent scenes that followed the December 2007 presidential election results in Kenya.

Authoritative sources inform us that violence, when experienced in social settings, can manifest itself in many forms, dynamics and levels. The task of unearthing its root causes is very rarely a straightforward affair. Zizek (2005) illustrates this point using a great story in which a worker at a factory is suspected of stealing from his place of work. As he leaves the factory every evening, the wheelbarrow he rolls in front of him is very carefully inspected by the guards. But for along time the guards cannot find anything. It is always empty. Then one day the truth finally dawns on them: what he has been stealing are the wheelbarrows. By this story, Zizek underscores the idea that what we normally observe and perceive as causes of violence, may simply be its many manifestations. The real violence can remain hidden within the system and encroach so deeply that it becomes part of the natural state of things – the state of “peace” itself. But, as he says, in order to disentangle ourselves, we need to step back, away from the fascinating lure of visible violence. That is, the type of violence in which we can clearly identify the perpetrators and attribute the relevant act(s) to them.

The events of the 2007-2008 Kenyan post-election violence that broke out at the announcement of the presidential election results, spreading to almost all corners of the country, put Kenya in such a situation, thus making this study necessary. It became evident that the Kenyan society harbored violent social underpinnings, some of which could be invisible not only to the eye but even to our consciousness in general. The need to understand the factors that produced such an explosion of negative emotions therefore became a captivating research idea.

The findings presented in the present document are from field research carried out in three contiguous provinces (Western, Nyanza and Rift Valley) by six regional researchers, assisted by
research assistants and three provincial coordinators. The study set for itself the following objectives:

1) To generate a well researched data base and background knowledge that will be useful in designing a curriculum for conflict transformation and peace education for non-state actors;
2) To deepen the understanding of non-state actors on the conflict dynamics and management in the three provinces;
3) To identify existing capacities and tools for conflict management in the three provinces.

The study was significant because it allowed the researchers, through the use of harmonized tools, to come up with easily comparable data from the three provinces, each being distinct administratively, geographically, and demographically.

The field research made use of qualitative methodology, including interviews, focus group discussions, narratives, and participant observation, among others. This publication is divided into two parts. In the first part, we present the relevant historical and theoretical background to the study, the literature review (an overview of Kenya’s political history) as well as the conceptual framework for the analysis of violence in the Kenyan context. In the second part, we present the field findings from each of the three provinces under study. Since this is an action research, each of these chapters ends with recommendations for the relevant province and general recommendations meant for use in the proposed intervention(s).

When we took stock of the analyzed data from the three provinces, the underlying similarities in the identified causes of violence became evident, both in their typology and the inherent dynamics. The identified causes of violence were as follows:

- poverty (including situations that pose monumental barriers to the satisfaction of basic human needs);
- unemployment (especially among the youth);
- a history of selfish and rudderless/visionless leadership;
- visible inequities in the distribution of national resources;
- marginalization (or perceptions of it);
- mounting insecurity (from youth gangs, vigilante groups, and youth groups for hire);
• traditional practices such as cattle rustling – made worse by the proliferation of small arms and rising levels of poverty;
• unresolved issues of borders and land (cases of historical injustices);
• the centralization of power and therefore control of public resources and decision-making in the institution of the presidency (this leads to cut-throat competition during elections and worsens the existing ethnic divisions);
• the manipulation of the grassroots by the elite (driven by materialism, conspicuous consumerism and greediness);
• flawed/malfunctioning government structures (relics of colonialism); and
• corruption, rampant impunity and negative ethnicity.

Further exploration into the interconnections among the violent structures identified above prompted the next key research question: How come that these visibly fragile and socially untenable structures have been able to consolidate, sustain and perpetuate themselves in the Kenyan socio/political system for all these years? The question becomes even more relevant considering what Kenya’s historical records since the colonial period indicate: that vibrant and ideologically progressive activism has always been a main feature of Kenya’s political history. How come that the positive impact of all the work undertaken and accomplished, among others by the civil society, political activists, enlightened leaders and international agencies has been minimal in the context?

This question led us to explore new areas of analysis, to enable us to uncover the common “pillar of support” that seems to organize, reinforce, sustain and shape these violent structures within the Kenyan socio-political system. The concept of symbolic violence gave us a useful framework within which we could conceptualize and deconstruct ethnicity, itself a pervasive and potent element in this context. Ethnicity, deconstructed and viewed from within the context, turned out to be a mythical invention of the British colonialists, with no parallel within the social realities on the ground. Its sole purpose was to facilitate the smooth functioning of the debilitating state of hegemony for the colonial administration (c.f. Doz, 1998; Lonsdale, 2000). It was also theoretically informed by the conventional ethnological ideas of the time (now rendered archaic), which conceived cultures/identities from an evolutionist perspective and therefore as “fixed integrated wholes”, instead of “fluid complex wholes”. It was the use of such a falsified conceptual
framework that mystified the vibrant local histories of social interaction, interdependence and the inter-translatability of different contiguous cultures, a situation which generally led to fluidity in individual identities. This view, as a matter of fact, is what accurately characterizes identities in authentic African societies.

However, at independence, the Kenyan elite were attracted by the mythical lure of this falsified concept of ethnicity and its capacity to capture the imagination of the grassroots. They therefore re-appropriated it, again for the same self-serving, capitalistic/manipulative reasons that did not have the interests of the ordinary Kenyans at heart. Thus, in the present Kenyan context, ethnicity can be conceptualized as a set of social power relations. Though distinct from class relations, ethnicity is still embedded in the social relations of production and reproduction. This is because it is easy through the divisive and “containerized” nature of negative ethnicity to divert the attention of the victims away from real social/political/economic problems to non-issues and thus hold them in perpetual psychological captivity. Such a situation facilitates the maintenance of the exploitative status quo, which ultimately serves the interests of the elite and capitalism. The mythical aspects of ethnicity, reinforced with elements of fear/distrust and even disdain of “the other”, create a subversive and highly manipulative socio-political dispensation (“pillar of support”). This is what has held together the malfunctioning systems and violent structures that we inherited from our colonial past and perfected in the post-independence dynamics of power and economic exploitation. Indeed, it is negative ethnicity that destroyed the spirit of nationalism which held so much promise at independence. We watched helplessly as its potential withered away, like drought stricken corn in the field (op. cit.). This loss of the national spirit among especially the Kenyan intellectual elite is well captured by analysts of Kenya’s political history (e.g. Rathbone, 2000).

However, there still remains a powerful lesson to be deduced from this turbulent period of our history. It emerges from the evidence we now have concerning the dynamic power of human imagination. It highlights the generic developmental nature of humanity: our capacities to construct, deconstruct and reconstruct our virtual world and with each step, ignite our imagination with images that revitalize them, to enable us to re-appropriate new realities. In concluding this study therefore, we hope that dialogues towards this direction will start, and help put a closure to certain events in our history; memories of failed hopes, sorry events and lost opportunities, so that we are free once again to imagine, invent and reconstruct a new nation.
The recommendations arising from these findings are summarized in the next section, instead of at the end of this one, to give them the necessary prominence.
Recommendations

Our field data conclusively demonstrated that there is still a lot of anger/fear/tension/suspicion among ordinary Kenyans, following the unfortunate experience of the 2007/2008 post election violence that erupted at the announcement of the presidential election results. The feelings are both at the group and individual levels. People suffered a lot of pain (physically and/or psychologically - in terms of deep anxiety and actual loss) during the event. Unfortunately, there have been no interventions in the form of proper structures put in place to help them deal with their anger/loss and fears or any sort of trauma healing targeting the general public. The case studies included in this document show the degree of pain that was inflicted. The people who suffered most are not the salaried middle class type, but are mostly representative of the ordinary worker in the slums, tea kiosks, plantations, and peasant households in our cities, farms and rural villages. They suffered grievous physical harm and lost all they had painstakingly acquired through years of scraping hard through life. Since the responsibility of peace practitioners lies fundamentally in putting in place preventive measures (not firefighting emergencies), we wish to make the following recommendations to the project team:

1) **that interventions targeting the creation of a culture of peaceful co-existence among the peoples of Kenya should include strategies for addressing symbolic violence.** Historical data demonstrate that very little progress can be made to correct injustices in the political and social domains without tackling issues connected to symbolic violence within any system;

2) **that all peace interventions in Kenya should be based on the recognition of the need to select and adopt methods that can connect to the people’s knowledge and to their social realities in a harmonious/peaceful way.** We know that most NGOs are headquartered in Nairobi and that there is a tendency of NGOs doing community work to come with people all the way from Nairobi to work within the communities in the rural areas, especially western Kenya. As community dialogue will be one of the privileged methods to be used, there is need to realize that it is not merely a matter of getting qualified people but looking for people who can understand local nuances of meaning and the dynamics within a community;

3) **that a civic education curriculum to be used as an aspect of conflict intervention in Kenya should include the following content: peace education, environmental awareness,**
human/women’s/children’s rights, civil and legal rights awareness, conflict resolution skills (especially non-violent methods). It has been noticed that awareness creation of universal principles and human values when done in a way that does not take social realities into consideration may inadvertently end up being itself a source of violence;

4) that intervention programs should address issues relating to people’s awareness of such concepts as conspicuous consumption and fulfilling ones basic needs, social responsibility and citizenship, fair trade, current global movements and institutions, etc. Materialism - manifested in conspicuous consumerism, greediness and individualism seems to have become a societal plague, especially among the elite. There is definitely a general misconception about world economics and how one needs to relate to issues related to materialism;

5) that while it is necessary to think about working within each province, it is equally, if not more, important to build networks across the borders. It helps to remember that the present boundaries were imposed during the colonial times and they greatly interfered with the free flow of the traditional networks that helped the neighboring communities maintain peace with each other. It may not be easy to revive the traditional networks but new ones can be created for new purposes. Mainstream churches, women’s movements and youth movements are some very viable means that can be made use of in this endeavor because they are easily inclusive. These social networks are important because they create unity of purpose and reinforce the reality of shared commonalities through world views and life concerns. The networks can also serve as early warning mechanisms across borders;

6) that there is need to invest in doing more research to identify the factors that allowed pre-colonial Kenyan communities to live in harmony despite having different languages, origins and practices. The communities from the three provinces (even from the so called “hot-spot areas”), had a perception of either living at peace and/or having lived in peace through past generations/periods. This perception from the historical memory has some significance for any intervention that strives to respond to the true needs of these communities;

7) that the apparent traditional African practice of developing one’s world view through a process of “vertical interconnectivity”should be encouraged. It was observed from the
literature review that due to intensive interaction and sharing of one ecosystem, communities got to share common world views and that this made it possible for them to understand one another, despite the fact that at times they did not even speak a common language or have a common origin:

8) that efforts should also be made to encourage the equally typical African concept of the “generativity trait”, that is, the strong bond that adults feel towards their progeny – seeing them as a projection of oneself into the future. The central idea is that these existing shared values can offer strong rallying points that can be used to bring down the dividing walls so that the elite will no longer be able to use “ethnicity” as their “pillar of support” with which to divide, manipulate and control the maintenance of unjust structures, that have been known to protect their selfish interests, to the detriment of the majority;

9) that for an intervention to be sustainable, it should be conceived as a process, not merely a project. There is need to plan for facilities that could train community workers in peace education and other relevant skills. This should be done in conjunction with the government. Such persons should be given priority in getting jobs in administration at local levels, etc. However, to take care of the present situation, there should be courses that target the administrative and community leaders that are already on the ground. This will pave the way at the community levels for interventions to take place, since their cooperation can only be total if they are also part of the process. The necessity of holding dialogue with the elite should not be downplayed, especially those preparing to present themselves in competitive politics.

10) that the present intervention programme should include encouraging the formation of committees of CBOs and NGOs which can work as grass-roots oriented civil society organizations, which can connect mainstream discourse to the grassroots realm of knowledge and needs. What is lacking in the Kenyan society are organized community structures that can act as a pressure group to articulate issues together and offer some common front to counteract the “leaders” opinions. Although there are very active civil society organizations, most of them are rather elitist in outlook and are more concerned with articulating the mainstream discourse of democracy, human rights, etc, but without real connections to the realities at the grass roots levels. It would be necessary if such groups are
equipped with advocacy and lobbying skills so that they can address policy issues whenever possible. At this stage of social development in Kenya, the mobilization of the grass roots around important social issues should be the target of a worthwhile intervention program;

11) that a lot of emphasis should be put on the youth as a matter of priority. There have been initiatives in the recent past to mobilize the youth as a movement on their own. Knowing the volatile nature of this age-group, there is need for caution. The present-day systems have dislocated the youth from their communities. They do not have roots and allegiances from within – thanks to the laissez-faire attitude of the school system and the government. The organizing principle of peace education should not be to fragment the society further but to unify and interconnect them together around common purposes. We need to emphasize that the neglect of the youth has gone on for too long and no society worth its salt (unless it resigns itself to self-destruction) can afford to let it go beyond the present state;

12) that there should be a deliberate campaign to detribalize politics by drawing attention to critical issues that affect all the provinces and especially by pointing out how such issues are common to all Kenyans and how communities stand to benefit collectively if they synergized their efforts in fighting the common ills; and

13) that any peace education program should include matters pertaining to land problems in Kenya as a substantive theme delving into, among others, issues of land ownership, both from the legal and traditional perspectives. Though land has been a problem mostly in parts of the Rift Valley, the research findings found simmering problems involving land in the two other provinces that are more or less similar in nature. In all these instances, issues of land are very intricately linked to ethnicity and to the power struggles. Studies show however, that these communities tend to live in peace until electioneering period comes up. Such matters should be brought to the attention of Kenyans for serious reflection.
References for All Preliminary Texts


PART ONE

Historical and Theoretical Background to the Study
INTRODUCTION

1.1 The Concept of Visible/ Invisible Violence

Our perceptions of violence are usually associated with its observable dimensions. Kenyans who survived the events of the 2007/2008 post-election violence will for a long time to come remember (individually and/or collectively) the gruesome images of the violence, whose intensity varied from one region to another. Nyanza and Western provinces for instance bring to mind flashbacks of thundering gun shots ripping through the ghostly skies; heaps of used vehicle tires emitting black stuffy rubber fumes and all manner of junk tins and steel strewn on the main highways. In urban areas, we still recall the sight of urgent flames ravaging through our yesterday’s neighbors’ residences and the familiar commercial premises, reducing them to ashes with evil relish, while hundreds of noisy half-clad unruly youth, wielding sticks, bars and chips of rock, toyed with destiny in the streets. There are also persistent memories of women with babies on their backs and panic painted all over their faces, fleeing to unspecified destinations. Worse still are the haunting tales from the Rift Valley – with numbed feelings; tales of charred, mutilated bodies of men, women and children; of savage rape and spine-chilling orgies of homicide.

Ferne (1998), writing about similar experiences in Sierra Leone, remarks that situations where “… the body - both of victims and of perpetrators - as the privileged terrain for staging violence is common to states of overt violence....” Indeed history keeps recording such instances of moral decadence, as if men/women are constantly driven by an obstinate force, bent on haunting the conscience of humanity.

What such depictions of violence tend to suggest is that it is easier for a people’s memory to get stuck at this powerful level of representation of violence. This, however, could be quite misleading. When we define violence through these visual representations, no matter how spectacular and grotesque the scenes are, they tend to delimit its understanding within the frontiers of its more visible physical forms (op. cit.). In other words, these representations, perhaps inadvertently, emphasize the relationship between violence and its visibility. The focus therefore
remains centered on the relationship between violence and mortality. In this context, other forms of violence “tend to be ignored and, in the process, forgotten or devalued” (Weber, 1997:80 - 105).

Focusing on the visible/physical aspects of violence, as in the scenes described above, will therefore only serve to maintain the cycle of violence as Ferme (ibid.) goes on to explain:

Through the institutionalization of the other as enemy, wartime exhibits violence, always in proximity to death, as "the form of an act performed by one subject upon another....War makes death into a spectacle that can be observed by spectators who can, for the time of their inspection, forget that it is also an endemic condition that resists all representation and calculation."

Ferme echos Balibar's point in positing that, though the threshold between physical/structural/symbolic violence need to be identified in particular conflicts, it is virtually impossible to sustain such a distinction on an analytical level in the long run, because they all sort of interlock and sustain each other (op. cit.).

Using a hypothetical question to elaborate on her point, Ferme quips: how does one justify the idea that the brutal use of force (visible violence), which invariably threatens the body's integrity and survival, can be put in the same category and level of analysis as other forms of violence? The response, she states, must begin by pointing out that the question is based on a false premise. It assumes that there is the existence of a "pure" state of violence” - a radical break from peacetime.

In her opinion, the problem with this position is that it fails to recognize that extreme forms of symbolic or structural violence do indeed endanger life, since they often produce casualties through practices that violate social/political and cultural rights of people, thus producing potentially explosive tensions. Balibar, 1995 (cited in Ferme, 1998: 3) points out:

Symbolic violence really adds a dimension to (visible) violence, without which the latter would generally not be possible. In other words, (visible) violence could not organize and generalize itself, nor sustain itself subjectively… (op. cit.).
The above views influenced the position taken in this study; thus we chose not to focus on visible violence, but instead to selectively engage in the investigation of the various forms of invisible violence that fuel, organize and sustain the visible violence, in these particular socio-political contexts. The argument being advanced here is that in order for one to get to understand the dynamics of the more spectacular manifestations of violence, (i.e., the outbreak of war, riots, gangster activities, etc.) one needs to start by understanding these other invisible aspects first. Such a quest may entail the need to go searching in very unlikely places, even in domains generally connected with the states of “peace”, i.e., state administration, rationalization of societal structures, governance, religion etc.

The rest of the analysis below will borrow significantly from the works of Ferme (1998) and De La Roche (1996).

1.2 Symbolic Violence

Current scholarship identifies two types of invisible violence: structural and symbolic violence. Structural (invisible) violence is associated with state structures and other institutional practices that violate people’s social and political rights. Our desk research showed that there is already a vast amount of research literature in recent years that covered the area of structural violence in Kenya (dealt with in detail in chapters two, four, five and six of this work). On the other hand, symbolic (invisible) violence has unfortunately been neglected in research considerations within the Kenyan context. However, as we shall demonstrate, it occupies a central place in the very scheme of things.

Bourdieu in several of his works (cf. Bourdieu & Wacquant, 1992) discusses symbolic violence as an aspect of hierarchical relations: forms of religious piety, "honor," the monopoly of "cultural capital," etc. He states that the distribution of capital (including human labour) is capable of conferring degrees of power and authority on disparate individuals within a socio-historical setting in a manner that is conceptually reminiscent of the labour theory of value (cf. Skeggs, 1997; Beasley-Murray, 2000). Thus, the concept of symbolic capital is embedded within this understanding and can be employed to investigate the distribution and application of social power in any socio-historical context.
According to Swartz (1997), “symbolic violence is represented as a form of domination within which the dominators have shifted their power from overt coercion and the threat of physical violence to symbolic manipulation.”

At its most basic level therefore, this theory offers a social model where it envisions individuals and groups as social entities who attempt to acquire and control various kinds of capital – economic as well as social, cultural and symbolic - to cement and enhance their positions within society (Calhoun, 1995). Bourdieu (1984) extends classic Marxian theory by stretching the concept of capital into other social realms, specifically by stressing the symbolic dimensions of the relations of power that are practiced within any socio-historical formation (Wacquant, 2001). How a considered group of individuals within such a sociopolitical context obtain and employ various forms of capital in diverse social situations is therefore of key interest to Bourdieu (1993).

In essence, Bourdieu (ibid.) believes that any power is guilty of symbolic violence when it has the ability to impose meanings on things and at the same time legitimize its power by concealing the underlying relations (Bourdieu & Passeron, 1977). Symbolic violence is therefore a ‘censored, euphemized, that is to say, unrecognizable, socially recognized violence’ (Bourdieu, 1977). Or as he says in another way, symbolic violence is a “…gentle, disguised’ [form of violence], and is put into use in such situations when overt violence is either impossible or inadvisable.” One needs to emphasize the fact that as a form of domination, symbolic violence is exercised in an unrecognized manner because it is fully normalized within the socio-historical setting (Bourdieu & Wacquant, 1992) and therefore operates at “ground-zero” level. In fact the victims may confuse it with the normal state of being, even the state of peace. It is within this context that ethnicity in the Kenyan setting provides a framework for subtle symbolic violence. From the Kenyan experience, we have seen how negative forms of ethnicity easily assume a natural state of being and can therefore be ignored, even as it continues to hold together and perpetuate archaic systems and violent structures.

Orser (2009) is of the same opinion when he states that symbolic violence contributes to the 'reproduction and transformation of structures of domination’ and therefore bears some relationship to the notion of hegemony, but with two important caveats: in the first instance, with symbolic violence, the violence occurs within a 'variety of structured and structuring positions' as Bourdieu's
practice theory mandates (cf. Schubert, 2002) and, secondly 'the powerful are always successful in their attempts to inflict symbolic violence' (Woolford, 2004:118).

The second aspect of symbolic violence is also of interest to us, since it bears a lot of relevance to the Kenyan situation from a historical perspective. It extends the analysis to yet another level: that of symbolic capital. Suffice it to note that in recent times, archaeologists have taken an interest in the material manifestations of symbolic violence that focuses on “symbolic capital”. They have described in great detail, the extent to which in the English-speaking world, including Ireland, the symbolic violence was connected to the enlightenment sociopolitical project of ‘personal improvement’ or “attaining a state of civility”. This was a form of social pressure put on the Irish members of the Kingdom, through the social manipulation of images, extolling them as requisites for climbing up the “social ladder”. Acquiring specific symbolic material possessions was one important structuring mechanism that was used. For the British including Ireland, it seems that the designers of this social project, conceived that such a process would entail the ability to reconstruct the physical structures on the landscape as well as personally enacted material dimensions. The notion of human progress and personal improvement “up the social ladder” is ingrained within the Western philosophic tradition, and it has been accorded explicit expression by many prominent social thinkers (Berlin, 1984). For the British, the central feature of personal improvement philosophy was intricately connected to the land, because its proponents perceived that land could be consciously refashioned in a manner that would simultaneously increase its value and transfigure the human condition – the landed gentleman was the epitome of “civility” and self worth. Improvement, including agricultural practice, thus ‘embodied the new relation between man and nature.

According to Orser (2005), the philosophers’ vision of improvement-based agrarian capitalism was so popular in England that its eighteenth-century proponents called for the creation of individualized agrarian plots through the enclosure of medieval field (Johnson, 1996). Improvers also carried their cause to Scotland and to Ireland. The created landscapes of agricultural improvement were accorded various roles in enlightened society, ranging from entertainment for elites to an overt program of pedagogic action (Darby, 2000). These works usually denigrated traditional Irish practices in favor of scientific agricultural methods (Bell & Watson, 1986).
The analogy of this situation to the Kenyan one is quite significant. The same British did come to Kenya at the end of the nineteenth century, again with a “civilizing mission” to develop the Africans to “higher levels of civility”. Similarly, they started off their mission by denigrating everything that was African in origin and assigning symbolic meanings to things, especially material possessions that were western in origin. One’s social status and personal worth gained value by virtue of possessing these western products. The African elite were the first to get in real close contact with the British and had the benefit of British education and therefore, intensive exposure to their culture. They were fed the “civilizing” ideas, of which land and European produced material possessions were the ideal. By 1950s, it is possible to deduce from available records that the craze to fit in the new image of the “civilized African” according to the colonial prescriptions was already visible. A story told by Lonsdale (2000) illustrates the point:

When he (reference to Mbotela) became one of Nairobi’s first African city councillors in 1952, he observed ‘We [Africans] must free ourselves from primitive and other out-of-date ideologies like tribalism, racialism, hooliganism and other shenzi (backward) things which used to exist among us before Livingstone and Stanley came to Africa’ (Harris, 1987: 107 - 124).

In other words, the elite who had re-appropriated new symbolic images and representations of social status, based on material possessions, were turning round to use these same parameters as a form of social control, of their own people. Lonsdale (2000: 12) explains:

By no means all Africans benefited from wartime prosperity, however. Instead the gap between the comfortable and the poor widened.... African big men were no different to white farmers in that respect. Property was beginning to be more than patronage.

Similarly, in his analysis of the Mau Mau uprising, Throup (1993: 3) says:

The Mau Mau “Emergency”, or “War of Liberation” had not only been a revolt against British colonialism but also a civil war among the Kikuyu.... It had set the poor Kikuyu who were being dispossessed by ambitious commercial farmers, against the chiefs, the senior lineages, successful entrepreneurs and the local Christians.
More records from the historical analysis of this period also indicate that the Kenyan educated elite were very soon competing among themselves for the new forms of power. Whereas in Ireland, it is fair to assume that the main aim of the British was to refashion the Irish in their own image of “civilized” or “improved” people, who understood the necessity of hard organized work; in other words to be “producers” of British-like products. In Kenya on the other hand, the emphasis was more on fashioning the indigenous people in the production of cheap labour and consumerism of western goods, so that they could serve the capitalist system, to enable it to sustain itself within the continent. It is no secret that the most prominent feature of the Kenyan elite even today, is that they are voracious “consumers” of the capitalist (western) products, while the grass-roots cheap labour still provides raw materials exported to keep the capitalist system on its feet.

Therefore, just as the divisive politics of negative ethnicity made it easy for the colonialists to achieve the aim of exploiting the colony to serve the capitalistic machinery of their home country, after independence, the same system mutated itself and had the elite take over, only to continue using ethnicity as a means of maintaining the monopoly of power, in a way that gives them unlimited access to products from the capitalist systems of the West. The accumulation of these material goods by the elite fulfills their quest for self advancement to a “higher social status”, according to the received (archaic) western philosophy on human advancement. Capitalism it has been argued, maintains a cycle that is perpetually a self-sustaining structure, by constantly mutating and feeding into itself. This is what many scholars and researchers have repeatedly concluded, as we see, for example, in Odhiambo’s (2009) comments on Nyuot’s work:

In his view, Nyuot (2004) observed that amongst other factors responsible for ethnic conflict in Africa, colonialism (read capitalism) is seen as the cardinal and pivotal context, which gave rise to issues that, precipitated ethnic rivalry and conflict situations in Africa. He argued that colonialism and the social and economic changes brought with it created the sense of tribalism and strong ethnic identities that are present in modern Africa.

These views can help us explain why the Kenyan elite did not seek to rectify the falsified image of social groups that the British had created before independence. Not only did they re-appropriate the imposed exploitative images, they actually went on to recast the same images and use the same manipulations on their own people. Was it possible that they had perhaps moved on to that state,
where as victims they could no longer recognize the symbolic violence being inflicted on them, but had come to accept it as a normal part of their state of being? Had they been driven to the pathetic state where, as Fanon says, the oppressed wholly re-appropriates the oppressor’s distorted image imposed on them, in a way that makes it easy for the oppressor to maintain the exploitative state? Or was our independence simply a clever mutation of the capitalistic exploitation, in which the “indirect rule” of the British has been cleverly maneuvered to replace the elite by the colonial masters?

The need to come clear on these questions is urgent, because from local oral histories it is clear that the concept of “tribe” or “ethnic groupings”, understood as exclusive auto-sufficient homogenous units of people living together, did not exist among the Kenyan communities before the colonial era, but was invented by the British administration. Their (colonialists’) view was largely informed by the prevailing ethnographic worldviews of the time that set out to study world cultures as objective distinct homogenous units. The indigenous cultures were considered by the western based theorists of the time, to be still at the lowest stages of human development:

The political baggage of Tylor’s sense of culture (and that of the many other nineteenth century writers of his ilk) lies in the evolutionist and developmental assumptions….The notions that some human groups were like stone age savages or more generally, that all social evolution conspired to create the nineteenth century Church of England Oxbridge gentleman, fit very well the ideological requirements of colonialism and Empire. At its most generous (attached to the idea that movement up the evolutionary ladder is possible for anyone, given sufficient ambition and instruction), it could underscore the “civilizing missions” of different competing empires (Cheboud, 2007).

Nevertheless evidence from narratives and oral histories of the local people reveal, that most Kenyan communities (and especially from the three provinces under study) did not live in closed ethnic units, similar to what the colonialists had set up, but had lived in small open clan systems, that had functional/interdependent relations with their immediate neighbors. These groups shared the same ecosystem, worldviews, ethos, and everyday life, even in cases where they did not belong to the same linguistic group, ancestry or customary practices (Doz, 1998). They intermarried and interchanged goods through vibrant networks, etc. These interactions were so intensive that they
sometimes resulted in whole groups merging into larger ones and losing the original attributes (language, customs etc), or others breaking up and propagating into smaller units. Under these circumstances, it was noted that the clan identity is what would remain intact. This is an indication that kinship (not only biologically based but also involving other categories of human family set up: marriage, proximity, etc) and spatial domains, were probably of greater consideration in determining identities within these settings than were the ethnological attributes such as language, customs, political organizations, etc. Traces of such interactions are still evident in the oral histories of the Nandi, Luo, Teso, Kipsigis, Luhyia, Kisii and Maasai etc., who inhabit the three provinces under study. The set up made it possible for fluid identities to evolve among neighboring groups (op. cit.). In other words, like most world communities, even here in Kenya, cultural/ethnic identities in real social settings naturally came in the plural forms; and not the crystallized version of one man, one group identity, one language, in one restricted physical space; as stipulated in the ethnological theories of the time.

Besides, there is vast evidence that these types of social set ups made it possible for individuals from the contiguous communities to be adept at possessing and juggling several identities at the same time; and without being oversensitive about some of the inherent contradictions. Identities were basically used as a functional tool to organize for the provision of the individual’s essential human needs, including group identity within the wider social networks that existed.

However, a brief look at the history of Kenya in the next chapter will show how despite the above evidence, both forces - ethnicity (symbol of identity) and materialism (comprising symbols of social status) - evolved to become very effective tools for colonial domination and exploitation. Again, at independence, the elite who took power realized how easy it was to use them for social manipulation and control to maintain the hegemonic and exploitative status quo. With time, the invented superimposed images have evolved to become part and parcel of Kenyan socio/political realities and thus easily qualify as forms of symbolic violence operating at “ground zero level”.

1.3 The Conceptual Framework
The above considerations compelled the research team therefore to look for violence in unfamiliar places, even those places (like projects and structures of state administration, government, modernization, culture, conventions, humanitarian aid, etc..) normally associated
with the peaceful control of the society. The objective was to find out how these processes interact with the people in their physical and symbolic realities. For this purpose we adopted a theoretical framework based on Azar’s (1990) theory of Protracted Social Conflict (PSC), which has sought to distance itself from those approaches where conflict analysis was situated at the following levels:

- understanding conflicts through a rigid dichotomy of internal/external dimensions;
- functional differentiation of conflict aspects and types into sub-categories of psychological, social, political and economic conflicts and into different levels of analysis; and
- the tendency to focus on overt and violent conflict, while ignoring covert, latent or non-violent conflict, and where the termination of violent acts is often understood as being equivalent to a state of peace.

By contrast, Azar (1991:91-92) states that the critical factor in a protracted social conflict situation is that it represents:

...the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation…. [He further observes that] … there are multiple causal factors and actors and targets [that characterize a Protracted Social Conflict situation and goes on to conclude that therefore]...these conflicts do not show clear starting and terminating points.

The use of the “Protracted Social Conflict” framework in this study had yet another merit; it lays emphasis on the fact that the sources (especially of invisible violence) lie predominantly within (and across) rather than between states (or any distinct regional enclaves). It is from this perspective that we found the framework relevant to the research. It prioritizes an approach that goes out to understand the world from within, with our main focus being on understanding meaning of behavior, and not explaining causes of behavior. The framework allowed forays into issues contained in narratives and oral histories, whose significance have unfortunately been long neglected in such studies. Finally, given the elusive nature of violence and the fluidity of the dynamics involved, the use of several methods also proved useful for validation purposes.
Borrowing from Azar, we therefore took the levels of analysis (listed below) that guided (without totally limiting) the content of questionnaires, interview schedules, group focus questions, collected narratives, participatory observations etc:

1) Identity groups – variously defined as racial, religious, ethnic, social cultural, linguistic groups, etc;
2) Human needs;
3) Government and state role in conflict;
4) The nefarious effects of colonial history and its archaic legacies;
5) International linkages – globalization and the resultant politico-economic relations;
6) Environmental degradation and the resultant scarcity of natural resources;
7) Lucrative war/conflict economy – a system that feeds into itself – infiltration of small arms, gangster activities, contraband trade in animals, crops, minerals etc;
8) Elites and influence of individuals – the importance of leadership roles;
9) Group mobilization and inter-party dynamics.

1.4 Objectives
The objectives of the research were as follows:

1) To generate well researched data base and background knowledge that will be useful in designing a curriculum for conflict transformation and peace education for non-state actors;
2) To deepen the understanding of non-state actors on the conflict dynamics and management in the three provinces;
3) To identify existing capacities and tools for conflict management in the three provinces.

1.5 Methodology
Since the main purpose of this research was to serve as a base for the conceptualization process of an intervention program, the methodology used in this research for collecting data from the field was purely qualitative in nature. The idea was to use research tools that would allow the people’s views to come out “as it is”, without any mediation or interference whatsoever. This is due to the fact that conflict histories and structures are enacted in domains that are quite intimately intertwined with the visceral aspects of the human condition. Understanding a people’s perception of their conflict history is therefore the first and the most vital step in carrying out any intervention project for these situations.
The qualitative tools used in the field were therefore as follows:

- Open ended questionnaires;
- Structured focus group discussions;
- Participatory observations;
- Narratives; and
- Secondary data.

In order to obtain a comprehensive view of the situation, the population sample in each of the three provinces represented the following social groups:

- Social groups – CBOs, NGOs operating in the area
- Men
- Women
- Youth
- Children
- Community leaders
- The elders

1.6 Significance of the Study

This study is unique because, with its purely qualitative approach, it set out to be comprehensive, using anthropological methods in the three neighboring provinces; thus avoiding the usual selection of a single “hot spot” area. The latter usually gives a fragmented view of what is taking place in the society as a whole. It became evident from the study that even so-called “peaceful” areas in the Kenyan context also contain latent but very volatile elements that can explode at the slightest provocation. Using harmonized tools allowed the research team to come up with data that could be used for comparisons across the provinces. Since most violent eruptions are both trans-border as well as within the province itself, the study allowed for a broad overview of how a meaningful intervention could be approached. By bridging the imaginary rifts across the administrative borders, it was possible to conceptualize networks that would serve as community dialogue forums. Early warning mechanisms can also be implemented within such networks.
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2

AN OVERVIEW OF KENYA’S POLITICAL HISTORY

2.1 Introduction

This chapter is based on a review of the literature that put together and synthesised gives us an overview of Kenya’s political history. Like the rest of Africa, Kenya’s quest for democracy has been characterised by great turbulence and lack of consensus over the basic rules of the political game. We note that similar problems have also been encountered in political liberalizations in Latin America, Asia, and Eastern Europe. The relevant literature has coined several labels to capture the essence of these political states that oscillate somewhere between autocracy and democracy. The range includes low intensity democracy, authoritarian electoral democracy, fragile democracy, and virtual democracy. As Holmquist and Ford (1998:2) put it:

the use of these related terms in the African cases usually refer to several of the following attributes; the ability of the incumbent heads of state to manipulate the multiparty systems to their own advantage, despite their limited legitimacy, amid spreading poverty, corruption, popular anger and administrative ineffectiveness; a high degree of “presidentialism” and centralisation of power that are institutional legacies of colonial and post colonial rule; undemocratic institutions and electoral practices in the context of regular multiparty elections, a modicum of popular participation with little real policy choice due to regime constraint, a neo-liberal economic policy imposed by international donors; and the globalization of capital; the relaxation of donor political conditionality; and a popular perception that while things have changed (complaints are voiced, awareness of relevant socio-political issues are raised, debate occurs, information circulates...in reality however the fundamental principles that define democracy still remain elusive.

