

**Explaining Ethnic and Land-Based Conflicts from a Social Constructivist
Approach:**

The case of Rift Valley, 2007-2008

By

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Abstract

The Rift Valley is widely viewed as the eye of the storm in Kenya since the first outbreak of ethnic and land-based conflict in the region in 1992. Conflict has since 1992, erupted every five years during the general election period pitting different ethnic groups against each other. The violent eruptions have in all the election periods brought out the sharp divide among the different communities along ethnic lines and the long standing explosive issue on land ownership. The objective of the study is to explain ethnic and land-based conflict in the Rift Valley from a social constructivist approach against a backdrop of the primordial and instrumentalist approaches that have dominated debate on the issue. The study also seeks to analyze the political, social and economic dynamics that have been constructed and reconstructed resulting in antagonism between different ethnic communities in the region. The data for this study was sourced through primary sources through semi- structured questionnaires and face to face interviews. The qualitative approach used was to get an understanding of how actors give meaning and socially construct situations they are in and the significance they give to such situations. Secondary data was sourced through a desk study of information from the media, key organizations and other documents relevant to the study. Leadership played a key role in the 2007-2008 ethnic and land-based conflict that started in the Rift Valley and spread to other parts of the country. The introduction of multi -party politics in Kenya in 1991 with the repeal of Section 2A of the Constitution also partly triggered off the 1992 ethnic and land-based conflict in the Rift Valley because of a general misconception that this would automatically usher in democracy to solve problems that Kenya was faced with.

Acknowledgments

I would like to acknowledge my late father Mungai Karanja for his insights on land issues in the Rift Valley. Through his thoughts, the seed for this study was planted.

I also wish acknowledge and thank my family and in particular my son Ng'ang'a Njongo, for his encouragement and moral support as I walked the tight rope of balancing between family, a full time job and working on this study.

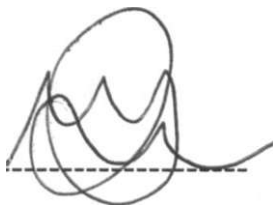
My deepest and profound gratitude is to my Supervisor, Dr. Ibrahim Farah for his encouragement, support and guidance. His contribution to this study was invaluable. Dr. Farah opened my mind to different perspectives of ethnic and land-based violence thus enriching my understanding of the different dynamics that define the Kenyan society.

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Last but not least, I wish to recognise my friends and classmates Angeline Mutua Gacheru, Tumaini Muthiga and Edward Kaburia for their time, warmth and sense of humour.

Declaration

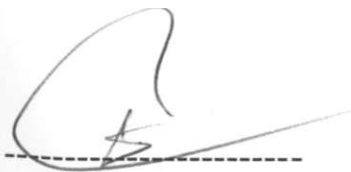
This research project is my original work and has not been presented for award of degree in any other University.

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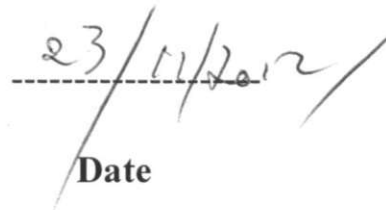
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This Research Project has been submitted with my approval as University Supervisor.

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Dr. Ibrahim Farah

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Date

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Chapter One

Introduction to the Study

1.1 Introduction

Kenya is a multi-identity state. There exist diversities based on race, religion and ethnicity. Despite this diversity, the post-independent state has remained relatively stable until the re-introduction of multiparty politics in 1992. Since then, there has been sharpening of social cleavages especially those based on ethnicity. These cleavages have led to outbreaks of violent conflicts, which have been attributed to presence of unresolved contradictions generated by the way the state and society is organised.

In the Rift Valley province, which is home to multiple ethnic groups, violent conflicts have been witnessed since 1992. That the violent conflicts have taken an ethnic dimension has led to attribution of ethnic differences as a cause of conflict. The attribution is premised on the assumption whether implicitly or explicitly stated, that, the presence of multiple ethnic groups is a recipe for violent inter-ethnic violent conflict.¹ Hence the question is not whether such violence will occur, but when.

Beyond this assumption, the role of the elite in manipulating these differences has been given prominence. The elite, especially the political one, has been accused of inciting their co-ethnics into violence. The violence has a strategic goal of increasing the elites' bargaining power,

On this perspective see C. Geertz, 'The Integrative Revolution: Primordial sentiments and the Civil Politics in the New States' in Greetz C(ed), *Old Societies and New States*. New York: Free press, 1963; R.D. Kaplan, *Balkan Ghosts: A Journey Through History*. London: Picadard, 1993.S. Huntington, *The Clash of Civilization and the Remaking of the World Order*. New York: Simon and Schuster, 1996; A.D.Smith, *The Ethnic Origins of Nations*. Oxford: Blackwell Publishers, 1986

keeping off opposition or punishing those who are in opposition. The elite argument has dominated the debate on the cause of violence in the Rift Valley province and other parts of Kenya.

Apart from ethnic differences and elite manipulation of their co-ethnics, the presence of historical injustices especially on access to land, has been used to explain why violence has occurred in Rift valley. The unresolved land questions, especially on tenure, access and distribution have been identified as the underlying causes of the violent inter ethnic conflict in the region.³

The above perspectives have merit but they offer partial explanations to the causes of ethnic and land-based violent conflicts in Rift Valley Province. This study aims at providing a more powerful and critical approach which can explain these violent conflicts. Its goal is to show that we need to interrogate the underlying assumptions of the above perspectives and show how the conflict dynamics have been socially constructed.

1.2 The Research Problem

Conflict is an inevitable social phenomenon. The fact that there exist competing interests and values in any given society makes conflict a key element of social interaction. However, the mere presence of conflict whether, based on values or interests does not lead to violence in a linear way. Instead, there is a complex interaction of social forces in a way that is destructive.

Thus, since conflict is a social phenomenon, to understand it and how it transforms into violence demands that we approach it as a social construct. This way we can answer questions

² See a summary of this approach in, J.D. Fearon and D. D. Laitin, *Violence and the Social Construction of Ethnic Identity* \ *International Organization*, 54, 4, 20J0, pp.845 - 547. Also, D. A. Lake and D. Rothchild, *Ethnic Fears and Global Engagement: The International Spread and Management of Ethnic Conflict*. Berkely: Institute of Global Conflict and Cooperation, 1996, p.8.

See J. O. Osamba, 'Violence and the Dynamics of Transition: State, Ethnicity and Governance in Kenya', *African Development*, Vol. XXVI, Nos. 1 and 2, 2002.

such as why societies that exhibit similarities in terms of social, economic and political dynamic take different paths. This is important, because, almost all societies are multi-ethnic and have unresolved economic, political and social contradictions. Also, why do violent conflicts such as the ones that have taken place in Rift Valley province, take an ethnic dimension, yet the land issues have been central. Indeed, it is assumed that, if land issues are resolved, violent conflict will end. Since access to land is a matter that calls for redistribution, why does the violence target small scale land owners based on their ethnicity rather than those who own large tracts of land.

Further, there is a need to interrogate the assumption that elites are to blame for inciting their co-ethnics into violence. The assumption fails to explain why supporters follow and whether the elite and their supporters share common interests, or each exploits the concerns of the other to pursue own interests. By interrogating the assumptions, a more powerful explanation of the dynamics of elite - masses interactions and how the dynamics leads to violence can be advanced.

More so, there is a need to examine the role of the state as the arbiter of inter-group conflicts. In which ways does the state enable ethnic and land based violent conflicts. For instance, what state practices have encouraged the sub-national 'indigenous' versus 'foreigners' claims to entitlements, privileging the former, yet both groups have legitimate citizenship with equal rights. Equally, why has the notion of dual publics persisted and what incentive has the state provided leading to sustainable construction of ethnic based claims to entitlements, especially land.⁴

⁴ On dual publics see P. Ekeh, 'Colonialism and the Development of Citizenship in Africa: A Study in Ideologies of Legitimation' in Otite O (ed), *Themes in African Social and Political Thought*. Enugu: Fourth Dimension Publishers, 1978, pp.91-112

Finally, since the presence of multiple identities is inevitable and critical in defining a given people, what are the processes which lead to construction of identities in a more antagonistic and belligerent manner. How is a given identity interpreted, constructed and reconstructed in a way which makes violence against 'others' legitimate. Under which context do certain belligerent social narratives become salient, manage to silence opposing narratives by sections of in-group and justify recourse to violence against 'others'.

To answer the above questions the study focuses on the violence which has occurred in the Rift Valley Province. It interrogates the explanations which have been advanced to explain the violence, the underlying assumptions and proposes a more fruitful constructivist approach, that shows how material and ideational factors have been constructed by various actors in ways that fuel ethnic and land based violent conflicts in the Rift Valley Province.

1.3 Objectives of the Study

The main objective of the study is to explain ethnic and land based violent conflicts using a constructivist approach. To achieve this objective, the study has the following sub-objectives:

- i. To interrogate the predominant approaches to ethnic and land based conflicts
- ii. To analyse how social, economic and political dynamics have been constructed and reconstructed leading to belligerent ethnic identities in the Rift Valley Province.
- iii. To explain why and how land has become a site of inter-ethnic violent conflicts.

1.4 Literature Review

The literature review is divided into two broad sections. Section one reviews the literature that explains ethnic based violent conflicts. It focuses on three theoretical approaches: Primordial, instrumentalist and constructivist approaches. The primordial and instrumentalist approaches are more established, whereas, the constructivist one is a critique of the two. Engaging with

theoretical approaches is important because it lays the foundation for critically interrogating t}^ explanations put forward to explain ethnic conflict and their underlying assumptions.

The second section reviews literature on land-based conflicts. It focuses on reasons why land (land tenure, access distribution) has become a site of violent contestations in Kenya and elsewhere in Africa.

Perspectives on Ethnic Based Violent Conflicts

There are three perspectives which have been used to explain ethnic based violent conflicts. Th^ approaches are primordial, instrumentalist and constructivist approaches.⁵ The approaches focu^ on different material and ideational forces and how they lead and sustain violent ethnic conflicts. The starting point is the definition of an ethnic group. Smith defines an ethnic as a name of human population with a myth of common ancestry, shared memories and cultural element, ^ link with historical territory or homeland and a measure of solidarity.⁶ The above element^ constitute an ethnic group. However, the definition assumes a sense of permanence, yet as it shall be shown in the literature that some ethnic identities are relatively recent and the claim to common ancestry and link with a historic territory or homeland is at best invented or imagined.