Kenya’s history since independence (1963) is illustrative of this political transition. In this section, we wish to dwell on three aspects of Kenya’s history. First, we will give a brief overview of events that have shaped Kenya as a country. Next we will highlight the malfunctioning institutions that were inherited from the colonial regime and re-appropriated by successive regimes. We will leave our attempt to critically contextualize the field findings until the next chapter.
2.2 Colonial History: 1895 to Independence (1963)

The colonial history of Kenya dates from the establishment of Imperial Germany's protectorate over the Sultan of Zanzibar's coastal possessions in 1885, followed by the arrival of Sir William Mackinnon's British East Africa Company (BEAC) in 1888, after the company had received a royal charter and concessionary rights to the Kenya coast from the Sultan of Zanzibar for a 50-year period. Incipient imperial rivalry was forestalled when Germany handed its coastal holdings to the British Empire in 1890, in exchange for German control over the coast of Tanganyika.

The colonial take-over met occasionally with some strong local resistance but all were very ruthlessly dealt with, as a deterrent. The British East Africa Company, the British government, on July 1, 1895 established direct rule through the East African Protectorate, subsequently (1902) opening the fertile highlands to white settlers. A key factor in the conquest of Kenya's interior was the construction of the railway line, which started in 1895, from Mombasa at the Kenyan coast to Kisumu on Lake Victoria. The railroad was completed in 1901. This was to be the first piece of the Uganda Railway.

It is in the course of building the railway line that the colonial government realized the potential of the Kenyan Highlands as a white settlement area. Advertisements to lure clientele settlers were made in a very aggressive manner and it did not take long before settlers streamed in. The aim of British colonialism in Kenya was to integrate the country into an imperial system and to develop its economic potential, while providing for the security of the indigenous population and improving their general well-being (civilizing process), as defined according to the prevailing mentality of colonial authorities of the time. Nevertheless, the political, economic, and social changes brought about by the British were not smoothly effected, nor were they uniformly advantageous from an African perspective (cf. Throup, 1993). An early realization that the climate and fertility of the Kenya Highlands made the region ideal for European settlement encouraged the reservation there of large tracts of the country's best land for the white minority and corresponding restrictions on African and Asian land use. Social pressures engendered by these restrictions and the inability of limited African reserves to meet the land needs of an expanding population - together with growing African resentment of the inferior status given to them, provoked unrest that contributed to the formation of political action groups, organized on the basis of ethnic affiliation, in the 1920s (op. cit.).
By 1907, the settlers had been partly allowed a voice in government through the Legislative Council, a European organization to which some were appointed and others elected. But since most of the powers remained in the hands of the Governor, the settlers started lobbying to transform Kenya into a Crown Colony, which meant more powers for the settlers. They obtained this goal in 1920, making the Council more representative of European settlers. Africans were excluded from direct political participation until 1944, when the first of them was admitted to the Council (op. cit.).

Until after World War II, the European community stayed determined to retain exclusive control in what they called a "White Man's Country" and so continued to deny Africans their constitutional rights. As a reaction to their exclusion from political representation, the Kikuyu people, who were most subject to pressure by the settlers, founded in 1921 Kenya's first African political protest movement, the Young Kikuyu Association, led by Harry Thuku. This was to become the Kenya African Union (KAU), an African nationalist organization, mainly consisting of the few educated elite, demanding access to white-owned land. In 1947 its presidency was given to Jomo Kenyatta (Throup, ibid.).

From October 1952 to December 1959, Kenya was under a state of emergency arising from the Mau Mau rebellion against British colonial rule. African participation in the political process developed rapidly during the latter part of the period as British policymakers used the strategy of co-opting less militant individuals within the system in order to isolate the insurgents and their supporters (op. cit.).

The first direct elections for Africans to the Legislative Council, which took place in 1957, set off a violent reaction during the Mau Mau emergency in the 1950s. The Kikuyu-led insurrection was suppressed, and the lengthy imprisonment of Kenyatta and other Kenyan leaders suspected of complicity in it caused a hiatus in the country's organized political activity until 1960. This year saw the campaign for majority rule within the framework of the colonial regime take place. It succeeded in overriding ethnic differences, which by then had formed among Africans, as they united to confront a common enemy. It is to be noted that this one factor was very crucial in winning the recognition of British authorities. In 1961 therefore, the British government set Kenya on a course that led to majority rule and, at the end of 1963, Kenya was given full independence within the Commonwealth of Nations.
3 The Kenyatta Regime: 1963 - 1978

From independence, ethnic antagonism remained the principal stumbling block to national unity, but Kenyatta's firm, paternalistic rule nonetheless provided the country with a substantial degree of stability during the first decade and a half of Kenya's independent existence. However, it is still true that Kenya's despotic governance culture can be traced to the Kenyatta era. Nevertheless the country maintained basic democratic institutions: parliamentary debate was sharp as members frequently questioned government policies; elections were vigorously contested by rival candidates; and the press was relatively free in its reporting and in its commentary (Klopp, 2001).

A program of "Kenyanization" of government and the economy had been instituted immediately after independence, gradually forcing the departure of most of the country's European and Asian populations. The Kenyan economy continued to develop along capitalist lines with heavy involvement of the political elite. It emphasized rapid growth and modern production methods (Throup, 1993). The favorable orientation of the economy and stable political conditions inspired a confidence in the country's future and encouraged substantial investment to settle in. Political opposition, however, focused on substantial inequities in distribution, particularly of farmland, as well as on official corruption that was already evident, even during these early years (op. cit.).

Another important fact to note is that at independence, Kenya had two main parties: KANU and KADU. At first, due to the ban that had been imposed by the colonial government on nationwide politics, political parties were mainly mergers of district parties, trade unions and other social organizations. But as the ban eroded by 1953 nationwide parties were finally formed following the first Lancaster House conference, early in 1960. However, as Okoth-Ogendo, 1972(cited in Klopp, 2001) notes, when this ban was lifted, unsurprisingly, parties tended to be “mere federated ethnic loyalties grouped together”. KADU was founded by the less numerous ethnic groups in the Rift Valley and Coast Provinces that were concerned at the prospect of domination by the country's two largest ethnic groups, the Kikuyu people of Central Province and the Luo from Nyanza, who between them comprised nearly 40 per cent of the total population. KANU drew its membership from the two major groups; the Kikuyu and the Luo. In 1962, a grand coalition between KANU and KADU under the joint direction of Jomo Kenyatta and Ronald Ngala was formed as independence approached. In May 1963, in the pre-independence elections, KANU clearly defeated KADU, mobilising the support of voters in Embu and Meru, Kitui, Kisii and the Taita hills, as well as in the party's bailiwicks in Central and Nyanza Provinces and Nairobi. However,
as pundits would comment much later, “...In principle the May 1963 elections were to be Kenya's last experience of national multi-party elections for a long time to come” (Klopp, 2001).

Once elected Prime Minister and later President, Jomo Kenyatta, moved rapidly to consolidate his position within KANU and over the state. Partly enticed by offers of co-optation and partly threatened by what might happen to members of a disloyal opposition, KADU members of Parliament crossed the floor. On the first anniversary of independence in December 1964 the opposition dissolved itself and its remaining members joined KANU, thereby making Kenya a de facto single-party state. The infusion of 'moderates' from KADU strengthened President Kenyatta's response to the radicals in the ruling party, which proved to be very ruthless. This first opposition group was led by the Luo leader Oginga Odinga and the former Mau Mau activist Bildad Kaggia. They wanted foreign-owned corporations nationalized, settler farms in the former White Highlands seized without compensation, and for Kenya to follow a non-aligned foreign policy (Throup, 1993).

Consequently, only sixteen months after KADU had disbanded itself, KANU's fragile coalition fell apart, when Odinga was demoted at the March 1966 Limuru conference of party delegates. This led to a massive cabinet fall out, led by the Vice-president Odinga and the Minister of Information and Broadcasting, Achieng Oneko. Kaggia had already been dismissed as Assistant Minister of Education for criticizing the slow pace of Africanisation process in the civil service. All resigned from the cabinet and launched the populist Kenya People's Union (KPU). In all, twenty-nine members of the National Assembly joined the opposition and would have been joined by more had not Kenyatta rushed new legislation (the fifth amendment of the constitution since taking over) through Parliament, requiring all members of the National Assembly who changed parties to seek confirmation from their constituents in by-elections. In the ensuing 'little general election' the new Kenya People's Union was reduced to a paltry nine members party - virtually all Luos from Nyanza Province. As in other parts of Africa, ethnicity was already proving to be more powerful than class, national interest or any political ideology (Gertzel, 1970).

During the period between 1966 to 1969, KANU used the very same oppressive machinery that had been used by the colonial government to exercise strict control over the political process. Just like the colonial predecessor had systematically obstructed the development of national political parties throughout the 1950s, the new regime made life as difficult as possible for the KPU. The
government (district and provincial) administration frequently intervened to block opposition meetings. District Commissioners placed even more severe obstacles in the way of KPU local government councillors, and some local councils even went as far as expelling members of the KPU from their midst (op. cit.).

In 1969, Tom Mboya, a Luo politician and KANU's Secretary-General, was assassinated. Rioting by Luo youths in Nairobi and Kisumu, who attempted to overturn Kenyatta's car when he was visiting Odinga's Kisumu heartland, was ruthlessly quelled by the state security – leading to several deaths. Consequently, the opposition was banned and its leaders were detained. The experiment appeared to have demonstrated two fundamental tendencies of Kenyan 'political culture' - the refusal of government to accept challenges to its 'right to rule', and the rapid reversion of 'constitutional' opposition to an ethnic basis (Throup, 1993).

By 1970 Kenya's brief experience of multi-party politics had ended. The country once again became a single-party state; this time KANU was to remain the sole political party for the next twenty-two years. Initially this was a de facto state. Thus theoretically, dissident politicians could form other parties to challenge KANU's monopoly of power, but the Registrar of Societies blocked all attempts to do so. For instance, in 1982, when Odinga, still a political outcast, and the radical Gusii politician George Anyona attempted to register a Kenya Socialist Party, the republic's de facto single-party status was made de jure. Under the new regulations all Kenyans were permitted to participate in the ruling party's primary elections now that KANU was the country's only registered political organization. Under the new arrangements the primary became the key stage in the electoral process.

2.3 The Genesis of Political Patronage and Despotism

Thus, from 1969 until 10 December 1991 Kenya was in reality a single-party state and became an increasingly authoritarian one. The vitality of civil society was only represented by the presence of a few but fairly outspoken backbenchers in the National Assembly throughout the 1970s and early 1980s. The ruling party provided the framework within which rival factions contended for power but it also set a stage where different ethnic groups and districts fought for state patronage, especially new development schemes. This arrangement reduced the risk of centrifugal ethnic forces endangering the state's stability. KANU, nevertheless, remained a weak organization at the local level and, even at the centre, lacked ideological coherence under Kenyatta.
Political factions depended upon support from a coalition of different ethnic groups, while local politicians in heterogeneous areas such as Nairobi and the former European farming areas in the Rift Valley, especially in Nakuru, Trans-Nzoia, Uasin Gishu and Laikipia Districts, had also to build up trans-‘tribal’ support. In the ethnically more homogeneous Central, Nyanza and Western Provinces candidates appealed to rival sub-clan or clan interests (Klopp, 2001).

Nevertheless, the context still allowed for a modicum of competitive politics. Challengers remained free to oppose incumbent Members of Parliament and even powerful Cabinet Ministers. Cabinet Ministers, of course, were better placed than their Assistant Ministers or ordinary Members of Parliament to direct development schemes and government projects to their constituencies. Kenyans, have always judged the performance of their parliamentarians by their capacity to bring ‘pork’ back to their constituencies (Hornsby & Throup, 1992). Only in the semi-arid north, in areas such as Turkana, Marsabit and Samburu, and in many parts of the Somali-populated North Eastern Province, where there are fewer educated voters, have backbench MPs with little access to the inner circles of the government been fairly secure. In the more developed regions, especially in Central, Nyanza and Western Provinces, Members of Parliament are judged by their development and Harambee successes. This practice can be said to have encouraged sycophancy within the government and tolerance for the culture of corruption.

The opening of the White Highlands also enabled Kenyatta’s government to divert the commercial farming ambitions of Kikuyu and Abaluhya bourgeois from the overcrowded former reserves - where they might have generated strong opposition from various members of the lineages who were being rendered landless by his regime. He gave them land in the former European farms in the Rift Valley as incentives. From the beginning, one can trace how astute use of government patronage, civil service and parastatal appointments, low-interest loans, government contracts, and rural and urban land grants, ensured the continuing loyalty of the vast majority of the educated elite and the political class in successive governments (op. cit.).

Even trade union leaders had been incorporated into the patronage system as the Central Organisation of Trades Unions (COTU) was brought even more firmly under government control after independence by co-opting its leaders into the ruling power structure (Sandbrook, 1975). These rewards extended far beyond the Kikuyu inner circle which surrounded the President. Leaders of virtually all Kenya’s ethnic sub-nationalist movements - with the signal exception of the...
Luo after 1966 - were incorporated into this neo-patrimonial system of government, which covered all facets of political and economic activity (op. cit.).

2.3.1 Power struggle and succession battles
In October 1976 leaders of the powerful Gikuyu, Embu and Meru Association, led by Dr Njoroge Mungai, and other members of the Kiambaa-Gatundu inner circle, including several relatives of the ageing President, attempted to block the automatic assumption of the presidency for ninety days by Vice-president Moi, as stated in the constitution. These supporters of the “Change the Constitution” movement wanted to keep the presidency in Central Province, preferably in Kiambu. Other leaders, including some Kikuyu technocrats, most notably Minister of Finance Mwai Kibaki and Attorney General Charles Njonjo and probably President Kenyatta himself considered that it would be wiser for the presidency to be held for a while by a non-Kikuyu, who could be advised or 'controlled' by Kikuyu politicians and civil servants.

However, the national delegates' conference of KANU A and KANU B meant to contend for control of the ruling party and for the succession debate had to be postponed at the last moment after some delegates had already arrived in Nairobi, because of a sudden deterioration in President Kenyatta's health. Attorney General Njonjo's intervention in October 1976 to prevent further discussion of the succession, silencing the Change the Constitution movement, had ensured that, when Kenyatta died, Vice-president Moi could take over as President without opposition (Throup, 1987).

Approaching the mid 1970s, an aging Kenyatta became more withdrawn from the everyday conduct of government; decision-making was deferred more and more to members of the inner circle of advisers and officials who surrounded him. Rival personalities and factions within KANU continued to maneuver for positions in anticipation of the end of the Kenyatta era. When the Mzee died in office in August 1978, however, he was succeeded by his vice president and heir apparent, Daniel arap Moi, in an orderly transition of power (Hornsby & Throup, 1992).

2.4.2 Kenya under one-party “democracy”
The accession of President Daniel arap Moi in August 1978 saw Kenyans' freedoms suffer a severe set back. The independence of the judiciary was reduced and the autonomy of non-governmental institutions was curtailed. Even the electoral process became grossly tampered with, sometimes violating the secret ballot and greatly interfering with the candidates' freedom to campaign. These
actions were symptomatic of the growing authoritarianism of the government. It is suspected that the aborted coup of 1982 and the earlier plots by the Kikuyu elite to bar him from the presidency generally made the new president rather insecure and therefore generally jittery (op. cit.).

Besides, the domestic economy experienced a difficult decade in the 1980s when the world was in recession, especially as Kenya's population continued to double every seventeen years. The subsequent decay of Kenya's civil society partly reflected in part the decline of the neo-patrimonial political structure created by Kenyatta (Hornsby & Throup, 1992).

By the mid-1980s President Moi literally transformed Kenya into a one-party state, using the ruling party to crush dissidence among both young radicals and conservative members of the Kikuyu establishment. Churches, the Law Society and other non-governmental organisations were denounced, and Kenya's tradition of comparatively free elections was seriously impaired, further jeopardising the Moi regime's political legitimacy. Whereas Kenyatta had co-opted the leaders of the country's ethnic sub-nationalist movements, bringing powerful individuals, Moi's base of support was much narrower. As has been pointed out, this narrowing of the regime's base resulted from the economic down-turn which had begun almost as soon as Moi took up office. State patronage and business opportunities were much scarcer than during the relatively prosperous Kenyatta years (op. cit.). Thus the new President proved much more nervous than Kenyatta about potential rivals. Under President Moi, Ministers were sacked or forced to resign at regular intervals.

But on the whole, it can be said that despite his seemingly paranoid disposition, Moi proved to be a far more astute political operative than anyone had imagined. Once in power, he quickly set out to replace systematically the existing Kikuyu political elite with his own followers from the former KADU, particularly from his own Kalenjin ethnic group (itself a collection of eight groups living contiguously in the Rift Valley that Moi and others stitched together into a common political entity in the 1950s). The Kalenjin elite's limited control over the private economy (most business was in foreign, Asian, and Kikuyu hands) meant the search for patronage increasingly required the use of political power to wrestle control of private assets from those who had them.

This, coupled with the international economic recession of the eighties, resulted in economic stagnation from the mid-1980s forward, making it increasingly difficult for the regime to generate
adequate patronage for its supporters. Moi's reaction was to centralize control, primarily via the rigging of elections (of 1983 and 1988), where he removed regional power barons he saw as a threat, replacing them with locally less popular but more pliable supporters. But it is the continued economic stagnation and alienation of the citizenry from the party and state that gradually laid the groundwork for popular demands for change. Indeed underground political movements for change existed throughout the 1980s, as detailed in the section below (Throup, 1987).

2.4.3 The growing demand for reforms

By early 1990 disillusionment with the Moi government was widespread. Although the regime refused to register opposition parties, several individuals spoke out against the growing authoritarianism, most notably the Rt. Rev Henry Okullu, the Anglican Bishop of Maseno South, and Dr Timothy Njoya of the Presbyterian Church of East Africa (Klopp, 2001).

By May 1990, when Kenneth Matiba and Charles Rubia summoned a press conference to denounce corruption in the government and to launch their campaign for multi-party politics, most Kenyans (apart from those in the Kalenjin heartlands of the Moi state) had lost all confidence in the political process (op. cit.). Kikuyu opposition to the Moi regime was particularly intense, as was revealed by the widespread Saba Saba riots which erupted when Matiba and Rubia were detained on 4 July 1990. The two former Ministers had been holding meetings with the veteran Luo leader Oginga Odinga and his son Raila, who had been detained on several occasions since the August 1982 attempted coup d'état. The advocates of political reform were dissatisfied with the regime's harsh measures. Despite this setback, in May 1991, the advocates of constitutional reform began to organize behind a new pressure group, the Forum for the Restoration of Democracy (FORD), which was inspired by Civic Forum in East Germany and Czechoslovakia. Meanwhile, the US ambassador was placing ever greater pressure upon the Kenyan government to institute political reforms, warning that the House of Representatives would soon insist that American aid to Africa should be made conditional on political as well as economic reform.

Throughout this period, extending to mid 1990s, the regime clung to power, facing growing but passive opposition, mainly from the elite population, to which the regime responded with increasing ruthless repression. It can be claimed that President Moi's reluctance to abandon KANU's monopoly of power was finally forced upon the regime by pressure from the West, including the decision of Kenya's foreign donors at the Paris group meeting in November 1991 to
suspend $350 million of rapidly disposable aid until the regime instituted political reforms and permitted opposition parties to compete in free elections (Holmquist & Ford, 1998).

2.4.4 Multi-party politics and the 29 December 1992 General Election

The repealing in 1991 of the constitutional provision which had made Kenya a de jure one-party state was a big step forward for the opposition and a breath of fresh political air for the millions of Kenyans who had lived through so many years of a despotic/sycophantic regime. There was a mass exodus of disgruntled politicians from Central, Eastern and Nairobi Provinces etc to the newly formed opposition. The final exodus was precipitated by Mwai Kibaki's announcement on Christmas Day that he was abandoning KANU to form his own party, the Democratic Party of Kenya. This included most of the remaining Kikuyu Cabinet Ministers. Despite his demotion from the vice-presidency in 1988, Kibaki remained the most influential Kikuyu politician in the Cabinet.

But this optimism did not last long. The formation of several opposition parties revealed the fragmented nature of Kenya’s opposition politics. This had by now become a typical behavior of the Kenyan political elite. Ethnic and personal rivalries within FORD as early as the end of January 1992 were threatening to split the party into rival Kikuyu and Luo factions. Discontented members of the Kikuyu establishment, who had remained in KANU through the Moi era as the power of the Kikuyu whittled away, refused to support FORD and followed former Vice-president Mwai Kibaki into the Democratic Party of Kenya. After months of haggling over power and the organisation of district and national elections, in September 1992 FORD finally fell apart. It was precisely at this time that Moi's warning about the danger of inter-ethnic violence proved to be a self-fulfilling prophesy, as KANU activists in the Rift Valley launched a campaign of 'ethnic cleansing' to drive opponents of the ruling party out of the area. KANU won the 1992 elections with President Moi as the head of government (Klopp, 2001).

Further liberalization within the constitution in November 1997 allowed the expansion of political parties from eleven to twenty six. President Moi again won re-election as President in the December 1997 elections for another (final) five-year term, according to the amended constitution. Again his KANU Party very narrowly retained its parliamentary majority. It now became obvious that ethnic rivalries could not allow the Kenyan democracy movement to hold together and forge a common front. The sorry thing to note was that having used an ideological platform in a very
articulate manner to launch their protracted battle against the regime, the opposition politicians were separated by ethnic differences. This fact alone helped KANU to retain power for the first ten years of Kenya’s return to multipartism.

2.4.5 The role of civil society

Kenya has always had a vibrant political climate because of very articulate but few opposition figures that have kept the government on its toes even at the height of despotism (e.g. during the one-party era).

However it is unfortunate that ethnic considerations that have always pervaded Kenyan politics have spared neither opposition politics nor civil society activism (Holmquist & Ford, 1998). Kenyans have watched helplessly as the difficulty of having a united political front elude the opposition repeatedly, making it impossible to achieve anything substantial. It has happened that at crucial moments of decision-making, some of the opposition members have been given financial inducement by government operatives as a way of buying their support. The proliferation of NGOs during the advent of the multiparty era in the early 90s did not make it easy either. Some of these were unreliable “briefcase” NGOs, whose main interest was to chase donor funds. Besides, the climate up to the end of the 1990s largely remained rather hostile to opposition politics. And finally even though there was already a huge number of NGOs working in Kenya by the beginning of the 90s, most of them were more focused on service delivery than on governance issues.

However, after the 1992 election fiasco, when the opposition failed to agree on a common candidate to stand against the incumbent, it was clear that a vacuum existed. The need for the civil society to come out strongly to counteract the indecision and divisive tactics of the opposition politicians became a rallying cry. By 1991, there were already a few NGOs on the ground working on governance issues. However, they worked mostly in isolation and did not have a consolidated articulation of their agenda, since their interests were still significantly divergent.

However, 1997 became a landmark year for the NGO world in Kenya. There was a consensus from all quarters that for development to occur at whatever level there was need to push for reforms that would usher in better government structures and provide for social justice. The National Convention Assembly held in 1997 thus brought in all NGOs working in Kenya with governance issues as a common agreed upon agenda. It was at this Assembly that the real push for
constitutional reforms within the government structures formally started. The meeting was so successful that it caused a constitutional crisis in the country. The churches, which had been the only civil society voice for a long time, were particularly active over this issue. Relative liberalization of the political space encouraged even more people to join in the struggles and demands for constitutional reforms, though of course this still came with reservations. One source of support that was of considerable value to the cause of the civil society was the diplomatic corps in the country. Although the civil society and opposition politicians are aware of the limits of donor leverage, they have always pushed donors to use whatever influence at their disposal to edge the regime of the day towards reforms. Such support provided the Kenyan civil society movement with visibility, protection, authority and the much needed technical support and funds during this time. To multiply the impact, many of them took it upon themselves to publicly support causes that the civil society organizations were articulating and to collectively sign them. On two occasions (in 1991 and 1997) donor funds were withheld from the government. These two instances had great effects. However, the reform crusade carried out vigorously by the civil society was not done without encountering problems from various sources:

- Though the united front of the donor/diplomatic corps community had visible advantages, it also very often meant that to come to a common agreement they had to settle on the lowest common denominator in order to net in everybody.
- The civil society did not always approve of the donor/diplomatic corps positions. For instance, when the donors supported the Moi regime’s proposed Peaceful Assemblies Act, which still required licensing of meetings, the civil society expressed vigorous disapproval of that position. They argued that the proposed legislation was only a camouflage that still retained the government’s right to license and control the right of assembly.
- At other times opposition MPs, whom the civil society counted upon to take reform views to Parliament did not agree with them all the way, because they had different interests and therefore targeted different outcomes from the relevant processes.
- The government of the day sometimes got very jittery and resorted to draconian measures that resulted in physical/psychological injuries to members of the civil society, thus making engagement in activism a risky affair.
- Most of the vocal activists within the civil society proved to be also individuals who were ambitious for political positions and once “arrived”, they very often lost steam and switched to
conservative sides, thus damaging the positive image that the public had formed of the civil society.

A potentially very influential group, which has continued to steer an innocent course, is the business community. Kenya has huge business organizations such as: the Federation of Kenyan Employers, the Kenya Association of Manufactures, and the Kenya National Chamber of Commerce and Industry, among others. None of these big business organizations made efforts to play any active part in the clamor for reforms. But this was in no way surprising since the business community and the successive Kenyan regimes have always been accomplices in controlling labour. Indeed the Kenyatta and Moi regimes were notorious for controlled labour, which was so effective that it had virtually no autonomous political presence. And without pressure coming from below, there exists very little incentive to coalesce. (Holmquist & Ford, 1998)

However, throughout the 1990s, it was evident that those in power became increasingly suspicious of the civil society organizations. In April 1997, the then President Moi openly criticized the civil society as a group (op. cit.). In August 1997, Moi asked the District Development Committees to keep a close eye on all NGO activities within their jurisdiction, presumably to keep them from straying into politics. This level of unease reinforced the perception that the civil society organizations had indeed taken over the aura of opposition. In particular, “the churches were increasingly seen as the protectors of public interest, given the regime’s lack of legitimacy and many Kenyans’ suspicion that most opposition politicians would act no differently than incumbents, once they were in office” (op. cit.).

Within this context, it is also necessary to make a special mention of the contribution of the university students. As Amutabi (2002) puts it, “the political course in Kenya would not be the same today without the University students whose activism date back to the early seventies.” That is the earliest activism of any civil society that Kenya ever knew. And as the years went by, the government’s response to agitations by university students became more and more draconian. Many student leaders ended up being expelled from college; some had to flee from the country and ended up as exiles in foreign countries; some more died in the hands of state security agents; and many were arraigned in court and jailed for supposed “subversive” activities. It is true that at times the students have gone into the streets and become unnecessarily violent for non-political reasons, related only to their welfare. However, even when this has been the case, they have often seized
the occasion to articulate one or two social issues that they consider to be of public/national interest. Since the 1970s, it is in the public domain where students have constantly organized riots, sit-ins and even had hired thugs set against them, as was the case in their encounters with “Jeshi la Mzee” during the Moi era.

During crucial moments when civil society have agitated for reforms in Kenya (e.g. during the constitutional debate), university students have often come in handy to provide the necessary numbers to scare and force the establishment to listen to the voices being raised. In fact during the agitations by Muungano wa Mageuzi, former President Moi was fond of telling students not to attend its meetings. Unfortunately, these warnings only encouraged, rather than discouraged, the students (op. cit.). It was partly because of these activities carried out by students that the establishment developed a phobia for any activism from the university. This explains the big crack down carried out on the “Mwakenya movement” (associated with the universities) in the late 1980s. Sources now confirm that the movement was far less threatening than the government made it look.

One very tangible contribution that the students’ activism has made, is the big turn out of former students’ leaders and activists who despite being severely punished by the regime, have been on the forefront pressing for reforms. Many of these people are now prominent personalities within the political arena and include people like: Robert Wafula Buke, Miguna Miguna, Njenga Kabeberi, Churchil Suba Meshak, James Orengo, Hassan Hussan etc. (Amutabi, 2002).

In brief, civil society organizations have been quite active in the Kenyan political arena, especially since the 1990s. They filled in the vacuum created by the indecisive opposition politics and managed to introduce new political discourses, responsible for the changes already experienced. However, if what has been achieved is not commensurate with the amount of energy and resources that have gone into maintaining civil society organizations, they must take part of the blame on themselves. For instance, most of their activities have been limited to the urban areas and have appealed more to the upper and lower middle class elite, leaving out the rural population, which comprise the majority in Kenya and from where the most undeserving and most corrupt politicians have been known to get their grass-roots support. Activism is now associated with the middle class elite, who claim to be championing the cause of social justice for the grassroots. However, one finds little relation to poverty or grass-roots in the five-star hotels in Nairobi or Mombasa where
such meetings usually take place. This fact points to the need for investment in work localized at grass-roots levels, with the aim of empowering and mobilizing the grass-roots populations to take part in issues and debates of national interest.

2.4.6 End of the Moi Era – and Kenyans’ aborted dream
The Moi era came to an end with the declaration of the results of the December 2002 presidential elections. Constitutionally barred from running in those elections, Moi had unsuccessfully tried to push in Uhuru Kenyatta, the son of Kenya's first President, as his successor. The major opposition parties, having learnt from past experiences, had hurriedly formed the National Rainbow Coalition (NARC) party and managed to defeat Moi’s then ruling party, KANU, to the relief of the majority of Kenyans. The NARC candidate, Moi’s former vice-president Mwai Kibaki, a Kikuyu, was elected President with an overwhelming majority. The relief among the Kenyans was so palpable that one media house at the time described Kenya as “the most optimistic nation on earth” (Nraman, 2003).

But as the cynical pundits of Kenyan history pessimistically had correctly predicted, the optimism did not last long (op. cit.). Taking advantage of the frail state of the president shortly after being sworn in, his close associates engaged in greedy political moves, sharing out state positions among themselves and engaging in activities that were totally out of tune with the major tenets of NARC’s campaign platform:

- putting an end to corruption in public offices, cronyism, and partisanism;
- the provision of a new constitution;
- institutionalizing transparency and accountability in public offices; and
- putting in place other progressive reforms.

Worse still, sections of the society were bitter that the Kibaki faction had short-changed their partners by not respecting the memorandum of understanding (MOU) agreed on when the opposition parties merged before the elections. The fact that they had no apologies to make for it was a reminder to Kenyans of the same negative acts of callousness – the ‘use and dump’ tactics - that had corroded the very fabric of the Kenyan political system since independence. Moreover, the government seemed to be deliberately dragging its feet over the promised reform agenda, of which the most crucial were the constitutional reforms. There was soon a fall-out between Raila
NARC’s led group and the faction led by Kibaki, which eventually spread out to engulf and divide the entire society.

NARC conflicts were played out during the 2005 referendum on the draft constitution. The borne of contention revolved around the government’s refusal to reduce the executive powers of the presidency or strengthen legislative and judicial arms. Erstwhile election allies of Kibaki, Raila Odinga and Kalonzo Musyoka organised a “No” campaign under the banner of Orange Democratic Movement (ODM). Supplemented by government defectors, the ODM group defeated the government side by 58.3 per cent in November 2005, following a somewhat violent campaign.

The resignation of the anti-corruption chief John Githongo in January 2005 further added to the public’s disillusionment with the Kibaki regime. Githongo went into exile with a dossier on fraudulent government deals in the secret Anglo Leasing trading arrangement. A scandal broke out in early 2006 as a report leaked with claims of graft, said to have cost the country USD1 billion. Several senior ministers resigned as a result. This was followed by a commission of inquiry report into the Goldenberg scandal, involving a gold scam dating from the Moi years, estimated at up to 10 per cent of Kenya’s GDP, with senior government officials again implicated.

From the original NARC of 2002, three main political parties later emerged and were represented at the 2007 general elections. On the government side was Kibaki and his allies, who formed the Party of National Unity (PNU) in September 2007. They were later joined by Uhuru Kenyatta and his KANU party. In the main opposition were Kalonzo Musyoka on the ticket of what had become the ODM-K (Orange Democratic Movement – Kenya) and Raila Odinga on ODM (Orange Democratic Movement) ticket. The details of the intrigues that had led to the split between Kalonzo and Raila have been left out of this story. It is enough to present this as the situation which prevailed as the country went for the last 2007 general elections.

Generally, the grievances during the first term of the Kibaki presidency were based on the same known structural deficiencies. There were public perceptions of blatant leanings of the then government in favor of the Kikuyu elite, including a tendency to protect the ethnic power cartels that had formed a tight ring around the presidency. This provoked genuine resentment among other communities who had given Kibaki’s candidacy overwhelming and unconditional support. A state of frustration set in and people got very angry. But Kenyans believed that they still had a fighting chance against the Kibaki establishment. For years, Kenya had come to be regarded by the rest of
the world as perhaps the one African country that was a little different. It had managed to hold regular elections since independence.

So, even if the people of Kenya had lost all hope in the capacity of their politicians and government to bring about desired changes, the people’s memory of the 2002 general elections, where Moi’s candidate – Uhuru Kenyatta – had been trounced at elections, gave them a lot of hope. The victory had hardened the electorate to believe that at least there was still one institution they could count on to control their destiny and put it back on course – the power of the ballot. It was their hope, indeed their last hope.

On 30 December 2007, after undue delay, the Electoral Commission of Kenya (ECK) declared Mwai Kibaki of the PNU re-elected as the President of Kenya in a closely contested presidential election against his main rival, Raila Odinga, of the ODM party. ODM supporters immediately disputed the declared outcome of the presidential elections. Independent bodies that had observed the elections, including the European Union, the Commonwealth Observer Group, and the East African Community group reported major flaws in the tallying of the presidential votes. Furthermore, the ECK chairman’s statements, before and after the announcement of the results, cast serious doubts on the credibility of the presidential tallies.

The ECK’s declaration of Mwai Kibaki as the winner of the presidential contest was subsequently followed by a swift swearing in ceremony for Kibaki as President on the evening of 30 December 2007. There was an almost countrywide simultaneous eruption of violence that took everyone by surprise. The country descended into chaos and violence that left at least 1,162 people dead and about 350,000 others displaced from their homes in a matter of just over a month. Gross violations of human rights took place in different parts of the country, particularly in Western, Nyanza, Rift Valley, Nairobi and the Coast provinces. Kenya has always had the reputation of being one of the very few “stable” states in Africa. However, a retrospective glance at the historical events that have marked its political landscape reflect deep-lying violent structures that have been left unchecked for very long. Indeed even rigging of elections, ethnic rivalries, corruption etc. had become sort of common place – normal states of being. One commentator on these historical facts says:

…moving into the most recent elections, Kibaki did not have the majority support. However, in the end tallies of votes Kibaki came out ahead of the opposition candidate,
Raila Odinga. Odinga was running with his Orange Democratic Movement behind him. European Union observers declared Kibaki’s second term as stolen when the national vote counts came back different from the district vote counts, putting Kibaki as the winner. What we then saw was a devolution of a ‘stable democracy’ into “tribal” conflict. But, before we can even begin to grasp what this means in Kenya we have to examine and understand Kenya’s history of colonial violence and how it created ethnicity (Klopp, 2001).

2.4 Summary of Historical Violent Structures
The historical scenario outlined above shows that by the time Kenya became a republic, in 1964, under a unitary form of government, headed by Kenyatta as its first president, Kenya already faced severe structural problems, most of it inherited from the colonial administration. In this section, we recapitulate the key lessons learnt from it:

1) The historical background to Kenya’s despotism can be traced back to structures inherited from the colonial administration which, using divide and rule tactics, as well as the creation of strategic alliances at the local level, allowed a relatively small number of British officials to dominate the diverse and decentralized communities which fell within the territory named Kenya (Klopp, 2001). By 1925, as in other parts of the continent, colonial rule had created an administrative structure based on an ordering of Africans into neat tribal units (Berman - in Klopp, 2001). These units, to use Mamdani’s word, “containerized” Africans into divisions, districts, and provinces on the basis of various ethnic ascriptions of “tribe” and ascending clans (Klopp, 2001). Since independence, this bureaucratic structure, that undergirded the colonial domination, particularly the provincial administration has continued to be a central element for the control of political power.

2) This structure also provided the potential to influence in electoral politics. This began in limited form in 1957, while under British bureaucratic oversight (Bennet & Rosberg, 1961 – in Klopp, 2001). Originally, the provincial administration represented the highly concentrated powers of the governor at the local level. In the post-colonial context, it came to represent presidential authority. This institutional configuration ensured that electoral politics became a high stakes game. The center of power, the Office of the President, with its allocative and coercive powers, including, in particular, control of the provincial administration and hence, to
some degree, the electoral playing field itself, became the logical target of ambitious politicians. These concentrated powers of the president, delegated to the Provincial administration, have been central to Kenya's "electoral despotism". So, although we can credit Kenya with having held regular elections since its independence, unlike most other African countries where these processes have been extremely irregular, such elections have been at best, semi-competitive in nature, since their outcomes are strictly controlled and manipulated by a despotic state, particularly the Office of the President (Klopp, 2001).

3) Though political parties emerged during the colonial period, their operations had been illegalized at the national level. Conditioned by the prevailing “containerized” structures in place then, such parties were necessarily local or ethnic. When this ban was lifted, unsurprisingly, parties still remained as "mere federated ethnic loyalties grouped around individuals" (Okoth-Ogendo, 1972 – cited in Holmquist & Ford, 1998). This trend has also remained a specific feature in Kenyan politics.

4) The fertile Rift Valley land appropriated by white settlers during the pre-independence period became a key issue in Kenyan politics. Prior to independence, pastoralist politicians and a faction of the white settlers were united by their desire to keep Kikuyu migrant labourers and "squatters," the backbone of the Mau Mau revolt, from making claims to Rift Valley land. Unfortunately for them, KANU won the 1961 election, and Jomo Kenyatta formed the first independent African government in 1963. While both KANU and KADU promised to abolish the provincial administration before elections, KANU later reneged on this promise. The KANU government went ahead to recentralize power through a series of constitutional amendments (op.cit.). This process destroyed the majimbo or provincial governments that had been negotiated prior to independence as a means of addressing KADU concerns. Kenyatta skillfully used coercion, and maybe persuasion through access to state resources for key individuals, to bring KADU MPs, including their leader, Daniel arap Moi, into KANU. In exchange for sharing power, KADU dropped its opposition to settlement schemes in the Rift Valley. It is to be noted that these schemes had been set aside to deal with the landlessness and the political unrest associated with it (Leys, 1975 – cited in Klopp, 2001). From this point onwards, Kenya's restless future seemed to be sealed. The question of land has continued to haunt the country ever since. One could only give it some time before violence erupted again,
the same as the one experienced in the last decade of colonial rule (Furedi, 1989; Carey, 1966 cited in Furedi (ibid)). This is what exactly happened years later, when again political expediency made the land “pact” to fall apart in the 1990s, leading to the violent expulsion of so-called migrants (mostly from the Kikuyu ethnic group). Since 1992, the same scenario has kept repeating itself at every election, with varying intensity.

5) The Mau Mau 'Emergency' or 'War of Liberation' had not only been a revolt against British colonialism but also a civil war among the Kikuyu, Kenya's largest ethnic group. It had set poor Kikuyu, who were being dispossessed by ambitious commercial farmers, against the chiefs, the senior lineages, successful entrepreneurs and local Christian groups (Lonsdale, 2000). The other Kenyan communities not understanding the internal dynamics of the conflict, thanks to the effective functioning of the “containerized” administrative structures, sort of stood-by and only actively joined at later dates when the discourse began taking on more national dimensions, regarding issues on self-governance, nationalization of the economy, etc, thus becoming more inclusive. The mainstream Kikuyu elite have instead made an abstraction of the internal strife aspect, to deliberately maintain a discourse that highlights the liberation struggle as a justification to arrogate to themselves the natural right to a bigger share of the “national cake”. A self-righteous attitude makes them impatient with those who fail to see what they consider to be such an obvious historical fact. This is only one instance of a general trend in Kenya where history is falsified and manipulated for selfish reasons.

6) The administrative structure in Kenya is a relic of the colonial legacy and houses structures that promote violence especially at the grassroots level. Kenya has eight provinces and each province has a provincial commissioner at the apex of a bureaucratic hierarchy that stretches through the chief and his assistants deep down into the villages. While the chief is essentially an appointed bureaucrat, the coercive powers that have been invested in him reflect the British image of what a tribal chief or traditional authority should look like. The chief’s image was an expedient tool for the British. (It is to be noted that very few communities in Kenya had chiefs as their traditional rulers (Klopp, 2001). Today, chiefs are still the most feared personalities among the rural and poorer Kenyans, because they have recourse to the coercive powers of the administration. The chief has a special police force, which consists of "such number of officers as may from time to time be authorized by the president" (Administration Police Act) and who, in practice, are appointed by the District Commissioner. It is therefore hardly surprising, then, that many rural Kenyans are more concerned with who is appointed
their chief than with who is elected their MP. Such unchecked coercive powers have been considerably abused in Kenya at all levels of the administrative structure.

To conclude, it is important to point out that, unfortunately, all these faulty structures have been very negatively used by the successive regimes to inflict violence on the rest of the population. Negative exploitation of ethnic differences has ensured that unity between the forty-two ethnolinguistic groups in Kenya that could enable them to push together for reforms is virtually an illusion.

References


3

SUMMARY OF RESEARCH FINDINGS AND ANALYSIS

3.1 Introduction

Violence has long been part of the landscape of Kenyan politics. This is evident from the preceding review of Kenya’s political history. To begin with, the colonial state used it extensively to ensure control. After independence, successive regimes have used both the “carrot and the stick” to consolidate and maintain power. For a long time though, the use of violence was mainly concentrated in the hands of the state. It has been noted how during the KANU regime, opposition parties were subjected to political harassment and those individuals who refused to support the status quo experienced various types of repression and even torture and detention without trial (Amutabi, 2002). Rallies by university students and others were always dispersed by the General Service Unit (a state security special unit, directly under the president’s office), using excessive force. These were also times tainted with political murders, particularly those of three prominent political figures, Pio Gamma Pinto, Tom Mboya, and J.M. Kariuki, who were suspected to have been murdered by the governments of the day. The last two were seen as threats to the then regime as potential contenders for political power.

Another political strategy used by incumbent governments to buy support and consolidate power has been the dishing out of favours to individuals and groups (op. cit.). For example, there have been instances where individual members of the opposition have been lured back to the government side through appointments to public positions and allocations of land as well as provision of other perks, leading to cronyism and other corrupt practices. This trend is still prevalent within the political circles in Kenya.

In the present dispensation, however, the control of violence has spilled over to the public domain, with the state losing its monopoly. The post-election violence of 2007/2008 was just but a generalized manifestation of what exists and is experienced daily but as isolated cases. Several attempts have been made to explain the likely causes of this state of affairs.
Talking to the US Congress, Kiai (cf. Peacenet, 2008) in describing the national events that had led to the post-election violence in 2007, said the root causes of violence in Kenya were not to be found on “ethnicized” factors, but rather on the inability of the people to address their grievances by peaceful means. He went ahead to liken the post-election period to the US civil war of 1861: an important period in the history of the country that could determine its democratic future.

On the other hand, Njoki Ndung’u (op. cit.) while on the same mission, argued that although the poor management of the electoral process, especially in relation to presidential poll, had been the trigger of the violence, she was quick to point out that the real root causes lay in historical injustices such as inequality, landlessness, gender inequality, youth unemployment, the widening gap between the extremely poor citizens and the marginalization of some communities. She concluded that these factors had exacerbated the conflict. But she also added another dimension: the fact that non-advancement of the male person in a progressive economy within the Kenyan society, was fast becoming a worrying factor. According to her Kenyan women are increasingly becoming the breadwinners, the men especially in rural areas, idle around discussing politics in the market place. During violence, their movement from the marketplace to the road blocks for violence is quick. It is therefore advisable that the focus on the advancement and empowerment of women should similarly be directed at men by engaging them in gainful employment and equal relationships.

However, other studies, among them the Waki Report (Onyango, 2008), Mapping the Root Causes of Conflict (Kenya Episcopal Conference, 2008), and Violating the Vote: A Report of the 2007 Elections (Kenya Human Rights Commission, 2008) have also gone to great length to articulate what they perceive as cases of violence in Kenya. We summarize some of the most often cited ones below:

1) There is agreement among the various studies for instance, that there has been a growing trend of politicization and proliferation of violence in Kenya over the years. This specifically refers to the institutionalization of violence following the legalization of multi-party democracy in 1991. The sources note that there has been frequent and deliberate use of violence by politicians to obtain power since the early 1990s. The fact that these criminal activities have largely gone unpunished, has led to a culture of impunity and a constant escalation of violence. Consequently, vigilante groups have emerged, which in reality are peddlers of violence for hire
in the country. For this reason, violence is now largely outside of the control of the State and its security agencies. As the Waki Report concludes:

Thus, violence has become a factor not just of elections but in everyday life. What this means in practice is that violence is widespread and can be tapped for a variety of reasons, including but not exclusively to win elections. (Onyango, 2008)

2) The sources also express concern with the personalization of power around the Presidency. This has intensified the belief among all Kenyan politicians that it is essential for the ethnic group from which they come to win the Presidency in order to ensure access to state resources and goods. Second it also weakened the authority and legitimacy of other oversight institutions that could check abuses of power and thus corruption and provide some accountability. This in essence means that the state agencies have in many ways lost their legitimacy in the eyes of the public.

3) The sources also cite many instances of strong feelings among certain ethnic groups of perceived historical marginalization. This arises from perceived inequities concerning the allocation of land and other national resources as well as access to public goods and services. Unfortunately, politicians have capitalized on these feelings to articulate grievances in ways that find appeal with certain groups of the public. This has bred and sustained an underlying climate of tension, distrust and outright hatred between different groups; a social condition which is a potential fodder for violence.

4) Another factor that comes out clearly in the available relevant literature is the fact that Kenya has a very poor record of social justice. The growing population of poor, unemployed youth (whether educated or uneducated), who have nothing better to do, end up in militias and organized gangs. Besides, there are claims that these gangs have deals with parts of the Government and the security forces (Onyango, 2008). It is thus claimed that they have ultimately become “shadow governments” and have become law unto themselves, especially in the slums. Most of the time, especially during the electioneering periods, they are used by politicians to attack their opponents, to secure their own security, and to gain power.

5) The claims that these groups have deals with the State and its security apparatus, whether true or false, have nevertheless left grave consequences in its trail. Not only have they greatly
compromised the perception of the State’s capacity to control the violence, but more important, the claim has increasingly threatened the integrity of the State and the nation as a whole. This underlying endemic situation has created a volatile climate where violence is increasingly seen as a justifiable resort in conflict situations, more so as the perception that its use is unlikely to be checked, has increasingly continued to gain ground.

6) As has been seen from the historical narratives, the Kenyan constitution gives extraordinary powers to the president. This makes the presidential elections be a very high-stake game. As already stated, Kenyans have come to identify access to state resources with the president’s seat. The fact that the system has been a “winner takes it all” has not helped matters either. The general perception is that you either get the presidency drawn from your corner of the country and escape poverty or you miss it and wallow in misery as a community. Therefore as a matter of group survival, it is only logical that a group expects its members and those living with them to pool together their votes, to enable resources to come to their side of the country. The contradiction comes in when settler community from other areas (usually from Central Province) rightly claim their democratic right to vote a person of their choice (which consistently is one from their own ethnic group and with a base in the ancestral Central Province). At the same time they also use the same argument, of their democratic right to live and enjoy the resources among people threatened of dispossession, through their “legitimate” democratic choice to vote according to their fancy. Such contradictions show clearly that it was suicidal for the country to drag its feet on comprehensive constitutional reforms. There is no way that true democracy that allows one to freely and justly exercise their rights can exist in a flawed constitutional dispensation such as the one Kenya presently has.

7) Many reports also point out that since 1992, negative ethnicity has recorded a sudden upsurge. The advent of multiparty politics has especially seen ethnically directed violence during the election periods. This has over the years increased distrust among different groups and has vastly eroded any sense of national identity. Although ethnicity has always been a latent underlying problem in the society since the colonial period, it has now taken on a dangerous angle, because it is now being practised openly in the public domains.

8) Marginalization is also a major source of discontent. Kenya’s 42 ethnic groups live in eight provinces. Many areas outside the major cities and towns are relatively homogeneous ethnically. Problems of inequality and marginalization are often viewed in ethno-geographic
terms even though the inequalities between individuals of the same ethnic group are sometimes more pronounced than those between different ethnic groups and geographic areas. Citizens everywhere in the country are concerned that resources, including land, and services are distributed equitably and are quick to point out inequities.

9) The Waki Report specifically points out that though constitutionally individuals may own land in any place in Kenya and whereas in law, no part of the country has been demarcated as belonging to an ethnic group, nevertheless, many of the newly created districts since the nineteen nineties have been ethno-specific, thus reinforcing the images of ethnically homogenous and effective “native reserves” of the colonial era. This has further dichotomized the notions of “insiders”, who are native to a place and “outsiders” who have migrated there. Again the politicians have been very quick to capitalize on these situations during election times, effectively fuelling feelings of negative ethnicity among community groups.

The Ndungu Report has noted that throughout the 1980s and 1990s public land was illegally and irregularly allocated “in total disregard of the public interest and in circumstances that fly in the face of the law”. “Land grabbing” and the allocation of public land as political patronage were part of the gross corruption of this period. Those involved in this allocation were senior public servants, but also local land boards, the courts, and a range of officials including members of the provincial administration, politicians, and others.

This has been viewed as a gross social injustice by the general Kenyan public. To date, this land has not been recovered, thus reinforcing feelings that impunity is tolerated by the State.

10) These reports also analyze arguments over unfulfilled historical grievances - stemming from longstanding anger over land distribution that followed independence. According to the reports, most communities from the Rift Valley argue that land was alienated by the colonial government and then unfairly parcelled out to Kikuyus and other groups whom they view as outsiders. Many Kalenjins believe that issues relating to land were the reason for both the pre-electoral violence in the 1990s and the post-election violence after the December 2007 elections. The Waki report however cites the fact that other sources, like the Akiwumi Report have dismissed this explanation pointing out that individuals from different groups lived side by side for many years until the advent of multi-party democracy when violence was used to kill and displace opposition party voters to prevent them from voting. Hence, the Report argues that even though the promise of getting land from those who were displaced was used to entice
youth into violence, the desire for political power and not land hunger was really the root cause.

11) Finally we take note of an issue that should be a major security concern; this is the perception by some communities that they have been marginalized. As stated in the Waki report “It is true that some communities have done better than others, who are poorer, less well developed, and more marginalized from the mainstream”. Feelings of resentment and powerlessness that the affected communities feel, has the high potential of being mobilized violently. It is for instance among the marginalized communities (usually the pastoralists) that cattle rustling is rampant. But even in the urban areas, the fast growing groups of urban poor “who are not landowners and are unlikely ever to be landowners” already pose grave security problems in these settings. In other words, Kenya at the moment maintains a socially unjust system, where the increase of the poor dispossessed majority is a security concern.

3.2 Summary of Findings from the three Provinces

In this section, we give a brief summary of the study findings from the three provinces. These are presented in detail in part two of this document. We start by pointing out that this study was significant in several ways. In most previous studies already carried out within these provinces, the tendency has been to present the larger context in an abstract manner and to zero in on the “hot-spot” areas (Mang’eni, 2008; Wachira et al., 2009; Peacen (Kenya), 2008 & Gona et al.2008). This study was significant because it took a comprehensive approach that looked at all the three contiguous provinces, while using harmonized tools. The approach made it possible for the analysis not to focus only on isolated “hot spot areas” and turning the findings into broad generalizations, but allowed for a comparative treatment of the conflict dynamics observed in diverse settings. Two general observations need to be made before we get to the specifics.

1. Each province as an entity revealed that most of the root causes underlying instances of overt conflict in the “hot spot” areas in a given province were also present, albeit in latent forms, in other parts of the same province (e.g. the presence of easy-to-mobilize organized groups of unemployed/uneducated youth both in Kakamega and in the Mt. Elgon area as well as in many other urban areas in Western province).

2. Though it is true that each province has its unique cultural history and other distinctive characteristics, the analysis from the three provinces targeted in this research, contrary to
expectations, revealed very interesting findings. Most of the identified causes of conflict were
common to all the three provinces, the only variation being a matter of intensity. For instance
in Nyanza, Western and Rift valley, theft of cattle was registered in each case, though the
intensity was much higher in the North Rift. Ethnic clashes were registered in all the three
provinces. Political manipulation, corruption, marginalization etc., were also common to the
three provinces. Indeed the study showed clearly that what was at the centre of overt conflict in
a place such as the Mt. Elgon area (strife over land ownership, marginalization and historical
injustices) was also very much present in the so called peaceful zones in Western, Nyanza and
parts of Rift Valley.

Below is a summary of the identified causes of violence from the results of the studies conducted
in the three provinces.

3.2.1 Identity and related issues
All the three provinces had more or less similar experiences relating to identity. Interestingly,
participant observation revealed that most of the time people from ostensibly “enemy” groups
peacefully interacted and lived very amicably with each other. In such situations, most narratives
indicated the harmonious existence between the different groupings. However, the views collected
from interviews tended to be generally rather negative. The worst cases were from the Rift valley
between the indigenous communities and those who had come to settle among them.

Narratives of historical injustices indicated that the cases of people who had been displaced from
their original homes by the white settlers during the colonial administration were never adequately
addressed at independence, leading to a situation where land was given out in a haphazard manner,
with one ethnic group and an elite class having the upper hand because one of their own was in
power then. This has led to a situation where balkanization takes place, with the new comers
banding together and taking even more land for themselves. The controversy of who has the rights
to the said lands and the resultant visible inequality in the distribution of resources is a source of
tension between these groups and very often bursts into overt violence, especially at the instigation
of local politicians. This same scenario was repeated in Eldoret as well as in Molo, Mt. Elgon and
other parts of Rift Valley, parts of Western Province and Nyanza (in the settlement schemes). Still
on the issue of resources, the study found out that those communities who had been favored by
respective governments and managed to build up resources, have developed feelings of superiority
and have been known to engage in disparaging the identities of other communities. What complicates the issue even further is the political arena, where identities are pawns for the politicians to use as a basis of bargaining power to achieve their own political ends, usually by pitting one ethnic group against another. All the provinces reported politically engineered ethnic identity tensions and conflicts.

One also needs to address the identity problem at the ideological level, where certain mainstream narratives seek to justify and sustain ethnic violence as a genetic fact. Such views are dangerous, especially when arrogantly expressed by the elite, as they are sometimes inclined to do. We note that these are indeed myths received from archaic (not so rigorous) scientific sources; like the theories of “natural selection” by Lorenz (1966). Such theories seek to justify violence as an inherited tendency that comes from our animal ancestry, which is therefore genetically programmed into our human nature.

Highly respected literature like the Seville statement (1986) refute such views and go to a lot of depths to argue to the contrary, pointing out in essence how violence is very largely determined through social learning and other non-genetic factors. An observation-based argument in this direction is often used by peace advocates. It observes that all human beings naturally organize themselves in groups and that human progress, pushed forward by human genius (inventions, discoveries etc), tends to bring humanity closer together, to states of interconnectivity and interdependence and not the contrary.

A quick glance at the history of human progress is enough to illustrate the point – from small families, to clans, to communities (e.g. ethnic groups), to nations, to confederations, to the global village – and the levels continue almost ad infinitum. Progress in communications and other fields have similar trends (boats, the wheel, the car, aeroplanes, telegrams, telephones, cyber space etc). It therefore seems that if there is any genetic programming, it should be that the human species has a natural capacity and therefore propensity for unity (interconnectivity) and therefore peace, not otherwise.
3.2.2 Human needs

It was noted that cases of extreme poverty exist in all the three provinces, and most of the poverty is directly linked to the underlying violent structures already described in the above sections. It is alarming that the situation seems to be getting worse, especially with the recent unreliable trends in rainfall, food security and economic recession. All the three studies brought out the negative impact that the growing rate of unemployment, especially among the young males was having. The situation makes the young people be easy fodder for manipulation, when enticed with money. It is a pity that the young female groups were not taken into account, because of the conventional tendency to focus on visible violence and its agents. Their story is definitely worth telling because they are mothers of the future potential violent male youth.

It came out that a sizeable percentage of the population of each province could not satisfy their basic needs. It is necessary to remember that needs, unlike interests are ontological and cannot be negotiated. Grievances resulting from need deprivations can therefore easily lead people to violence. In the Rift Valley for example, it can easily be argued that it is the hopeless state of the pastoralists, who have nothing else to fall back on, that pushes them to engage in the present levels of cattle rustling. The level of deprivation makes them fall easy prey to the machinations of big barons, out to exploit their desperation. The same levels of desperation are found among the Sabot group in Western province, and are approaching crisis levels in other parts of Western and Nyanza, where gang activities among the younger generation were recorded.

3.2.3 Government and state role in conflict

In normal circumstances, the role of the government is to undertake the responsibility of responding to the needs of all its citizens in an inclusive way, so that no group of people feels left out. In an ideal situation, this also includes planning for the future generations. No society worth its salt fails to plan for its children as a way of guaranteeing its future. The failure of the state to fulfill this responsibility or its choice to fulfill it selectively can easily lead to the frustration of individuals as well as whole groups that are negatively affected.

In all the three provinces, narratives from the research tell of frustrations with the government. There were testimonies of blatant discrimination in allocation of state resources and victimization of certain communities by the state security agents. In all the three provinces, we received testimonies from respondents who talked of marginalization and skewed distribution of state
resources to favor some communities, even within the same physical setting. They also talked of criminal offences being committed under the protection of the same state security agents who should be preventing crime.

One easily feels the frustrations of the people through these narratives. What happened in 2007 seemed to have been a verdict on the government’s claim to legitimacy. Though most of such narratives date back to 1992, some go as far back as 1969, just after independence.

3.2.4 The negative effects of colonial history

The need for Kenyans to break away from their past and put a closure to their colonial history and trauma is clearly long overdue. However, no systematic effort to have a clean departure from the negative structures established in that dark past has been made. Mainstream discourses continue to reinforce the same negative elements that do not foster unity among the different groups. Similarly the same hegemonic despotic structures that were there at independence are still in force and their negative effects have been pointed out in the research findings in earlier sections. From this perspective, it seems that Kenyan politics all along has been guided by what is convenient for the interests of the ruling elite. That is, guided by what is expedient rather than what is just and in the national interest. Historical injustices, like the traditional boundaries that were not respected by the colonial administration, still continue to create tension among different communities all over the country. The balkanization of the Kenyan people into rigid ethnic enclaves that never existed before still continues to be a strategy used by different regimes to generate tension between different groups. This trend was ironically captured by the memorable saying by former President Moi, himself a beneficiary of balkanization politics, to the effect that bad politics leads to bad life or, in his own words, “Siwa mbaya, maisha mbaya.” Ethnicity has become a dominant theme, a leitmotif, in our local political discourse.

Respondents made it clear that certain relics of the colonial era like the constitution need to be replaced urgently for the country to start healing. According to them the inherited structures have long been out of touch with their realities. However, in this study, we have been more vigilant and gone beyond the so called “relics”of colonialism in our hunt for causes of violence.
According to political theorists, these may not be the only relics of the colonial administration. They point out that the capitalist phenomenon is fairly resilient, cropping up in many different forms. For instance, the anti-imperialists in both the less economically developed countries and in advanced industrial nations (France, Italy, Greece etc) decry what they perceive to be the economic and cultural imperialism of Western multinational corporations and American mass media (Barash & Webel, 2002). Tandon (1999) has the same view:

…the mainstream discourse on the causes of Africa's conflicts, even by a relatively benign institution such as the United Nations, does not, cannot, tell the whole truth about Africa. Why? Because the truth will point the finger at the inequities inherent in the system of relations between Africa and the industrialised West. The fact of the matter is that Africa is weak and impoverished because its rich natural resources are taken away from the continent at a fraction of their value. The terms of exchange between Africa's natural resources and the West's capital-and-knowledge intensive technologies continue to remain the basis for vast seepage of net value out of Africa and into Europe, the USA and Japan. The "debt problem" is only a part of it. Africa's poverty does not just "exist", it is systematically created. It is created not by any conspiracy. It is created by the simple operation of the so-called "law of the market".

We deal more elaborately with this aspect in the last part of this section.

3.2.5 International linkages
Not a lot of connection was made between the international links and conflicts in the reports, except for the infiltration of small arms, that are beginning to be a big security threat, even in the depths of the hinterland. Among the cattle rustling communities the introduction of small arms into the age-old tradition has added a new sinister dimension to the security concerns. All the three provinces reported this new security menace and also pointed out that the vice seemed to have a heavily funded cartel behind it. Porous borders on the Ugandan and Tanzanian sides were also issues of concern. Security threats from unfriendly neighbors, like in the case of the fishermen’s experience in Lake Victoria, are almost symptomatic of a failed state.

A second aspect of the international linkages that has already been mentioned, but which merits a bit more discussion, is about the international NGOs that have been giving humanitarian services
to the victims of the post-election violence. There were complaints from two of the provinces that preferential treatment was being given to some victims from specific communities in dispensing the humanitarian assistance, both by the government and by NGOs. Complaints of this nature have also been raised by the media over and over again.

Such trends should not be left to continue unabated. The target group is made up of individuals that are already vulnerable and traumatized enough, having been victims of the post-election violence. It would help things out if humanitarian agencies and NGOs paid more attention when recruiting their staff, so as to be as inclusive as possible. There were suspicions of conspiracies by some communities in Kenya to keep members of other communities from getting international and NGO jobs. Until such a time that Kenyans will bury the ethnic ghosts, even the best of a humanitarian project conceived in good faith will somehow end up with a destructive ethnic angle to it.

3.2.6 Environmental degradation and the resultant scarcity of natural resources

Environmental issues were seen as a major concern in all the three provinces. The drying up of rivers, the disappearing trees and forests, the changing climate, the shortage of the land, and ultimately the shortage of good food harvests are matters of concern within the three provinces. Scarcity of resources easily leads to violent outcomes. For instance, with the drying up of rivers and other conventional water sources, the pastoral communities now have to depend on wells which, being smaller in size, lead to more conflicts between groups competing for water.

Research findings also indicated pollution and poor management of land as major concerns in the three provinces. In Nyanza for instance, there was a feeling that proper adjudication of land had been deliberately ignored to disempower the local people.

3.2.7 Lucrative war/conflict economy

In this section we briefly turn our attention to the perennial cattle-rustling that is prevalent in the Rift valley, Western and Nyanza provinces. The banditry especially in the North Rift is said to be very well orchestrated, with market outreach going beyond the continent in some cases. The growing threat of trade in small arms is real and common to all three provinces, especially as the youth gangs are acquiring them at a very fast rate.
Another very worrying trend is the groupings of young people into vigilante groups or simply common interest groups that are ready for hire by politicians and other manipulative individuals. For all the provinces, this was one threat that people on the ground seemed to be constantly afraid of. But what does one do with so many unemployed youth that have packaged themselves into gangs? This is a question that needs very urgent answers. The reality is that each year more of these young people, with or without proper education, join the streets. If there is a security issue that needs to be addressed as a matter of urgent concern, it is this phenomenon of desperation among the jobless youth. However, as can be seen, all the threats presented here interlock perfectly with poverty, marginalization and negative ethnicity. One cannot address one and leave out the others.

3.2.8 The elite and influential individuals

The information obtained from the three provinces brought out very clearly the importance Kenyans attach to leadership roles. Bad leadership was described as a debilitating social factor that is rampant in the three provinces. The political elite were singled out as being behind ethnic tensions, conflicts and incidents of overt violence that occur during every election time, including the last one in 2007. Hate speeches and incitement were some of the provocative aspects of the communication reported to have come from the leaders. However, the most deplorable action that respondents seemed to attribute to the political elite and other leaders was the way that the young people had been used to serve the interests of rich powerful people. Like one respondent from Western Province lamented, “Some young people do not seem to hold any job or do any meaningful work. They spend endless hours in the bars drinking and carrying out dirty errands for the politicians, who seem to finance their unproductive engagements.” The respondents from Rift Valley and Nyanza cited cases of the Masaai morans and the Kuria young men who did dirty work on commission for very powerful businessmen, who supplied them with guns for their operations.

It is evident that the respondents deplored the quality of leadership that our communities seem to produce. The only question that was not asked was why it was not easy for good leaders to come up in the present dispensation. How come it is easier for people with depraved minds to climb the social leadership ladder in Kenya, becoming leaders who have no positive image as models to their society? The question of leadership in these communities is a theme that needs to be taken up by the relevant stakeholders in a very substantive way.
3.2.9 Group mobilization and inter-party dynamics

Evidence showed that a good number of NGOs, CBOs, and other civil society organizations existed within these provinces and were doing lots of good work even at the grassroots levels. However, relatively few were engaged with peace/conflict issues. What was missing therefore was the networking structure that could create the much needed synergy for social progress. It was also clear that the people on the ground were aware of these elements that are wrong within their communities – the elements that cause conflict. They held very strong views about the need for things to be transformed so as to function in a more peaceful manner.

Unfortunately, there was no clear strategy stated by the respondents on how change could be effected in their communities. Worse still, they did not seem to see their role in the whole scenario. What needs to be emphasized is the vital role that the communities themselves can play in effecting change among them. However, this awareness can only come when individuals get to appreciate the subtle meanings of underlying structures and social relations within the society as well as what can be achieved when whole groups can work towards a common purpose instead of at cross purposes.

From Kenya’s history, we know that negative ethnicity has been used very effectively to kill political unity in the country. It seems to be the one thing that makes it impossible for Kenyans to synergize their efforts in tackling issues from a common front.

On this note, we need to pay attention to De la Roche (1996), who defines collective violence as a sort of social control: a self help [strategy] by a group, which is a response to a situation they see as deviant. He singles out four variables and makes ten propositions that predict and explain the likelihood and severity of collective violence in general, saying:

As a generic phenomenon, unilateral collective violence arises with specifiable combinations of the following variables: (1) relational distance, (2) cultural distance, (3) functional independence, and (4) inequality. Each variable differs in degree from one conflict to the next, and the probability and severity of collective violence varies accordingly. In particular, where relational and cultural distance, functional independence,
and inequality are greatest, I predict the greatest likelihood and severity of collective violence.

We know that the colonial structures of divide-and-rule were put in place to bring about both relational distance and cultural distance. The set-up has thwarted every effort to forge unity in the country. There is need for more studies to be done at this level, to find out just how meaningful relational structures could be put in place in order to foster peaceful coexistence. For starters, the last part of this section will discuss ethnicity as a social relation concept within the Kenyan context and how its current destructive meanings could be deconstructed and turned into alternative discourses.

3.3 Deconstructing the Myth of Ethnicity in the Kenyan Context

The research findings showed that negative ethnicity figured prominently as a root cause of conflict in the three provinces. Indeed, it seems to act as the magnetic force that sort of holds together the undemocratic political and social structures that create social injustice and violence. In the rest of the chapter, we take a closer look at this phenomenon from its symbolic perspectives as well as its social dimensions.

But before delving into the analysis, it is of interest to point out a significant observation made in the field during the research. In most parts of the three provinces (especially in Western, Nyanza and parts of Rift Valley) when different potential respondents were approached and the purpose of the research explained to them, the spontaneous reaction to the elicitation was generally something like: “This is a waste of time; it is the wrong place to do research on violence….It is from those ‘others’ [i.e. the people of Central Province and Central Rift Valley] that violence comes. Here we live in peace.” Or, “But there is no problem here, we have always lived peacefully in Western Kenya with our neighbors.”

The feeling that there exists a general state of peaceful co-existence in most parts of the three provinces was pervasive. Even in the “hot-spot areas”, the respondents would point out that it was the ‘newcomers’ (people originally coming from outside the considered area) who were prone to violence. However, when prodded a little further, most of the respondents ended up stereotyping and sometimes making derogatory remarks about members of other communities.
But the idea of pervasive peace was also corroborated from other quarters. Most respondents that were not native to Nyanza province generally said that they found the local people extremely welcoming and friendly. The same case was noted in Western province and in many parts of Rift Valley. In the Waki report for instance, respondents from Uasin Gishu and even those from real “hot-spot” areas like Naivasha, pointed to the fact that before the post-election violence, they had always lived peacefully with their neighbors, even sharing and exchanging facilities and services among themselves (Waki Report 2008: 114). Under these circumstances, trying to understand what caused such friendly neighbors to turn into savages in a matter of a few days/hours is a puzzling question.

However, we gathered from the oral traditions and even present-day narratives, that communities in these parts of Kenya (that is Nyanza, Western, and neighboring parts of Rift Valley) had lived in relative peace, without major violent conflicts, before the coming of the British colonialists at the beginning of the twentieth century. Secondly, these groups did not have strictly marked boundaries as such but were in perpetual interaction (due to marriage, commerce, calamities, territorial claims, etc.), rendering boundaries and identities more or less fluid (cf. Doz, 1998).

We believe that this spirit of mutual respect and maintaining a state of harmony with neighbors is still very vivid in many people’s minds. Even where perceived differences were real (language and even origin), the local people had an established ethos for dealing with close neighbors, so as to promote peaceful co-existence. Evidence from folklore indicates that thriving relationships of interdependence flourish. Atieno Odhiambo gives an illustration of how indigenous philosophy and ethos were deliberately articulated to boost harmonious existence among neighboring local groups:

There is a Dholuo saying: 'Ka Lang'o ok kun e kuon' ('One cannot be coy, or choosy, about a Lang'o goodwill gesture'). This saying, or proverb, refers to the manners of association with others. If the Lang'o ('the others') offer you meat you do not hesitate in accepting [it]. If you hesitate, the Lang'o will eat all of it. It is understood that the “Lang'o” does not invite you to 'possess'; rather, he invites you to 'share'. The realm of manners between 'us' and 'them' is exposed as different. The proverb reminds the 'us' that in this setting of tension, in the interaction with the other, one should accept the rhythm, the etiquette, the presentation
of the other group. An implication is that to abstain is to lose all opportunity. The still
deep meaning is that I, as one of ‘us’, improve my position, or in difficult times survive,
by acknowledging, accepting, the terms of the ‘other’. One’s identity as ‘us’ is articulated,
reinforced, by accepting the terms, manners, routines of the ‘other’… In another way, the
proverb reiterates the power of everyday life in the constitution of ethnic boundaries and
ethnicities (Cohen & Odhiambo, 1987).

Such types of folklore are still very much alive especially at the grass-roots levels, and their
activation can prove to be very useful tools indeed.

Both Lonsdale (2000) and Doz (1998) agree that at the beginning of the colonial era, the local
social groups had very different experiences of living together from the “warring savage
neighbors” image that has been presented in mainstream history (Odhiambo, 2009). They claim
that though the groupings that were later “balkanized” into tribal groups by the British colonial
administration shared some common identity traits (language, customs etc), the reality was that,
according to the local perception, these common attributes, considered on their own, did not
constitute exclusive identity attributes for the local people. What this implies in essence is that the
local perception of identity attributes did not correspond to mainstream ethnographical
categorization, which was adopted for use by the colonial administration. Doz (ibid.) in analyzing
the origins of the Kikuyu is very candid on this point:

En resume, le groupe locale – entite essentiellement fluide – se definissaient principalement
par une unite de residence, une certaine communauta de liens de parente, une idiome et des
pratique sociales partagees, ce qui correspond a une definition privilegeant l’insertion
geographique du group ethnique. (p 19)
(Translation – In summary, the local group, an essentially fluid entity, defined itself mainly
by its place of residence, certain ties of kinship, an idiom and shared social practices; this
corresponds to a definition that prioritizes the geographical location as a privileged criteria
for ethnic group identity)

We learn from the same sources that indeed, linguistically connected groups lived in small
politically independent clans (or in small groups) that were scattered across very wide areas, with
very loose ties between them. They lived separated from each other by space and geographical features. For survival purposes, these clans often forged interdependence relations with their closest neighbors, with whom they shared the same ecosystem and pertinent social features of human interactions like kinship through marriage etc. As a result, functional identity attributes became more important, e.g. geographical setting, kinship, proximity, worldviews (respect for human dignity, for life and shared ethos), age sets, commercial relations, among others. Historical evidence collected from oral traditions of different clans indicate that some of these interactions usually led to whole groups losing some of the identity attributes that are religiously held onto by ethnologists like language, some customary practices, naming systems, foods etc., which were not considered as very vital for the group survival.