Beyond the definitions of ethnic identity, there exist competing debates on why ethnic identity is such a powerful force of mobilizing people to violent engagement. The primordial approach is concerned with social-psychological aspects of a group identity and argues that an individual belongs to his basic group in the deepest and most literal sense; that he is not alone, which is what all but a very few human beings fear to be. The congruities of blood, speech and

See a summary of perspectives in J. D. Fearon and D. D. Laitin, *Op cit* pp.845- 877.
A. D. Smith, *National Identity*. London: Penguin. 1991, p.29.

customs are assumed to have an effable and times overpowering coerciveness in and of themselves.

Further, those in support of the primordial theory argue that, since primordial identities are fixed characteristics of individuals and communities, violent ethnic conflict naturally flow from them through this ethnic identity and differences. This way the mere presence of ethnic differences leads to violent conflicts and other factors are catalysts.

The approach has been critiqued since it is based on assumptions and conclusions which are flawed. Assumption of fixed identities has been characterised as radical and degenerative. Mamdani argues that such assumptions degenerate the transformative potential of human beings in their quest for a common future. Instead, political communities are defined, created and recreated not on the basis of a common past but the resolve to forge a common future under a single practical roof regardless of how different or similar their pasts may be.⁹

Bagayoko and Hilker, Newland have critiqued the assumption that violent inter-ethnic conflict flows from ethnic differences.¹⁰ They argue that, the primordial argument is flawed because there are peaceful societies comprised of sharp cultural differences. Hence, there is a need to ask under what circumstances identities lead to violent conflicts.

Barth argues that focusing on ethnic identities is simplistic. This is because ethnic identities provide an organization a vessel that may be given varying amounts and forms of content in different social-cultural systems.¹¹ Hence, the critical focus of investigation should be

⁷ J- F. Stalk Jr, 'The Ethnic Challenge to International Relations Theory' in Carmen D. and James P (eds), *War in the Midst of Peace: The International Politics of Ethnic Conflict*. Pittsburg: Free Press, 1997, p.7.

J See D. A. Lake and D. Rothchild, Op cit, p.7.

M. Mamdani, *Beyond Settler and Native Political Identities: Overcoming the Legacy of Colonialism*, *Comparative Studies in Society and History*, v.43, No.4, 2001, pp.651-664: 661

N. Bagayoko and L.M. Hilker, *Essays on Transforming Security and Development in an Unequal World*. Brighton: University of Sussex press, 2009, p. 16; K. Newland, 'Ethnic Conflict and Refugees', 'in Brown M(ed), *Ethnic Conflict and International security*. Princeton: Princeton press, 1993, pp. 143-163.

F. Barth, *Ethnic Groups and Boundaries*. Boston: Little Brown, 1969, pp.14-15.

the circumstances that ethnic boundaries define the group and become a basis for violent mobilization.

In a similar view, Hobsbawn argues that what the primordial theorists assume as fixed and historical is indeed a product of continuous cultural construction and reconstruction, in which new and renovated cultural symbols, activities and materials are continuously added to

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and removed from existing cultural repertoires. Such constructions are aimed at disciplining ethnic boundaries, legitimize conduct and actions and socialize members of a specific ethnic community to view their members in a certain way. Hence identities are dynamic social constructs.

On this basis, identities become emergent rather than primordial. Such an understanding injects dynamicity on how identities are created and recreated, by including historical, situational and agential factors. Using such an understanding Mamdani has brought out the role of colonialists - especially their policy of dichotomising citizens/subjects, natives and non-natives in creating, recreating and fastening ethnic identities. For instance he has shown how the Hutu - Tutsi identities, were transformed from market based identities to 'primordial' ones based on racial differences, by the Belgians.¹³

Lonsdale has pointed out the need to have a distinction between 'political tribalism' and 'moral ethnicity.' He notes that political tribalism - the unprincipled competition for access to the state on behalf of leaders who draw support from administratively contained ethnic constituencies should not be confused with moral ethnicity. The moral economy at the core of ethnicities, that allocates reputations to the means by which people pursue self interests and

E. Hobsbawn, 'Introduction', in Hobsbawn E and Ranger T (eds), *The Invention of Traditions*. Cambridge-Cambridge University Press, 1983, p.9.

M. Mamdani, 'African States, Citizenship and War: A Case- Study', *International Affairs*, Vol. 78, No-^{2002>}3', PP-493-506.

economic advantages to a group in interaction with others, especially by ethnic entrepreneurs. As such, there is nothing primordial about ethno-based violent conflicts.

The instrumentalist approach to ethnic conflicts is more fruitful because it goes beyond primordial arguments and shows the role of the elite in manipulating differences for their own strategic ends. It points albeit, implicitly the role of particular re-interpretation of identities and how such interpretations are used to project the 'others' whether state or groups, as the problem. Such re-interpretations are usually based on the need by elites to capture government power since governments control access to scarce resources and future income streams that flow from them.

Lemarchand, in his analysis of ethno-based violent conflict in Burundi, supports the instrumentalist approach by concluding that, one cannot overestimate the part played by individual actors in defining the nature of threats posed to their respective communities, framing strategies designed to counter such threats, rallying support for the cause, bringing pressure to

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bear on key decision makers, and in short politicising ethno - regional identities.

However, the instrumental approach overlooks critical questions that need to be answered. Fearon and Laitin and others in critique of the instrumental approach raise two salient questions. One, why do ethnic publics follow leaders down paths that seem to serve elite power interests most of all. Two, in an arena of multiple interpretations and interests, how do leaders manage to construct one ethnic group in a more antagonistic manner, making violence possible.¹⁹

As such, there is a need for a comprehensive study of the followers and precisely what motivates

R. Lemarchand, *Burundi: Ethnocide as a Discourse and Practice*. New York: Woodrow Wilson Centre Press, 1994, p.77.

J- D. Fearon and D. D. Latin, *Violence and the Social Construction of Ethnic Identity*, Op cit, pp.845 -877; D. Turton, 'Introduction' in Turton D (ed), *War and Ethnicity: Global Connections and Local Violence*. Rochester NY: Boydell, 1997

them to support or engage in violence, who are the followers and why they follow. Alternatively put, how are such identities constructed, interpreted, represented and rendered belligerent?

In response to the shortcomings in these approaches, a constructivist research program has been developed. The research program which has permeated all social science disciplines incorporates both material and social ontology and explains how material and ideational/social forces leads to constitution of given identities, how such identities evolve and shape the way we respond to situations. This way it denaturalizes the taken for granted facts and argue that, though such facts exist, how we understand and respond to them is an outcome of social construction.

Wendt in a critique of dominant approaches of international relations, made a powerful statement of what social constructivism is all about. She argued that anarchy is what states make of it.²¹ This way, the question is not whether the international system is anarchical but how anarchy has been interpreted and how actors have come to imagine it as natural.

In the analysis of ethno-based conflicts, the issue is neither the mere presence of ethnic differences nor the role of elites in manipulating ethnic differences, but how ethnic identities are created, recreated, interpreted and rendered belligerent. Alternatively put, what kinds of discourses are constructed to explain material condition, who constructs such discourses and how are they deployed relationally, by different actors to achieve given ends.

The starting point of the constructivist approach is rejection of primordial claims of identity as fixed. Instead as Kahl argues, contemporary ethnic categories more often than not

²⁰ See A. Wendt, 'Constructing International Politics', *International Security*, vol. 20, No.1, 1995, pp.71-85; also T. Hopf, 'The Promise of Constructionism in International Relations Theory', *International Organization*, vol. No.1, 1998, pp.171 -200.

See A. Wendt, 'Anarchy is What States Make of It: The Social Construction of Power Politics', *International Organization*, vol. 40, 2, 1992, pp.391-425.

represent social constructions, rather than authentic names for primordial linkages.²² That they seem persistent is because, once identity is constructed, they have material effect on people's lives. As such, Turton argues that although ethnicity is to various degrees and in various ways 'imagined' and 'invented' it is not imaginary.

Hence, the question is the role of the human agency in construction of identities within the limits of the ever changing material structure. This way as Nagel argues, the social constructivist approach opens up ways of posing questions which other approaches do not.²⁴ Such questions include, why do some ethnic groups co-exist peacefully, why are there selective narratives of identification, why are some attributes more salient than others in varying degrees, what role do present dynamics play in creating and recreating identities.

Mamdani has made a powerful case for a constructivist approach by showing how colonial and post-colonial state practices created and recreated identities. For instance, he observes that the colonial state fixed ethnic identities through native authorities which horizontally divided people along tribal lines, each group governed by customs and treated as subject rather than citizens of the colonial state.²⁷ This practice was retained by pre-colonial state albeit in different forms based on the concept of being 'indigenous' at local and national levels.

Elsewhere, in his analysis of the Rwanda genocide, he concludes that, there is nothing primordial about Hutu-Tutsi identities. Rather, the identities were trans- historical based on one's economic status, until the Belgians introduced the notion of race, with Tutsi hailed as Hamites, presumed foreign and civilizing and hence privileged and Hutus considered indigenous and

C. Kahl, 'Population Growth, Environmental Degradation and State-Sponsored Violence: The case of Kenya 1991-93,' *International Security*, vol. 23, No.2, 1998, pp.80-119: 115

²⁴ D. Turton» 'Introduction', Op cit, p.3

J. Nagel, 'Creating Ethnicity: Creating and Recreating Ethnic Identity and Culture', *Social Problems*, vol. 41, No.1, 1994, pp. 152-176

M. Mamdani, *Citizen and Subject*. Princeton: Princeton University Press, 1996, p.23.

ignorant. These identities constructed and fixed through issuance of identity cards, which included one's designated identity. Based on this constructed identity, the Hutu - Tutsi violent pogroms became one of the sons of the soil (Hutu/natives) killing a settler community [Tutsi]²⁶

Ekeh too has brought out the role of the state in the construction of a dual public, one based on presumed primordial notion and the other one based on conception of modern citizenship. This way, state institutions are used to reproduce and harden identities. He states that,

'when law recognizes you as a member of an ethnicity, and state institutions treats you as a member of that particular ethnicity, then you become an ethnic being legally. You understand your relationship to the state and your relationship to other legally defined groups through the mediation of the law and of the state as a consequence of legally [and politically] prescribed identity. Similarly, you understand your inclusion or exclusion from rights or entitlement based on your legally defined and inscribed identity.'²⁷

Jackson, though writing on how counter-terrorism has been constructed has brought out the powerful explanatory power of the social constructivist approach in explaining how justifications for response are created through specific discourses. He argues that, the language describing 'other' is not simply an objective or neutral reflection of the reality, nor is it merely accidental or incidental. It is not the only way to talk and think about [others]. Rather, it is a deliberately and meticulously composed set of words, assumptions, metaphors, grammatical forms, myths, forms of knowledge. It is a carefully constructed discourse - designed to achieve a number of key political goals: to normalize and legitimize [response], [morally] empower the

J, Mamdani, 'African States, Citizenship and War', Op cit, p.499

P. Ekeh, 'Colonialism and the Development of citizenship in Africa: A Study in Ideologies of Legitimation', in D. °t'te (ed), Op cit, pp. 191-112.

actors, discipline the constituents, marginalize dissent or protest and enforce unity by materialising a narrow conception of identity. These points out the need to explain how the 'enemy' and the threat he poses is constructed and violence against him justified.