For instance, Doz (1998) notes that several reasons would from time to time force people to move and find new homes; drought, floods, pestilence, invasions, family conflicts etc. What can be noticed is that even where most identity attributes had been lost, the clan names continued to be retained under new re-appropriated identities. Examples abound all over western Kenya: “Kasagam clan” near Kisumu originally from Ebsakamu in Western Province, Jo Ka Wango in Kisumu West who trace their roots from the Wanga Kingdom of Western Province, the Sidho/Wang’aya clan in Nyando district who trace their roots from Kisii (or Suba) etc. In all these cases, the clans lost almost all their former identity attributes (language, various customs etc.), except their clan names. From these histories, it can be concluded that some of the attributes that were religiously used by ethnologists to classify and balkanize the local groups were actually optional attributes in local terms. An example from an oral history from the Karachuonyo clan in south Nyanza illustrates circumstances that could lead to new identities.  

According to the Rachuonyo Luo oral history, a man with direct ancestry to Ramogi – the Luo progenitor, crossed the Lake from the North and settled on the southern shores of Lake Victoria – the present-day South Nyanza. His name was Ojok and his wife’s name was Awando. They found a thick and dangerous jungle on this side of the Lake and were thought to have lived within or near the fortress – “Thin Lich Ohinga” (The fortress of the terrible jungle), which is now a national Heritage site protected by the National Museums.

7 Personal communication from Mireri J.M. – Head of Culture at Kenya National Commission (KNATCOM) for UNESCO – Nairobi
of Kenya. They had three sons, Rachuonyo, Wanjare and Omwa Otieno. It is said that tragedy struck the family when the three sons, now in their early adulthood, disobeyed their father’s instruction to go and watch over the crops against destructive wild animals. When he realized his sons had not responded to his instructions, the old man decided to go over and watch the field by himself without any further reference to them. After some time, not knowing their father had gone to the field, the boys had second thoughts and decided to do as the father had earlier on requested. So they armed themselves and went out to the field. While there, they heard movements through the thick plantation and thought it was an animal predator. They were determined to seize the opportunity to prove their worth as brave dutiful sons. Full of enthusiasm, they aimed (it is said it was Omwa’s spear) and struck as the creature approached them, but was still hidden in the thicket. As the spear struck, they heard their father’s voice cry out as he fell “The children have killed me!”.

The boys went into instant panic. Among the Luo, “spilling human blood” (homicide), even if accidentally done, is believed to have grave consequences of paranormal dimensions on the doer, and more so if it involves a close relative. It is said that the three boys immediately left the village running like haunted animals – in different directions. Omwa the most affected went all the way to some place west of the present-day Kisumu town and his descendants are part of the clans that inhabit this place. Wanjare ran very far inland to the east and settled among the neighbouring Kisii people. His descendants became the present Kisii clan by that name. Rachuonyo went as far as he could get and was adopted by the Chien family, who according to records did not speak the same language (so were not Luos). But Chien died soon after and left behind a young wife, called Omieri. Rachuonyo inherited the young woman and they had a child, Sipul – who is the ancestor to the expansive Kasipul sub-clan of Rachuonyo district (technically, a clan). Rachuonyo went on to have four more Luo wives, whose descendants form separate sub-clans of Rachuonyo district. Another interesting development from this incident is that Omieri had other children (not with Rachuonyo), whose descendants consequently got absorbed into the Luo Rachuonyo clan, while retaining the original patriarchal name, the Chien sub-clan.

Doz (1998) has also used a case study of the Kikuyu to illustrate this point. She starts her work by asserting that:
“Les Kikuyus” n'existaient pas en tant que tels avant la Colonisation...Le sentiment d’appartenir à une ethnie “Kikuyu” s’est forge au cours des luttes politiques, qui ont marquée le deuxième tiers de ce siècle, plus particulièrement, par invention ou par “l’imagination”.... (Translation – Kikuyu as a group did not exist as such before the colonial era. The sentiment of belonging to the Kikuyu ethnic group has been progressively molded in the course of political struggles that occurred in the second part of this century (20th century), particularly through invention and by imagination)

And she goes on to claim that:

Si les ethnies sont inventees par l'Etat colonial et les politiciens africains a partir des groupes locaux de la Frontiere pionniere (Kopytoff, 1987), elles sont ensuite imaginees par les membres des groupes locaux. Aujourd'hui, la polarisation de la vie politique kenyan sur des lignes ethniques et l'expulsion de groupes entiers pour cause d'epuration ethnique met en exergue les effets pervers des manipulations politiques de concepts ethnologiques. Politique, morale, ethos, invention et imagination se sont cotoyes pour donner naissance aux ethnies qui sont aujourd'hui un element dominant, voire exclusif, tant pour la construction de l'identite sociale que dans le champ de la politique nationale.

(Translation: The ethnic groups were therefore invented by the colonial state and the local politicians from the existing local groups. They were later imagined into reality by members of the local groups themselves. Today, the polarization of Kenyan political life on ethnic lines, leading to the expulsions of whole members of one community in the name of ethnic cleansing, reveals the perverse meaning that political manipulations has given to the ethnological concepts. Politics, morality, ethos, invention and imagination merged together to give birth to ethnic groups that have today become dominant elements, indeed an exclusive one in the construction of social identities as well as an important factor in the political arena.)

Atieno Odhiambo (see Odhiambo & Cohen, 1987) also writing about the colonial regrouping of the Luos into bigger clans expresses these same views:
Importantly, the Alego or Asembo identity was reinforced by the zoning of people into locations by colonialism. Some saw it in their interest to project this formalism back into the past; others to 'agree to agree' to this expression of the past. Moreover, the chief's court, or baraza, forged a new identity for people as the elders walked the main paths to Amoth Owira's baraza at Boro. The funeral associations in Nairobi, Mombasa, or Kampala served to reinforce these identities. As the “piny” were worked for their utility in the colonial and postcolonial period, so they became usable models for the simplification of precolonial spatial and social organization. The present remade the past, as reworked history legitimated the present.

Lonsdale (1966:10) on stating the same view, says:

Attention to public debate on the changing moral economy of reciprocity reverses the 1960s orthodoxy that social change 'challenged the meaning of tribe'. To the contrary, colonial rule and social change was what first made 'tribe' meaningful in Kenya's formerly chiefless small societies. Ethnic consciousness arose from an enlargement of moral community, not its contraction. Two processes were particularly significant here. First, the administrative geography which built state control became filled out with patronage and market networks, as social ambition formed around the state. Administrative districts were filled with a legal and political culture, elements of ethnicity. Vernacular Christian literacy, secondly, provided another element, when individually alienated converts read biblical images of ethnic destiny which shaped their local civilizing missions. Districts became not merely political arenas but imaginative domains.

In most cases therefore, the kinship (not necessarily biologically based) and the geographical location were the most significant attributes for group identity and political organization. But as has been mentioned, these groups were not closed units, but allowed for expansions/contractions; in other words fluidity was what characterized these identities.

Thus logically, the Luos of Ugenya clan in Siaya were closer to their Luhyia neighbors than they were to the Muksero or Kamagambo Luo clans in South Nyanza, who in turn found it more logical to be closer to their Kisii/Kuria neighbors. Among the Luo and the Luhyia one finds countless assimilated clans that originally came from elsewhere, with different identities. The same
phenomenon exists among the Kisii, Nandi, Kipsigsis, Masai, Kikuyu, mijikenda etc. Movements and intensive social interactions of social groups prevented identities from being fixed and crystallized. What is more? The fluid and changing nature of groups often lead to double or even multiple identities of individuals. Around Yala, Ugenya (Nyanza) and Maseno, Samia (Partly in Western Province), right up to Bungoma (Teso/Luhyia border), etc., there are still rampant cases of individuals that exhibit double ethnic identities (people who are able to switch identities according to circumstances). Indeed, we can still encounter many living examples of this phenomenon in our midst. It is worth noting that even within our present cabinet we have prominent citizens who have double ethnic identities: Maasai/Kikuyu, Maasai/Embu, Luo/Luhyia (cf. Doz, 1998).

Atieno Odhiambo gives a comical example of how individual identities were necessarily multiple and reflected the complexity of existing social interactive networks. He illustrates this by giving an example of a person coming back to his village in Siaya (Nyanza Province) after a long absence. The ideal way of re-bonding locally with his village reveals a very rich social network based on social interaction:

An assembly of elders playing Ajua (a local version of draughts game) at Boro will greet a returning urban salariat through all his simultaneous identities. The structure, in regard to a man coming upon this assembly, may run as follows:

*How are you?*

*The son of Gangu?* (referring to an ancient settlement gunda bur);

*The son of Boro?* (the identification of a present locational reference);

*The son of Agutu?* (bringing the notice of a respected mother);

*The son of Karuoth?* (referencing a clan identity);

*The son of the rulers?* (referring to the claims to ancient domination and present legitimacy of the lineage or clan of the traveller);

*The nephew to the Usonga people?* (referencing a prestigious pedigree);

*The cousin of Okoth the Night Runner?* (referring to the relevance of a shared story of bravado);

*The son of the people who roasted crocodile?* (a humoring and at the same time respectful glance at a brave reputation);

*The son of the brewers of the sausage tree?* (a joking reference to stories of revelry);

*Our son?* (a summary and empowering implication that the traveller is one of us).
He concludes:

The returning salariat finds his locus by recognizing this repertoire. This web of salutation simplifies a complex situation, because it commences with the individual at the center of the greeting, but then it comes to envelop those present, those saluting; in reality, it is society saluting itself, or, better still saluting its values and its present social categories through the greeting of new or old friends, in-laws or kinsmen. The village meets the man at the bus-stop (Odhiambo & Cohen, 1987).

Doz (1987) explains that the concept of tribe as it was instituted by the colonial administration therefore was not based on any reality on the ground, but a preconceived ethnographical framework that the British thought would be a fit-all jacket for any situation they were bound to encounter in their imperial pursuits. Indeed, evolutionism is intrinsically a pervasive idea in the concept of tribe. These dominant theories in Europe in the 19th century presupposed a hierarchy of human societies, according to their supposed position on the human developmental ladder. The classification criteria was based on the supposed evolution of social structures, based on set standards by Europeans from their own subjective persepctives. In brief, the colonialists used models that were familiar to them to judge and categorize the local communities in Kenya. At the beginning of the twentieth century, the ethnological ideas were bolstered by fecundity in publications. They subsequently became very popular among missionaries, explorers, and even scientists. But as Kopytoff confirms this framework missed its mark by a wide margin:

In Africa, as elsewhere, the conjunction within a "tribe" of physique, language, custom, polity, and group-identity is the rare exception rather than the rule. The term "tribe" was consequently applied by European explorers, administrators, and finally anthropologists to a variety of different groupings, with an emphasis on one or another criterion - in one place it was a polity, in another a linguistic unit, in a third, a cultural grouping. But the term has continued to carry its implicit meaning that, in turn has presupposed a particular historical process: an ethnic germ, its beginnings list in the mists of the past, growing through time, retaining its essential character, and becoming a people that, in turn, becomes or deserves to become a nation" (Kopytoff, 1987 – cited in Doz, 1998).
Nevertheless, the use of these badly adapted models made it easy for the bewildered colonialists, lost in the new colonies, to have some point of reference, which allowed them to make sense of what to them were complex and often highly confusing realities. Paradoxically, the highly falsified and mischievous framework has also been useful because it succeeded in generating a vast amount of study in the field of ethnography, a feat which would not have been possible if a more realistic view that took into account the fluidity of identities had been the norm. In retrospect therefore, the large amount of literature now at our disposal makes it easy to have relevant data that conclusively allow the deconstruction of the concept of tribe and puts serious doubt on the authenticity of all the subsequent groupings that were made using its framework by the colonial administration.

It was not until after the Second World War that critics strongly challenged the concept of “tribe”, pointing out its underlying racist implications. By mid 1960s, “tribe” was gradually replaced by the use of the term “ethnic group” or ethnicity which underlines the importance of self organization and self definition. Nevertheless, many critics have continued to note that “ethnicity” is simply an avatar of “tribe”, given the fact that even here one is still required to make abstraction of the fluid nature of identities found within the African settings (Doz, 1998). The ethnographic procedures still require that an ethnic group should be defined by its specific observable features, distinct from all others, to enable the construction of an accepted area of study. As Doz (ibid.) points out, by identifying specific features for study, there is a risk of privileging some identity traits over others, forgetting that these traits may not have exclusive values but are rather interdependent on each other. It becomes apparent therefore that using models such as these to analyze social realities will still most likely give erroneous local representations.

The second level of deconstruction, according to Doz (ibid.), is based on the fact that after independence, the African societies seem to have consequently opted to accept and adopt (re-appropriate) the colonial view of their identities as fixed, crystallized entities, contrary to the reality they lived. An inherent contradiction stands out in this position; by accepting to adopt these new frameworks of identities, it decisively demonstrates that these identities are in fact non-static but are fluid and evolving. It confirms the view that they can therefore easily change from one state to another and refutes any conjecture that they could contain inherent crystallized properties
as the present mainstream discourse would want us to believe. Essentially, it reaffirms the view
that within the African societies, ethnic identities should be viewed rather as a process:

   Implied is that ethnicity is not a state of affairs or a quality of persons, rather it is a process
   in which identities are fashioned through creative use of signs to constitute notions and
   institutions of selves and others (Galaty, 1993 – cited in Doz, 1998).

In our view, these histories of re-appropriation of new identities are significant because not only do
they affirm and emphasize the underlying fluidity and translatability of identities within the
Kenyan social settings, but much more important, it allows us to see beyond the present impasse of
ethnic crisis in the country and make projections for possible reconstructions and re-appropriations
of other functional identities based on societal needs. According to Lonsdale (1992:16), this is the
same imperative that prompted the formation of the Kikuyu as an entity – the forging of group
identity around a common political purpose to determine the group’s destiny:

   ….These cross-border forays revealed a larger political arena in the mind. The arena
became a tribe, a community far from the traditional and almost new. People did not
remain but became Kikuyu. Tribe became a body of defence against and demand upon the
state, a formerly unimaginative role.

However, the intriguing question is why, at independence, it was so important for Africans to re-
appropriate the false identities that had been imposed on them, when clearly it was in the interest
of everyone to use the common political purpose of political independence to reconstruct a
nationalist identity. Why instead was ethnic identity reinforced with so much enthusiasm and
relish?

As Lonsdale (2000) and Odhiambo (1987) explain above, several factors were at play. The
administrative strategy of divide-and-rule was largely responsible for reinforcing the imagined
identities. On the other hand missionaries translated bibles into selective dialects of major
languages and this reinforced the idea of a common language. On this note, one also notices the
prominent role given to mythology and genealogy of social groups among Kenyans (even among
scholars) in years following intensive interaction with missionaries. This points to the influence of
the bible imageries, especially the lyrical struggles of the Jews as the “chosen” people (special and distinct from all others), and perpetually under threat, being surrounded by enemies, but uniting under some great prophetic, charismatic leaders in their struggles to survive. However, of all these, perhaps the most effective factor responsible for the re-appropriation process is Mamdani’s (1996) concept of the “containerized” administrative structures of the colonial era, which created administrative barriers between formerly interactive neighbors and established real and perceptual physical/cultural distances. Finally we can also cite the case of the few vanguard African elite, who could already see how they stood to benefit from this whole set up, especially as the ethnic-based set up offered them considerable advantages in the competition for power and accumulation of material resources:

Gradually, the overlapping, large identities that had shaped interaction in the regional context gave way to a more exclusive identification with ethnic groupings such as Kamba, Gikuyu, Embu, or Meru. In a period of rapid social, economic, and political change, tribes were seen as the vehicles of individual and community progress. The competition for the resources of the state increasingly pitted tribe against tribe (Doz, 1998).

Arguing the same point in the 1990s, Mutahi Ng'uni is also of the opinion that:

Ethnicity and ethnic alignments are outward manifestations of either intra-elite conflicts or shifts in alliances. Similarly, patron-client relationships within civil society are either mechanisms of balancing the constellation of elite assemblage around the ‘porkbarrel’, as the case is with the Moi regime, or mechanisms for ensuring the client is perpetually tied to the coat-tails of upper class patron (Narman, 2003).

From this perspective, we would like to make a very poignant point here: that indeed ethnicity is not a cause for violence. It can easily be argued out that it is indeed VIOLENCE itself and that its dynamics get played out at several levels. It can also be argued that this may be where we have been missing the point: focusing on the visible manifestations of violence and branding ethnicity as one of the root causes of that visible violence. As stated earlier, ethnicity is violence because it is the framework that holds the population in mythical captivity while the exploitative, violent structures continue exploiting the society, unabated.
But to put this in its proper perspective, we should remember the context in which ethnicity was invented and imposed on the Kenyan people, indeed on Africans as a whole. It was during the colonial epoch, a historical period driven by raw savage imperatives of capitalism. One remembers the cut-throat competition among the industrialized countries during this period, each trying to outdo the other, as they strove to make profit at whatever cost. The fact that it was the capitalistic push that was behind the colonial venture, means that we should not only be concerned with the sort of harm that it did during that period. More important is the harm it still continues to do and/or has the potential to do. Numerous historians have strongly expressed sentiments that it is important to investigate capitalism from these perspectives (e.g. Johnson 1996; Leone 1995; Little 1994; Orser 1988, 1996: 71-81; Paynter 1988 – all cited in Orser, 2005). Prominent among the reasons for this caution “is the inescapable reality that capitalism's economic conditions affect myriad social and cultural aspects of life throughout the world. There are now many efforts that seek to illuminate capitalism in its many historical forms and regional expressions in the modern-world” (Orser ibid.).

Orser (2004) concludes that it is by taking side glances into the past that we can provide innovative theoretical trends in understanding our societies - especially those that came under direct experience with these worst forms of capitalism. These levels of analysis are especially useful in providing new perspectives on the role capitalism has played in the institutionalization of violence in former colonies and how they have undergone configurations that make them invisible and therefore undetectable. Zizek (2005) explains how the present state of capital has configured itself and become so utterly indifferent to social reality:

“Reality” is the social reality of the actual people involved in the interaction and in the productive processes. “Real” is the inexonerable “abstract” spectral logic of capital that determines what goes on in a social reality. One can experience this gap in a palpable way when one visits a country where life is obviously in shambles. We see a lot of ecological decay and human misery. However, the economist’s report that one reads afterwards informs us that the country’s economic situation is financially sound. Reality does not matter, what matters is the situation of the capital.
Ethnicity can therefore be looked at as a mutation of colonialism in that like the latter, it is still a violent state where the majority are still held in mythical captivity by an exploitative and devastatingly manipulative capitalistic process. In the chapter on literature review, we did identify the symbolic violence (invisible) as a conceptual tool we were going to use to understand the Kenyan type of violence. Ethnicity, due to the fact that it operates at “ground zero level”, is undetectable and therefore very useful in maintaining and reinforcing other violent structures that the study identified as existing within the Kenyan society. In Kenya, we can claim that ethnicity manifests itself in many forms; it creates and sustains conditions of disunity and so allows nepotism, cronyism, corruption, greed, discrimination, marginalization, etc. to go unabated. It also interacts with other violent structures and in actual fact acts as their pillar of support (especially by deploying ethnic blind political alliances and ethnic balkanization of power) that sustains the status quo. We are aware for instance how a flawed undemocratic constitution in Kenya has evolved and been maintained by cleverly using ethnic divisions and rivalries to keep people from uniting and putting their voices together for a common cause. Instead their focus has cleverly been taken away by trivialities, myths and “half-truths”, being peddled by the elite. Certain identity attributes that had other meanings (having little to do with separating the “us” and the “them”) in real social settings, have now been repackaged and used as exclusive criteria, to exclude the “others” (circumcision, language, naming systems, various customs etc).

What is important for retention in this analysis is the revelation that in fact ethnic identity, as it operates today in our social context, is largely an imagined state, reified and sustained by myths and ideology, power etc, and that it serves specific interests. The interests it serves are not those of the majority but those of the people who are privy to some weird pact. One story from a film by M. Night Shyamalan has been used to illustrate how mythical, fear-engineered situations are vital characteristics of symbolic violence whose function has other ulterior motives that serve only a select few (Zizek, 2005). The film is simply called “The Village”.

*A village in Pennsylvania is cut off from the rest of the world and surrounded by woods full of dangerous monsters, known to the villagers as “those we do not speak of”. Most villagers are content to live by the bargain they made with the creatures: they don’t enter the forest, the creatures don’t enter the town. Conflict arises when the young Lucius Hun wishes to leave the village in search of new medicines and the pact is broken. Lucius and Ivy Walker, the village*
leader's blind daughter, decide to get married. This makes the village idiot madly jealous; he stabs Lucius and nearly kills him, leaving him at the mercy of an infection that requires medicine from the outside world. Ivy's father then tells her about the town's secret: there are no monsters, and the year isn't really 1897. The town elders were part of a twentieth-century crime victims' support group which decided to withdraw from the century completely; Walker's father had been a millionaire businessman, so they bought land, called it a “wildlife preserve”, surrounded it with a big fence and lots of guards, bribed government officials to reroute aeroplanes away from the community, and moved inside, concocting the story about 'those We Don't Speak Of' to keep anyone from leaving.

With her father's blessing, Ivy slips outside, meets a friendly security guard who gives her some medicine, and returns to save her betrothed's life. At the film's end, the village elders decide to go on with their secluded lives: the village idiot's death can be presented to the uninitiated as proof that monsters exist, thereby confirming the founding myth of the community. Sacrificial logic is reasserted as the condition of community, as its secret bond.

The idea underlying the film is thus the desire to recreate a closed universe of authenticity, in which victims, of a pact made between two forces, are held captive through the use of images of fear and threats. This story illustrates how negative ethnicity, as practiced in our Kenyan context, is also a way of holding whole communities in perpetual bondage, through the use of elements of fear, insecurity and manipulation. The main effect of this process is that it makes the victims confuse their tormentors for their benefactors. This is done in very subtle ways. The perpetrators of violence pass as real good people, whose sole aim in life is to take the best care of the interests of their victims. In our situation in Kenya, these pose as patriots, valiant sons of their respective communities, in the image of traditional warriors, who were always ready to sacrifice: to attack the enemy and protect the ethnic patrimony. But on the other hand, they have a secret pact to keep: their conspicuous taste for material possessions and power to keep the capitalistic machinery perpetually in motion in the continent.

These are the same mutated forms of capitalism that Zizek (2005:11) criticizes:

In liberal communist ethics, the ruthless pursuit of profit is counteracted by charity. Charity is the humanitarian mask hiding the face of economic exploitation in a superego blackmail
of gigantic proportions. The developed world help the underdeveloped with aid, credits and so on and thereby avoid the key issue, namely their complicity in and co-responsibility for the miserable situation of the undeveloped....Whether sincere or hypocritical, it is the logical concluding point of capitalism circulation necessary from the strictly economic standpoint, since it allows the capitalist system to postpone its crisis. It (humanitarian aid etc) re-establishes balance, a kind of redistribution of wealth to the truly needy, without falling into the fateful trap: the destructive logic of resentment and enforced statist redistribution of wealth, which can only end in a generalized misery...

Talking about the new mutated capitalists, Zizek could very well be talking about the Kenyan leaders, as viewed within their ethnic enclaves:

Above all (they) are the true citizens....They are good people who worry.... They see deeper causes of today’s problems....Their aim is to change the world...though if this makes more money as a by-product, who is to complain? Bill Gates is already the single greatest benefactor in the history of humanity....The catch of course is that in order to give, you first have to take....The justification of liberal communism is that in order to really help people, you must have the means to do it.

Such views make us believe that the elite are themselves in turn victims – they have been converted into cogs in the machines for conspicuous consumption of western goods – because these have been embellished with symbols of power and higher social status (big houses, big cars, big tracks of land etc). They have been turned into slaves because in order to fulfill their social status image they have to go on feeding the capitalist system, which in turn means they have to continue exploiting their own people and accumulating power. How else can one explain the fact that a free man/woman making informed choices as a leader, can spend the very scarce resources in buying the latest state-of-the-art car (that only Hollywood stars dream about) in a country where children are dying from lack of food or medicine? How else can a free man/woman making informed choices rob poor innocent children of primary education, probably the only benefit they will ever have from their government, when their own children/grandchildren are in exclusive boarding schools in Switzerland? Zizek (ibid.) is of the opinion that there is a hidden faceless sinister force that drives and controls people and events in our societies:
So Marx’s point is not primarily to reduce this second dimension to the first one, that is to demonstrate how the theological mad dance of commodities arises out of antagonisms of “real” life. Rather his point is that one cannot properly grasp the first (the social reality of material production and social interaction) without the second. It is the propelling metaphysical dance of capital that runs the show; that provides the key to real life developments and catastrophes. Therein resides the fundamental systemic violence of capitalism, much more uncanny than any direct pre-capitalist socio-ideological violence; this violence is no longer attributable to concrete individuals and their evil intentions, but is purely objective, systemic, anonymous.

At this level then, we come to the final layer that hides the real root cause of violence; the final beneficiary of this cycle of violence is the configured capitalist system. All other factors are really tools of violence that it uses to perpetuate the smooth running of its own capitalist machinery. The most effective of them is ethnicity that holds together other tools. From this stand, it seems that the most probable way that the Kenyan society can positively embark on a progressive transformation process is by engaging a sustained onslaught against these tools of violence and more particularly against negative ethnicity. This is what will subsequently see all the other violent structures and systems crumble. In other words, negative ethnicity should be put squarely on top of the intervention agenda.

We are aware that even with the best constitution, there is no guarantee that the society will be able to move ahead, when still under the debilitating grip of ethnicity. History can bear us out on this. We know, for instance that as early as 1786, the USA had produced the American constitution, which can rightly boast to be one of the highest quality documents in its category. Yet it took the society close to two hundred years before they could actually begin to put into practice the principles of their wonderful constitution for the benefit of everyone. But to achieve this, they first had to undertake a systematic attack on the forms of symbolic violence; and this came in the form of the Civil Rights Movement championed by charismatic leaders like Martin Lurther King and Malcom X. It is from then on that social justice was put at the centre stage of the national political discourse. Before this consciousness came to be, social relations in fact went from bad to worse, as the symbolic forms of racism and exploitation underwent several mutations and took new
dimensions and dynamics. Malcom X’s theory of the “field Nigger and the house Nigger” is illustrative of the many mutations that the exploitative slave system underwent. We must be aware that the mutative qualities of capitalism are as much alive today as they were at the beginning of the last century. Like Zizek, Tandon (1999:18) reinforces the same caution against the mutating self-perpetuating nature of capitalism:

….We discovered that whilst there is much that may be accepted in the mainstream analysis, it suffers from severe faults. Its principal fault is that it does not adequately analyse the international, or global, dimension of the conflicts in Africa, and it does not connect various factors in a holistic manner. We discovered that this is so because of its stake in the preservation of the existing system, which leads the analysis to become ideological. Thus, the very factors that have impoverished Africa – namely exploitation by foreign capital under conditions of "free market" - are the ones offered by mainstream thinkers as “solutions” to Africa’s economic woes.

3.4 Conclusion
The idea of symbolic violence was useful in this context in exploring the causes of violence in the Kenyan setting and helped in understanding the symbiotic relationship between various violent structures and the subsequent dynamics at play. The process of deconstruction was an important part of the analysis because it revealed how the distortion of a people’s reality at the symbolic level can become a very powerful tool of subjugation; one that does not require the use of any observable force. Indeed, it is a form of violence that reinforces and sustains other violent structures, thereby perpetuating the state of violence, while assuming at the surface a benign, normal and permanent (crystallized) state of the social reality. Such a phenomenon is not unique to the Kenyan context. Social theories have often posited and problematized similar instances that get propagated within superstructures through ideologies and discourses of the ruling class.

In this study, the Village story provides a powerful situational discourse in which Kenyans can view their own realities. The discourse constitutes an imagined reality that normalizes the subordination of authentic interests of the masses, within a social space that prioritizes interests that are external to the people’s circumstances. It also highlights the power of fear, distrust and manipulative maneuvers that reify imagined mythical images, useful in indefinitely holding the
masses in perfect bondage. This insight reinforces Tandon’s (1999) view that it is necessary to invest in an informed and critical public; a state which favors the mobilization process of the grassroots. He sees this as the most feasible solution to the current developmental impasse Africa is experiencing. His explanation (loc. cit.) is as follows:

Only self-motivated endogenous development undertaken by people at the grassroots, and a radical restructuring of the terms of integration into the global economic system, can lead to both material growth and peace in Africa....However, this is not a task that can be left to the state in Africa. The African state is constrained by the terms of integration into the global economy, and by the specific interests of the elite who are in control of it. The African state tends to place the interests of foreign capitalists above those of the indigenous population, and to be accountable to the World Bank and the IMF rather than to its own people. The necessary political change in Africa can only come about as a result of action by grassroots communities to create alternative systems of organizing production and political life. The nation state in Africa is under threat by the forces of globalization, but it needs to be heaved back to serving the interests of the common people and be accountable to them.

What this means in essence, is that since the maintenance of the status quo has depended very heavily on manipulated ontological discourses and imaginings of the masses, agency in this case is necessarily located within the capacity of the grass-roots to directly intervene in transforming and altering the dialectics in question. It will require such creative acts to transform existing situations where both the oppressed and the oppressor in the continent find themselves victims of the self-perpetuating capitalist machinery. The area of concern will therefore have to go beyond the usual mainstream discourses that are generally limited to economics and governance issues and extend to the realms of ontological dialectics.

From this perspective, it can be posited that the social transformation will start at that moment when the grassroots and all the other oppressed groups accept to engage in the process of breaking away from the oppressor’s internalized realities – (in this case, the symbolic violent structures of ethnicity and all the histories and theories that pertain to it), in order to forge a parallel system of ontological meaning; one that is capable of producing a unity-based ideological source of agency.
This particular moment may finally represent the authentic situation that has so far eluded Kenyans; a space where the liberation processes for both the elite and the masses will be enacted. The idea is central to Paulo Freire’s celebrated work: ‘The Pedagogy of the Oppressed’, where he says, for example (Freire, 1993: 1):

This, then, is the great humanistic and historical task of the oppressed: to liberate themselves and their oppressors as well. The oppressors - who oppress, exploit, and rape by virtue of their power - cannot find in this power the strength to liberate either the oppressed or themselves. Only power that springs from the weakness of the oppressed will be sufficiently strong to free both. Any attempt to “soften” the power of the oppressor in deference to the weakness of the oppressed almost always manifests itself in the form of false generosity; indeed, the attempt never goes beyond this. In order to have the continued opportunity to express their “generosity,” the oppressors must perpetuate injustice as well. An unjust social order is the permanent fount of this “generosity” which is nourished by death, despair, and poverty. That is why the dispensers of false generosity become desperate at the slightest threat to its source.

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PART TWO

Field Findings
4

RIFT VALLEY PROVINCE

George Odhiambo Kabongah & Otieno Ombok

4.1 Introduction

This chapter analyses the research results from the Rift Valley Province of Kenya. The province includes the districts of Kericho, Bomet, Narok, Kajiado, Trans-Mara, Molo, Nakuru, Naivasha, Trans Nzoia, the larger Uasin Gishu, the Kerio Valley, Baringo and Turkana. These regions are characterized by simmering and often active historically-bred tensions and consequently have been battlegrounds for open conflicts.

4.1.1 Research design

In conducting the research, a combination of scheduled interviews, focus group discussions and interviewer observations was used to achieve qualitative information on the causes and impact of conflicts in the province. The broader methodological strategy was to analyze the critical conflicts in the region and their causes and impacts on the populace; then, make appropriate and necessary recommendations for conceptualizing the process of putting in place a peace education programme, targeting the districts in the province. The following distinct steps were followed:

- Holding a meeting of the Research Team to draw up the ToRs and the contracts for the Team and Selecting the enumerators;
- Holding a consultative meeting of the Research Team to deliberate on the design and other aspects of the research methodology;
- Developing a work plan;
- Training the enumerators;
- Carrying out literature and desk reviews of relevant documents, including the scheduled interview and focus discussion guides;
- Conducting a qualitative research using interview schedules, participant-observation and focus group discussions;
• Analyzing the data, and writing and presenting the report; and
• Organizing/attending a validation workshop.

4.1.2 Research context

Administratively, the research covered all districts in the province. The first context was largely related to the post-election violence associated with the December 2007 general election. As already mentioned earlier, disputes over the presidential votes triggered violence not only in the Rift Valley Province but also in Nairobi Province, Western Province, Nyanza Province, Coast Province and, on a relatively smaller scale, Central Province. The second context has to do with the historicity of the province (Rift Valley) in relation to three factors: the resistance against the construction of the railway line in the late 1890s to 1910, the violent objections to the settlement of colonialists in the region, and conflicts related to the land question during and after colonial rule. Moreover, political assassinations, detention without trial, rigged elections, corruption and ethnicization of the State have over the years created and exacerbated tension in this province - the largest and most agriculturally rich one in Kenya.

4.1.3 Research population

The research was conducted among NGOs, FBOs, CBOs, community (opinion and religious) leaders, out groups, youth/children, women, the business community, IDPs/squatters (e.g. in Kivunja), and the elite in the various communities.

Purposive sampling was used to identify 149 respondents in total for the scheduled interview tools and the four focus-group discussions. Each focus group comprised of twelve participants who were members of the local geographic community but with the required diversity of age, education, work background and ideology where possible. The focus-group discussions were held in Sinendet village of Sarambei Sub-location, Mau Summit Location in Kuresoi District and Kilgoris town of Trans Mara district for the South Rift, and Eldoret town and Moiben for North Rift.

4.2 Background

Rift Valley Province of Kenya, bordering Uganda, is one of Kenya's seven administrative provinces outside Nairobi. Dominated by the Great Rift Valley which passes through it and gives the province its name, it is the largest, most populous and one of the most economically vibrant provinces in Kenya. The administrative town is Nakuru.
According to the 1999 Kenya National (population) Census, the province covers an area of 173,854 km² and with a population of 6,987,036 inhabitants. It is home to 25% of the population of the country – almost 7 million people. The population is almost evenly divided between men and women. 46% of these are children aged below 15 years of age. The province has the second highest fertility rate at 5.3 children per woman of childbearing age. It has a population density of
38 people/km$^2$ on average. This varies from district to district and some of the districts are quite densely settled. Life expectancy in the province, at 58.5 years, is a little bit higher than the national average of 54.7 years. Stretching from north, around Lake Turkana, it goes down through the whole length of Kenya and beyond. The geographical features of the Rift Valley are unparalleled in most parts of the world. The highlands provide adequate rainfall for farming and agriculture, which is the economic base of the Rift Valley people. The region has other important geographic features such as: the extinct volcanoes Mount Longonot and Mount Suswa, in addition to Lake Baringo, Lake Bogoria, Lake Magadi, Lake Nakuru, Lake Naivasha, the Suguta Valley, and Lake Turkana. The Elgeyo Escarpment is a major tourist attraction in the province.

However, agriculture, not tourism, is the Rift Valley’s economic flagship. Tea estates are lush in Kericho District. In addition, the horticultural sector is fast growing, providing extra economic empowerment in the Rift Valley. Cattle rearing and other forms of animal husbandry are also practiced to a large extent here. The economic potential of the Rift Valley is immense and remains to be fully exploited.