Milken, in a critique to rational/instrumental discourses explaining war has raised the question of how structure and agency relate. First, he notes that the structure - whether social, political or economic must be sociologically understood, that is, it must not be treated as an environment external and independent of actors, but as a social context woven from rules and

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meanings, which define relationships among the inhabitants and give interactions their purpose." The social context is not primordial but borne out of day to day interactions by actors. Hence the issue is how people come to structure their relationships in a manner that makes them belligerent. What kind of an inter-subjective situation engenders violent conflict, and how is a certain situation given interpretation and meaning warranting violent response.

Regarding the agency, Milken and Jackson observe that, behind the actions of agents is a series of actions to construct discourses of being a victim, grievances and justification for a certain response. Jackson observes that a discourse of feeling like a victim moralises an essentially destructive response, while a discourse of grievances motivates anger, hatred, fear and desire to revenge, which to support for the violent policies of the actors. This explains why neighbours turn against each other, with impunity, regardless of previous peaceful co existence. Importantly, it shows the power of agents to reorient structures of interactions towards a certain cause, through subjective processes of interpretations, blaming and characterisations of others

R- Jackson, *Writing the War on Terrorism: Language, Politics and Counter Terrorism*. Manchester: Manchester University press, 2005, p.2

J- Milken, 'Intervention and Identity: Reconstructing the West in Korea' in Weldes J et al (ed), *Cultures of Insecurity: States, Communities and the Production of Danger*. Minneapolis: University of Minnesota, 1999, pp.92-103. Also, J. Milken, *The Social Construction of Korean War: Conflict and its Possibilities*. Manchester: Manchester University Press, 2001, pp.30-39.

R- Jackson, *Writing the War on Terrorism: Language, Politics and Counter Terrorism*, Op cit, pp.36-37.

and the situation facing them. Hence, when explaining violent ethnic conflicts, there is a need to appreciate the specific material - environmental situation an agent is in, and how he socially constructs the situation. This way, we can interrogate the underlying assumption of primordial and instrumental perspectives and develop a more fruitful understanding.

The constructivist approach as the literature has shown does not reject in totality the explanations of the other perspectives. Rather, it bridges the gap by raising critical questions. These questions are: what is the role of ideational forces in identifying, defining, typifying and developing and legitimating responses, how are such ideational forces socially constructed by different agents, and used to mobilize, harden positions and silence rival in-group discourses, and project 'others' as threatening and warranting a violent response. In addition, the social constructivist approach, does not reject the role of material forces, but points out to the role of actors in socially constructing such forces. For instance, how does an individual facing material scarcity, construct a framework of understanding and responding to the scarcity. How do elites faced by potential loss of power and accompanying privileges manage to transform their self-interests into communal ones so that the masses follow. Certainly these calls for an explanation which goes beyond instrumental manipulations, since, the masses are not mere tools for effecting elite interests.

Having reviewed the literature on the perspectives explaining violent ethnic conflict, the next section focuses on literature explaining ethnicised land based conflicts in Africa and in Kenya. There is no doubt that, the issue of land tenure, distribution and access has been identified as a key driver of ethnic conflict. This is however incomplete because, it does not explain how land based conflicts become ethnic based. Hence the need to bridge the gap between

perspectives on land based conflict with those explaining violent ethnic conflicts and provides an alternative perspective.

Land Based Violent Conflicts

Land based conflicts in Africa are viewed under the framework of the land and Agrarian question. Moyo observes that the land tenure and agrarian question in Africa, exhibits three dimensions: land distribution, land tenure and land utilisation. The question of distribution concerns the problem of growing inequalities in access to land in relation to increasing concentration of land among elites in varying degrees across the continent, and in relation to demographic pressures, the scarcity of fertile land and the continued stagnation of agricultural technological advances. The land tenure concerns the control of land in relation to completing claims over land as well as a clash of land tenure regimes arising from colonial and post-colonial interventionism in the shaping of property rights. The third dimension revolves around competing land utilisation objectives dictated by state policies which direct land use patterns through incentives, competition among different agronomic production and political systems.³¹

Drawing from the three dimensions, the issue of distribution has been salient. This is because it connects to one of the dominant perspective, which explains resource based conflicts using the variable of scarcity. A leading proponent of scarcity model has been Homer-Dixon, who distinguishes between three types of scarcity. These are: Demand-induced scarcity arising from demographic pressures, supply induced scarcity resulting from depletion or degradation of a resource and structural scarcity which originates from the distribution of a particular resource.

However, he makes an often overlooked observation that, whether scarcity leads to violence, is largely dependent on a given group's ingenuity gap or ability to cope.³²

Despite this observation, analysis, such as one done on Kenya's land question has continued to prioritize on distributional issues in effect failing to grasp the complex nature of land based conflicts. A view captured by Medard who observes that understanding land, competing usages and the ensuing and conflicting claims to control it is not straight forward. The cause and development of land disputes do not necessarily conform to conventions of logic.³³

Taking cognisance of the flawed explanations based on scarcity, other scholars have pointed out the need to approach the land issues as embedded in social, legal and political processes. Such embedding touches on the land tenure and its contestations, the role of land as a site of political and social struggles and conceptions of citizenship.

Based on this an approach, Mamdani, Berry and Ndegwa have moved the debate from the question of distribution to the contest between two notions of belonging based on being indigenous /native and settlers /foreigners/outsideers.³⁴ He argues that the colonial state constituted peoples in the colonies as either native or non-native/settlers. The natives' access to land was predicated on presumed membership in a tribe and governed by customary law, whereas the settlers' ownership was based on statutory laws governing private ownership. The post-colonial state, far from disappearing invented traditions especially the definition of native and non- native rights it entrenched it on the basis of being indigenous. The notion of being

² T. Homer-Dixon, *Environment Scarcity and Violence*. NJ: New Jersey University press, 1999. Also, T. Homer-Dixon, 'Environmental Scarcities and Violent Conflict: Evidence from Cases', *International Security*, vol. 19, No.1, 1998, pp. 5-4 5.

C. Medard, 'Indigenous' Land Claims in Kenya: A Case-Study of Chebyuk, Mount Elgon' in Anseeuw W. and Alden C (eds) *The Changing Politics of Land: Domestic Policies, Crisis Management and Regional Norms*. Pretoria: Human Science Research Council Press, 2008, p. 14.

S. Berry, 'Debating the Land question in Africa'. *Comparative Studies in Society and History*, vol. 44, No.4, 2002, pp.638 -668, S. Ndegwa, 'Citizenship and Ethnicity: An examination of Two Transition Moments in Kenya Politics', *American Political Science Review*, 91(3), 1997, pp.599-616, and M. Mamdani, 'Beyond Settler and Native Political Identities, Op cit, pp.651-664.

indigenous has been used to define who has privileged rights in a given locality, relative to non-those who are considered not indigenous.

Musahara and Huggins observes that such basis of entitlement has led to a simultaneous operation of statutory (or modern) and customary systems governing access to land.³⁵ Consequently, the issue of land tenure has become a complex one, especially because customary claims to land have led to trampling of statutory laws protecting private property. That indigenous claims entitlements has been a key variable of constructing others as 'outsiders' has made Berry conclude that, contests over land involve contest over authority and power relations.³⁶

Similarly Ndegwa has characterized the land question as a critical substantive issue around which the discourse of ethnicity and citizenship converges.³⁷ This very nature of land as a site for contesting power, citizenship and authority explains the preference of invoking the land question as a mechanism for what Fox characterises as a strategic deepening of local domination. These arguments make it imperative to move beyond simple diagnosis of land-based conflicts based on scarcity or historical injustices. There is a need to focus on how the land question has been constructed by various factors such as the colonial and post-colonial state, localized despots engaged in deepening their domination, and how social, political and economic contexts have enhanced and sustained the politics of land in a given polity. This way the ethnic and land based violent conflicts can be linked.

Huggins and Musahara in their analysis of the land question in post- Genocide Rwanda have brought out this complex nature of land based conflicts. They state that the land question is

H. Musahara and C. Huggins, *Land Reform, Land Scarcity and Post Conflict Reconstruction: A Case Study of Rwanda*. Pretoria: Institute of Security Studies, 2'008, pp.299-300.

³⁵ S. Berry, 'Debating the Land Question', Op cit, p.640

S. Ndegwa, 'Citizenship and Ethnicity', Op cit p.612.

more accurately conceptualized as discourse - as a competition between different narratives, each of which is presented in various ways in order to achieve greater credibility and dominant position. These different narratives are socially constructed, flexible and dynamic, each striving to create and promulgate a regime of truth. When land questions are approached this way both the material and ideas informing land based violent conflicts can be deconstructed and how they are constructed revealed.