The people of the Rift Valley are hard-working and, were the economic conditions in the whole country to improve, they would benefit to a great extent. They are a mixture of different tribal identities. Most of Kenya's top athletes hail from the Kalenjin community. The Maasai people, with the most recognizable cultural identity in and outside Kenya, serve as Kenya's international cultural symbol. The Kalenjin and the Maasai are only two of the many communities that call Rift Valley home. Other communities live here as well. People in the province are mostly rural, although they are generally quite familiar with urban ways of life. Towns have sprung up over the years to enhance rural-urban migration. Provided the right policies are instituted, Rift Valley province can emerge as the economic and cultural ‘mecca’ of Kenya. More than 65% of the province’s children of school-going age are enrolled in primary schools, while 18% of the teenagers are in secondary school. This reflects the national trend of low secondary school enrolment. In terms of infant mortality, the province ranks third in the country – third lowest number of children who die before their first birthday. Less than 30% of the houses are constructed of permanent materials. Rift Valley has the highest number of health facilities in the country (Little Facts Book, 2002).
4.2.1 Historical background

The coming of the settlers is usually seen largely as an accident because the intention of the colonialists was to get the railway going to Uganda, but on realizing that the features and general climate were favourable for their habitation, they decided to occupy what is now referred to as the White Highlands. The Imperial British East Africa Co. (IBEACo) worked on the initial stages of the colonization and later handed it over to the British East African Protectorate.

The land question became a major issue by 1932 as Kikuyus were displaced in Central Province and were forcefully used as labourers in the White Highlands. When the wars of resistance in the 1900s started, they were intended to either resist the construction of the railway which many seers (Sendeyio, Wangombe, Koitalel) had foreseen as a bad omen or to reoccupy land that was in the hands of the colonialists. At independence many hoped that the first issue to be settled would be about land, but instead the Kenyatta regime made it worse when he resettled Kikuyus in the Rift Valley. Later other people bought land on their own in different parts of the Rift Valley based on their own capabilities. Some could access bank loans, while some were salaried workers who had their own money. Some others went through the Commissioner of Land or Provincial Administration and grabbed land from the Rift Valley people, sometimes in the guise of public use only to be privatized later. Locals refused to buy land claiming they could not buy land that was theirs to begin with. From whom were they to buy the land? (Peacenet Kenya, 2008).

Many policymakers and journalists the world over believe that the causes of conflicts especially among different ethnic groups are simple and straightforward. The driving forces behind these conflicts, even if not violent it is said, are the “ancient hatreds” that many ethnic groups have for each other (Brown, 1996: 209). In Kenya therefore, these deep-seated animosities were held in check for the first thirty years of independence by the authoritarian single party KANU rule. The introduction of multi-party politics in 1992, it is argued, took the “lid” off these ancient rivalries, allowing long-suppressed grievances to come to the surface and escalate into violent conflicts. In such a case, one can paraphrase Bill Clinton’s argument and state that the end of single party KANU rule “lifted the lid from a cauldron of long simmering hatreds. Now the entire country is bloody with such conflicts” (Clinton, 1994) because the lid has been removed.
Many scholars, and our research concurs, reject this explanation of inter- and intra-communal conflict. This simple but widely held view cannot alone explain why violent conflicts have broken out in some places but not in others and why some conflicts are more violent and harder to resolve than others. This single-factor explanation cannot account for the variation we see in the incidence and intensity of ethnic and internal conflicts in the Rift Valley region.

Our analysis of the causes of inter-ethnic and internal conflicts in the Rift Valley is based on Azar’s (1990) theory of Protracted Social Conflict (PSC). First, the research identified seven main sets of underlying factors that make Rift Valley Province more predisposed to violent conflicts than other provinces:

- Resource-based competition – natural and socio/economic in Trans Nzoia/Uasin-Gishu;
- Ethnicity – heightened by political incitement in Eldoret and Burnt Forest;
- Land/boundary issues – historically demarcated in Turkana and Pokot;
- Historical injustices/grievances – land tenure systems, resettlement schemes in Cherangany and Kitale;
- Unjust/inequitable resource distribution by state and non-state actors – especially in relation to infrastructure in the semi arid areas;
- Lack of sustainable peace building mechanisms – affecting the whole North Rift; and
- Environmental degradation – especially deforestation in Nandi and Eldoret forests.

These findings are in line with Azar’s contention (op. cit.) that “the sources of such conflicts lie predominantly within (and across) rather than between states.”

Second, the research findings show that the catalytic factors or triggers of ethnic and internal conflicts in Kenya have received far less attention from policy-makers/scholars and that conflict can be triggered in several different ways. Third, we argue that there has not been enough attention, in particular, given to the roles played by the political elite in transforming potentially violent situations into deadly confrontations. The actions of the political elite trigger many internal conflicts.
4.2.2 Qualitative analysis of data collected

Structural causes of violence in Kenya as highlighted in the SCA of 2007
(Strategic Conflict Assessment Report, 2007)

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<th>Security</th>
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<td><strong>International/Regional</strong></td>
<td>Colonial inheritance of land tenure and ‘historical injustices’</td>
<td>Spill over from regional conflicts</td>
<td>Illegal economies with international and regional linkages</td>
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<td>Availability of Small Arms and Light Weapons (SALW)</td>
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<td><strong>National</strong></td>
<td>Ethically based patronage politics</td>
<td>Corrupt, inefficient and un-trusted security and judicial institutions</td>
<td>Economic marginalisation of certain regions</td>
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<td>Corruption and impunity</td>
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<td>Social exclusion and inequality</td>
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<td>Incitement to violence</td>
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<td><strong>Local</strong></td>
<td>Existence of ‘Ungoverned spaces’</td>
<td>Existence of criminal groups and militias filling a ‘security vacuum’</td>
<td>Contested control over and access to resources – including land</td>
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While not all the factors in the above table are applicable to the Rift Valley situation, the majority are (applicable), as we demonstrate below in our analysis of the findings.

4.3 Conflict in the Rift Valley Province
4.3.1 Ethnicity/Ethnic distrust

The term *ethnicity* comes from the word ethnic and is used by historians to mean "the character or quality of an ethnic group". The 1973 *American Heritage Dictionary* gives a more extended definition in which ethnicity refers to “the condition of belonging to a particular ethnic group or ethnic pride.” Ethnic conflict must therefore be conceived as a process in which collective human needs and fears are acted out in powerful ethnic ways. Such conflict is typically driven by non-fulfillment or threats to the fulfillment of basic needs (Kelman, 1996).

Patronage politics, the political manipulation of ethnicity and sharp horizontal inequalities have reinforced an undercurrent of ethnic tension in Rift Valley Province. Ethnicity has now become the
dominant identity in the region, even amongst the middle class, leading to high levels of fear and mistrust between communities.

Ethnicity as an identity was cited by many as the major cause of conflict in the North Rift. For instance, Molo which has a multi-ethnic population consisting of Kikuyus, Kalenjins, Luos, Kisiis and other smaller tribes has seen ethnic tensions rise since the introduction of multi-party politics. Ethnicity plays an important role in identity, perceptions and interpretation of events. Ethnicity leads to stereotypes and prejudices which cause conflicts in several ways. For instance, among the Kalenjin\(^1\), there is a belief that Kisiis are witches and so the sight of a Kisii next to a Kalenjin’s field of maize tends to raise the suspicion that s/he might have bewitched that Kalenjin’s crops. An attempt by the concerned Kalenjin person to force the Kisii ‘witch’ to remove the bad spell may lead to a fight and even the death of somebody.

Kikuyu-Kalenjin relations are the worst in terms of ethnic tensions related to politics and economics in the agricultural and urban areas; the ethnic violence among the Turkana, Marakwet and Pokot has roots in cattle rustling. There are feelings of superiority and inferiority among these communities and a belief that certain communities have dominated their hosts especially in cosmopolitan regions such as North Rift. This scenario has led to the balkanization of certain areas for particular communities. The balkanization is further enhanced by the common feeling that the hosted communities sold some land in their possession to people of their home communities to bolster their security. This touches on the thinking that historical injustices have consequences for inter-ethnic relations on political and economic considerations.

In the semi-arid areas, ethnic tensions are fuelled by boundary demarcation and animal rustling. High mistrust envelopes the neighbors living near the boundaries due to the cycle of conflict and violence related to cattle rustling and the resultant deaths.

Three points should however be kept in mind about ethnic conflict. First, ethnic homogeneity is no guarantee of internal harmony: Somalia is one of the most ethnically homogenous states in sub-Saharan Africa, yet it has been ridden by clan warfare and competition for power between and

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\(^1\) A submission by a participant at a Group Focus Discussion held in Sinendet village of Sarambei Sub-location, Mau Summit Location in Kuresoi District and Kilgoris town of Trans Mara district.
among local warlords. Secondly, ethnic conflict is inherent in multi-ethnic societies. Groups will inevitably disagree about political, economic, and social issues, and in multi-ethnic countries the fault lines will often be defined in ethnic terms. Lastly, ethnic conflicts are not necessarily violent conflicts. Thus, attempts to establish the place of ethnicity in violent conflicts are complicated by the fact that ethnicity has to be considered together with other interrelated causes of conflict at the same time. In fact, some ethnic conflicts are driven by a combination of ideological, criminal, political, and ethnic motivations; and some conflicts mutate over time. Most power struggles, moreover, are characterized by the protagonists in politically convenient ethnic or ideological terms. These complications make analysis difficult but not impossible.

4.3.2 Patrimonial and ethnic-based politics
The stakes in the Kenyan political system are high. A ‘winner takes all’ political system means that political contests have become all the more charged because of what is at stake; those who achieve political power benefit from widespread abuses including impunity for political manipulation of violence, criminal theft of land, and the corrupt misuse of public resources – indulgences which occur at the expense of groups who are out power. The vehicle for electoral success is support from regional ethnic power barons who are in turn rewarded with opportunities and patronage. Public office is seen by many as a means for the political elite to access state resources, ‘privileges’ and opportunities for predatory behaviour (Njuguna et al. 2004: 27). Additionally lack of civic education and therefore lack of participation or uninformed participation leads to bad politics and election of bad leaders.

4.3.3 Land allocation and distribution
Land has been an underlying factor behind much of the conflict in the Rift Valley, as well as being critical to the more localised ongoing conflicts in Kajiado and Molo. During the colonial era settlers seized 20% of Kenya’s land in an area that came to be known as the ‘White Highlands’, encompassing parts of the Rift Valley, Nyanza, Western and Central Provinces. They subsequently established laws of land tenure which made no provision for collective land rights and customary tenure for groups who based land use on traditional practices.

In 1962, a scheme, largely donor-financed, was put in place to transfer 1.17m acres of land back to African ownership. The original plans intended that these settlement areas would be taken up either by workers who had “squatted” on the land or by the neighbouring communities that laid
claim to the land. However, most of these intentions were thwarted by a simultaneous policy that land allocations could then be sold at market rates on the basis of ‘willing buyer, willing seller’ without consideration of underlying claims. By 1975 there were more than 250 settlement schemes, mostly in the Rift Valley or along its borders, and the allocation process was moved from the local administration, who had the best knowledge of local communities, to the Provincial Administration (under the Office of the President). As the plots were sold later on, the ethnic composition of the schemes changed. Comparatively wealthier Kikuyus (as well as some Kisiis and Luhyias), some of whom had moved from Central Province to work as labourers on settler farms, took advantage of land-buying schemes and formed land-buying cooperatives, buying land ahead of the Kalenjin. Furthermore, former Mau Mau combatants were given priority to settle in the Rift Valley “as a reward for their contribution to independence, but more importantly to avoid the contribution of what was mostly a Kikuyu civil war over land in Central Province” (International Crisis Group, 2008).

Kenyatta and his successor Moi also used Government lands for patronage purposes and to build alliances. At the same time District officials, their relatives, members of parliament and other influential people manipulated settlement schemes established for the landless to acquire land by corrupt practices. As a respondent2 said, “When the British ruled Kenya, they chased away the indigenous communities from their farms. When they left, they did not hand over the land to the owners”. This is why there is recurrent conflict in the region because the owners have not been given back their land. In the Molo area, it was claimed that historical and cultural traditions teach about revenge for ‘loss’ of land to other tribes and hence is passed down from generation to generation3. There is also the issue of incitement by politicians particularly for those Maasais and Kalenjins who sold their land cheaply to the Kikuyus.

The study established that in the semi-arid areas boundary problems were mostly related to pasture and that it is only the Pokots who have been making claims about landownership, especially during drought. However there are also boundary claims among the Pokot-Turkana, Turkana-Samburu, Turkana-Borana, Borana-Samburu, Turkana-Sebeyi, Turkana-Murle/Toposa and Turkana-

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2 Interview with a 75 year old elder in Sinendet village, Mau Summit Division
3 Interview with a 24 years old Kikuyu Peer Educator employed by the Kenya Red Cross who prides himself in being outgoing and has worked with youth in mobilizing for action with regard to peace and development issues.
Karamoja. The Toposa (a Sudanese Eastern-Nilotic group), for instance, are claiming 23 kms inside Kenya. The Karamoja, with the help of Uganda government, have removed beacons around Mt. Elgon.

It was further noted that the boundary problem has been made worse by the Kibaki administration, which has introduced numerous districts, a move that has sent everybody panicking. These have led to intra- and inter-community clashes among the Pokot and Turkana and between the two communities in this area. Headquarters of new districts have also been noted as sources of conflict.

4.3.4 Historical grievances
Since the 1990s when multi-party politics was re-introduced, certain leaders have exploited grievances over perceived ‘historical injustices’ and poorly handled settlement schemes for electoral advantage. These grievances related to perceived favouritism and corruption by successive governments in the allocation of fertile land, including a refusal to prevent and reverse the settlement of outsiders (notably Kikuyus) in land originally appropriated from the local residents by the colonial authorities. This of course has occurred in a context of rapid population growth in what remains a largely agricultural society. In the Ngong area of Kajiado district, the main cause of conflict was intra-ethnic tension in Lodariak over boundary and land ownership. Other tribes are being affected by being collateral victims.

As we approached the 1992 and 1997 elections, KANU mobilised communities to target migrants living in settlement schemes in the Rift Valley. Using specific grievances around the process of land allocation in the settlement schemes, the violence was aimed at displacing opposition voters. At the same time, a promised return to a majimbo\(^4\) constitution was interpreted by many as a chance to evict Kikuyu settlers and reclaim these ‘ancestral lands’. This blatant manipulation of ethnicity and past grievances not only served to influence voting patterns but deflected attention away from the corrupt and politically motivated allocation of land by local and national politicians. Attempts to resolve the land issue during the initial years of the NARC government through, for example, the Ndungu Commission (2006)\(^5\) failed in the face of resistance from members of the government implicated in the corrupt practice. It was against this background that a similar tactic

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\(^4\) The plural form of the Kiswahili word ‘jimbo’ (region) is used in Kenya for regionalism/federalism.
\(^5\) The Ndungu Commission was set up (in Kenya) to investigate patterns of corruption and unfair allocation of land.
of mobilisation, incitement and intimidation was reportedly used by some local ODM politicians and elders – several of them reportedly veterans of the 1990s violence - both ahead of and following the 2007 election.

In retrospect, the land situation in the Rift Valley had been, according to Anderson and Lochery, a ‘time bomb waiting to explode’ (Anderson & Lochery, 2008). The Akiwumi Commission came to the conclusion that there were three underlying reasons for the clashes: 1) “Ambitions by Kalenjins of recovering what they think they lost when the Europeans forcibly acquired their ancestral land. 2) The desire to remove “foreigners”, derogatorily referred to as “madoadoa” or “spots” from their midst. The reference was mainly towards the Kikuyu, Kisii, Luo and other communities who had found permanent residence in the Rift Valley. 3) Political and ethnic loyalty.” The Akiwumi Commission also came to the conclusion that the security forces and the Provincial Administration had been negligent and unwilling to take firm and drastic action to prevent the clashes from erupting or once these erupted, to bring a quick end to them. Tribal leaders and politicians were also found to have instigated the clashes. 11 recommendations were made to prevent the future recurrence of violence including recommendations for the investigations of named individuals suspected to have had a hand in the violence. But the findings and recommendations of that Commission, as related to the Rift Valley, were rejected by sections of the Government of the day and there followed no further visible action on the Report.

4.3.5 Economic and political inequality in resource distribution

Alongside land issues, the conflict in the region is also clearly fuelled by grievances relating to economic and rising political inequality. Kenya is a highly unequal society including in terms of marked regional economic disparities reflecting ethnic cleavages. Patterns of investment (public and private) and land ownership both prior to and since independence have benefited only communities that hold the presidency at the expense of other groups and regions. However, these economic inequalities did not pose a significant risk to stability until after the NARC victory when the composition of Kibaki’s cabinet and senior civil service positions shifted and Kikuyu economic supremacy was matched with political dominance with losses for particularly the Kalenjin elite. As reported by Ngunyi (2009), the percentage of Luo posts in cabinet fell from 16% in 2003/4 to 3.1%

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6 [Kenya’s] Presidential Commission of Inquiry into Land Clashes of the 90s, also known as Akiwumi Commission
in 2005. Likewise the number of Kalenjin permanent secretaries fell by over half from 15% to 6.2%. When an attempt to correct these imbalances through the democratic process was thwarted, this unleashed a violent response among the Kalenjins who supported ODM.

The question of poor infrastructure and lack of social amenities in North Rift has been seen by respondents as direct affront to the communities by successive regimes. Several white elephant projects were identified as being effects of corruption. The community elite, provincial administration, business men from the region and some central government officials have been identified as actors in this case. This is fueled by corruption particularly among members of the provincial administration and CDF money allocation as the area MPs favor only their support bases. There is governmental neglect due to corruption where the elite collude with government officials to grab land, steal relief food and CDF funds etc.

The problems of pastoral communities have past roots from the colonial period and these were perpetuated throughout the post-independence period. Overtly, the colonial administration considered pastoralists’ lands uneconomical due to their poor resource base (basically arid) and the marginalization of pastoral zones demonstrates the crisis of governance in the North Rift. Some areas and communities have been privileged over others in the development process of the country. A part from the parallel marginalization, some citizens of these regions have been excluded from mainstream political and economic affairs. This has led to resentment that has sometimes spawned violent conflicts in the region. For many years, the bulk of public resources were concentrated in the ‘high potential areas’ leaving the pastoral communities lagging behind in all spheres of development. The pastoral population is impoverished and is more vulnerable to the vagaries of harsh climatic conditions. Economic and political activities were concentrated in high potential areas. Schools, health facilities, roads, communications infrastructure and administrative structures were developed in these areas leaving arid areas with little or no activity to support meaningful development. The post-colonial administrations have not done much to correct this imbalance. Instead they have promoted it by simply concentrating most development initiatives in ‘high potential’ areas. In Kenya, Sessional Paper No. 1 of 1965 advocated for the allocation of resources to high potential areas.
4.3.6 Culture of impunity
Since the advent of multi-party politics during the 1990s impunity dynamic has been a key factor leading to the incitement of violence around elections (both constituency-level violence and more wide-ranging). Crucially, there has been a failure to hold accountable those responsible for past human rights abuses, including the ethnic clashes of the 1990s, abuses under the Kibaki presidency, and land-grabbing and economic crimes, despite the naming of many senior politicians in successive enquiries. In these circumstances, it was not illogical for politicians to believe that they could get away with trying to manipulate elections or incite violence.

Despite the different forms in which conflicts in the region manifest themselves and the historical specificity of each conflict, they all involve primarily questions of the use or misuse of political power in the management of public affairs i.e., governance. To this extent it would be misleading to treat these conflicts simply as ethnic, clan, race or religious conflicts as is commonly portrayed in some of the literature on these conflicts. In this regard we are in agreement with Rupensinghe that behind ethnic conflicts are often structural issues transcending immediate grievances (Wanyande, 1997).

4.3.7 Resource-based competition
Resource-based conflicts arise in situations involving stakeholders with different interests and goals in resource management, and is a reaction from the other users for the impact they feel. Put differently, resource-based conflict is a clash between organized and armed opponents who have interest in a resource. Resource-based conflict was found mainly in Narok and Magadi area of Kajiado district and in the North Rift. Magadi as a hub for conflict is less familiar due to the more popular land and boundary issues in the Kajiado North areas closer to Nairobi and the Central Rift, for example Narok and Kitengela. But as our interviews demonstrated, these ‘little’ known conflicts have been simmering for along time and coupled with other environmental and political factors could evolve into significant security threats. Resource-based conflict has intensified as a result of diminishing forests and the drying up of springs. This has led to competition over use of boreholes, which creates tension among communities.

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7 Government-sponsored Kiliku and Akiwumi judicial enquiries into the 1990s violence documented incitement, financing and land-grabbing by hundreds of officials connected with the administration, however no investigations or prosecutions followed.

8 Interview with a 24 year old Kikuyu lady raised in Kiserian and working for a local CBO dealing with environmental awareness and development amongst communities in Kiserian and the larger Kajiado area.
In Molo too, due to an increase in population, pressure is exerted on resources and competition is created. This has led to vices such as land grabbing especially in areas such as Kuresoi and Chepakundi. Pastoral areas are characterized by arid and semi-arid climatic conditions that mainly support nomadic pastoralism (mobility and communal grazing and very little crop cultivation). This explains why livestock keeping is the social and economic mainstay of the pastoral groups. Limited water and pasture plus restrictions in mobility of people and animals have not only disrupted the process of adjustment that maintains a balance between people, land and livestock but also leads to periodic clashes among pastoralists and between pastoralist and agricultural communities over these resources.

Other respondents said the major conflict has remained to be the conflict surrounding pastoralist communities for more than a century. Major actors identified by respondents are warriors, politicians, provincial administration, and soothsayers. Others are mothers of the warriors, elders, business community, and security agents.

4.3.8 Culture and the easy availability of small arms and light weapons (SALW)

Armed pastoral groups engage in cattle rustling to replenish lost herds (after droughts, diseases and raids) and meet the socio-economic requirements of the family/community including paying bride price. Other cultural practices and values that promote cattle rustling are the desire to protect lives and properties, and the special body tattooing that shows that someone has killed several people and as such is considered a great warrior. The more marks one has the more popular and respected one is in the community, and the more girls one is likely to marry. In addition, commercialization of cattle raiding where livestock is raided to meet the urban demand for animal products also promotes the acquisition of small arms to mount successful raids since pastoral communities require good weapons.

Other factors that explain the accentuation of the illicit flow and use of small arms in the region include the structural and operational weaknesses of the law enforcement and security agencies, lack of sufficient resources to effectively police the long borders and points of entry, and corruption within the police, security and other law enforcement agencies.

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9 Interview with a 35 years old Kikuyu male self employed/volunteer with CJPC, a Faith Based Organization
The pastoral communities have faced various insecurities. The illicit proliferation and use of small arms is one of the major factors exacerbating widespread insecurity that has led to the decline in their living standards over the years. As a result, the human security of the pastoral communities in the Horn of Africa has been threatened.

Prior to the proliferation of illicit SALW in the North Rift, pastoral communities had the ability to cope with isolated emergencies. These coping mechanisms are frequently challenged by the increasing population of pastoral communities and dwindling size of the land available for grazing due to artificial boundaries and seizure of land by government for commercial purposes.

4.3.9 Lack of sustainable peace building mechanisms
The National Steering Committee on Peacebuilding and Conflict Management (NSC) does not have the necessary independence, capacity or visibility to assert a leading role in response to the conflicts in the Rift Valley. Some respondents said community elders and spiritual leaders (Laibonis) are trained on how to counsel people in times of conflicts and they end up bringing peace. Some felt with modernization, these elders and spiritual leaders have been ignored as more powers have gone to the provincial administration that are not respected; they have not won the legitimacy of the people since it is a colonial hangover. This was clearer to the conflicts related to cattle rustling.

District Peace Committees (DPCs), created largely to deal with local-level tensions in pastoralist areas, are generally not present in the areas of violence and where they do exist, are overwhelmed by the scale of the challenge they face. However there are opportunities – given the greater domestic and international recognition of the risks of conflict in Kenya – to create much more robust national conflict management architecture.

Some respondent felt no local or traditional methods were used to respond to the said conflicts, e.g. the post-election violence which didn’t have elders as actors.

4.3.10 Environmental degradation
Environment has been regarded as a security issue since the 1990s. The theoretical and operational linkages between changes in the environment and conflict appear obvious because environmental degradation is in itself a severe threat to human security, and all life on earth. It can be both a cause and effect of conflicts. Pastoral areas receive low rainfall and sometimes they go for years
without, and are characterized by drought and famine which adversely affects pasture and water. Consequently, scarcity of water and pasture prompts massive movements of pastoral communities in search of these commodities, a situation that results in conflicts over these resources.

In Ngong area of Kajiado North for instance\textsuperscript{10}, while there has been peace, the prevalence of drought has led to lack of resources e.g. farmers losing their crops and livestock which makes them start looking for “vibarua” (unskilled casual labour). This leads to too much competition and very many idle youth, which cause insecurity.

The disruption of ecosystems affects the supply of water, pasture and food for the pastoral communities. This situation is compounded by increasing population that makes long seasonal migration short so that land does not have sufficient time to recover fully. Dryland ecosystems are extremely vulnerable to over-exploitation and inappropriate land use. Pastoral societies are critically exposed to ecosystem changes, which can increase their vulnerability, affect their capital stocks, hinder coping mechanisms, decrease the productive performance of livestock, and generate tensions with other herders and agriculturists. Natural resource degradation may be the cause and effect of social change that negatively affect the productivity and sustainability of pastoral livelihoods.

A combination of desertification, bush encroachment, soil erosion, drought and sometimes severe cold are factors that worsen the human security conditions of pastoral communities. Pastoral land is characterized by parched desert plains strewn with rusty sun-baked rocks, coarse sand and small outcrops, and some low and equally barren hills. The climate is dry and often blisteringly hot, and with a paltry annual rainfall of around 250-300mm but in many years the rainfall is scant or fails altogether. The main sources of water are shallow wells on the beds of seasonal rivers/streams, and surface/runoff water harvesting. During drought, the community loses their livestock, their coping mechanisms are exposed to severe stress, and they become more vulnerable.

Environmental effects of conflict thus vary from one situation to another. Although conflict is widely believed to lead to environmental degradation through the breakdown of traditional

\textsuperscript{10} Interview with a 70 years old Kikuyu Community Opinion leader in Ngong
resource management systems, some areas become buffers to direct interaction and as such are not accessed by any faction during the conflict, regenerating during the period of tension.

In certain instances, insecurity has discouraged the development of water management infrastructure, such as dams maintaining pristine areas. Pastoral areas are endowed with a variety of natural resources and vast biological diversity and climate variations. The survival of pastoral communities is inextricably linked to natural resources and to the fact that life supporting production systems are dependent on available natural resources. These have led to conflicts mainly over ownership access and use of natural resources.

In short, pastoral communities in the North Rift experience physical and psychological insecurity, community food insecurity, economic insecurity and environmental insecurity exacerbated by the proliferation and use of SALW. These forms of insecurity are interlinked and have identical roots and structural causes. Scarcity of pasture and water and other related resources, weak and limited state structures and institutions of governance and the erosion of traditional value systems and the authorities that enforced them combine in an intricate web of complexity resulting in the various forms of insecurities that afflict the pastoral communities in the North Rift especially.

Some respondents felt forest degradation has led to low rainfall thus affecting human, animal and aquatic lives. Others added that drought, land grabbing and misuse of it, cutting of trees makes the country get less rains, pollution of water making it unhygienic to use the water available. Some respondents said some of the rivers they swam in and had fish when they were young in the 1950s and 1960s are now small seasonal streams, e.g. rivers Sosian, Soyi etc. This is mostly in the peri-urban and agricultural and hilly areas like Cherangany, Burnt Forest, Turbo, Kapsabet, Nandi etc.

Respondents from the semi-arid areas have no problem except the effects of the construction of Turkwel Hydroelectric Power station in the 1980s that has affected communities and wildlife downstream. River Omo is being dammed by Ethiopians and respondents are worried that this is going to affect Lake Turkana and its ecosystem negatively. At Kakuma refugee camp excessive logging to support the kitchen of refugees and those working for them has also brought tension.

Peri-urban respondents say the impact of the destruction of Mt. Elgon by loggers has also had negative effects on the climate and the general biodiversity in the region. Loss of indigenous trees
and medicinal vegetation has led to increase of diseases, observed some respondents. Increased pollution from industries, cement mining in Ortum and the Kerio Valley that has been happening without EIA is creating conflict between the communities.

4.3.11 Poverty and unemployment

The lack of effective opportunities that integrate the majority of Kenya’s youth into mainstream economic activities is another major cause of conflict in the Rift Valley region. According to Kwalchetsi Makokha of Nairobi-based communications consultancy Form and Content, Kenya’s youth in particular, who make up a majority of the population - and of those who rioted during the post-election violence - feel the most let down. Improved education gave them hope of a better life than their parents’, hope that seems dashed by the high rates of unemployment. Makokha adds,

Under colonialism, it was almost a slave labour system which grew up in the early days of the coffee estates. After independence [in 1963], the white master was simply replaced by the black master. A lot of young people who got a bit of education could not see themselves working for pittances as farm labourers. They started drifting to the cities where the opportunities are not enough to accommodate all of them. You have this massive influx of people who just can’t find work.

Nor can they find a political voice, he adds. “The common Kenyan citizen who does not have money or property does not have a say in how Kenya is organized. They never have. It’s always been about what car you drive, where you live, and then you have more rights than other people.”

This leads to too much competition and very many idle youth, which causes insecurity. In Magadi area, there have been wrangles between the local community and the Magadi Soda Company over job opportunities. People are bitter with the local MP as they feel that little has taken place in the 21 years that he has represented them as he only shows up during election campaigns.

However in the pastoral areas, respondents saw that education has become the basis of employment. This has created work for those who are coming from outside the semi-arid areas since the pastoralists have not invested in the education of their communities as it should be the case. Others have interpreted this to mean marginalization. Children are forced to stay with animals, girls are married early and keeping cattle is the only economic activity that suffers a lot when drought hits. Cattle rustling is both a cultural sport and a commercial venture that only
benefits businessmen and the elite. Those who lose their cattle to rustling are impoverished. Similar economic misfortunes befall pastoralist communities due to the effects of global warming.

### 4.3.12 IDP return and resettlement

The way the IDP resettlement is being implemented has fed into underlying grievances and disputes over land and feelings of marginalization and has thus increased ethnic tensions and the potential for future violence. This may occur because some communities feel the IDPs are being ‘rewarded’ through receiving compensation in terms of money or houses. Their return and resettlement are seen to be taking place in the absence of a substantive process to promote reconciliation and address the structural underlying causes of displacement, such as land tenure. Tensions might also be generated by a perception of differential treatment of categories of IDPs in terms of the re-settlement package.

For example, should Luo migrant workers also be compensated for loss of earnings due to displacement? What about those long-term IDPs who have been waiting to be resettled for many years? However, support to resettle IDPs in their so-called ‘ancestral’ homes would set a dangerous precedent. Implicitly, it would support the goals of those who had pursued displacement as a means of ethnically cleansing certain regions. In some cases it may also not represent a viable solution due to resistance from host communities. This could be the case, for example, in Central Province, or in some other place where there are already significant pressures on local resources - in both rural and urban areas. In the absence of durable solutions, IDPs risk drifting into peri-urban areas (in particular slums) where they may be drawn into criminal activities – as in the case of those IDPs displaced during the 1990s. Many IDPs fear that their home areas remain unsafe and that adequate reconciliation between hostile communities has not taken place. As we write this report, there is fresh information regarding recent attacks on returning persons in Trans-Nzoia and Molo districts. Moreover, many people are being forced to return to areas where there is no food or shelter and the government has not provided any services.

### 4.3.12 Impact of the conflicts

The study found that a “psychological wall” exists among the various communities inhabiting the region. In the entire Rift Valley, people from opposing ethnic groups who once lived together peacefully before the advent of multi-party politics now harbour deep-seated resentments and suspicions of one another, making it difficult to renew social relationships or to form new ones.
Many Kikuyus spoke bitterly about the former Kalenjin friends and neighbours who, they claimed, had failed to warn them about the ensuing attacks on their homesteads by the Kalenjin warriors.

Similarly, Kalenjins talked about discrimination and being all branded aggressors and not being liable for assistance even when some of them had equally suffered as a result of habouring members of the other community in their premises. In our opinion, this feeling of betrayal is a profound obstacle to the process of societal repair in the aftermath of the post-election violence. Increasingly Kikuyus are selling their land cheaply where possible to relocate as allegations of rearmament for 2012 become louder.

Those who were displaced over the years by the violence since 1991 have finally come to terms with the reality that the government cannot protect them and that title deeds are no longer sacrosanct. The history of the White settlements of the colonial period and the Kikuyu settlements of the 1960s is still fresh in the minds of many and locals are saying time has come for them to reclaim their land. This is regardless of whether it was bought from them at the market rate on a willing buyer willing seller basis or it was undervalued at the time of buying as alleged by others.

Overall, justified or not, such feelings and claims have led to:

- Mistrust and hatred amongst ethnic communities
- Loss of lives
- Poverty
- Illness, including depression and other mental effects of trauma
- Environmental degradation and loss of wildlife
- Disempowerment of women, elders and youth
- Breakdown of family units through divorce and other marital problems
- Militia in the rural areas/gangs and prostitution in urban centres affecting businesses and increasing HIV-AIDS prevalence
- Ethnic discrimination
Increased crime rates both in peri-urban and semi-arid regions

- Massive displacement
- Cross-border conflicts and diplomatic tension
- Loss of traditional roles of members (e.g. elders) of various communities
- Food insecurity

### 4.4 Conclusion and Recommendations

From the information obtained through the research activities whose findings are summarized in the preceding sections, it is clear that there are high levels of ignorance on governance and human rights in the Rift Valley. Moreover most people lack conflict management skills. Such observations and many others already reported in this chapter lead us to the following recommendations regarding the situation in the Rift Valley:

1) that District Peace Committees be recognized by the government;

2) that there is need to strengthen (with appropriate levels of investment) initiatives, institutions and organizations which support civic education, conflict management, peacebuilding and human rights training, which are currently being undertaken but have very low capacities;

3) that the peacebuilding interventions being put in place should include promoting the understanding of the reality of poverty, resource constraints, investment/business opportunities, and livelihood strategies;

4) that conscious efforts should be made to link peace and development, as a way of responding to the relative lack of development initiatives in arid lands, especially in the North Rift;

5) that urgent steps need to be taken to strengthen the capacity of CSOs to promote Agenda 1-4, since respondents have indicated readiness to identify with the Kenya National Dialogue and Reconciliation Peace Accord;

6) that urgent attention should be accorded to promoting the CSOs’ capacity to:

- facilitate survivors of historical injustices to face the Truth Justice and Reconciliation Commission (TJRC);
- monitor the TJRC process;
• carry out the necessary advocacy on the TJRC;
• document the activities/experiences of the TJRC;

7) that there is a need to empower communities with strategies to embrace the projects of the National Commission for Social Cohesion, which will deal with the long term issues beyond TJRC; and

8) that the National Commission for Social Cohesion should invest in peace, media and democratization (conflict-sensitive journalism).

Over and above the listed recommendations, given that the Rift Valley covers international borders which have been seen to be porous, thus encouraging small arms proliferation and cross-border incursions, one must also mention the need to encourage cross-border strategies (community and diplomatic relations). The semi-arid areas, having been in open conflict longer, have had more investment than the urban agriculture-rich areas, but are still conflict prone, suggesting that new approaches should be adopted taking into account the relevant socio-cultural realities and political styles/interests. Going by the lessons learnt from previous conflict management initiatives, it appears that supporting traditional conflict management mechanisms and tools would lead to home grown solutions that are likely to be more sustainable.

While there have been noticeable interventions in the conflict areas, they tend to lack a general political will and support by the relevant communities, some of which consider them biased. However, respondents said NGOs have helped a lot in providing jobs and education, and it would be good if they helped the youth to realize their talents and created employment for the unemployed. NGOs could also help in the fight against corruption. Respondents also expressed the need for politicians to preach peace in their constituencies and teach people the importance of co-existence. In these endeavors, the government must lead the way even as donors support its initiatives. To participate meaningfully citizens should get the necessary civic education to enhance their ability to confidently engage politicians on various issues touching on their (citizens’) interests. In particular, the youth, who form 60% of the population, should be engaged in productive activities to deter them from being easy prey to politicians during electioneering periods. Steps towards empowering the youth should include technical education to enhance their capacity to engage in skilled labour, and the provision/improvement of educational opportunities for the girl child.
All in all, every effort should be made to ensure that community members own the intervention mechanisms carried out in their communities. They should be involved at every stage and in every aspect of a given intervention, especially in its initiation and leadership.