Medard has confirmed the argument in his analysis of land based conflicts in Mount Elgon where competing groups have developed a dynamic discourse to justify the exclusion of others. Initially the conflict was between an 'imagined' Sabaot ethnic group and non-Sabaots. Yet once non-Sabaots were forced out, the dynamics shifted. It was no longer a question of whether the land is a Sabaot land or not, but over the claims emerging from the different sub - group claiming to be Sabaot. In the process old ties were questioned [and recreated] leading to development of new ethnic groupings, the Mosoobilsyek and Soy.³⁴ The analysis shows how land became a site for constructing ethnicities. Sabaot, Soy and Mosoobilsyek identities first like the umbrella, Kalejin identity were strategically constructed to legitimise territorial and administrative claims.

Understanding the land question as a discourse does not negate the fact that there are genuine land grievances, but points to the need to explain how such a grievance transforms into violent contestations or how certain segments of the society are identified as the cause of such land grievances. Indeed there is a glaring failure in this aspect, when it comes to analysis of land based conflicts in Kenya. Osamba explains the violence witnessed in Rift valley province as an inevitable consequences of unresolved political and economic contradictions behind an

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³⁹ H. Musahara and C. Huggins, *Op cit*, p.290

C. Medard, 'Indigenous Land claims in Kenya', *Op cit* p.36.

apparently partisan political system, which places a higher premium on sectional interests at the expense of national interests.⁴⁰ Such a position presume presence of historical grievances yet as Moyo warns premising land questions on a priori historical incidences of extensive if not one of land alienation, deny the prospect of a variety of dimensions of the land question.⁴¹

Kahl and Kanyinga in contrast have used the elite framework arguing that land based violence in Rift valley are products of elite incitement. They argue that the elites especially from the Kalenjin and Maasai community have consistently referred to the contamination of their ancestral lands by *tnadodoa* (spots) and *kwekwe* (blemishes). This term refers to ethnic groups especially Kikuyus, who migrated to the province in large numbers during colonial and post-colonial periods. Such elites have posited their ethnic groups as victims of land grabbing and exhorted them to expel land grabbers from the Rift Valley Province back to their motherland.⁴² Though this perspective points out the role of the elite in instigating these conflicts, Kahl does not answer the question raised earlier on why masses follow, since elite do not have the monopoly of communal initiatives. More so, contestations over land rights are rooted in multiple and polyvalent social, political, and cultural discourses that are regularly fought over. Hence the question is how the elite discourses become dominant.

1.5 Hypotheses

To achieve the study's objectives, the following hypotheses will be tested:

- i) The predominant frameworks of analyzing ethnic and land based conflicts are flawed in their assumptions, premises and conclusions.

⁴⁰ J- O. Osamba, 'Violence and the Dynamics of Transition: State, Ethnicity and Genocide in Kenya', *Africa Development*, vol. xxvi Nos. 1 and 2, 2002, p[^]38 -41.

⁴² S. Moyo, *The Land Question in Africa*, Op<nt, p. 12.

C. H. Kahl, 'Population, Growth, Environmental Degradation and State-Sponsored Violence', Op cit, p. 110; K. Kanymga, 'The land Question and Politics of Tenure Reforms in Kenya', in DRDS (ed), *Land Question in Sub-saharan Africa*. Uppsala: Swedish University Agricultural Science, 1997, p. 18

- ii) The ethnic land based violent conflicts as an outcome of both material and ideational forces and how such forces are subjectively constructed by different actors.
- iii) Land in Rift Valley Province is not a cause but a site for socially constructed violent ethnic conflicts.

1.6 Justification of the study

The literature review has pointed out the need to have a more critical approach to ethnic and land based conflicts in Kenya. This is because the dominant perspectives do not pose questions, which if raised, would bring out the flaws on their assumptions, premises and conclusion. Importantly, there is a tendency to treat ethnic and land based conflicts independently, yet they are linked in many ways and their linkages depend on how actors socially construct the material situation that they find themselves in.

Drawing from this observation, the study uses the violent conflicts which have occurred in the Rift Valley Province to build a case for a constructivist framework of understanding the dynamics that have led to these conflicts. Such a framework will move the debate beyond issues such as historical injustices, elite manipulations and primordial differences, by pointing out how these issues have been subjectively constructed by different actors in a way which is antagonistic and belligerent. This endeavour constitutes the main academic justification of the study.

Additionally, through this framework, the study develops linkages between ethnicity and land based conflicts drawing from historical and present social, economic and political context. The linkages established gives a richer understanding and appreciation of the complex issues involved in these violent conflicts. Though the study is in no way comprehensive, the insights will certainly provoke a debate on the current policy arguments, which for instance tend to presume that addressing the land question through land distribution, tenure and use reforms will

resolve the conflict, or promoting of reconciliation will be sustainable, without critically appraising whether current approaches can deliver sustainable peace. The concern justifies the study on policy grounds.

1.7 Theoretical Framework

The study has adopted a social constructivist approach. The approach integrates both the material and social ontology. This is important because material/ environmental forces are only meaningful when they are socially contextualized. That is, material forces only acquire meaning for human action through the structure of human knowledge in which they are embedded.⁴¹ As such how individuals constructs meanings of a given material situation, determines how they respond to it. A view captured by Wendt's assertion that, at international level anarchy is not a structural cause of anything, what matters is its social structure.⁴⁴

Extending the argument to ethnic and land based conflicts; the approach will help redirect the focus of analysis from the variables which have been used by other approaches. This is because it will help the researcher, to interrogate the assumption, premises and conclusions of the other framework. For instance, the core primordial argument that ethnic differences inevitably lead to conflict, overlooks the fact that what may be categorized as a primordial group may be a recent political construct. Likewise, the argument fails to explain the processes of social change and assumes identities to be fixed, yet culture, is dynamic, with actors constantly re-interpreting and incorporating it to suit different situations. Importantly, it ignores the role of human agency in constructing the social world in ways that give meaning to actions.

See A. Wendt, 'Constructing International Politics', Op cit, pp.71-85, T. Hopf, 'The Promise of International Constructionism', Op cit, pp.71-85, T. Hopf, 'Managing Soviet Disintegration', Synder J, 'Nationalism and the Crisis of the Post Soviet State', in Brown M (ed), *Ethnic Conflict and International Security*, Op cit, pp.79-102.

A. Wendt, 'Constructing International Politics', Op cit, p.78.

Likewise, the approach enables the researcher to cross examine the instrumentalist framework by asking critical issues such as why masses follow and implement strategies of their leaders, or how opposing or rival strategies are silenced. Such issues can only be explained through analyzing how the involved actors are linked through a socially constructed discourse which simultaneously motivates and legitimizes certain strategies while silencing others.

Regarding the land question, the predominant frameworks have been based on variables prioritizing on scarcities as the key driver of violent conflicts.⁴⁵ Granted that land scarcity can lead to conflict, the process is not a linear one. It is a complex interaction of processes and hence, the scarcity based approach is simplistic. Instead there is a need to explain how scarcity is constructed by various actors, the processes that maintain specific understanding of the causes and importantly how scarcity leads to violent conflict. The constructivist approach assists in addressing these questions by showing how subjective discourses of grievances, feeling victimised and blaming have determined understanding and responses to scarcity. More so, the approach helps to raise a key question of whether the land question has been a cause of violent conflicts in the Rift Valley, or it has been a site for other struggles.

Drawing from these arguments, the constructivist approach will be more fruitful and useful for the study. It will enable the development of new insights, richer explanations of various arguments already advanced and integrate ethnic and land based violent conflicts. Consequently, this will enrich the debate and encourage thinking outside the box for both researchers and policy makers.

For instance, T. Homer- Dixon, 'Environmental Scarcities and Violent Conflict', Op cit, pp.5-45

1.8 Research Methodology

The study will use the qualitative methodology. The choice of the methodology is determined by the nature of the study whose main focus is how actors assign meaning to their actions through socially constructing the situations they face. The importance of the qualitative methodology for this kind of study is well noted by Neuman. He observed that qualitative research is critical in understanding social action, and that when social actions are removed from the context, the social meaning and significance attached to it are distorted.⁴⁶ This contextual importance therefore renders the study amenable to qualitative methodology.

Relying on qualitative methodology, the researcher will be in a position to study everyday reasoning of the people, empathize with their plight and get to know why they act in a certain way. This way she will be able to get untapped rich resources of data and also multiple interpretations of reality, is expressed in day to day interactions by the actors constituting the universe of the study.⁴⁷ In addition, the method will enable the researcher to provide a 'feel' of particular people and event in concrete settings, since the data gathered will focus on metaphors, symbols as well as the description of specific cases, some of which will be reported verbatim.⁴⁸

1.9 Data Collection

Data for this study will be sourced from both primary and secondary sources. When sourcing the primary data, the main method will be interviews through the use of semi - structured questionnaires. Semi-structured questionnaires are appropriate since, they will enable the

⁴⁷ L- Neuman, *Qualitative and Quantitative Approaches* (2nd ed). London: Ally and Bacon, 1992, p.331.

M. Joseph, 'Designing Qualitative Study' in Bickman L. and Debra J.R (Eds) *Handbook of Applied Social Research Methods*. London: Sage publishes, 1998, p.474.

L. Neuman, Op cit, p.329

researcher to cover sensitive matters and get detailed responses from the interviewees.⁴⁹ Also, it will provide room to ask extra questions, which were not planned, but arose during the interviewing process. This will enable the researcher to probe further, compared to when one is using a structured questionnaire.

The sampling of interviewees will be purposive. This is because, since the study is qualitative, proportional sampling is not requisite. More so, such sampling requires a complete list of the population, which is not possible to develop. Thus, the researcher will purposively select interviewees using the criteria of ethnic identity, residency in the area of study; whether one has been a victim of such violent conflicts and local status. Based on these criteria, the researcher expects to interview five people.

Secondly, data will be gathered through desk study. The study will focus on the text books and journal articles to build on conceptual and theoretical issues. This will be augmented by documentaries, media release (print, audio, audio-visual and electronic), reports by various organizations (non-governmental, governmental and independent commissions of inquiry), and other types of documents relevant to the study.

The data gathered will be subjected to qualitative analysis. The findings will be tested against the study's hypotheses and inferences made.

1.10 Chapter Outline

The study is divided into five chapters.

Chapter One lays the foundation of the study by identifying and developing the research problem, reviewing the literature, and developing the theoretical framework and the methodology of the study.

M. Hammersley and P. Atkinson, *Ethnography: Principles in Action*. London: Routledge, 1995, p. 168.

Chapter Two engages with theoretical and conceptual debates which have been generated in chapter one. This is important because the study has strong theoretical and conceptual orientations.

Chapter Three analyses the ethnic and land based conflicts in Kenya, focusing more on the Rift Valley Province. The analysis draws from political, economic and social variables that have been used to explain these conflicts.

Chapter Four builds on chapter two and three by integrating theoretical issues with data gathered to develop a case for a constructivist approach to ethnic and land based conflicts

Chapter Five concludes the study.

Chapter Two

Explaining Ethnic and Land Based Conflicts from a Social Constructivist Approach: An Overview

2.1 Introduction

Nothing raises so much fear and apprehension in Kenya as the spectre of fresh 'ethnic conflict' similar to the one that rocked the country in the build-up to the 1992 multi-party general elections and after. The wave of inter-ethnic conflict in the Rift Valley, Nyanza, Western and some parts of the Coastal provinces went down in Kenya's history as the worst since independence. The notion that violence may arise prior to and after the 1997 General elections has made the issue of 'ethnic conflict' a very sensitive, yet important subject for discussion, aimed at formulating policy options for conflict management. Indeed, whenever the issue is raised, there has often been panic, confusion and scepticism, within the government, opposition as well as within the entire public circles. Some violent reactions emerge, under the influence of ethno-political ideologies which tend to take the form of ethnocentrism, the ideology that animates the competition between ethnic groups"⁰.

It is a historical fact and current reality that most Kenyan districts are haunted by actual or potential ethnic conflicts. This is partly because different communities continue to consciously or unconsciously rely on ethnicity to perpetuate their dominance and hegemony in an atmosphere characterized by scarce resources, fear and prejudice. The proliferation of ethnic conflicts in this country is so widespread that there is hardly any region where the problem has not reared its ugly head: Western, Rift Valley, Nyanza, Coast, Central, North Eastern, Eastern and even Nairobi.

Nyukuri Barasa, 1992, "Ethnicity and the Politics of National Integration in Kenya". A paper presented on 22nd October at Kisumu, 91-95.

The necessity for a new vision in approaching the issue of ethnic conflicts and their management cannot therefore be overemphasized in this context. From the recent experience as well as studies carried out on ethnic conflict in Kenya and the Greater Horn of Africa, there is increasing evidence to suggest that even where it has been brought under control psychological trauma (i.e. fear and suspicion) left behind are seldom healed, especially among children and women¹.

In this section of the study, the research focuses on the conceptual issues on ethnicity and land based conflict, drivers of conflict and a comprehensive look at various approaches that explain conflict. This is in regard to the political violence in Rift Valley, Kenya which took place in December 2007 to March 2008 in where approximately 1,100 people were killed and 350,000 internally displaced from several parts of the country .

2.2 Conceptual Issues on Ethnicity and Land Based Conflict

Ethnicity involves some form of metaphorical ties of kinship, especially the notion of common ancestry and blood relationships. It involves some form of identification: individuals identify themselves as belonging to a particular ethnic group and/or the group recognizes an individual as belonging to that group. Specific cultural practices such as language and religion commonly define the particularities of different ethnic groups³.

Land ownership in Kenya is complex and sensitive. Conflict over land rights is often seen as the centre of conflict in Kenya⁵⁴. The Nandi feature prominently in almost all the ethnic

Zartman, I William (1985), *Ripe for Resolution conflict and Intervention in Africa*, New York, Oxford University Press, P 66.

Kenya National Commission on Human Rights. 2008. *On the Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*. Nairobi, Kenya: Kenya National Commission on Human Rights.

⁵⁴ Bottomley, G. (1997) 'Identification: ethnicity, gender and culture' *Journal of Intercultural Studies*, 18(1), 41-48.

Baldevin, J. 1962, The Fire Next Time. Penguin Books 17-61.

conflicts in the Rift Valley. This study adopts a historical perspective to examine land claims and the issues of ethnicity and land based conflicts.

The main argument is that historical injustices on land contribute mainly to the ethnic conflicts between the Nandi and the neighbouring communities. The primary result of these conflicts has been the displacement of people who had settled in parts of the country other than their ancestral land. The historical injustices are occasionally exploited by political leaders, thus fuelling ethnic conflict in this region.

Violence in the post-2007 period was closely related to earlier episodes of ethnic and partisan violence in the same region in 1991/2, 1997, and 2005. Across all four periods, the perpetrators of violence openly expressed a desire to send members of the Kikuyu and Kisii ethnic groups "home" and made statements indicating that their victims were being targeted for both their ethnicity and their political support for a different political party⁵. Although the geographic extent of violence was broader in the post-election period than in previous periods, in the Rift Valley, the level of violence and displacement were greater in localities with a history of exclusionary ethnic violence⁶. Because most communities in this region were caught up in protest against the election result, because of the general breakdown of law and order that followed, and because violence occurred primarily along ethnic lines, it seems likely that ethnic demography partially explains the variation in the intensity of conflict.

The broader social science literature on ethnic demography and conflict contains three ways in which the spatial separation of ethnic groups is related to conflict; segregation may then

⁵⁵ Ibid 52

Kasara Kimuli, 2010. "Electoral Geography and Conflict: Examining the Redistricting through Violence in Kenya." Working Paper, 121.

reduce potential conflicts of interest, segregation may make individuals less tolerant and more likely to support inter-ethnic violence, or it may reduce the costs of organizing and carrying out violence. Given the information, this study cannot adjudicate between these explanations but a review of the existing literature suggests that the effect of segregation on attitudes is a compelling and relatively neglected explanation for variation in the severity of ethnic conflict at the local level⁵⁷.

Shared neighbourhoods make it necessary for members of different ethnic groups to engage in joint projects - such as public goods provision or redistribution - on which they may have different preferences. If ethnicity is linked to policy preferences, one potential solution to conflict is to place members of different ethnic groups in different jurisdictions. In international relations there is an extensive, and unresolved, debate regarding whether partition is a good solution to ethnic conflict . Scholars disagree on the extent to which spatial separation is sufficient to promote peace or whether political autonomy - which reduces the need to participate in joint projects - is also necessary^{59 60}.

Although partition may resolve conflict at a national level, on a smaller scale it is unlikely that even total residential segregation could eliminate the need for cooperation on joint projects because people live in close proximity to each other. Furthermore, the conditions under

Eken, Peter P. 1986, "Social Anthropology and the Uses of Tribalism", Faculty of Social Sciences, University of Ibadan.

Kaufmann, Chaim D. 1996, "Possible and Impossible Solutions to Ethnic Wars" International Security, 20(4): 136-175.

Chapman, Thomas & Philip Roeder, 2007. "Partition as a Solution to Wars of Nationalism: The Importance of Institutions" American Political Science Review 1.Q1(4):677-691.

Sambanis, Nicholas & Jonah Schulhofer-Wohl, 2009. "What's in a Line? Is Partition a Solution to Civil War?" International Security, 34(2):82-118.

which segregation may lead to peace are limited in scope because ethnic differences need not imply different policy preferences⁶¹. Indeed, much ethnic politics research attempts to understand how institutions and/or correlates of ethnic difference - such as wealth or political access - affect the degree to which members of different ethnic groups have different preferences. When considering preferences regarding the use of political violence, it is particularly problematic to think of ethnic groups as "groups" sharing common interests. Violence imposes multiple costs on ordinary people and may reduce the value of the resources in dispute. Furthermore, many people simply believe theft and murder are wrong regardless of the ethnic identity of the victims.

Although conflicts vary in the extent to which they are wars of mass mobilization, it is known from ethno-graphic studies of communal violence and from research on the individual-level determinants of participation in violence that relatively few people participate as combatants. For example, Brass demonstrates that a small set of politically and economically-motivated professionals escalate Hindu-Muslim riots in India . Quantitative studies confirm this notion that violence is wielded by a relatively small minority⁶³. Furthermore, even in the Rwanda genocide, which is now probably the most popularly cited example of an ethnic war of all-against-all, those directly involved in the violence were a small proportion of those who were the

Scacco Alexandra, 2009. *Who Riots? Explaining Individual Participation in Ethnic Violence* PhD thesis.

⁶² Brass Paul, 1997; *theft of an Idol: Text and Context in the Representation of Collective Violence*, Princeton, N.J.: Princeton University Press 171-230.

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Humphreys, McArtan & Jeremy Weinstein. 2008. "Who Rebels? The Determinants of Participation in Civil War" *American Journal of Political Science*, 52(2):436455.

appropriate age and gender to do so and faced particularly strong political pressures to participate⁶⁴.

Segregation may promote violence by making it easier for people to believe that ethnic others pose a unified threat. Although the question of whether segregation promotes or reduces ethnic tolerance is largely ignored in comparative politics, there is a debate about the relationship between the two - ethnic segregation and violence - in the United Nations⁶⁵. In this research area, as in the broader literature on ethnic conflict, there is tension between the view that propinquity (nearness to each other) is a source of intolerance because it forces people to cooperate on joint projects when they have different interests or as a source of tolerance because it gives people information regarding common interests. Scholars linking residential proximity to tolerance are influenced by the social psychology literature on prejudice. The core problem in these accounts is not conflicting, economic or political, interests but rather an animosity that is the result of misconceptions, which can be remedied by particular types of interethnic contact. Indeed, arguments made by Varshney are consistent with this research agenda as he shows that interethnic civic associations play a role in quelling attempts to ignite interethnic conflict in Rift Valley, Kenya⁶⁶.

Straus Scott, 2006. *The Order of Genocide: Race, Power, and War in Rwanda*. Ithaca: Cornell University Press 90.

Anderson, B. 1983, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London. Verso,

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Varshney Ashutosh, 2002. *Ethnic Conflict and Civic Life: Hindus and Muslims in India*. New Haven: Yale University Press 72-72.

2.3 Drivers of Ethnicity and Land Based Conflict

Reactions of discontent have been revealed in the land clashes of 1992, 1997, and 2007. These clashes display the anger among those living in impoverished conditions. Others were also frustrated because of the apparent deliberate delay in addressing certain problems that have haunted society since independence. The 1992 - 2007 electoral violence in Kenya generally took an ethnic angle; and for that reason, this theoretical framework is restricted to ideas explaining ethnic conflict. Ethnic conflict has two dimensions: The first one is the conceptualization by an ethnic group of an intriguing prevailing socio-economic and/or political situation that captures the interests of the ethnic community at large. In the ethnic-conflict prone regions of Kenya, many factors have historically aroused ethnic competition and interests, ultimately creating an intriguing situation. Such factors include: ethnic-territoriality nexus; rapid population growth and internal migration; especially into the Rift Valley Province⁶⁷.