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NYANZA PROVINCE

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5.1 Introduction

This chapter analyses the dynamics of conflicts in Nyanza Province. The researchers chose places that were considered to be conflict hot spots, namely Bondo/Usenge, Otonglo, Manyatta, Nyamasaria, Muhoroni/Chemelil, Kondele, Awasi, and Nyalenda. Other areas covered were mostly areas along the border, particularly between Kisiis and Kipsigis in Chepilat; Kisiis and Maasai in Nyangusu and Nyamaiya; Luos, Kuria and Maasai in Ogweti; Luos and Kipsigis in Sondu. Focus Group Discussions (FGDs) were held in Nyalenda at the Seventh Day Adventist School, Manyatta at Kosawo social hall, Pre-Mara Hotel in Kehancha, and a homestead belonging to Elijah Ogolla in Sondu. In all FGDs various communities were represented by identified opinion leaders. The FGDs comprised of at least 10 and at most 15 persons. In total 111 people were interviewed plus 47 members of the four FGDs, making a total of 158 respondents.

A random sample of responses to the definition of peace indicated that there were diverse opinions as to what the respondents understood the term to mean. However, some responses seemed to be fairly representative of the general conception of peace in Nyanza. For example, in one such response peace was defined as ‘a state where people live harmoniously together with neighbors without disputes, helping each other and ability to forgive whenever a misunderstanding arises’. In the views of people interviewed, peace was lauded and conflict not commended. Such positive responses illustrate the extent to which people are generally yearning for peace and security in Nyanza. It is generally observed in this chapter that peace is currently fragile in some parts of the province. This state of affairs may not last much longer if some issues are not addressed in time. It is also important to note from the onset that the terms used in this chapter such as ‘Kipsigisland’ or ‘Kisiiland’ and so on depict the mindset of the respondents and not that of the researchers.\(^1\) This mindset is rooted in the issue of territorial exclusivity embedded in the people's ethnic attitude and perception.

\(^1\) Such terms should not be considered as being used by researchers to perpetuate ethnic divisiveness.
5.2 Historical Perspectives

Most conflicts in Nyanza are caused by three main factors, namely cattle rustling, land and politics. For example, among the Kipsigis and Luos, “cattle rustling” is the major cause of conflict which started way back before colonization. The Kipsigis ethnic community believes that God created cattle for them and not for the Luos; so Luos should move to the lake and engage in fishing and not keep cattle. This mindset demonstrates constructed history since migration history and traditional economic practices show that Luos were pastoralists.

At times, the Kipsigis and Maasais would liaise with thieves in Luoland and Kisiiland to ferry the cattle to the border. When the cattle reached the border, the Kipsigis and Maasai raiders would take the cattle and pay their Luo collaborators immediately or at a later date. This is also true of the Nyabasi clan of Kuria ethnic community and the Maasais. Conflict arises when animals are traced across the ethnic boundary as the Kipsigis and Maasai communities resist the tracing process or deny the existence of stolen animals in their community. It is important to note that according to the respondents, most of the cattle stolen are from Luoland, Kisiiland to Kipsigisland and Maasailand. In most cases, the communities from whom cattle have been stolen went looking for their cows and if the cattle were not found, the tracing community tended to take back any cattle they found on their way back, triggering armed conflict. This trend was also reported in Chepilat between the Kisii and Kipsigis, Nyangusu and Nyamaiya, Kisiis and Maasais; and Kuria between Kurias and Luos as well as among the clans of the Kuria ethnic community. Looking at the conflict between the Maasai and Nyabasi (Kuria), cattle rustling occurs with the involvement of criminals from the two communities. Inadequate formal education promotes stock theft because the perpetrators are school dropouts who have no other means of livelihood except raiding.

Culture plays a significant role in perpetuating cattle rustling as explained in one of the FGDs: An in-law who brings more cattle for dowry is highly valued in the Kuria community, and it is not an issue how the cattle were obtained, even if stolen, especially from the ‘enemies’ – the other communities. Traditionally, if one successfully stole cattle, he was said to be a hero; otherwise, he would be told (in the Kuria language) ‘nke ogatotelia’, meaning: you have not brought anything to the community. They also used other phrases with hidden meanings for secrecy in their ordeals.

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1 Interview with James Orege of Lower Nyakach Division in Sondu.
2 A response obtained from a Focus Group Discussion in Kehancha.
The above observations are reinforced by the UNDP/OCHA Report’s finding that the conflict cycles and patterns in Kuria district have involved increased cattle raids which can be partially attributed to cultural practices relating to initiation and the use of cattle primarily for the payment of bride price in marriages following the initiation rites of passage. In such cases, the raiding of animals is very symbolic to the community and individuals in terms improving social as well as economic status. As observed above, constructed histories and cultural practices among different communities reinforce cattle rustling practices by creating conflictual community perceptions and attitudinal orientations. For example, the belief by the Kipsigis that Luos are fishermen and not animal keepers serves to mobilize the Kipsigis community to accept and tolerate cattle raids targeting Luo villages. In this manner, therefore, cattle raids serve an ego-boosting function not only for the individual participants but also for their community as a whole.

Cattle rustling is fueled by corruption, poverty and envy. Owing to corruption, security agents do not exercise the necessary professional commitment in tracing the stolen animals. Poverty and overdependence on cattle by the Kipsigis, triggered by their general cultural orientation, contributes to cattle rustling which translates to conflict. It is also argued that the Kipsigis ethnic ideology is against the prosperity (economic strength) of their Luo and Kisii neighbours, and hence the frequent cattle rustling to weaken them economically.

In recent times, local elders from the above mentioned communities have been involved in the tracing process of the stolen animals. However, this has not yielded much success to curb cattle rustling. Some respondents in Chepilat pointed out that in the process of tracing their cows, people from the Kipsigis community mislead them by telling them that the footprints they are following are those of donkeys. This not only frustrates the tracing process but also aggravates ethnic hatred, leading to acts of retaliatory raids by members of the Kisii community. The branding of animals using different numbers for Rift Valley and Nyanza has helped in identifying any stolen animal across the provincial borders, and has thus contributed to the reduction of conflict.

Chepilat used to be a peaceful area for decades, when the population in the area was relatively low compared to the current population. As population increased, especially on the Kisii side, there was migration of some Kisii crossing the borders and settling in the neighboring parts of Kipsigisland. Later on, the Kisii were seen as intruders by their Kipsigis counterparts, who always
attempted to send them away saying that they did not want *madoudoa*\(^4\) in their land. The forceful eviction of the Kisiis from Kipsigisland has always caused conflict as the Kisiis fight back to protect their land and property in Kipsigisland.\(^5\)

Land is no doubt the leading cause of violence (Gatere, 1998). It was reported that most of the land in the central parts of the Rift Valley had been mainly occupied by the white settlers before independence. The post-independence land ownership problems are attributed to the first and subsequent post-independence political leadership and how Rift Valley land was allocated without consideration of provincial and tribal boundaries that were established earlier (op. cit.).

The establishment of a settlement scheme in Chepilat and subsequent creating of provincial boundaries along the tarmac road has over time created ethnic antagonism in Chepilat. Before the tarmac road was recognized as the boundary, the boundary was far away inside the Kipsigisland and later when the road was constructed, the boundary was moved inside to the Kisii side, leaving some members of the Kisii community, who are now considered to be living in Kipsigisland, on the other side of the road. According to the testimony of Martha Onsongo, a 60-year old Kisii woman:

> ...the Kisiiland (settlement schemes) where the Kisiis are living today, used to be Kipsigisland. The Kipsigis claim that the land had been taken away from them and so they want it back. This land was given to Kisiis in 1960s by the colonial chiefs. Kisiis who have bought land in Kipsigisland also face the problem of being evicted whenever there is conflict.\(^6\)

Thus, reports indicate that contested boundaries have in the recent past led to the burning of houses, hotels and a school in Chepilat. Such incidents are usually well targeted and geared towards some form of ethnic cleansing (Kenya Red Cross, 2008).

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\(^4\) A Kiswahili word that literally means ‘spots’. This term has been used to refer to people who are perceived not to be indigenous communities of the Rift Valley Province in Kenya.

\(^5\) Interview with Joseph Momanyi aged 42 and a Chief and Jacob Mogere aged 38 years in Borabu Division of Borabu District.

\(^6\) Interview with Martha Onsongo aged 60 years and Mary Kwamboka aged 54 years from Borabu Division of Borabu District.
Inter- and intra-community land disputes are very common because of land scarcity and boundaries that are not so well defined. The Kipsigis believe that the Luos and Kisiis have invaded their land and so they have a duty to defend it. The Kisiis and Luos, on the other hand, claim that they have legally bought or leased the land and should be left to carry out their daily business. The delay in the issuing of title deeds also worsens the situation. Disputes over land boundaries among the local villagers is common due to lack of clear demarcations resulting from the absence of title deeds, placing land ownership in the hands of the larger family or clan. For example, the government has not issued title deeds to people in Sori and Muhoroni in Nyanza Province. This leads to a situation where boundaries are based on mutual agreement between and among residents.

In these circumstances, disputes related to boundaries and land ownership become hard to resolve when they arise. Land disputes in parts of Kuria like Segegi, Kurutiang and Karose continue to generate intra-ethnic conflicts. The Nyabasi and Bwirege clans have had historical differences triggered by scarce resources such as grazing lands (United Nations, 2009).

Similarly, there is conflict over fishing waters in Lake Victoria. Conflicts do arise between fishermen from Kenya, Uganda and Tanzania with regard to the extent to which each should fish in Lake Victoria waters. Uganda and Tanzania fishermen claim that conflicts arise when Kenyan fishermen trespass into their waters. John Kitoto Ochieng’, who is a fisherman in Lake Victoria, ascerts:

*I am a stakeholder in the fishing industry in Lake Victoria whereby we normally experience conflicts when the Uganda forces claim that we trespass into their waters and arrest us, Kenyan fishermen, thus causing the recurrence of conflicts in this area.⁷*

Political conflicts in Nyanza started way back in the 1970’s, a time when the late Jaramogi Oginga Odinga differed with Kenyatta and formed Kenya Peoples' Union (KPU) with other members of Parliament. Consequently, for supporting Odinga, the Luo ethnic community was perceived to be an ‘opposition community’ and so was Nyanza Province with the exception of Kuria and Kisii, the non-Luo parts of Nyanza. The hatred climaxed one day when the first Kenyan president Jomo Kenyatta visited Kisumu to open Nyanza General Hospital and a rotten egg was thrown at him. In

⁷ Interview with John Kitoto Ochieng from Sori.
reaction his security forces opened fire on the crowd and killed many people. This is the point when the ethnic animosity between the Kikuyus and Luos, which had started with the assassination of the then powerful minister in Kenyatta’s government, the late Joseph Tom Mboya, reached its peak, leading to the sidelining of Luos in the government and government development programmes.

The above ethno-political hatred continued into Moi’s era as Moi declared the Nyayo philosophy\(^8\), which translated into continued political suppression, with Nyanza being left more or less in the same situation where the Kenyatta government had placed it in terms of government appointments and development programmes. With the re-emergence of multiparty politics most members of the Luo ethnic community *bandwagoned* behind Oginga Odinga and his FORD-Kenya party. As KANU and Moi won the 1992 general elections Luos and ‘their’ FORD-Kenya party became part of the opposition, reinforcing the traditional thinking that Luos were always in the opposition. The Kipsigis who identified with Moi were hated by the Luos, more so after the death (also in 1992) of Robert Ouko, a popular Foreign Affairs minister in the Moi government. This incident aggravated the Luo-Kalenjin rifts which were already existing due to the perceived political alienation as well as cattle rustling and land disputes that were experienced along the border. Luos were seen as a big threat to Moi’s regime and the animosity between the Luos and Kipsigis became very strong. This ethno-political animosity partially explains why the Kikuyus and Kipsigis are targeted in places like Sori, Migori, Rongo, Sondu, Kisumu except during the 2007 general election when the Kipsigis united with Luos in the ODM party.

The inter-ethnic animosities of the Moi era reached their peak during the multiparty politics leading to the 1992 general election. With the constitutional requirement that the winning presidential candidate needed to obtain at least 25% of the votes in any five of Kenya’s eight provinces (considered separately) besides winning the majority of the total votes cast, the Kipsigis (being the Kalenjin front-line community on the Rift Valley/Nyanza border points) never wanted anything to do with Luos and Kisis in Sondu and Chepilat to ensure that Moi’s rivals did not meet that electoral requirement in Rift Valley Province.

\(^8\) A statement by Former President Moi that meant he was going to follow the Late President Kenyatta’s footsteps
This made Sondu and Chepilat (the border trading centres) hot battle grounds where many people died, houses were torched and animals stolen. However, during the 2007 post-election violence, alliances had changed; the Luos were fighting together with the Kipsigis against the Kisiis in Sondu. This shift in political alignment had a significant impact on the conflict dynamics at Sondu and even the rest of Nyanza. The union of Kalenjin and Luo ethnic communities during the 2007 general election made Kisiis, Merus, Kambas and Kikuyus become targets in Kisumu during the post-election violence. The ‘enemy’ was now defined as anyone from an area perceived to be pro-PNU or pro-Kibaki/government.

Even prior to election day, two administrative police officers were said to have been killed by ODM supporters who accused them of being ‘bought’ in advance to rig the election in favour of PNU in Nyanza. Violence was also witnessed during ODM party primaries where supporters formed different camps to fight for their preferred candidate and subsequently clashed over conflicting demands for opponents to quit the race. This was motivated by the general assumption at the time that whoever obtained an ODM ticket during the party nominations in Nyanza would be the winning parliamentary candidate.

Another major cause of conflict in parts of Nyanza like Kuria and Kisii is the creation of administrative boundaries. This arises when different clans disagree on the headquarters of administrative units such as district headquarters. The clashes in Kuria East District between the Nyabasi and Bwirege clans in May 2007 were sparked off by political differences over the division of the Kuria District and disputes over the location of the current headquarters in Kegonga Division (associated with the Nyabasi clan) for the new Kuria East District created in 2007. The Bwirege clan wanted the new district headquarters to be located in Ntimaru Division while the Nyabasi wanted it to remain in Kegonga. The two clans also have different political alignments, largely influenced by the opinions of political and civic leaders, which continue to incite rivalry among the two clans (United Nations, 2009).

The division of the larger Kisii District into Nyamira, Kisii Central and Gucha resulted in tension over the location of the district headquarters. Some wanted it located in Ogembo while others wanted it located in Kenyenya. This tension was motivated by the proximity of the population to

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9 Interview with Dalmas Ayoo of Lower Nyakach Division in Nyando District.
the said places and the political elite’s incitement and opinion. Finally, it was resolved that the headquarters be at Ogembo. Again when Gucha and Kisii Central Districts were divided to create Kisii South District, there was contestation as to where the headquarters was to be: Nyamarambe, Nyachenge or Kerina. During this time, it was a tag of war between the Wanjare and South Mugirango constituencies.

After protracted consultations, it was later resolved that the headquarters be at Kerina, but since then Nyamarambe has become the district headquarters for the newly created Gucha South District. Although the division of the districts has generated conflict in Kisii, the conflicts have not been as violent as those witnessed in Kuria.

Other causes of conflict in Nyanza include poverty, illiteracy, ignorance, drug and substance abuse, youth idleness because of unemployment, lack of awareness or access to information, handouts and incitement by the political leaders. This is reinforced by Mr. Bitange’s observation that:

*Most youths are unemployed hence they get engaged in acts of violence whenever an opportunity presents itself especially when politicians and other leaders incite them for their own gains. Poverty is also a cause of conflict as most people are unable to earn a decent livelihood and so they resort to lawlessness to reap from where they did not sow.*

During conflict, the youths are killed, wounded, and/or rendered jobless and, consequently, impoverished. Children are traumatized and made to stay away from school, some even dropping out of school as boundary schools get closed. The disabled are more vulnerable as they cannot defend themselves; their houses are burned and they are turned into beggars. The elderly population are too weak to run for their lives and often get killed or, if still alive, their supremacy as elders in the community significantly compromised. Families as a whole get poorer as people lose their livelihood due to cattle rustling and burning of houses. Some families break up through divorce or separation. Violence affects schools and employed people, usually including the elite, who cannot report to their places of work as they get evicted or fear for their lives. But, on the

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10 Interview with Mr. Lucas Taruru Mwita in Kehancha.
11 Interview with John Bitange aged 29 years from Mosocho Division of Kisii Central District.
12 Focus Group Discussion in Kabongo village in Sondu.
whole, women and children suffer most. They are beaten, their property torched, separated from their families, widowed and, in some cases, raped. It is women, either as wives or mothers, who take care of their husbands or sons who are wounded during such conflicts.

5.3 Analysis and Discussion

The day-to-day sources of conflict are many but when we attempt to look at the root causes of conflict, we find that they are few and debatable. This section follows a broad framework propounded by Azar (1990) to explore, describe and finally explain the dynamics and root causes of conflicts in Nyanza. This framework will in no way limit our analysis but will only provide a meaningful conceptual frame.

Within Azar’s framework, there are nine parameters that inform the analysis of conflict, namely: identity group; human needs; government and state role in conflict; the colonial history and its legacies; international linkages; environmental degradation and the resultant scarcity of natural resources capable of adequately sustaining the existing/future population; lucrative war/conflict economy, infiltration of small arms, gangster activities, contraband trade in animals, crops, minerals etc; the elite and influence of individuals; group mobilization and inter-party conflicts. This analysis closely uses these parameters to evaluate the sampled reports of conflicts in Nyanza.

5.3.1 Identity groups

The following identity groups were identified by various respondents as welfare associations, professional associations, pressure and lobby groups, political groups, religious groups, women groups, and militia groups. These groups had diverse names such as, Sungu Sungu, Baghdad Boys, Luo Council of Elders, Nyanza Youth Coalition, Boda Boda Cyclist Association, Motor Cycle Associations and Chinkororo. Such groups are mainly formed for the purposes of ‘pulling resources’ together to improve group members’ living standards by filling financial gaps during times of hardship; for entertainment; for election purposes; and for providing security and development. The issues that these groups deal with are diverse, encompassing political, social, economic and security matters. In particular, the groups deal with deaths, school fees problems, health care, unemployment, poverty, hunger, diseases, poor governance, greed and corruption, tribalism, ignorance and insecurity. They rely on savings and handouts from politicians.
The general strategy for such groups is: hide behind your community and portray other communities as evil and marginalize them; operate behind political parties, dominant leaders and offer protection to these political leaders. The groups use barazas and text messages to mobilize themselves.

Ethno-political identity featured prominently. In Rongo for example, people identify themselves in terms of ethnicity as Luo and along political lines as ODM (at least up the time of the interview). Since the area is not far from the border with the Kisii ethnic community, the Kisii feature prominently in the social discourse at Rongo, where they are mostly perceived as Jamua or jagot. Although this perception is to some extent objective since the Kisii come from the hills, it is meant to identify them as separate from Luos. Sondu, which is along the border between Luos and Kipsigis, hosts Kisii as well. This area demonstrates the ethno-political identity of the people. It was pointed out that despite ethno-political differentiation, women groups in Sondu comprise different ethnic communities.

In Sori (a trading centre at the shores of Lake Victoria in South Nyanza), people identify themselves first along ethnic lines (dominantly Luo). This gives the residents a strong sense of belonging especially when they have a feeling that other communities are suppressing them. Related to ethnic identity there is a strong attachment to political and community elite. For example, during the first Kibaki-government-driven constitution-making process, when Dr. Crispin Mbai (a Luo political scientist at the University of Nairobi) was assassinated, members of the Luo community made a demonstration in Sori involving violence targeted at non-Luos. When there is a major political election, especially a general election, people identify themselves in terms of political parties and the candidates they are supporting. Such approaches to personal identification at times cause group conflicts.

The main identity groups in Kuria are based on clans. However, though clan identity and differentiation exist in most parts of rural Nyanza, differences based on them do not usually create conflicts except during election time when clanism is evoked to mobilize votes and when there are infrastructural allocations from the government. For example, as already mentioned in the

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13 ‘Jamua’ designates their non-Luo status while ‘jagot’ descriptively identifies them as people from the hills (the relatively hillier parts of Nyanza).
preceding sections, the 2007 conflict in Kuria East between the Nyabasi and Bwirege clans was sparked off partly by cattle-rustling incidents and by political differences over the division of Kuria District as well as disputes over the location of the headquarters of the newly created Kuria East District. There were objections to the idea of placing the headquarters at its current location in Kegonga division, which is associated with the Nyabasi clan (United Nations, 2009).

Another criterion used for identification in Kuria is the age-set system, where youths compete for recognition in the community by showing that they have ‘come home’ with stolen animals. Attempts to gain fame and social status as well as increase their economic well-being motivate the youths to engage in cattle rustling and conflict. Youth mobilization has also been a strategy employed by politicians especially during general elections. Youths may form groups that are clan-based and/or friendship-based. Such groupings at times end up causing conflicts.

The gains associated with these group actions are mainly in the political and economic domains, where certain individuals, usually men, are propelled to leadership and financial security. On the negative side, women lose sons and/or get raped, the youth are arrested, cultural values are lost and massive unemployment follows due to destruction of property.

5.3.2 Human needs
The needs of the Nyanza residents were identified as environmental, political and social-cultural. People in this region need peace, health care, jobs and financial security. At the national level, the needs identified by the respondents included: the establishment of a new constitution; having motivational leadership; protection of strong family values; establishment of social welfare programmes to assist orphans and widows; doing away with nepotism, favoritism, tribalism and having a government that provides equal opportunity to all.

The pressing need is the reduction of poverty through the provision of basic means of livelihood. Poverty has made the youth engage in stealing and crime because most of them are illiterate – they drop out of school at an early age. Unemployed youths tend to go for the easy cash (e.g. from theft) as the only alternative for survival. There are many unemployed youths in Kisii who do not have a stable source of income and, therefore, resort to stealing. Most of the youths marry very early and, due their weak financial resources, embark on the stealing of animals.
Skewed development has made it difficult for the people of Nyanza to realize their full potential. As observed elsewhere above, the skewed development can partially be explained by Nyanza’s history of being perceived as the home province of people belonging to the opposition and, consequently being sidelined by the government. The general Luo perception of Kenyan development patterns as being unfavorable to them can be used to explain their cohesiveness as a community in matters of politics, which at times leads to aggressive political behavior towards the perceived ‘political enemies’.

Health and community (including family) survival are matters of grave concern to the people of Sori, for example. The HIV/AIDS pandemic, in particular, has rendered many children orphans and threatens to wipe out the community. This is true also of other places along Lake Victoria like Kisumu. There is a pressing need to access sustainable health services for people suffering from HIV/AIDS. More broadly, there is need to curb the rampant spread of HIV/AIDS in Nyanza, where the children being rendered orphans by the scourge, lacking parental care, are likely to resort to deviant aggressive behavior in the region.

People of Nyanza are very much concerned about their security both as individuals and as a community. Frequent attacks in places such as Chepilat, Sondu, Nyangusu and parts of Kuria have resulted in people arming themselves to provide for their own security as well as revenge attacks. This has made some parts of Nyanza insecure, leading to the emergence and re-emergence of vigilante groups. History has proved that when such groups are used to provide security, they have ended up feeding into the community conflict cycle.

5.3.3 The role of government and state in conflict

Like other Kenyans, people of Luo Nyanza feel that members of an ethnic group in Kenya can have their turn to ‘eat’ only when one of their own ascends to the presidency. They feel that regions that are the favorites of the presidency get first priority in development and the ethnic community that has produced the president at any given time gets better treatment from the government in terms of infrastructure and appointments to senior government positions, including ministerial appointments.

This feeling by the people of Luo Nyanza can offer a partial explanation to the conflicts that affect Nyanza, especially along the border. Sentiments along the borders of Nyanza and Rift Valley point
to the perceived favors some ethnic communities in Rift Valley Province get as the motivating factor behind their continued engagement in conflicts. The government does not fulfill development promises made by the ruling party during election campaigns. The youth have been neglected by the government, making them vulnerable to such forms of anti-social behavior as stealing, cattle rustling and other types of crime as a means of livelihood.

Some respondents pointed out that since 1966 (when Jaramogi Oginga Odinga formed an opposition party), most people in Luo Nyanza have been sidelined in politics and government appointments. To illustrate how Luo Nyanza has been sidelined by the government, some respondents noted that former president Moi, as a way of justifying the sidelining of Luo Nyanza in Kenya’s development agenda, had once figuratively said: “Siṣa mbaya [ni] maisha mbaya”14 in reference to Luo politics. Such utterances were meant to suggest that the suffering of the people of Luo Nyanza was a logical consequence of their ‘bad politics’, which could serve as a warning to other communities that they should expect little from the government if they adopted the ‘same political trend’. The imperial presidency in Kenya has led to the slow pace of development in Luo Nyanza. The people claim that successive governments have marginalized the community economically, citing the collapse of the cotton and rice industries. They also question why the government built a fish processing factory in Thika, which is far away from Lake Victoria. Such perceptions of skewed development reinforce ethnic animosity and perceived exclusion in socio-economic/political development which further builds ethnic tension. This can explain why there are quick violent confrontations in Kisumu and its environs when something that is perceived to target Luos happens.

In the past, the government has been perceived to be misusing security forces to intimidate some communities, among them Luos. Nyanza has been marked as a security zone and security forces only know that they have to use massive force to deal with Nyanza people, who, consequently, consider the government of Kenya a foreign entity in their lives. They basically feel excluded and not part of the government. The sight of the dreaded police unit, the General Service Unit (GSU), in Kisumu sends a message of harassment rather than security. People are terrified of this

14 A Kiswahili statement that literally means ‘bad politics [leads to] bad life’. – This statement was used occasionally by former President Moi in reference to why some communities suffer and lag behind in development.
paramilitary outfit. The security agents are accused by the communities in Kisumu and Migori of using excessive force, including live bullets, to quell demonstrations. Some security agents are accused of perpetrating violent acts, including rape.\textsuperscript{15}

The security agents do turn out to be perpetrators of violence when they come and vent their anger on everybody, while some are accused of taking bribes and not taking appropriate action when it is necessary. Some respondents claimed that some of the weapons that were usually used to execute violent missions had been given out by government agencies and personnel. Respondents were unwilling to answer further questions on this matter either due to lack of sufficient evidence or fear of reprisals by the security agents. However, from the given responses, it was clear that the government as an institution and/or as individual agents of the state had some degree of complicity in at least some of the violent activities taking place in Nyanza. This issue casts doubt on the legitimacy of the state as a provider of security to its citizens.

Looking at the testimonies on community-government relationships, it is strongly indicated that the government does not enjoy the confidence of the citizens in Nyanza in terms of providing for/responding to their security needs or grievances.\textsuperscript{16} This suggests that the government has over the years had decreasing credibility as a security provider to the people of Nyanza. The government is usually slow in responding to conflicts in the region. Some respondents think that the conflicts in the region provide an opportunity for the government to settle scores with the people of Nyanza. For example, Nyanza people believe that the government’s interventions in the 2007 post-election violence in places like Kisumu were simply that: acts of scoresettling using state security forces. This sentiment corresponds to the media reports in early 2008 that pointed to excessive use of force in Kisumu by the security agents. Such feelings by the residents of Nyanza seemed to be reminiscent of the experiences of the late 1960s when Nyanza people were killed by state security forces during a visit to Kisumu by Jomo Kenyatta.

Previous governments and government officials have shown tendencies towards discrimination, making people or communities they perceive to be in opposition (to the ruling elite) poorer. This phenomenon is related to skewed development and, in particular, the isolation of Nyanza from development as discussed earlier in this chapter. Tribalism and negative ethnicity have been

\textsuperscript{15} An interview with anonymous businessman aged 31 year in Migori.

\textsuperscript{16} Interview with anonymous lady aged 48 years.
promoted by those in power, creating animosity especially during general elections, which affects border and urban centers. During election campaigns, politicians use divide-and-rule tactics and lie to the relevant sections of the electorate by promising to defend them against the perceived enemy once voted in. Ignorance, illiteracy and insufficient political awareness among the voters make the electorate vote along ethnic lines, usually for the wrong candidates. This problem is usually compounded by acts of political patronage. For example, the people of Luo-Nyanza have over the years stuck with the Odinga family for political patronage. Similarly, some areas of Kisii and Kuria (including Luo villages) have stuck with some traditional politicians who keep promising protection.

The unfortunate aspect of this scenario is that some of these politicians preach hate and do not want to admit that it is they who need security from the people. Therefore, they pit communities against one another and negatively politicize critical issues of community development and security. As pointed out by one informant, the political leaders influence these conflicts for their own benefit.

Political parties are based on tribes and tribal alliances, leading to a situation where people from tribes not believed to be supporting one’s party are seen as enemies, in spite of the publicly held view that Kenyans have the freedom to choose the party to support depending on its political agenda. The reality is that politicians exploit members of their constituencies, using idle youths to cause conflict when it serves their (the politicians’) interests. The government, usually composed of such politicians, has not taken a significant step forward to provide civic education for voters, so that many parties can be supported from each tribe and not a whole tribe forming a voting block behind only one party. It is the formation of such tribal voting blocks that accounts for most of the post-election violence activities at Chepilat since the Kipsigis were known to be supporters of ODM while Kisii were perceived to be supporters of PNU. The political party act is not strong enough to prevent the proliferation of political parties so as to give Kenyan voters only few political parties that have clear ideological boundaries.17

As already suggested in the preceding sections of this chapter, provincial administration officials contribute to inter-ethnic conflict by being part of the cattle rustling scheme in the area. Colluding with the cattle rustlers, they deliberately fail to trace stolen animals so that they can get some

17 An interview with anonymous businessman 35 year in Borabu Division of Borabu District.
money from the rustlers. This aspect of criminal activity and corruption has aggravated the phenomenon of cattle rustling which in turn results in latent and armed conflict in Sondu, Chepilat, Nyangusu, Nyamaiya and Kuria. According to respondents in Sondu, during cattle rustling and political conflict, the Kipsigis community is favored by the government. This is attributed to the fact that the Kipsigis are part of the politically powerful Kalenjin community, having been in power for over two decades, and most of the policemen during the Moi regime were Kalenjin, many of them specifically Kipsigis.

The police officers protect the Kipsigis, usually even conversing in their mother tongue with community members and among themselves. Such sentiments by members of the Luo community in Sondu are echoed by Kisii along Chepilat, Nyangusu and Nyamaiya. According to the Kisii respondents in Chepilat, Nyangusu and Nyamaiya, the Kipsigis and Maasais were protected and favored by Moi’s regime and this motivated them to continue with the culture of cattle rustling and conflicts.

It was observed that the police response whenever there is a conflict in Nyanza has generally been slow. During the Moi regime, whenever there were cattle raids and inter-ethnic conflicts the police would be sent very late, usually when many Luos and Kisii were already injured or killed. At times, even today, police officers are ill-equipped compared to the cattle rustlers and criminal elements. According to information gathered in Kuria, some of the sophisticated weapons used in the raids come from Tanzania through the Isebania border. The government of Kenya has not effectively collaborated with the government of Tanzania to curb the possession and use of illegal firearms. The disarmament that has been taking place on the Kenyan side of Kuria has been inconsequential in improving the security situation since the weapons continue to be brought in from Tanzania through Isebania.

However, since 2002 when the NARC government came into power, there have been some major changes. The provincial administration is co-operative and the communities feel well represented in government. The government is instrumental in constituting border committees that are doing good work in ensuring that peace prevails. This observation reflects the general feeling that the

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18 Interview with William Oketch and Eucabeth Atieno of Lower Nyakach Division in Nyando District, and Focus Group Discussion in Kabongo village in Sondu.
Kenyatta and Moi regimes excluded some ethnic groups from the government, which translated to ‘alienation’ and inadequate protection by the state security apparatus. Thus, for example, members of the Luo community feel that during the Kenyatta and Moi regimes they were excluded and marginalized by the government, which should have protected them from threats to their lives. Instead, they see Kenyatta and Moi regimes as systems that failed to fulfill their legitimate responsibilities. With the recent changes in the ethnic alignments in the government, the Luo community in Sondu started demonstrating a feeling of inclusivity while the Kisii demonstrated a feeling of exclusion from the government based on how they were targeted during the post-election violence. These perceptions of inclusion and exclusion are conflictual and do not promote social cohesion.

As suggested earlier, since the Moi regime came to an end, there have been improvements, no matter how small in some instances, in the relationships between the government and the communities in the Nyanza region. This is demonstrated by the subsiding of traditional border conflicts in Sondu, Nyangusu and Nyamaiya. It was reported that police-community relations are also improving and the police seem to cooperate with the communities. Consequently, stolen cows are traced and given back to their owners.

5.3.4 The colonial history and its legacies
According to our respondents in Nyanza province, the British colonial administration in Kenya appointed chiefs, some of them at the higher rank of paramount chiefs. These chiefs and paramount chiefs were used by the colonialists to change traditional settlement patterns and land tenure systems, leading to loss of land by some families and/or individuals. The British encouraged the identification of people by ethnicity and perfected the policy of divide and rule along ethnic lines. This further encouraged competition and spread of negative propaganda and prejudices among different ethnic groups. The colonial administrative boundaries were demarcated along and across ethnic lines and even distorted kinship networks. Thus Luo-Kipsigis, Kipsigis-Kisii, Kisii-Luo-Kuria boundaries were unclearly demarcated, making boundary issues a perpetual problem among the relevant communities. For example, the Kipsigis in Chepilat claim that the boundary between them and Kisii is at Metamayua, which lies far inside what, by population, seems to be Kisii territory. On the other side, the Kisii claim that the boundary should be at Kabianga, deep within what seems to be Kipsigis territory by settlement patterns. This creates confusion in
determining where the boundary between the two ethnic communities should be since they both base their claims on credible evidence. The Kisiis, for example, point out that ‘Kabianga’ comes from their language, where it means ‘they have refused’; while the Kipsigis resort to history, pointing out that it was only they, and not the Kisiis, who had been displaced by the colonial administration. This, to them (the Kipsigis) leads to the conclusion that the Cheplata settlement scheme rightly belongs to the Kipsigis. Such boundary issues cause conflicts in the region.

The positions of chiefs and paramount chiefs, and the dominance of certain clans/families in leadership positions, are major causes of tension in this region. The colonial establishment and creation of such elitist positions and families provided an opportunity for some groups and individuals to amass wealth at the expense of others. Even though the colonialists are long gone, the structures they put in place still hurt Kenyans. From this perspective, colonialism is the origin of tribal hatred among Kenyans. The division of land by the colonialists, compounded by the colonial construction of community prejudices, promoted negative ethnicity, which has further been non-constructively exploited by subsequent post-independence regimes.

However, there is another view. Some respondents argued that there is no relationship between colonialism and what is currently happening in Nyanza. This lot argues that the colonialists did not bring the quota system (which is unpopular with many Kenyans) in the education sector, for example. Although, the majority of respondents agreed that somehow the British have something to do with how things are being run in Kenya, there are those that feel the successive independent governments have been responsible for the majority of social, economic and political ills that affect Nyanza. Those who hold this view argued that the British forced Kenyans to do things that benefited them and successive regimes in Kenya have copied their ways.

The colonial constitution that was created in Lancaster has not been changed to suit Kenyans and enhance national interest and national cohesion. The amendments that have been made over time, including the re-introduction of multi-party democracy in the 1990s, have not achieved anything close to the identification and promotion of national interest and national cohesion. For example, the requirement that a presidential candidate must obtain at least 25% of the votes cast in any five provinces makes communities fight with each other during election time, especially along ethnic boundaries as a strategy to gain the 25% of the votes cast and prevent the candidates from other ethnic communities from gaining the same.
Colonial as well as current administrative boundaries in Kenya are different from traditional inter-ethnic/intra-ethnic settlement arrangements. The subsequent confusion has led to land disputes and the flow of arms across international borders such as Isebania in Kuria. A similar problem was reported concerning Kisii-Maasai relations. The original Maasai in Trans-Mara were the Siria, but the British brought other Maasais from Eldoret and Mt. Elgon called Moitanic (from Mt. Elgon and Uasin Gishu). This increased the population of the Trans-Mara Maasai, generating pressure over resources and strengthening their cattle rustling and attacking capacity against the Kisii, leading to frequent conflicts in Nyangusu, Nyamaiya, Ogweti and the Maasai-Luo and Maasai-Kuria borders.