The second dimension of ethnic conflict entails emergence of a shared outlook among members of one ethnic group towards others with whom they compete, within the same environment, for political and/or economic goods. Thus, in a multi-ethnic society like Kenya, tendencies of domination or subordination among ethnic groups characterize ethnic relations. However, the nature of political system in place shapes such tendencies. In post-independence Kenya, the political system generally has tended to be closed and exclusive while no ethnic group has had absolute monopoly of power⁶⁸. This has led to turbulent coexistence of ethnic groups characterized by suspicion and hindered collaboration which escalates during national election periods. Thus, in addition to the actual situational factors as described above, other

⁶⁷ **Oucho J O (2002). Undercurrents of Ethnic Conflict in Kenya. African Social Studies Series. Leiden, Netherlands.**

⁶⁸ **S. 2007. The Kenya Highlands: Land Use and Agricultural Development. Nairobi: East Africa Publishing House.**

correlates of ethnic conflict include ethnocentrism (i.e., attitude that one's culture is superior), xenocentrism (i.e., attitude that one's culture is inferior) and self-serving (negative and positive) stereotyping. A review of other literature indicates that the causes of ethnic conflict are both political and economic^{69 70}.

However, people rationalize and exemplify these causes through cultural and psychosocial processes. Consequently, this study has identified ethnic competition for political resources - mediated through cultural and psychosocial processes including stereotypes - as the prime cause of the 2007 post-election violence in Rift Valley.

2.4 Main Debates on Ethnicity and Land Based Conflict

The following contributes to the main debates in the issue of ethnicity and land based conflict. The 2007 post-election violence in Rift Valley, Kenya rooted in the inter-ethnic resentments between the Kalenjin and Kikuyu and was triggered by results of the December 2007 elections; for one, the Kalenjin believed that the Kikuyu have marginalized them for far too long by dominating the major sectors of Kenya's economy at the expense of the Kalenjin and other communities. Hence though the trigger factor of the violence was the disputed election results other deep-seated causes that exacerbated the violence are discussed below.

2.4.1 Electoral Violence

It is instructive to recall the magnitude of the violence that occurred after the 1992 and 1997 multi-party general elections which drew wide national and international attention at the time. In

Aklaev, A (2008). Causes and Prevention of Ethnic Conflict: An Overview of Post-Soviet Russian-Language Literature. Institute of Ethnology and Anthropology, Russian Academy of Sciences, 85.

Caselli, F & Coleman, J W (2006). On the Theory of Ethnic Conflict. Retrieved 2008-05-08 from <http://personal.lse.ac.uk/casellif/papers/ethnic.pdf>.

retrospect, the 2007 episode shares many features. First, they all happened in politically triggered circumstances - after general elections. Thus, it has been observed that Kenya's violence has a 5-year life cycle with elections serving as the incubators⁷¹.

For instance, the 2007 cycle was ignited by the disputed re-election of former President Kibaki which election results were hotly disputed by the opposition party - the Orange Democratic Party (ODM). The opposition claimed the election was manipulated and thus began a chain of violent reaction from ODM supporters against the Kikuyu and Party of National Unity (PNU) supporters. There were cases of large-scale torching, looting, killing and maiming in the numerous clashes between supporters of these rival parties.

Another defining feature of the pattern of violence is that it happened wherever there was a majority of ODM supporters such as Rift Valley, Nyanza, Nairobi slums and Mombasa. Further, these attacks were often well directed and coordinated by groups of youth⁷². To this end, it has been argued that the Kenya's violence was a struggle for the control of the state⁷³

2.4.2 Land disputes

Kenya's land disputes date far back to the pre-colonial era when powerful communities acquired the land of the less-privileged through conquests⁷⁴. It was a period like the Hobbesian state of nature where the most powerful takes all (Thomas Hobbes- Leviathan); the powerful groups

⁷¹ Otieno, A. (2008). *Improving Kenya's Response to Internal Displacement*. <http://www.fmreview.org/FMRpdfs/FMR30/55.pdf>. Accessed April, 2010

Bayne, S. (2008). *Post-election Violence in Kenya: An Assessment for the United Kingdom Government*. Nairobi, 47.

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Landau, L.B., & Jean Pierre Misago (2009). *Who to blame and What's to Gain: Reflections on Space, State, and Violence in Kenya and South Africa*. *Africa Spectrum* 44(1):99-110.

Nyukuri Barasa, 1995, "Ethnicity, Nationalism and Democracy in Africa: The Dilemma of Sustainability". A Paper read at a UNESCO seminar, 28-31 May, p 87.

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it has been argued that the Kenya's violence was a struggle for the control of the state

2.4.2 Land disputes

Kenya's land disputes date far back to the pre-colonial era when powerful communities acquired the land of the less-privileged through conquests⁷⁴. It was a period like the Hobbesian state of nature where the most powerful takes all (Thomas Hobbes- Leviathan); the powerful groups⁷¹ Otieno, A. (2008). *Improving Kenya's Response to Internal Displacement*. <http://www.fmreview.org/FMRpdfs/FMR30/55.pdf>. Accessed April, 2010

⁷² Bayne, S. (2008). *Post-election Violence in Kenya: An Assessment for the United Kingdom Government*. Nairobi, 47.

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Landau, L.B., & Jean Pierre Misago (2009). *Who to blame and What's to Gain: Reflections on Space, State, and Violence in Kenya and South Africa*. *Africa SpSctrum* 44(1):99-110.

Nyukuri Barasa, 1995, "Ethnicity, Nationalism and Democracy in Africa: The Dilemma of Sustainability". A Paper read at a UNESCO seminar, 28-31 May, p 87.

dominated the weaker ones and appropriated their resources particularly grazing lands. This system of economic relationship endured colonial rule but the perceived injustices and deprivations manifested themselves in recurring cycles of violence throughout the country.

The dispossessed communities, for instance, the Kikuyus continued to exist on the fringe of the economic arrangements even to this day. For example, much of the organized violence in the Rift Valley stemmed from land disputes because Rift Valley was occupied by pastoralists, while the central highlands were occupied by the Kikuyu and other communities involved in agricultural activities. Further, the allocation of land by the authorities after independence was disproportionate and marginalized certain ethnic groups. The Kalenjin in particular felt that they had been schemed out in the land redistribution exercise and reacted violently displacing many Kikuyus in the process. The Kalenjin felt that the Kikuyu were allocated some of the fertile lands that originally belonged to the Kalenjin. In search for redress, the Kalenjin then promised to return to the *majimbo* Constitution in order to uproot the Kikuyu and reclaim their ancestral land.

However, the above account might seem an oversimplification of the recent crisis. More intrinsically, Kenya's land problem has been politically oriented and exploited for a long time and it again fuelled the 2007 post-election violence because of the competing inter-ethnic interests and claim to land that could not be accommodated or resolved by the political elites. It has been argued that since the 1990s 'certain leaders have exploited ethnic grievances over perceived historical injustices in Kenya and the 2007 incident was just another consequence of such machinations'⁷ It has also been argued that a struggle over land has always been the

⁷⁵ **Ibid 69**

characteristic of Kenya political life⁷⁶. The land dispute also reflected in the 1992 and the 1997 violence, this indicates that the quest for land control is central to the political life of Kenya.

2.4.3 Ethnicity and ethnic animosity

This factor is a corollary of the foregoing and was one of the major causes of the 2007 post-election violence in Kenya. What began as a reaction to a fraudulent election soon transformed into ethnic violence because of perceived discrimination, injustices and inequality in the allocation of resources among the different ethnic groups. Like is the case in many African countries e.g. Burundi and Rwanda, this factor is a simmering danger. The 'demonization of the other' in Kenya often led to vengeful violence between ethnic groups especially the Kalenjin and the Kikuyu. Just like the dispute between Tutsis and Hutus in Rwanda and Burundi, politicians in Kenya politicized the existing differences between the ethnic groups rather than emphasizing on areas of common interests as unifying factors between groups in Western and other Provinces. It has been argued that "ethnic" loyalty and coherence has been a central feature to Kenyan politics since independence.

Control of the state is core to political competition because it means access to and disposal of resources, and patronage through which ethnic elites can remain in power" ¹¹. Some argue that this is evidenced in the differences between different ethnic groups where the Gikuyu Embu Meru Association (GEMA) tribes occupied the most productive areas of the country during the Kenyatta regime while the Kalenjin Maasai Turkana Samburu Association (KAMATUSA) occupied the less productive areas. Also, the Kalenjin tribe consolidated

Landau, L.B., & Jean Pierre Misago (2009). Who to Blame and What's to Gain: Reflections on Space, State, and Violence in Kenya and South Africa. Africa Spectrum 44(1):99-110.

Kamungi, P. (2001). The Current Situation of IDPs in Kenya. Jesuit Refugee Service. March, 2001. Pp 1-34.

themselves in power during the reign of Toroitich arap Moi. Due to this close association between leadership and better social, economic and political gains for certain communities, there is a general belief among Kenyans some communities are more superior than others. This perceived inequity and injustice ultimately leads to frustration and animosity resulting in violent conflicts during general elections.

2.4.4 Economic and political inequality

There is a general belief that, belonging to the superior and government favoured ethnic tribes gives one an edge over the less privileged tribes in accessing the political and economic resources of the country. Economic and political inequalities were some of the major causes of the 2007 post-election violence in Kenya. It was generally perceived that Kikuyu and Central Province had been enjoying more of the economic and political resources of Kenya before and after independence at the expense of other regions or tribes .

The attempt to correct the economic and political imbalances between the Kikuyu and the Kalenjin and the Luo resulted in violence. Since perceived economic and political dominance of one group over others often results in violence because of feelings of marginalization by the less-privileged group. In Kenya's case, it was a time bomb waiting to explode because of the underlying issues.

2.5 The Greed vs. Grievances Debates

An examination of the history of settlement in Rift Valley Province illustrates why segregation might be a problem and justifies Kenya's instruments for ethnic diversity and segregation. As a result of colonial-era land alienation and post-colonial in-migration, Rift Valley Province is the

Stewart, F. (2008). Note for Discussion: Kenya, Horizontal Inequalities and the Political Disturbances of 2008, CRISE, p.4.

most "cosmopolitan" (i.e. ethnically diverse) part of Kenya today outside of the major urban areas. A large part of this region was handed to European farmers during British rule. Because Europeans hired Africans from a number of different groups, areas settled by Europeans were the most diverse in Kenya before independence⁷⁹.

Reallocating land allocated to Europeans became the most controversial political issue of the immediate pre-independence period. Because groups varied in the extent to which they had the resources and incentives to migrate, members of smaller ethnic groups in the Rift Valley sought constitutional safeguards that would prevent territories they claimed from being taken over by "invaders". Politicians from the Rift Valley successfully negotiated for a federal constitution in which regional assemblies were granted the power to decide who would be settled on formerly alienated land. These federal arrangements were swiftly undermined by Kenya's first President, Jomo Kenyatta, and an ethnic Kikuyu⁸¹. The Kenyatta government adopted a "willing buyer, willing seller" approach to allocating land across Kenya that has been characterized by some scholars and politicians as a conspiracy of the rich against the poor, and of the Kikuyu against other ethnic groups⁸¹.

This idea of unjust Kikuyu economic domination was undoubtedly present in the minds of residents of Rift Valley before the 2007 political general elections, but the rhetoric

⁷⁹ Republic of Kenya, 1964a; Kenya Population Census, 1962. Vol. 3 African Population Nairobi: Economics and Statistics Division; Ministry of Finance and Planning, 117-450.

Anderson, David M. 2005. "'Yours in Struggle for *Majimbo*: Nationalism and the Party Politics of Decolonization in Kenya, 1955 to 1964." *Journal of Contemporary History*, 40(3):547- 564.

Gertzel, Cherry. 1970, *the Politics of Independent Kenya*. Evanston: North-western University Press.

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^c Kantai, B. K. 2004. "Ethnic Land Expansionism and Electoral Politics in Kenya." *Institute of Policy Analysis & Research (IPAR) Working Paper Series 2*.

of the politicians, business leaders and the media significantly widened its appeal. Muluka (2006) wrote that Kenya faced a serious problem of regional economic inequality because Central Province, the Kikuyu homeland, took more in development projects from the Treasury than it contributed. Essentially, Muluka claimed that the Kikuyu were fleecing the less developed province⁸³.

Perhaps the most convincing evidence dispelling Muluka's argument was that the country's total revenue for 2005 was about twelve times the amount cited in the article⁸⁴. Thus, politicians fed to their people a story whereby their suffering was a direct result of Kikuyu economic oppression and they produced a re-invented history in which the Kikuyu had set themselves up for resentment and retaliation. Raila Odinga, a leading politician, claimed in his presidential nomination acceptance speech that he would end Kenya's economic apartheid, under which one black group had all the privileges. In effect, this sustained attack throughout 2006 and 2007 re-invented the Kikuyu ethnic group as a privileged class⁸⁵.

2.6 Explaining conflicts

Several ethnic groups occupy the Rift Valley province of Kenya. These are the Kalenjin ethnic groups, the Kikuyu, the Luhya, the Luo, and the Turkana. The Rift Valley province is thus a convergence point of the different ethnic groups bordering each other. Apart from its multi-ethnic nature, the Rift-Valley is the most productive region of Kenya, hosting many agricultural pursuits. Moreover, the Kenya - Uganda highway and railway cut across this region connecting the coastal and main lands of Kenya to the other land locked countries of

⁸³ Chege, M. (2008). Kenya: Back From the Brink? *Journal of Democracy* 19 (4): 125-139.

⁸⁴ Ojwang' J.B. and Mugambi, J.N.K. (ed. 1989), The S.M. Otieno Case: Death and Burial in Modern Kenya. University of Nairobi Press, 11-13. ^{*}

Nyukuri Barasa, 1995, "Ethnicity, Nationalism and Democracy in Africa: The Dilemma of Sustainability". A Paper read at a UNESCO seminar, 28-31 May.

Uganda, Rwanda, Burundi and Congo. This makes this area one of the vibrant trading regions of Kenya. It was also in this region that the conflict of an ethnic nature was and continues to be most rampant and there have been conflicts previously; within the election period but in the 2007-8, the conflict of an ethnic nature was experienced at a nation-wide scale.

2.6.1 Peace Research

The magnitude of the violence after Kenya's contested election in December 2007 shocked many international observers; yet a close reading of patterns of violence in the 1990s shows spikes of violence before multiparty elections beginning 1992 and accumulating problems stemming from politicians using informal militias for their own political purposes⁸⁶. Local Non-Governmental Organizations (NGOs), government commissions and scholars have documented and analyzed these cumulative problems, added to those created by colonial displacements and inequitable land redistributions. However, it was not a serious part of pre-election conflict assessments.

Before the disputed elections, a number of hot spots in the Rift Valley, such as Mt. Elgon and Kuresoi, were already experiencing high levels of violence and displacement. The level of hate speech overall was alarming. Monitoring campaign rallies and incitement, the KNHRC found that the hate speech came from politicians. The Peace and Development Network (Peace-Net), a national umbrella organization for all NGOs and individuals working on peace-building, had seventy-seven peace monitors linked to a text messaging centre that analyzed the continual flow of data coming in from cell phones. None of these monitors, however, tapped directly into Internally Displaced People networks in the regions where violence was already occurring or where high levels of hate speech and mobilization suggested that violence was imminent.

Kiraitu Murungi, 1995, Ethnicity and Multi-partism in Kenya. Thoughts of Democracy: Series III Kenya Human Rights Commission Publication, February.

Further, the monitoring did not translate into any concrete and coordinated action to push for sanctions or actions to prevent the violence⁸⁷.

Anticipating problems, donors pooled funding within the UNDP for peace-building and violence prevention initiative. The most prominent, *Chagua Amani Zuia Noma* (Follow Peace and Avoid Chaos) was spearheaded by a network of civil society, media, private sector, and religious organizations called Partnership for Peace. The initiative was officially launched late 2007, only three months before the election. While it condemned violence in Mt. Elgon, Kuresoi, and other places, and produced a media campaign that included spreading peace songs and videos, it appears to have relied on exhortation through media and workshops to a general public, or to specific groups such as youth and women⁸⁸.

It also appealed much more to middle-class and urban Kenyans than to rural youth in Rift Valley, whom politicians were already mobilizing using local languages and traditional modes of organization. Further, it did not respond to the various local political discourses fuelling animosity based on narratives of historical grievance. Fear of powerful politicians also played into the failure to act boldly to counter hate speech and the violent mobilizations that were going on. Kenyan civil society organizations were also politically polarized and failed to speak in one voice about local-level violence and disputes in rural areas. Except a few organizations, such as the Kenya Human Rights Commission (distinct from the KNHRC), the Centre against Torture (Eldoret), the Centre for Human Rights and Democracy (Eldoret), and some local offices of the

Njonjo, Apollo L. 2008. *The Africanization of the White Highlands: A study in agrarian class struggles in Kenya, 1850-1974* PhD thesis Princeton University

Africa Watch, 1993. *Divide and Rule: State -sponsored Ethnic Violence in Kenya*, Human Rights Watch, New Washington, November p. 452.

NCCCK and other churches, most failed to address the growing problems of internal displacement that the violence caused.

Rather, in a pattern that is not unique to Kenya, most efforts by civil society, media, international agencies, and even the Peace-Net and the KNHRC focused on monitoring the elections and overt aspects of campaign fraud, such as misuse of public funds or the manipulation of the party nomination process or voter registration⁸⁹. Meanwhile, the less-scrutinized informal organizing of violence before the election helped produce the infrastructure for mass violence when the election went awry. Most of the violence spread right after the Electoral Commission of Kenya (now Interim Electrical Boundary Commission (IEBC)) delayed announcing the presidential results for days and then declared Mwai Kibaki the winner on December 30, 2007. Existing networks around peace-building such as Concerned Citizens for Peace, including Peace-Net and Partnership for Peace were crucial during the crisis. Peace-Net's network of election monitors very quickly focused on reporting violence and became a key source of information.

As the most recent report from the Kenya National Dialogue Reconciliation(KNDR) monitoring project notes with alarm: some groups have gained relative autonomy from political patronage, but they in turn have "trapped" some politicians into financing them. These groups continue to undertake their activities with impunity and, in some instances have threatened security officials⁹⁰.

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Odingo Richard S. 2007. The Kenya Highlands: Land Use and Agricultural Development. Nairobi: East Africa Publishing House, 65-71.

2.6.1.1 The Inter-Religious Forum

The Inter-Religious Forum (IRF) was formed in April 2007 when faith institutions came together to address social issues of concern. The first engagement by the Forum was a visit to Mt Elgon where violence had escalated and the government seemed incapable of containing the same. Subsequent to that visit, the group continued meeting and addressing national issues.

As stated in Odingo's study⁹¹, towards the elections, the Inter religious Forum got concerned that the situation was quite tense since the divisions occasioned by the Constitution Review process of 2005 still persisted. The IRF thus initiated and also cooperated in various initiatives aimed at ensuring that the elections would be transparent, democratic and peaceful. These included holding national prayers and the Chagua Amani Zuia Noma (Choose Peace Prevent Chaos) campaign which involved sharing peace messages with the public and holding consultations with politicians and other stakeholders. The IRF also initiated a program in which politicians and other Kenyans signed peace charters binding themselves to ensure that the elections were peaceful. The campaign was launched by the President, H.E. Mwai Kibaki, who also lit a peace torch⁹².

2.6.2 The Strategist Approach

The National Council of Churches of Kenya (NCCCK) approach addresses one of the many grievances local residents use to justify violence: that other communities in the area were better connected to markets for agricultural produce and services. Through the engagement the youth are brought into economic connection and interest with a broader multiethnic world—the NCCCK

Peace-Net core staff is very diverse—and these connections align with their economic

interest and personal empowerment agenda. The approach works potentially better than simple dialogue or youth funds, which tend to be used by those who are already connected into the system and know how to apply for them; the point is to create new relationships and networks linked to and reinforced by economic opportunity, not just economic opportunity itself⁹³.