5.3.5 International linkages

There are two types of conflict areas in Nyanza when it comes to international linkages: marine and territorial. With regard to marine conflicts, the Ugandan and Tanzanian security agents sometimes arrest Kenyan fishermen anyhow causing tension and conflict. To avoid arrest, Kenyan fishermen are forced to bribe Ugandan and Tanzanian security forces. There has been international intervention where the Kenyan government collaborates with the other two countries in addressing fishing disputes related to Lake Victoria. However, the claim by Ugandan authorities on the jurisdiction of Migingo Island has generated conflict between the Luo population and the Ugandan authorities as well as the Kenya government. While the Luo population feels that the Ugandans are depriving the Luos of their right of access to the Lake Victoria water resources especially fishing activities, which constitute the main source of their livelihood, the Kenyan government was slow in addressing their grievances with the Ugandan authorities.

Territorially, the Kuria people are in both Kenya and Tanzania, giving the conflict in Kuria an international dimension. Most of the arms that are used in cattle raids and violent conflicts come from Tanzania through the Isebania border. It is perceived that control for such arms is lower in Tanzania compared to Kenya. The disarmament exercises that have been carried out on the Kenyan side of Kuria have not been done in Tanzania, allowing arms to continue to flow to Kenya through that border (Isebania).

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18 This issue of arms flow is further discussed on the section on international linkages.
19 Interview with Gerald Nyamongo Ngege (chief Rigena Location) and John Nyangesa (assistant chief Rigena Sub-location) of Nyacheki Division in – Nyamache District.
During armed conflicts among the Kurias in Kenya, their cousin clans from Tanzania come to help them, usually bringing with them sophisticated fire arms and in return getting cattle. In recent times, the Tanzanian authorities have been collaborating with their Kenyan counterparts to curb the conflicts in Kuria.

Although some international linkages were identified as contributing to conflicts in Nyanza, some respondents laid the blame on the Kenyan government and local communities for not working out solutions to their problems. The reliance on foreigners and foreign aid has had a contribution to conflicts especially when funding is withdrawn for whatever reason. The respondents argued that the affected communities are to blame for not pressuring the government hard enough to be more serious in making the necessary reforms, which in turn makes communities fight among themselves. The affected communities are to blame because they keep making the same mistakes by choosing wrong people to lead them.

On the positive side, it was noted that some donor countries have contributed to the management of conflicts by pressuring the government of Kenya to make positive reforms that have contributed to conflict management. Some respondents observed that when some countries, e.g. the US, say something is to be done - somehow the government does it. Therefore, the international community has leverage over state policy shifts and orientations. This puts a significant degree of responsibility on the international community to constantly engage with states such as Kenya to ensure that the citizens are protected from conflict and other conditions that can dehumanize them.

5.3.6 Environmental degradation and its consequences

Population explosion and low sources of income have made people engage in forest clearing for settlement and charcoal burning to raise income or for domestic use. This has resulted in the degradation of forests and depletion of water catchment areas. This is the case with the Mau Forest, where the consequences of forest degradation include reduced rainfall and nationwide water scarcity, leading to hunger and poverty as agricultural activities decline. In parts of Nyanza, levels of rainfall have become inadequate to support the farming activities which traditionally supplemented the major economic activities: fishing and cattle rearing. The respondents noted that in Kuria, Kisii, Sori and Sondu, for example, land and forest degradation are common. Poor use of land has also led to soil degradation hence poor yields in farm production.
These environmental disasters translate to the need for bigger portions of land to support the agricultural activities required to feed the increasing population. In the face of the consequent hardships, conflicts occur as people move out to look for more land. The cycle continues as they engage in the same environmentally unfriendly economic activities wherever land happens to be available, making the continued search for productive land (and, of course, water) more and more desperate. This partially explains the exodus of the people from Kisii and Luo Nyanza to Kipsigis and Maasai areas - a situation that continues to cause conflict.

Decades of wrong policies and failed land policy implementation strategies had prepared people for conflict. For instance, local government leaders are known to allocate to themselves and their cronies parcels of land grabbed from council plots. Those who do not benefit from such allocations feel cheated. This is a common source of conflict. The situation is made worse by the government’s reluctance to provide title deeds to land owners in places like Sori in South Nyanza. Land sale agreements are not taken seriously in the absence of title deeds. People who have sold their parcels of land sometimes come back wanting to repossess them. Moreover, some people do not honor or recognize the existence of land title deeds. This renders the land owners vulnerable to greedy land grabbers. Another common source of land-related conflict in Nyanza is the traditional practice of communal land ownership, which tends to generate confrontations especially among members of the same extended families.

What has turned out to be a common tragedy for the communities living along the shores of Lake Victoria is the water hyacinth menace. The affected communities are decrying the lack of intervention measures in dealing with the menace as well as the prevalent cases of water pollution. The combined effects of water pollution and the destructive plant have critically affected the fishing industry with adverse consequences for the livelihoods of the said communities. Such economic misfortunes partially account for the increasing occurrences of crime and conflicts in the urban centres situated along the lake, e.g. Kisumu, Sori and Homabay.

Kisumu in particular is bedeviled by water and sanitation problems. Borehole water is not treated, making it a vehicle for transferring water-borne diseases to the vulnerable population. This affects the quality of life among urban dwellers in Nyanza. Furthermore, the existence of boreholes and water points is not sufficient to sustain the population’s water needs. This results in struggles over the scarce water resources that at times lead to violent conflict.
Although the government is trying to enforce environmental laws, such efforts have not brought about significant changes because of corruption among law enforcement agencies. Other interventions include the work of the National Environmental Management Authority (NEMA), which has been in the forefront on environmental advocacy to address the land, water and forest issues. The government is also trying to supply water especially in the urban centres and encouraging people to plant trees. Similarly, some NGOs like CARE are helping the community in environmental education and campaigns such as better farming methods, though their actions are not very successful.

While environmental degradation is itself a source of conflict, it is important to note that conflicts in Nyanza have also contributed to environmental degradation. During the 2007/2008 post-election violence places, e.g. Chepilat, that had been thriving economically, were burned down. Areas that had been ploughed were left to lie fallow, exposing the land to soil erosion and other agents of land degradation. Kisumu City, Migori and Sondu witnessed the burning of houses, resulting in the pollution of the atmosphere. Subsequently, burnt houses made these urban centres look ugly besides evoking memories of the conflict. Moreover, attempts to reconstruct homes in the post-conflict period led to further destruction of trees and other environmental resources. In itself, the reconstruction process, being a heavy burden to those affected, reinforces hatred and animosity among communities as groups and individuals are reminded of what befell them.

5.3.7 A lucrative war/conflict economy and related evils

The struggle for power and control among politicians and elitist groups has culminated in the formation of, and support for, illegal groups in Nyanza. Such groups terrorize people to create confusion while protecting their political godfathers and other elitist individuals who gain from such confusions. Respondents noted a tremendous increase in the number of idle youths for hire in places like Bondo/Usenge, Nyalenda, Manyatta, Otonglo and Nyamasaria.

Another area that is famous for lucrative conflict business is Kondele (in Kisumu), where the youth are always ready to participate in riots. The matatu operators, hawkers, and youths in Kondele provide security for politicians and religious leaders. There is an emergent group known as the Kondele Boys. The group has its own leadership and offers its services for hire. Other groups organize themselves under the boda boda business, community policing or supporters of a
particular politician. The impact is unwarranted destruction of property. The activities of Bagdad Boys, for example, involve terrorizing members of the community. Their organizational base is at the matatu terminus and they are paid by politicians. Their weapons are usually stones and machetes which are readily available and are used to maim, destroy or kill their target.

No doubt, there are historical and economic factors behind the activities of such groups and the conflicts they engage in. Poverty usually necessitates struggles for survival, some of which tend to take rather negative shapes. In Kondele, the post 2007 election violence initially targeted the Kikuyus, Merus, Kisiis and Kambas but after all the targeted communities’ properties were burnt down, the groups started targeting properties owned by rich people from the Luo community who were perceived to be hostile to the poor.

In talking about the economy of conflict and its related evils in Nyanza, as elsewhere in Kenya, one cannot fail to mention corruption. Misuse or mismanagement of public assets and resources, and the attendant lack of transparency and accountability, has been witnessed in Nyanza. It has negatively impacted on the lives of the people of Nyanza since what is meant to benefit the community does not reach the targeted population. The affected people, usually ordinary citizens, feel shortchanged and become prone to conflict. Those involved in corruption are the elite or influential people who are usually not prosecuted. Corruption involves not only bribery but also favours done to a tribal community because its members, especially its political elite, are loyal to the government of the day. Thus, the Moi regime supported the Maasai by not caring about the cries of the Kisiis, who were frequently attacked by the Maasai, because the Maasai were considered loyal to the Moi administration, perhaps because of their close relationship to Moi’s Kalenjin community. Tribal or ethnic corruption in the country made Kalenjins to get direct support from the government for a long time and this made them believe that they were stronger than their neighbours, e.g. Luos and Kisiis. This gives them the audacity to raid animals from Luoland, as little is done by the government to curb the vise or recover the stolen animals. Government officials in the provincial administration are also said to be bribed with stolen cows to co-operate with raiders.
Corruption is also the act of giving something, usually money, to a government official in order to get help or be served. This practice, popularly referred to in Kenya as *kutoa kitu kidogo*\(^{20}\) widens the gap between the ‘haves’ and ‘have nots’ in Nyanza. Some provincial administrators in the past could not help in tracing animals stolen from poor families unless they were bribed, though, in some cases, they could take the money and fail to trace the cattle\(^{21}\).

Some respondents in Sondu observed that corruption is a deadly disease killing Kenyans and it is not likely to end soon. This observation points out to a social and economic ill that has been embedded in the structure of relationships in the country, including Sondu and, in general, Nyanza.

On the whole, Kisii, Luo, Kipsigis, Kuria and Maasai raiders benefit from cattle rustling. However, the Maasai and Kipsigis benefit more since they give little money to their Kisii, Luo and Kuria collaborators for the delivery of raided animals at the border. Some influential people have found cattle rustling a lucrative business. So, with the help of some youths, they organize cattle raids for commercial purposes. As we have pointed out above, some Luo and Kisii insiders organize raids and transport animals to the border with the Kipsigis, where collaborators from the Kipsigis community receive the animals at a fee, paid in cash immediately or later as agreed.

As mentioned in earlier sections, there is an arms trade which is rampant in conflict hot spots. The arms involved are normally guns and crude weapons like pangas, clubs, machetes, spears, bows and arrows, and metal bars. The sources of guns in Kuria were identified to be in Tanzania, as already mentioned above. Tanzanian Kudios who come with guns to assist their cousins in Kenya are given cows as a reward. The arms trade is said to thrive in the conflict hotspots, including those mentioned in earlier sections, when there is active conflict as well as towards Christmas. During this time people are preparing to raid for purposes of acquiring something to use in celebrating Christmas. One of our respondents, a member of Kehancha FGD, joked by challenging the research team to try selling bows and arrows and see how lucrative the business is.

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\(^{20}\) This is a common statement in Kiswahili language literally translated to mean “give something small” which is used in Kenya to mean give some money for you to receive some service or get away with an offense from security forces. Although it implies something small actually it means a bribe which can be a lot of money.

\(^{21}\) An interview with Eucabeth Atieno of Lower Nyakach Division in Nyando District.
It is important to note that as cases of conflict and insecurity increase, the demand for arms also increases; and, as the demand and possession of arms increase, conflict and insecurity also increase. It is a vicious circle.

**5.3.8 The elite and influential individuals**

Politicians have managed to divide the people or the country along ethnic lines through hate messages. Some politicians encourage people to steal and destroy property to gain political advantage over their opponents in such confusion. Ethnic communities are pitted against each other and responsibility for problems experienced by one community is placed on the shoulders of another community. Ethnic rivalry has also been reflected in the so-called sharing of the national cake, where political leaders sideline and marginalize some communities based on whether they are (perceived to be) in government or in the opposition. This even goes as low down as the clan level, depending on how the pertinent political rivalry is defined. Development is, thus, treated as a favour done to communities that support the political powers that be at any given time.

Some elites and influential people mobilize people of their tribe to gang up against other tribes. They use their money in such acts of mobilization to serve their own interests. Politicians organize the youth and even go as far as training them to cause conflict in certain places. Our respondents noted that, to protect their interests, politicians use especially their financial influence to mislead the youth to take part in violent activities. Using propaganda and hate speeches, the politicians incite youth groups to engage in violent conflict. According to one respondent, the elite and politicians are always involved in corrupt deals, nepotism and supporting organized (youth) groups such as *Sungu Sungu* to cause violence. They buy for such groups the necessary weapons and protect them (against the law).22

Influential people in the community bribe government administrators to protect them when they have used the youth to steal cattle or commit acts of violence. Such people have become rich because they take advantage of the cattle rustling to accumulate wealth. This has promoted the perpetuation of cattle rustling for a very long time, with the influential people taking advantage of it and treating it as a business venture. As observed earlier in this chapter, cattle rustling is

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22 Interview with John Bitange aged 29 years from Mosocho Division of Kisi Central District.
instrumental in intra- and inter-community conflict generation and escalation in some parts of Nyanza.

It was also observed that influential people have been instrumental in shaping the dynamics of conflict in Nyanza. They also shape how the people of Nyanza are perceived by other communities. In addition, they shape how the people of Nyanza perceive other Kenyans and the government of the day. Some of our respondents pointed out that some influential people read newspapers and interpret their content for the community members, who take their interpretation, which can be misleading, as gospel truth. This is another cause of conflict which is attributable to the Nyanza elite, including teachers, religious leaders, businessmen and politicians - the opinion leaders. According to most respondents, these people have basically failed to give constructive guidance to their communities. Some of them try to play it safe by distancing themselves from controversial situations, only appearing to be involved when all seems well.

It is the influential people who start saying negative things about the government, which the youth follow. Some of them fund illegal groupings to gain some unfair advantage in the competition for the leadership of the community. If it serves their interests, they finance conflict and incite people to engage in it. There were also reports of businessmen inciting people to violence and, sometimes, if their property was stolen, mobilizing youths to attack the suspects.

The elite and influential politicians are known for embezzling public funds and grabbing public land. This practice leads to the stagnation of development, thus contributing to underdevelopment. Consequently, suspicions and accusations over who is responsible for the stalling of development contribute further to intra- and inter-community animosity.

Ordinarily, children are perceived mainly as victims of conflict and violent activities. However, our findings show that they too can be instrumental in causing conflict, especially by giving negative information about neighbours to their parents, who tend to trust them and proceed to take action which often leads to conflict.

It is unfortunate that the voice of reason on these matters has not obtained a fair hearing. Although some influential people in the different Nyanza communities have tried to appeal to their people to
live peacefully with non-members of their communities, their peacebuilding efforts have been frustrated by the absence of a conducive environment for peaceful co-existence.

5.3.9 Group mobilization and inter-party dynamics

The youth groups being mobilized at community levels need to be given the necessary support. They also need assistance in developing the constructive agenda required for them to address the various issues afflicting their communities. Most of the existing groups currently meet because they would like to develop some ideas that will help them in their future endeavours. The youth groups in particular also meet to entertain themselves and spend some free time together. Their mobilization strategies include holding barazas and sending text messages for collective action for their benefit, often including mobilizing themselves against perceived enemy groups. Their sources of funding are typically politicians, NGOs, government elite, and their own fund-raising activities including business, extortion, group savings and membership contributions.

The main motive behind group mobilization is the composite desire for political power, political belonging and group security. Regular cattle raids by the Kipsigis, Maasais or Kurias has motivated Luos of Sondu and Kisiis of Chepilat, Nyangusu and Nyamaiya and Luos bordering the Kurias and clans within Kuria to mobilize and be ready to respond to any attack from a given enemy. During a focus group discussion (FGD) in Sondu, it was explained that, for purposes of responding to the frequent theft, the communities have now formed vigilante groups that are active especially during the rainy season when cattle rustling is at its peak.23 Government sidelining and the absence of a well coordinated mobilization framework makes them vulnerable to Kipsigis raiders as demonstrated in frequent cattle rustling. Once the Luo realize that the stealing of their cattle is too much, they tend to come together to trace their cattle in what is regarded as Kipsigis territory, thus provoking violent conflicts in which many people (from both sides) get killed.

Respondents observed that among the Luos, some political elite with their political parties have been instrumental in mobilizing community following. This is a common trend in Kenya. Such groupings are typically motivated by ethnic political considerations. Belonging to an ethnic group

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23 Focus Group Discussion in Kabongo village in Sondu.
is the major factor that mobilizes people to come together during an electioneering period. Ultimately, the group translates into an ethnic voting block.

The major social groupings in Nyanza are youth groups and women groups, which politicians normally capture through political gatherings, sports, crusades, and merry-go-rounds where they are mobilized and translated into political instruments. At the individual level many are brought together by their frustrations, unemployment, poverty, ethnic prejudices and corruption. As already pointed out, youth groups like Sungu Sungu are formed to provide ‘security’ to the community because of the increasing cases of theft and cattle raids.

Political rallies and the use of local languages are instrumental in the mobilization of groups for collective action. Local languages are used both for effective in-group communication and for preventing members of other communities from understanding the political messages being passed to members of a particular ethnic group. This has been the case during political rallies where politicians dominantly give a speech in English or Kiswahili while selectively putting some words in their local languages. Although there is some justification for this practice, based on the fact that local languages speak more to the people’s hearts and evoke a sense of cohesion as well as readiness for collective action, hidden statements expressed in local languages can be used to incite the listeners against some other community/communities, leading to inter-ethnic animosity and possibly violent conflict.

5.4 Conclusions and Recommendations

Most conflicts in Nyanza are along ethnic borders as witnessed in Sondu, Chepilat, Nyangusu, Nyamaiya, Ogweti, Toku (along Gucha South) and Rongo District as well as the border between Luos and Kurias and that between Kurias and Maasais. Other conflicts are experienced in areas of Bondo/Usenge, Ongol, Manyatta, Nyamasaria, Muhoroni/Chemelil, Kondele, Awasi, Nyalenda, Migori and Sori. This means that the conflicts in Nyanza are both in urban and rural areas. The conflicts are more connected to cattle rustling and land buying and leasing for cultivation. Cattle rustling practices are rooted in the traditionally constructed histories. For example, among the Kipsigis, Maasais and Kurias a man is culturally recognized as a man based on the animals he has ‘brought home’. This cultural perception reinforces the economic aspect of cattle rustling. Our respondents told us that marriage and cattle rustling are interconnected in the sense that it does not
matter how one gets the cattle to pay bride price; what matters is how many animals one has brought to the in-laws. This makes most youths engage in cattle rustling to pay bride-price.

Youths either form inter-ethnic (bilateral) partnerships to steal cattle alternately from one partner’s community and send them across the ethnic border to the other partner’s community or they engage in unilateral cattle raids across a given ethnic border to bring ‘foreign’ cattle into their own community. In general, inter-ethnic cattle rustling usually has inter-community networks, involving arrangements in which most of the animals stolen from a given community are stolen through inter-community connections. A member or members of a given community collude with people from the other community to bring the animals to the border and they are paid or lead the outsiders into places where there are animals. This is done mostly at night.

Population pressure in Kisii and parts of Luo Nyanza like Ogweti and Sondu has resulted in scarcity of land, making it difficult to sustain the increasing population. The problem is also related to over-use of the available land, leading to diminishing productivity. This has made it necessary for these two communities to move across ethnic borders to buy land, lease land for cultivation or take their animals across the border to graze, a practice which has generated land conflicts and cattle raids. The pressure on land is further caused by the fact that Maasais along the border are partly or wholly changing their lifestyle to (land) cultivation. This generates more conflict over land use and ownership.

The overriding fact is that there is mutual distrust among the communities residing in the Nyanza region especially along the borders with the Rift Valley, which has been instrumental in building tension to the extent that some rumors result in loss of human life. It is only in Kuria where there are violent intra-community tensions emanating from a long history of conflicts based on suspicions and cattle rustling. More recent intra-community tensions among the Kuria have been based on disagreements over the creation of new districts by splitting existing ones. In most cases, the location of the new district headquarters has been the point of contention. Apart from Kuria, where this resulted in armed conflict, and - to a lesser extent - Kisii, other parts of Nyanza have not experienced violence related to the division of districts.

While cattle raids and competition over land resources are seen to be instrumental in enhancing violent conflicts, political incitement has been a major challenge to the peaceful co-existence of
communities in Nyanza. Politicians have manipulated people for their own benefit. The culture of political handouts has also contributed to anti-social behaviour among the youth. When the handouts dry up, the youths especially in urban centers turn to crime as a means of livelihood with serious implications for other people’s security. ‘Bad politics’ involving hate campaign messages/speeches with ethnic undertones have obstructed peaceful co-existence among the different ethnic communities in Nyanza as people get disoriented from the real problems facing them by the strong emotions arising from mutual distrust and suspicions along ethnic lines.

The issues addressed above relate to the manifestations of violent conflict. The root causes may be traced to the more structural issues like unfair distribution of resources that result in uneven development with the attendant negative inter-ethnic attitudes. Structural problems are more difficult to deal with when they get entrenched in a community’s psyche and socio-economic institutions, with politics providing the flashpoint for all forms of bitterness. Of the manifestations of structural root causes of conflict, poverty is perhaps the leading obstacle to peaceful co-existence. Most of the youths and other sections of the Nyanza population are unemployed, with very limited means of livelihood, making it easy for them to engage in violence and criminal activities. Youths are vulnerable to manipulation and use by politicians and influential people to cause and engage in conflict.

Cattle rustling, struggles over resources like land and water, and political manipulation have symbolic meanings to the people involved, including connotations of life, dominance, prosperity and psychological satisfaction, which make them instrumental in mobilizing people for violent activities. Values attached to engagement in conflict as well as victory have at times motivated people, especially youths, to engage in violent conflicts to prove, for example, their ‘manhood’ as well as symbolic superiority.

The provincial administration, including the police, are often overwhelmed. The use of force has created government-community suspicions and distrust, consequently serving as a cause of more conflicts. Similarly, corruption within the provincial administration has served to perpetuate the culture of conflict and violence. Peacebuilding requires a long term strategy and in most cases has no time limit.
The main challenge includes, but is not limited to, lack of personnel trained in peace advocacy; lack of known non-state institutions, besides the security forces, established to exclusively deal with and respond to conflict; as well as lack of funds to facilitate peace meetings and peace initiatives in a consistent manner.

The way forward for a better Kenya, entails commitment to make a difference on different planes. In particular, youth empowerment should be promoted to reduce unemployment. This can be done through the provision of entrepreneurial skills as well as information of how to get capital to engage in constructive economic activities. Poverty reduction strategies should be embraced by the government to reduce conflicts arising from cattle rustling and scarcity of resources. The anti-stock-theft police unit should be reinstated in cattle rustling hot spots to curb the vise.

In addition to the strategies mentioned above, sustainable voter education and corruption reduction strategies should be put in place and cultural pride should be promoted without enhancing tribalism. The communities living in Nyanza should be provided with opportunities to learn to appreciate each other and live together in peace. NGOs and other organizations need to introduce long-term peace initiatives and religious leaders should preach peace.

Like other Kenyans, the communities living in Nyanza need civic education on their democratic rights so that they become a force that will shape both the development and leadership of their society, ultimately facilitating their own capacity building for positive non-violent change. There is also a need to educate people on alternative means of livelihood. This education should cover a wide range of issues including environmental conservation and sustainable land use. The goal of such education is to ensure that people’s needs are met without involvement in conflict or aggression as a coping mechanism. Although such initiatives should be designed with the whole community in mind, their prime target ought to be the youth. Generally, there is a need to sensitize citizens to take an active role in improving their lives, ensuring that they participate in making decisions that affect their lives.

Providing opportunities for intra-community and inter-community dialogue will help in defusing tensions that otherwise could build up. This should be accompanied by strategies to disseminate conflict-sensitive information on what is happening. Similarly, opportunities for people to re-
examine their cultural perceptions may help in addressing ethnic prejudices that have motivated conflict over time. This can be done through cultural exchange activities and forums. There is, therefore, a need to establish resource centers that will facilitate information flow.

Since constructed histories and conflict memories have been instrumental in conflict generation and escalation, there is a need to initiate intercultural dialogue addressing more particularly the negative implications of some cultural practices and perceptions, which should be exposed and subjected to open and critical examination by the communities involved. For this to happen, civil society should take the lead role in facilitating such initiatives. They are better placed to address the negative attitudes of the people as they are not associated with bias and the use force. This will open avenues for communities and individuals to release their anger in a non-violent way.

Border committees should be strengthened by equipping them with conflict resolution skills and facilitated to execute their roles. These committees have an important positive role in enhancing inter-community and inter-clan dialogue especially in the case of Kuria. It should be pointed out that some of these committees have inadequate conflict-resolution skills and should be facilitated to enhance the relevant competencies. Individual committee members can be rewarded for excellent performance and dedication to peaceful co-existence.

One measure that could make some difference in the management of conflict in Nyanza is having some kind of early warning system. This could be any method, modern or traditional, by which impending conflicts can be detected before they start. The absence or underutilization (if it exist in some form) of such a system in Nyanza makes it necessary for us to emphasize the need to develop a conflict early warning system to facilitate early intervention measures.

Since the government usually needs some prodding, civil society organizations should embark on peace and development advocacy and lobby the government to address conflict and security issues as integral components of the development challenges facing the people of Nyanza. This will ensure that the government is kept on its toes in catering for the people’s human needs. This also calls for the mounting of pressure on politicians to express goodwill to peace initiatives and give peace a chance in their political careers. This can be done through pressuring politicians to comply with best-practice guidelines in engaging with the community and their political competitors.
Finally, like the rest of Kenyans, the people of Nyanza need a constitution that guarantees all their basic/inalienable rights. For such a constitution to be effective, the government needs to be democratic and inclusive, showing respect for the rule of law. The people of Nyanza believe that legitimacy is derived from the people and they should not be expected to owe their allegiance to individuals but to the rule of law.

References


6
WESTERN PROVINCE
M. Wepundi & John Obiri

6.1 Introduction
Conflict and displacement have always been issues in every Kenyan general election, arising mostly in flashpoints within the Rift Valley Province. Historically, violent conflicts and displacement of people in Western Province (WP) have been limited. However, in early years (going as far back as the 16th century when Luhya groups arrived after the Kalenjin), a multiplicity of communities tussled over land, territory and identity in western Kenya. These mainly included the Kalenjin, Maasai, Luo and Luhya nations. Current conflicts in Kenya do not occur in a vacuum but are a result of the culpable system of British colonial rule (Anderson, 2007; Orwa 1989, 1994) that has been further fuelled by post-colonial rule. In western Kenya the advent of colonialism heralded some major conflicts highlighted by the Chetambe and Lumboka wars (in greater Bungoma) between British forces and the Bukusu in 1895 (cf. Were, 1967; Nangulu, 1986; Ogot, 2005). The punitive rules that the colonialists put in place were largely geared towards their having complete control over the indigenous communities and their resources. At independence these rules were inherited by the Kenya government and, in many cases, continued to cause conflicts between the state and the local communities or among the communities themselves.

According to the just concluded research, the most recent notable conflict, which involved the Luhya and their neighbouring Nandi people, occurred between 1991 and 1994. While this conflict was played out in ethnic terms, the cause was fundamentally political, instigated by high-level government officials for partisan purposes, related to the return to multiparty competition (Brown 2002).

The conflicts and displacement following the December 2007 elections were largely unexpected especially because they extended, with ferocity, to previously tension-free areas in the province. Their unusual geographical spread was witnessed in the sporadic violence that occurred in all corners of the province extending from Vihiga to Lugari and Mt Elgon to Mumias. The major towns of Busia and Bungoma areas, including the provincial headquarters in Kakamega (town), were not spared either.
A total of 14,648 people were displaced in the province. Even though the number of displaced persons was low in comparison to the national figure of 300,000, there were catastrophic dimensions to the impact of conflict in Western Province. This is largely evident from the fact that it is only in the region that displaced people moved out of their own country (Kenya) and became refugees in another country – unlike in other provinces where they were internally displaced persons (IDPs). Over 12,000 people from Western fled to Uganda and have settled as refugees at Kiryandogo refugee camp in Masindi District (UNHCR 2008). Most of these belong to the Kikuyu ethnic group and many of them are unwilling to return to Kenya (KNDR, 2009).

Besides the political dimensions to the conflict, one of the current hotspots of violent conflicts in the province – Mt. Elgon District – witnessed a major military operation, dubbed Operation Okoa Maisha (Operation Save Lives). Despite its controversies (in terms of human rights abuses), this intervention helped quell a major threat – the Sabaot Land Defence Force (SLDF) – a militia whose reign of terror had regional ramifications (cf. NCCK, 2008; UNDP/OCHA, 2009). The conflict is rooted in a deep sense of historical injustice, land, identity politics, and political competition (UNDP/OCHA, ibid.). A land resettlement effort (in Chepyuk) for the Sabaot groups (consisting the Pok, Kony, and Bongomek – collectively referred to as “Soy” – and the Ndorobo/Mosop) that began in 1965 under the Kenyatta regime was never really completed, despite later efforts in the 1980s and 1990s. These aborted attempts, and the role of politicians, Laibons and small arms, escalated the conflict to proportions that could not be managed by local law enforcement agencies, hence the Operation Okoa Maisha.

The province also suffers lower-level conflicts over administrative boundaries. For instance, with the hiving off of Teso District from Busia, the demarcation between the two administrative units remains unresolved. This is despite the fact that the government spent five million Kenya shillings (approximately US$ 67,000) on the Mwangoyva Commission (2000-2006) to resolve the issue. Such boundary disputes are however wider – Mt. Elgon, Teso, and Bungoma districts lay claim to the Lwakakha border point, whose value lies in cross-border trade with Uganda (and attendant revenues generated). Furthermore, the creation of Matungu District from Mumias District has also created animosity within the communities there.
More boundary-related conflicts are envisaged in Western especially at the end of 2010 when the Interim Independent Boundaries Review Commission (IIBRC), whose work is currently in progress, submits new recommendations for boundaries. It is however important to note that underlying all these conflict issues is a lethal politicisation of identity that sets the stage for violence. For instance, in the case of the Busia-Teso boundary dispute, there have been violent clashes along the border lines of the two districts, for instance around Lupida, Katira and Kosia areas.

While Western is still viewed as a largely peaceful province, our findings indicate that the region is dogged with active and latent conflicts that dwell on issues of intra-/inter-ethnicity and competition for resources – in line with the theoretical thrust of this project. This report outlines these conflicts and particularly highlights the invisible ones that, in our assessment, will spring to the surface if no solid interventions are urgently undertaken.

6.2 Methodology
In Western Province, two types of data were used, namely primary and secondary data. The primary data were obtained using two methods: the survey method and structured focus group discussion. The instrument used in the research method was an open-ended questionnaire. A total of 155 respondents were sampled from civil society organisations, community leaders, youth and children, women, administration, business community, internally displaced persons, the elite, and members of out-groups. For the focus group discussions (FGD), four different sessions were held in Kakamega, Matungu, Cheptais and Nambale drawing participants representative of key sectors and/or groups in their localities. Secondary sources of information included reports from non-governmental organisations, the government, the media and humanitarian agencies. Different types of information from such sources have been cautiously integrated largely to sharpen and/or corroborate findings based on primary sources. All together the data from these different sources have been used to trace and outline the nature and sources of the visible and invisible violence.

6.3 Levels of Analysis
6.3.1 Social groupings
A conflict situation is usually said to arise between parties (however defined and organized) who perceive that they possess mutually incompatible objectives. The more valuable the objectives, the
more intense the conflict (Reuck, 1984). This may be on the basis of, among other, religious, ethnic, racial, socio-cultural, and economic factors. In a conflict situation the dimension of a conflict, particularly knowing who are the parties or conflicting groups, is pertinent as this helps to inform the choice of an appropriate conflict intervention strategy. For this study, various target groups were identified based on social, economic and cultural factors. These groups were formed by the women, youth, church, boda boda cyclists, bull fighting squads and football teams. An in-depth outline of these groups is presented and discussed under section 6.5.3. Other types of social groupings targeted by the study were highlighted in the focus group discussions (FGDs). These were mainly groups that are normally formed for political purposes or protection of businesses from competitors and intruders. Such groups illegally privatize security (as vigilante gangs), and in some cases are fully-fledged militia groups organized around particular interests (such as land).

Vigilante groups are not new in Western Province. In the late 1970s the infamous Angola-Msumbiji groups terrorized large areas of the former Vihiga and Kakamega districts. However, in the late 1980s these groups disappeared from the scene following their defeat by state authorities. Since then vigilante groups have not been very visible in the province. However, there is a high degree of likelihood for such groups to re-gain visibility, take root and develop throughout the province. Already there are amorphous nascent groups protecting the various business interests within urban areas like in Kakamega town. The FGD held in Kakamega revealed the existence of several such groups which are not linked, in any way, to the former Angola-Msumbiji group. For instance, the touts/groups around Somken Petrol (Kakamega) station and Amalemba area, (both of who control most of the Matatu businesses in Kakamega) are often the starting point of conflicts in Kakamega. Others include the seemingly unstructured groups that protect different interests such as the town ‘boda boda’ cyclists, taxi car operators and ‘boda boda’ motorbike – all frantically competing for the business niche and ‘hire’ by politicians. In the latter case politicians hire them as crowd-pulling outriders during political functions, like in the recently held Shinyalu by-elections, or for other miscellaneous errands.

Other interest groups are the jua-kali artisans as well as lorry and pick-up operators who have groups of unemployed touts that are claimed to often catalyze chaos when conflicts starts. Participants in the Kakamega FGD also indicated that these groups (of touts) can be hired as political ‘personal armies’ and bear the potential for mutating into autonomous gangs with features
of organized crime. Similar sentiments were expressed by a second FGD held in a separate, distant district (Matungu District) that comprised of much older participants (See Box 1)

Box 1: Sentiments expressed by a focus group participant at an FGD held at Harambee Trading Centre, Matungu District.

“The Vamunywere (perennial alcoholic drinkers in the village) are an enigma and threat to us. They are always in bars drinking yet none of them is known to work anywhere or seen working on his or her farm. All that these people do is to wake up every day to meet politicians and do their siasa errands. None of them is a member of our CBO or any other self-help group around here but they seem to be on the payroll of local politicians.” Rev George Were – Chairman Matungu CBO

But in Mt. Elgon District, the emergence of militia groups marked a turning point in the area’s security dynamics. The Sabaot Land Defence Force (SLDF) was formed in the thick of the 2006 controversy over land allocation.

This development was not nipped in the bud, allowing SLDF to grow and terrorise the district with illegal taxes, a kangaroo court, and various types of atrocity (especially killing and mutilating people). The subsequent Operation Okoa Maisha contained the threat two-years later (after many of the district population had been displaced). But many still express doubt as to whether the militia group was stamped out. Many of SLDF members are said to have crossed over to Uganda and may regroup in future. From the interviews and focus group discussions, it emerged that the community felt relatively safe, but was wary of a possible re-organisation of the militias if law enforcement agencies became lax.

6.3.2 Human needs

Needs, unlike interests, are vital in society and cannot be negotiated. Often communities express their needs collectively and if not addressed appropriately this usually acts as a starting point for conflict, revolt and ultimately civil strife. In Western Province (WP) there are several community needs that either directly or indirectly cause active and/or latent conflicts. The most highlighted needs mentioned by the respondents are in the category of basic economic needs, largely manifested in the form of unemployment and high poverty levels. Others mentioned are the need for proper political representation and appropriate medical care. In the latter case, lack of medical
assistance particularly with drugs for HIV/AIDS was mentioned by respondents in all the districts of the province. As a matter of fact, HIV as a conflict issue requires more attention in relation to the aftermath of the post-election violence, and the Mt. Elgon conflict in Western Province.

6.4 The Role of Government and Non-State Actors in Western-Province Conflicts

6.4.1 Conflicts in Western Province

Conflicts are not new to the region. There are several studies on historical conflicts linked to resource use and allocation (see Amisi, 1998; Brown, 2002; Were, 1967; UNHCR, 2004). However, in the past 25 years these conflicts have gradually increased in scope, magnitude and frequencies, culminating in the post-election violence of 2007. There are various causes of conflicts in the region (see Table 1). Some of these conflicts have been indirectly caused by the state through factors such as failed government policies and unfulfilled promises. The government on its part has also tried to address the same conflicts but the success rate has been poor and often plagued with implementation problems. For instance, devolution of funds through the Constituency Development Fund (CDF) has in some cases increased identity consciousness. This is based on the the fact that many MPs are accused of selecting members of the Constituency Management Committee on family, clan and ethnic lines. This could feed future grievances on biased and unequal development in constituencies. A further review of current conflicts in Western Province is provided under section 6.6.

Table 1: Causes of conflict in Western Province, their prevalence and interventions undertaken

<table>
<thead>
<tr>
<th>Causes of Conflict</th>
<th>Effects (details) of the conflict</th>
<th>Districts / regions most affected</th>
<th>Local solutions to conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unemployment and idleness</td>
<td>Idle youth easily strayed into conflict issues</td>
<td>All districts in the province</td>
<td>Kazi Kwa Vijana initiatives</td>
</tr>
<tr>
<td>Disparities in distribution of wealth / resources</td>
<td>This is a latent conflict with potential to explode</td>
<td>All districts in the province</td>
<td>None</td>
</tr>
<tr>
<td>Poverty</td>
<td>Even most of the employed are poor and vulnerable to conflicts</td>
<td>Most districts apart from Lugari, Kakamega North, Mumias</td>
<td>CBOs and self-help groups formed but ineffective</td>
</tr>
<tr>
<td>Political conflict /</td>
<td>An active conflict fuelled by</td>
<td>All districts in the</td>
<td>Limited civic education by few</td>
</tr>
<tr>
<td>Poor Leadership</td>
<td>Politicians using ethnicity</td>
<td>Province</td>
<td>NGOs</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------</td>
<td>----------</td>
<td>------</td>
</tr>
<tr>
<td>Cultural differences between ethnic groups and between the young &amp; old</td>
<td>E.g. circumcision is taboo in Teso yet Luhya force Teso into it.</td>
<td>In Teso, Busia and Bungoma Districts</td>
<td>Limited work done on human rights, health by few NGOs</td>
</tr>
<tr>
<td>Failed government policies (e.g. free secondary education)</td>
<td>Parents told to pay fees etc and expect otherwise</td>
<td>All districts in the province</td>
<td>None</td>
</tr>
<tr>
<td>Wealthy persons considered as ‘outsiders’¹ in the region</td>
<td>These persons remain apprehensive of their future and only live in places they consider safe</td>
<td>Most districts in the WP but particularly Mumias, Lugari.</td>
<td>None</td>
</tr>
<tr>
<td>Illiteracy</td>
<td>Less literate people take political opponents as enemies</td>
<td>Most district except Kakamega central, Vihiga, Bungoma</td>
<td>Limited civic and adult education initiatives</td>
</tr>
<tr>
<td>Boda boda cyclists</td>
<td>Youths drop out of school seeking quick money &amp; start marriage life early. Most fail and turn to unlawful practices</td>
<td>Most common in the larger Busia, Kakamega and Bungoma districts</td>
<td>None</td>
</tr>
<tr>
<td>Restriction into govt forests, KARI² land</td>
<td>Villagers seek for fuel wood and grazing land</td>
<td>Areas surrounding Kakamega forest &amp; KARI.</td>
<td>Tea zone buffers created but ineffective</td>
</tr>
<tr>
<td>Intra-ethnic and inter-clan conflicts</td>
<td>Latent conflicts within establishments such as municipalities and learning institutions</td>
<td>The urban centres in the province</td>
<td>None</td>
</tr>
<tr>
<td>Industrial conflict between sugar companies and local farmers.</td>
<td>Farmers supported by politician feel exploited</td>
<td>Mumias, Bungoma Districts</td>
<td>Limited intervention done by govt.</td>
</tr>
<tr>
<td>Religious differences</td>
<td>Rivalry within and between churches splitting</td>
<td>All districts in the province</td>
<td>None</td>
</tr>
</tbody>
</table>

¹ These are individuals who are considered as aliens in the region because their ethnic ancestral home is not in the province. ‘Outsiders’ are often successful persons who are viewed as exploiting the indigenous people.
² Kenya Agriculture Research Institute
### 6.4.2 The role of government

The state or government has a vital role to play in security matters within any region. However, this role cannot be left to state security agencies alone; the public too must be involved. In the province, state security agencies, especially the Kenya Police, were mentioned as having used excessive force in quelling the post-election violence. Although most respondents felt that the state did not entirely take sides on the basis of political parties, the state is however blamed for increased cases of impunity that were observed mainly in terms of high-level corruption throughout the society. These sentiments were expressed largely by residents of Lugari District, which is fairly multi-ethnic in its population.

In the Mt Elgon District the government was largely faulted in the allocation of resources. In the district, residents claim that while it was still a part of Bungoma District (prior to 1992), Mt. Elgon was marginalized in development. They view decisions on District Focus for Rural Development Funds as having been predominantly influenced by (Bukusu) leaders from Bungoma, hence disadvantaging Mt. Elgon. Almost similar sentiments were expressed by the Teso in relation to their interactions with the predominantly Luhya population in Busia. Hence, in the province, the Sabaot and Teso consider themselves minorities whose marginalisation is a result of ethnic hegemonies and unequal distribution of government-driven development.

Additionally, while the government ordered the formation of district peace committees countrywide in the aftermath of the 2007 post-election violence, not many districts have such structures in Western Province. Few districts such as Mt. Elgon District, where conflicts prevailed for a long period of time, have active district peace committees that are known by residents. This entails more work for non-state actors in conjunction with the National Steering Committee under the Office of the President – the office charged with overseeing the work of district peace committees nationally.

<table>
<thead>
<tr>
<th>communities</th>
<th>Public expectancy is high mainly due to promises by politicians / govt.</th>
<th>All districts in the province</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impatient public</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6.4.3 The role of non-state actors

On representation in the governmental matters regarding conflicts, most NGOs, CBOs, and community leaders felt they were sidelined by the government. The major reason given for this feeling was that the government disregarded communities and did not empower them to participate in conflict and security activities within their areas. In Kakamega, for instance, the Muslims were among those feeling sidelined. In general, respondents said that they were merely informed of decisions already taken elsewhere.

NGOs and CBOs have been actively involved in conflict resolution and peacebuilding initiatives in the region that started long before the post-election violence. For instance, the Jiazie Theatre Group had been using theatre performance as a peacebuilding tool throughout the province. The National Council of Churches (NCCK), the Catholic Justice and Peace Commission (CJPC), the Peace and Development Network (PeaceNet) and PACT Kenya (under their Peace I and II programmes), among others, have implemented numerous conflict transformation programmes in different parts of the country. Despite such early initiatives many NGOs and CBOs felt sidelined and not facilitated into forming partnerships with various government sectors for peace interventions. To address this, non-state actors strongly advocate for better ties to be forged with state authorities.

6.4.4 Conflicts linked to the colonial experience

Throughout Western Province, the respondents linked the contemporary conflict issues in the region to the colonial masters. Some of the linkages outlined are that the colonialists:

- created a class of poor and rich which led to vast economic disparities in the society and thus insecurity as witnessed today. Further, the unequal development opportunities accorded to different areas now are a replication of similar patterns by the colonial administration;

- put in place oppressive administrative structures with impunity and the post-colonial Kenya government inherited the same governance culture;

- massively displaced communities from their lands in favour of the white settlers. Failure to comprehensively resolve this at independence informs many of the current land-related conflicts. For instance, Mt. Elgon residents note that they were historically displaced from Trans Nzoia region to Mt. Elgon by the colonial administration;
• divided people along ethnic/tribal lines and started the current ethnic hegemonies; and

• bestowed upon the country the current lame constitution and imperial administration.

6.5 Environmental Degradation and Conflicts
Societies that have adequate and sustainable environmental resources often have peace amongst them. Conversely, societies that compete for limited resources, or harbour resources that are degraded and unsustainably used often have major conflicts among themselves. Environmental conflicts are not just among the resource users themselves but may be between resource users and resource managers. Like other regions in Kenya, Western Province also faces environmental degradation problems that include:

• water scarcity due to the deforestation of areas such as Mt. Elgon, Kakamega and Maragoli Hills forests;

• water pollution in streams and rivers such as the River Isiukhu and River Nzoia;

• drying up of wetlands owing to the planting of Eucalyptus tree species in the riverine zone with a resultant drying up of the vital water streams. This is most evident in some places, like the drying up of the once mighty River Lunyerere in Vihiga;

• polluted air arising from industries such as the Mumias sugar factory and the Pan Paper Mills factory in Webuye;

• forest encroachment and land grabbing by the influential members of the society. For instance the sacred circumcision forests in Shaviringa Division of Hamisi District has resulted in serious conflicts between community and certain influential individuals;

• lowered soil productivity owing to continued similar farming practices without strategic fallow period to boost soil nutrients;

• land subdivision into smaller unproductive units after inheritance and further, conversion of previous agricultural land into urban settlement. This is prevalent in places such as Kakamega Central, Vihiga, and Mumias; and
• encroachment and diminishing forests have resulted in the decline of certain bird and insect species of importance to the local communities. This also has impact on local ecotourism especially areas adjoining Kakamega, Teso and Maragoli forests, as well as the diminishing Mt. Elgon forest.

6.5.1 Conflicts arising from the environmental degradation
Communities in Western Province have been affected differently following the increasing environmental conflicts mentioned above. Most of these impacts have led to conflicts such as:

• farmers’ rivalry over scarce water resources;

• less food production, poverty and increased theft;

• fuelwood scarcity, leading to theft of trees from government and community forests;

• diseases from unclean drinking water and polluted air; and

• clashes between communities and the government over forest eviction orders.

6.5.2 International linkages
There are some international dimensions to peace and security issues in Western Province. First, the dynamics of identity politics in the region are such that Kenyan communities in conflict would form an alliance with their Ugandan kin as the conflict escalates. This has especially been observed in Mt. Elgon, where the Kenyan Saboat have often sought alliances with Sebei, their Ugandan kin. In Busia, some respondents felt that during the post-election violence such transnational kinships prompted some Ugandan communities to inform their Kenyan kith about the possibility of Ugandan forces getting involved in quelling the violence in Kenya.

Others felt that the country’s continued link to Britain, through an archaic constitution, has contributed to the modern day conflicts and insecurities. But, most importantly, and unlike most of the provinces in Kenya, Western was unique in that many of its conflict victims did not end up as IDPs but as refugees out of the country. Over 2000 refugees settled in Uganda, with the help of humanitarian organisations such as UNDP. This organization (UNDP) is reported to have also undertaken several peacebuilding and conflict resolution measures in the region.
International linkages include the dimension of small firearms. For instance, in the Mt. Elgon area, firearms are said to have been illicitly acquired from Uganda during the 1992 clashes as well as during the SLDF menace. But arms conduits to the country aren’t only restricted to the Mt. Elgon area. Busia and Teso districts were mentioned as possible entry points.

Closely related to the firearms problem is the cattle rustling menace. In Mt. Elgon for example, the history of inter-group conflicts in the area is traceable to cattle theft incidents. These are usually cross-border conflicts since the stolen livestock are normally taken to Uganda.

6.5.3 The elite and influential individuals

The elite have been influential determinants of peace and conflict dynamics in Western Province. The political and academic elite have especially been key opinion shapers in the communities in the region. Beyond this, in districts like Mt. Elgon and Teso, where feelings of marginalization are rife, the elite have become critical voices for their communities – in articulating local needs as well as framing people’s identities. This has been further enhanced by the strong cultural norms in the province, where the old and wealthy, particularly men, are the key and often and final decision-makers in most societal matters.

Indeed, in various parts of the province, there are strong culture-based disagreements, on modernity and traditions, which result in confrontations between of the youth and the older members of their society (see Box 2). Such disagreements/confrontations are symptomatic of a latent conflict and have the potential to explode in the not-so-distant future. The elite were seen as agents not only of conflict but also (to some extent) of conflict resolution. Their positive and negative roles are indicated in Table 2. However, all factors considered, they were regarded as more of a problem than a solution in conflict issues in the region.

Table 2: The different positive and negative roles of the elite and influential individuals

<table>
<thead>
<tr>
<th>Positive roles of the elite individuals</th>
<th>Negative roles of the elite individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create Jobs</td>
<td>Fund conflicts to their favour</td>
</tr>
<tr>
<td>Create development awareness</td>
<td>Promote tribalism, nepotism</td>
</tr>
<tr>
<td>Unite communities</td>
<td>Divide communities along ethnic/clan lines</td>
</tr>
<tr>
<td>Restrain violence</td>
<td>Sponsor violence</td>
</tr>
</tbody>
</table>
Box 2: Invisible conflicts on culture and leadership issues between the youth and older persons

“*The wazee tell us that we are leaders of tomorrow. We are tired of being told that. We are leaders of today! They are afraid of young educated people and continue to insist on backdated cultures like bull fighting on graves*” Edgar Lumbasyo – Galaxy/ACK-WRCC Youth Group

In Western Province communities have mobilised themselves into numerous types of groups that are based on three main tenets: economic needs, socio-cultural aspirations and political views (see Table 3). Under each of these three tenets the key underlying factor driving their mobilisation appears to be the *desire to create wealth and insecurity* amongst themselves. In other words, the communities will mobilise themselves into economic, socio-cultural and political groups as a creative and adaptive strategy to generate wealth through businesses, cushion themselves against threats to their security, and influence local politics and resource distribution.

But while their intentions are noble, many of these groups are sometimes characterised by some level of identity consciousness and rivalry. They often fall prey to political manipulation and predation. In one such case in Teso, a leader of a Women’s Group mobilised widows in Busia and Teso districts to jointly pool resources for development projects but this money was rechanneled to the Busia office of a prominent political party. She had been misled to believe that the national political leadership of the party would visit the area and fundraise for the women with the already raised funds of over KShs100,000 (approximately US$ 1,300) being the seed money. It later emerged that the money was utilised for the party’s political campaigns during the 2007 elections. The lady is still in debt.
Table 3: Types of social groups in Western Province and their associated dynamics

<table>
<thead>
<tr>
<th>Group type</th>
<th>Group’s issues / fears</th>
<th>Group’s interests</th>
<th>Group’s funding source</th>
</tr>
</thead>
</table>
| Women groups (Mganda)³             | - Alcoholism and unemployment among their men & youth  
                                  | - Insecurity  
                                  | - Fear for failure /blame            | - Raise living standards  
                                  | - Create community harmony  
                                  | - Seek govt. Funds            | - Mainly self-funded  
                                  | - Govt. Women fund            |
| Youth groups                      | - Unemployment  
                                  | - Idleness            | - Employment  
                                  | - Control of matatu issues⁴   | - Politicians  
                                  | - Seek govt. Fund  
                                  | - Initiate activities/games       | - Businessmen  
                                  | - Self-help funds            |
| Boda-boda bicycles                | - Unemployment  
                                  | - Business competition from Boda-boda motorbikes  | - Security of employment  
                                  | - Social welfare            | - Politicians  
                                  | - Businessmen  
                                  | - Self-help funds            |
| Matatu Touts                      | - Unemployment            | - Employment  
                                  | - Control of matatu issues⁴   | - Politicians  
                                  | - Fees charged on matatus  
                                  | - Businessmen            |
| Bull-fighting groups              | - Loss of cultural identity        | - Cultural entertainment  
                                  | - Raise (win) money           | - Politicians  
                                  | - Businessmen            |
| CBOs                              | - Poverty, unemployment  
                                  | - Alcoholism, drugs and community insecurity | - Socio-economic empowerment  
                                  |                                | - NGOs  
                                  |                                | - Self-help funds  
                                  |                                | - Government            |

6.6 Other Conflict Issues

6.6.1 District / Divisional boundaries

Provincial administration reforms and particularly the creation of new administrative units (districts) have contributed to new tensions and shifted the nature of conflicts. Even within the districts, conflicts have emerged along boundaries of various divisions and their headquarters. For instance, during this research, a focus group discussion held with members of a CBO drawn from

³ *Mganda* (Luhya word) These are community women groups that often number from 6 to as many as 50 women that periodically distribute funds/resources raised among themselves on a merry-go-round basis

⁴ Issues range from the route a *matatu* takes, the sequencing of vehicles, regulating new entries etc.
different areas of the new Matungu District (which was curved off from Mumias District) disagreed on boundary issues. Although the participants of this CBO were villagers from the same ethnic group, largely of the same clan and indeed jointly working on the same objectives, the new boundaries had subdivided them into different divisions. When the issues of the divisional boundaries arose during the FGD, they could not agree on where the boundary should be, what the new divisional name should be or where to locate the headquarters. Although no fighting has been reported so far there is the danger that the issue could explode especially where the natural resources come into play. And in the neighbouring Busia and Teso districts, the creation of Teso District generated a boundary dispute that, if resolved in Teso’s favour, would mean the Busia District headquarters are in Teso.

6.6.2 The disabled persons

The disabled persons in Western Province are poorly organized as a group and may feel neglected by both the local communities and the government structures. Most respondents stated that during the post-election violence of January 2008 disabled persons were caught in the cross fire of the riots and seriously affected. Since then some NGOs have responded to their plight though the actual help is limited in scope and magnitude.

6.6.3 Integrated IDPs’ challenges

There are a number of integrated IDPs in Western Province who are largely victims of the post-election violence displaced from parts of the Rift Valley (e.g. Naivasha area) and Central Province (e.g. Limuru and Kiamba areas). These IDPs have met several challenges on their return home to the province. Although their reception at home was initially warm and friendly while the chaos were still going on, their resettlement in their previous homes has increased pressure on the limited resources and brought new resource-use tensions. Secondly the IDPs feel that they have been neglected by the government as they have not been compensated for the losses they incurred during the post-election violence. Many have said that unlike the IDPs elsewhere, they did not benefit from the KShs 10,000 (approximately US$ 133) the government offered and argued that the allocation of these moneys was done in a way that favoured one community only.
Box 3: Views expressed by participants in a workshop held in Chavakali, Vihiga District (NRI, 2009, www.cpda.or.ke)

“I filled the forms, signed and I have waited for months - yet my house and property was torched during the post-election violence. Now, in the whole of Kenya, it seems that only the Kikuyus are benefiting from the government donations. This is unfair as we forge ahead for national healing. The government should be nonpartisan on this. Everyone in government including the Chiefs, Divisional Officers, District Commissioners and even Provincial Commissioner knows my case. I am wondering why I am not getting any assistance,” Alfred Mchele Mbalaka, Vihiga District.

“It wasn’t only people from the Kikuyu community who were affected. If we need true reconciliation we need to look at all communities who were affected. Our people who ran from other parts are excluded,” Reverend Simon L. Muhindi.

6.7 Conclusions / Recommendations

Western Province is haunted by identity-based conflicts, industrial conflicts (e.g. between sugar factories and sugarcane farmers), fractious politics and land-based conflicts related to resource-base disagreements. In addition there are development challenges the province needs to address. The propensity to ignore conflict early warning signs in seemingly stable parts of the province would be postponing problems that could get more complicated.

This comfort about stability in Western Province is not a challenge to outsiders alone. Many respondents in the province (particularly in the stable areas) appeared contented; a good number were not aware of civil society organisations’ work in their areas. Neither were some familiar with contemporary peace-related initiatives in their district.

6.7.1 Key emerging issues

In summary, the key issues emerging from the findings presented and discussed in this chapter are as follows:

- unemployment, idleness and the lack of youth involvement in decision-making processes contributes to conflicts in the province;
• negative ethnicity (tribalism) contributed largely to post-election violence and still lingers on as a contentious issue;

• many non-state actors (e.g. community leaders, NGOs CBOs) feel isolated from government-driven conflict resolution and peacebuilding initiatives despite their desire to be fully involved;

• many of the existing boda boda bicycle operators, motorcycle taxis and jua kali artisans double up as vigilantes who can be hired as political ‘personal armies’; and

• increased environmental degradation has escalated competition, leading to conflicts for the already scarce natural resources.

6.7.2 Recommendations

In the light of the key issues listed above as well as others addressed elsewhere in this chapter, the following are the most pertinent recommendations:

• There is need to invest in interventions aimed at strengthening the culture of peace in the whole of Western province. For instance the use of theater-in-peace forums should be enhanced. Currently groups like Jiazie Theatre Group, which have made some inroads into some districts need increased financial and government facilitation support to enhance the reach of their peace messages;

• Given the relative lack of knowledge of peace committees or similar structures in relatively stable districts in Western Province, there is need for broad-based peace education and awareness raising on conflict and its resolution strategies. A sustainable peace education program should be one that enhances conflict ‘literacy’, integrates art and theatre, and promotes coexistence and tolerance. This would build capacities across the province to address both latent and manifest conflicts;

• The youth should be motivated to engage in strong-income generating activities, offered employment opportunities and involved in peace initiatives so as to avoid their being misused by politicians and influential people. Although there are some active groups such as the Galaxy Youth Group in Kakamega, these are however very few and more need to be created. Livelihood projects that enhance encounter and interaction amongst diverse youth/youth groups would be useful;
• Women, youth, welfare groups and religious leaders at grassroots levels should be empowered alongside community based organisations in peacebuilding and conflict resolution activities since they are often the most affected. Empowerment should be through micro-enterprise programmes loaded with peace education programmes that build capacities of all actors to effectively design and manage income-generating activities integrated with peacebuilding;

• Capacity building for peacebuilding and conflict resolution should be inclusive and held with people from different ethnic communities participating together. This will promote healing and team-spirit initiatives;

• Peace-building and conflict resolution should be integrated into institutions of learning and mainstreamed in all civil society organisations. For instance, there is need to promote the creation of peacebuilding departments in schools, colleges and universities in Western Province and enhancing their capacity to reach out to the student, administration and teaching community within the institutions. Such a programme would be a springboard for peacebuilding for the community at large; and

• There is the need to form district peace committees in areas where they don’t exist in Western Province. Additionally, all such structures should not only be trained in effective conflict transformation and peacebuilding strategies, but also in conflict early warning and early response mechanisms (integrating traditional and modern approaches). They are the appropriate early warning structures given their ability to link the community with the government (through the provincial administration).

References


APPENDICES

Additional Case Studies [Personal Testimonies]
APPENDIX 1: ADDITIONAL CASE STUDIES FROM THE RIFT VALLEY

CASE STUDY 1.1 Naivasha [WAKI REPORT - Page 132]
The Killing of Eric Ouma Oyieko: An Account by His Sister

On Monday [28 January 2008], I woke up and started thinking of my business that I had set up after obtaining a loan at my place of work. Even before I went to work, a workmate of mine, a Luhya, came to me… He told me that my brother had been killed while taking tea. My brother’s name was Eric Ouma Oyieko. I told the workmate that it could not have been my brother because when we were fleeing I had passed by my brother’s house and I found a padlock. I assumed he had also fled. My brother used to live near me in the next building known in Kiswahili as ‘Makao ya Amani [Seat/place of peace].’

At about 10:00am something told me that I should go and check on him. I boarded a Securicor car and paid Shs. 50. They were the only vehicles operating. After alighting, I walked to my brother’s place, hoping to see him. On arriving there I found a crowd of people, and some policemen who were standing nearby but at a distance from the crowd. They (the policemen), did not look bothered. I noticed that my brother’s penis had been cut and placed in his mouth; his testis were chopped off and placed in his hand. He was still bleeding profusely and kicking in the process of dying. I talked to the policemen around and requested them to take my brother to the hospital so that even if he died, he would die at the hospital. The police told me to get away from them; that I should not disturb them, adding that it was not their work, and that if I insisted I would end up like my brother.

I didn’t have anything to do. I decided to go back to Sher where we (myself and some other people) had sought refuge. I walked to Sher because I did not have money on me for bus fare. I left Karakta at about 11:00am but got to Sher at 4:00pm. I took a lot of time walking and sitting down. I had many thoughts on my mind. By the time I left Karakta my brother had died. I had touched him and realized that there were no more motions in his body. He was dead.

When I informed my husband that my brother was dead, he asked me if I had taken him (my brother) to the mortuary. I told him I hadn’t since I had not been able to get any assistance from the police. The following day, another workmate of mine informed me that my brother had not been
moved to the mortuary and was still lying on the road; that his head had been chopped off; and that
dogs were eating his private parts. My brother had been clobbered to death before he was
mutilated. The people who had done that to him had used spiked clubs. They had fixed nails on the
clubs, which caused extensive damage to his face and body as they hit him.

I was not able to go to work that day. I just sat on the road. It was then that I saw a land rover full
of police officers. I knew the driver was a Kalenjin because he was speaking in Kalenjin. I talked
to him and informed him that my brother had been killed in Karakta and that his body had not been
collected. I boarded their vehicle and went with them to where my brother’s body was. I found that
the dogs had eaten parts of him just as I had been informed. We picked him and took him to the
mortuary. By then he was smelling badly and he had started rotting because his body had spent
two days in the sun before being collected. There were insects on his body, which had started to
eat him due to his rotting condition…

I later learnt that on that Monday my brother had been taking tea at his house when some Kikuyu
people told him that I and my husband had been killed. He had left the tea and come to our shop to
look for us. As he was peeping through the glass window, some people said, ‘There he is’. They
had been looking for my husband and when they could not find him they killed my brother. My
late brother was married to Mildred Achieng. They had three children: Ochieng (5 years), Amam
(1½ years) and Linet (4 years). Ochieng had been present when his father was being clobbered and
mutilated. He has since gone mad. He keeps on saying, “Baba wanakata kichwa yako, wana kata
kitu chako…” (Dad they are chopping off your head, they are chopping off your thing [penis]).”[…]

STUDY CASE 1. 2 - Koibatek District [WAKI REPORT - Page107]
A Woman is Raped While Husband is Being Killed
On 1 January 2008, 36 year old Elizabeth W. and her husband were attacked in their house in
Eldama Ravine by a group of Kalenjin, some of whom she knew. She was gang-raped while her
husband was being hacked to death and her shop looted. The following is an extract of her
testimony:

On 1 January 2008 we were still fearful. We didn’t open our business. I worked at the Eldama
Ravine shopping centre at Mama Faith’s Shop. We owned the shop. It was just next to my house –
they are joined together. But I stayed at home that day because I was scared. We left the shop
locked up. At about 3pm that day, people came to my home. At the time there was only my
husband and me at home. My children had gone to visit their grandparents in Nyandarua. There
were more than ten people who came. They were all men. They were dressed in coats and they had
smeared mud on their faces so you could not recognize them. The mud was different colors on
their faces – white, black and red – in spots/patches all over their faces. They were armed. They
had arrows, pangas and rungus. I first knew they were there when I heard talking and noises
outside. They were speaking in Kalenjin. They said, “We have come to finish you”. The door was
not locked so they just came inside. My husband and I were in the sitting room. We were sitting
down but stood up when the men came in.

When they came in I started pleading with them because of what I had heard them saying outside. I
asked them why they were doing this when we had always lived with them. They ordered me to
shut up and said that the Kikuyu had migrated to the area and taken up their (the Kalenjin’s)
property. They said I should keep quiet or they were going to kill me. So I just kept quiet then.
That is when they started attacking my husband. They were cutting him with pangas and piercing
him with arrows. They were struggling with my husband and trying to get him to the ground. The
men were crowding on him – it might have been most of them attacking my husband.

I was scared. They cut my husband on the neck with a panga and that made him fall to the ground.
It was a serious blow. After that they were cutting every part of his body. After my husband was
cut, but before he died, one of the men came towards me and asked me what I wanted to be done to
me. I asked them not to kill me. One said we need to know what she is like, now that she never
talks to us. There was another group of men who were looting my shop. I could see them from the
door – it was still open. They were going past carrying property from my shop, such as sugar,
cooking fat and other goods. I was wearing trousers with buttons at the waist. The men tore at my
trouser trying to get them open and the buttons came off. There were about four of them there
doing this to me at that time. They lifted me up and put me on the ground. They were arguing
among themselves who was going to be first. Then one said that if I escaped from the knife and
arrows, I would die of AIDS. Some of them held my legs and some held my hands while they
raped me. When this was happening my husband and I were both still in the sitting room, but by
now I was not watching my husband but pleading my own case. The last time I had looked, it was
like he was dead. He wasn’t moving. One man raped me and then the second one and the third. They put their penises in my vagina. It was either the second or the third man who said they were not able to get in me properly so they cut me. I think it was the panga they were carrying that they used. They cut my vagina. When I had my children, the Doctor told me I had a narrow opening. Both my children were born by caesarean. They continued raping me. It was when the fourth man was raping me that I went unconscious…I next remember – and it is vague – that a Kalenjin friend of ours called Joseph was there and he was pleading with the men. He was asking them for him to be allowed to take the body of my husband and take me to hospital. The men started quarrelling with him and told him that he was in partnership with us. They threatened to kill him[…]

CASE STUDY 1.3  – Kericho [WAKI REPORT – Page 156]
A Tea Picker is Violently Attacked by Kipsigis – KERICHO

One of the saddest personal stories that came out of the Sotik/Borabu violence is that of Simeon Atandi Monyancha, who spoke to the Commission in Borabu. Monyancha was working for the Sotik Tea Highland Company as a tea picker. On 1 February, while picking tea, he was attacked and both his hands were amputated. His story as given to the Commission is told below:

I used to be a tea picker at Sotik Tea until 1st February 2008 when I was attacked by Kipsigis raiders who were attacking and burning property belonging to the Kisiis. On this day, I was in the tea estate picking tea. At around 9.00 a.m. the head boy Mr. Daniel Kimetto, told us that there was violence all over and advised us to go to our houses to hide. I went to my house. I lived in Camp Five which consisted of many Kipsigis. I heard them saying that Kisiis must move out of Camp Five and join fellow Kisiis at Camp Majengo.

After securing a house at Camp Majengo, I packed my household items together with my clothes and began to go to the Camp Majengo…. I saw six armed young men with pangas, bows and arrows. They aimed at me with the arrows. I pleaded with them not to shoot me. They put the arrows down and started assaulting me with the pangas. I tried to block the pangas using both my hands to protect my head. I saw my left hand being cut three times. Then they cut my head on the left hand side. Blood spilt all over my face and I could not see what was happening. I lost consciousness. When I gained consciousness, I found myself in Litein Hospital feeling a lot of pain and both my hand had been amputated.
APPENDIX 2: ONE ADDITIONAL CASE STUDY FROM NYANZA

Political affiliation case study (collected from the field By Chris Owalla)

The following is the testimony of Philip Onyango Oduol, a 46-year old male Kenyan.

In the last general election I was the Gem Constituency Kibaki Tena Coordinator. On 29th December 2007 a group of people came to my house alleging that I was one of the rebels that were working with PNU to steal ODM votes. I was attacked, and subsequently lost all my household belongings to the ODM youths. In total my loss can be estimated at Ksh.430,000. After the attack, I reported to the Ngiya Patrol base and to date the attackers are still free despite the fact that they are known. I am an internally displaced person in my own village because of political party affiliation, but my case is different because Provincial administration have refused to consider me as IDP simply because they don’t see my issues as something worth compensating since Gem is an ODM stronghold. I have been to Nairobi on several occasions for my compensation but after meeting with PS-Special programme, he refers me to Mr.Ndolo, the man in-charge of IDP Funds. Mr.Ndolo promised to follow up but to date nothing has been done to me. Before elections, during the campaigns, we could board a flight to Nairobi together with the then Nyanza PC, but now it’s not easy seeking an appointment with the provincial administration. I am treated like the plague by them, the same people we used to work together with during the campaigns for Kibaki Tena. The Siaya district commissioner is not ready to listen to people like me and in most cases he does not want to see us near his office. I gave my views to both Kriggger and Waki in camera fearing for my life.

Both recommendations should be implemented with the Hague option, since local tribunals will be manipulated by the politicians and the rich who were named. There is still animosity between different party supporters since those who supported PNU are considered community outcasts and says that there is still stigmatization, people refer to them as “Jo PNU”. Poverty is a major obstacle to peaceful coexistence. The two rivers, that is Nzoia and Yala, should be used for irrigation to enhance food productivity. [He concluded that lack of democracy and high political violence is created by high level of poverty and the situation of hopelessness by the citizens.]
APPENDIX 3: ADDITIONAL CASE STUDIES FROM WESTERN PROVINCE

CASE STUDY 3.1

The following is the testimony of Mama Alice, a 48 year old widow from Mt.Elgon, who had witnessed the killing of her husband by a gang.

I still remember; it was a Tuesday night at around 8.00 pm. Before we slept, we had a prayer. My heart started trembling after hearing foot steps outside our house. I asked my husband who might be outside. All of a sudden there was a knock on the door and demand for the door to be opened or “we come in with the door.” My husband replied, “Who are you?” In no minute, three people well armed with guns were already in, demanding to know the whereabouts of my husband? “Mum where is your husband?” At that moment my husband was hiding under the bed. With powerful spotlights, they searched every corner of the house as though it was their last lap. One of the gang members shouted, “Here he is?” My husband was dragged from his hide-out.

As they struggled, I managed to run out of the house for my life but by bad luck I stumbled on a cow outside and fell. One of them shouted, “Finish that woman”, but I managed to run into the bush not to be seen. My children screamed but nobody came to our rescue. In the bush I could hear my husband pleading with the gang to spare his life. The gang leader asked my husband to give them ten thousand shillings to buy his freedom. Unfortunately the money my husband had obtained by selling tomatoes that morning had been banked. The cash left on him was only two thousand shillings.

Annoyed with my husband’s not having the demanded cash, the commander of the gang ordered him to be killed and, as if I was dreaming, I heard a loud bang and a scream. I fell down unconsciously only to wake up later and learn that the loud bang had been the bullet that killed my beloved husband. I am now widowed with 9 children to take care of.
CASE STUDY 3.2

The following is the testimony of Edna Okisai, a 12-year old orphan/pupil in Teso District.

I’m 12 years old, in STD 8 at primary school and left with only my mother to take care of me and my 3 brothers and 2 sisters, namely: Rose Omung’a, 24; Nancy Etiang’, 22; Robert Odeke, 18; Philip Papa, 16; and Amos Omung’a, 14.

My father was a wonderful peasant farmer who worked on a three-acre piece of land in the Rift Valley - Uasin Gishu District. On the farm we were able to get over 100 bags of maize and 10 bags of beans. The farm work was easy because dad had four big oxen which did most of the work. We had enough food for consumption and some surplus for sale. We had two dairy cows for milk and manure.

As if fate was not on our side, it happened that in the 2007 Post-Election violence the militia who were claiming that our father had voted for PNU attacked our family and demanded money, which my dad did not have. They took him away never to be seen again. It is believed that he was taken to the thick forest where he was killed and abandoned.

To date our family languishes in poverty; all of our animals were taken away by the militia. The productive three-acre land and the farming of dad’s days are all gone. Life has become unbearable.

For some time, we depended on our relatives and well wishers; at times we slept without food. After a whole year of suffering in an IDP camp in Turbo we were forced to move to our grandfather’s homeland in Malaba, Teso District, where we are currently living. Although the officials from the Ministry of Special Programme promised to assist us and our mother, up to now nothing has happened. I therefore call upon well wishers to come to our rescue.
This publication presents the results of a case study of the factors underlying the acts of violence to which Kenya seems to be prone especially in times of presidential elections, epitomized by the December 2007 election. The content of the publication is the sole responsibility of the authors, contracted by the implementing party, Konrad Adenauer-Stiftung e.V. in partnership with Mount Elgon Resident Association, Catholic Justice and Peace Commission and in association with Community Initiative Action Group. The content can in no way be taken to reflect the views of the European Union nor Konrad Adenauer-Stiftung and its partners.