However, the youth are expected to provide ideas for peace. One youth group decided to return stolen things to the displaced, now mostly destitute. They negotiated for two bicycles—important assets for a poor member of a rural community—to be returned in a small ceremony. They also organized home visits to return three cows, four goats, and fifteen iron sheets. This had a great symbolic effect as the news spread; according to Odingo⁹⁴ in two weeks some of the few houses built for returnees filled. It also started to address the crucial question of restitution.

There should be more effort to encourage restitution and the rule of law through returning stolen property. Peace-building efforts should work with local police, who could create more incentives to return property within a grace period and, in doing so, start to rebuild respect for the law.

This fundamental problem has not been systematically addressed⁹³. In this regard another concern is the involvement of retired and on-duty police as well as former army officers in coordinating and escalating violence. These individuals possess firearms and as the recent report by Professor Philip Alston, the UN special rapporteur on extrajudicial, summary, or arbitrary execution makes clear, they are likely to have experienced a culture of impunity and violence in their professional lives. This problem is compounded by the ever-widening circulation of small

⁹³ ⁷
M **Ibid 90**
⁹ **Ibid 90**
^S **Ibid 90**

arms. One higher-level security official in the South Rift Valley informed us that many stockpiles exist since the last episodes of violence, anticipating the next round of elections⁹⁶.

Local efforts at peace-building can be overridden by violence if they do not involve the security apparatus that supports peace and the rule of law. In Kuresoi, community policing by the specially trained Peace Corps within the Administration Police saved many lives at crucial moments and has allowed access to areas that might otherwise be too insecure for peace-building meetings. Thus, even without fully-fledged police reform, it may be possible to find some police support for peace-building and community policing programs. Deepening this collaboration at local levels is another key but difficult issue. Avenues must be opened and widened to build creative pro-peace collaborations while finding mechanisms to reform the state, including the police, to provide the security needed for successful peace-building as well as resettlement and reintegration of the displaced ⁹⁷

2.6.3 Conflict research

In common usage, social conflicts are struggles over values or claims to status and resources in which the parties are an aggregate of individuals, such as groups, communities and crowds rather than single individuals⁹⁸. Given the land tenure evolution in Kenya, contestation for land takes quite a similar form. Land and land relationships in traditional and modern Rift Valley are highly social and intimately related to kinship and identity. Assertion of conflicting land ownership claims and land use rights are therefore commonly advanced along lineage, clan and ethnic fronts. Thus Kenyan land disputes can be looked at in the context of theories of Social conflict.

⁹⁶ **Ibid 86**
⁹⁷ **Ibid 86**

⁹⁸ Oberschall A (1978); Theories of Social Conflict, Department of Sociology.

Under the theory of materialist interpretation of history, Heilbroner (1967) "and Kent (2000), ¹⁰⁰argue that it is not consciousness that determine existence but social existence that determines consciousness. This is because whereas existence is universal, consciousness is a creation of a localized group for their own good and identity. Creation being an entity under existence (note; that God exists but was not created), creation is much lesser compared to existence. Thus, whereas existence is always beyond human manipulation, conscience is more often a process of inclusion or exclusion for convenience. In Kenya, the following can be singled out as the effects of materialist interpretation of history; in Rift Valley, existence is defined by kinships' political power which is determined by a kinship's economic strength. There is no political power without an economic base. Political power essentially is an expression of economic strength. This can be in terms of rewarding or punishing. In rewarding, successive governments have given any kind of support that eventually translates into economic value, likewise in punishing, successive governments endeavour to weather down rivals and competitors' economic strength¹⁰¹.

Rift Valley being agriculturally dependent, economic strength squarely lies in land, for land is the main means of generating income, accumulating wealth and transferring the wealth between successive political units. Thus, land has been the means of rewarding loyalists and punishing opponents¹⁰². For instance, successive Kenyan government leaders set up resettlement schemes for their loyalists (members of their communities) in foreign ancestries and public and

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Heilbroner Robert (1967): *The Worldly Philosophers; the Lives, Times*
http://web.grinnell.edu/courses/soc/sOO/soc_111-01/IntroTheories/Conflict.html.

¹⁰⁰;;
Kent McClelland (2000): *Conflict Theory, Kenya*.

¹⁰¹ *Ibid* 99

Government of Kenya (1999): *Report of the Judicial Commission Appointed*.

trust land regardless for what purpose these lands were set aside for. Thus the native land owners (now squatters) in Rift Valley have always attempted to evict the foreign occupants before and after every electioneering year as was the case in 1992, 1997, 2002 and 2008¹⁰³.

Most of the land disputes in Kenya arise mainly from the failure of the authorities concerned to enforce and to comply with the law as it exists. This is encouraged by the belief and interpretation of title in absolutists' terms i.e. that all that matters is to get registered as a proprietor to land and to be issued with title. The manner which title is acquired is irrelevant.¹⁰⁴The title is an end in itself. Thus Authorities have over time overseen the abuse of Land laws, land transfer and conveyance procedures.

Burnt Forest lies at the heart of the Rift Valley. It is the area that first witnessed conflict. The backdrop of land as an entitlement to obtaining food and thereby maintaining livelihood, coupled with the need to maintain ties with what both the Kikuyu and the Kalenjin call community is significant. These are conceptualized as searching for security at two levels. Burnt Forest is marked by two agrarian systems living side by side and yet interlinked in many subtle ways.

The agrarian systems in Rift Valley existing side by side between two different communities, but in interaction meant that there were lots of tensions, competing and overlapping rights and claims to land, that were regulated by certain mechanisms. Tensions escalated when the Kikuyu began to encroach on the pasturelands of the Nandis¹⁰⁵. The **Kikuyu** had a need to increase the land available for cultivation as they only held 4-10^ares of land. They thus sought to get more and diverse cultivating land. They started to ask

¹⁰⁴ ^public of Kenya, (1992); "The Report of the Select Committee to investigate.

¹⁰⁵ Ibid 102

Ibid 90

to buy land from the Nandi and formalize this through registration of their existing land and the newly acquired ones. The Nandi felt threatened as more and more of their land was encroached upon.

Furthermore, the sense of insecurity was increased with the move to register land. Whereas the Kikuyu could easily register their fields, as they were small and easier to survey, the Nandi had huge tracts of land. Such huge tracts of land presented problems in surveying and registration. Formalization of access to land through individualization and acquiring title deeds or seeking exclusive ownership rights meant violating the internal logic that governed access to land¹⁰⁶

2.6.4 Social Constructivist approach

According to Gadamer, H. G. (2004)¹⁰⁷ when the goal is understanding and when one is "pulled-up short" in the sense that the available analyses of the Post-Election Violence do not fully explain why communities fought, what is required is a meaningful dialogue. For this research, that dialogue took the form of dialogues held with 48 dignitaries who experienced the violence in 2007-08. These conversations took the form of one-on-one and group dialogues held in the towns of Naivasha, Nakuru, Molo, Njoro and Kericho - all in Rift Valley. Overall, this research was led by the epistemological underpinnings of hermeneutics that "a 'common language' or mutual understanding [can be] arrived at through meaningful discernment and dialogue"¹⁰⁸.

¹⁰⁶ *Ibid* 102

¹⁰⁷ Gadamer, H. G. (2004). *Truth and Method* (3rd edition). London: Continuum Books, 99-301.

Davison, A. (2009). *Europe and its Boundaries: Towards a Global Hermeneutic Political Theory, Europe and its Boundaries: Words and Worlds, Within and Beyond* (pp. 83 - 113). Lanham, MD: Lexington Books

Peace-building activities have continued since the signing of the national accord, using "the scale of return and success of integration of the displaced as two of the most tangible indicators of progress in Rift Valley's peace-building process." However, peace-building in Kenya has been unsuccessful in key parts of the country. Only a fraction of IDPs can be considered, returned or settled, and among those, many do not have adequate security and livelihoods, access to compensation, restitution, or improved relations with neighbours. Kenya has a long history of internal displacement linked to its colonial history. Colonial reorganization and centralization of control over labour and land rights favoured white settlements and plantations, eventually provoking the Mau-Mau insurgency, violence and further dislocations. In postcolonial Kenya, those in political office easily manipulated inherited institutional structures determining land allocation¹⁰⁹.

In competitive multiparty elections, which were reinstated in Kenya in 1991, this made it easy for land to become politicized in election campaigns, such as land in Rift Valley. It is hardly surprising that the multiparty elections in the 1990s saw the dominant authoritarian party, KANU, manipulating land claims, followed by the first mass displacements linked to the electoral cycle (UNDP, 2004). This was in part a form of gerrymandering or punishment of opposition. Politicians activate claims that certain constituents hold land illegitimately since they are not indigenous to an area conceived as an ethnically homogenous territory. They then use these claims to encourage violent mobilization to purge voters they think will support the opposition based on their ethnicity.

¹⁰⁹ UCHA, 2008, *The guiding principles on internal displacement*, United Nations Commission on Human Rights (UNHCR)

In the 1990s, these politics generated hundreds of thousands of conflict-induced IDPs in Kenya (UNDP, 2004). Yet by and large, these people were neglected and left to their own resourcefulness. Peace-Net was formed in 1992 to cope with the displacement, but eventually moved toward general peace-building and lost focus on the displaced, even though the problem was far from being addressed adequately. The government distorted and manipulated the one UNDP-sponsored resettlement scheme in Rift Valley; the displaced either failed to receive land or got small pieces of marginal land while the rest was doled out as patronage to government supporters ¹¹⁰

2.7 Conclusion

Above all, the events of 2007-08 demonstrate the ease with which groups can be manipulated and incited to turn to violence. Perhaps this sudden turn represents the extreme malleability of the meanings of violence in Rift Valley, Kenya, and maybe elsewhere in the 'post-colonial' Africa, where the discontinuity that these nations have experienced - originating with colonialism - has resulted in the disintegration of the earlier, deep-rooted values and norms that historically limited warfare. This study would suggest that Rift Valley conceivably remains in a state of flux, torn between pre-colonial values based on tribal membership and more recent Western (global) values based on new globalized webs of meaning.

The government's national policy on peace-building and conflict management only mentions displacement in passing. UNDP's recent efforts at peace-building, while laudable, rely on exchanges, exhibitions, and dialogue that often appeal to urban youth without systematically linking into Rift Valley. They do not reach and operate in Kuresoi or places like it, nor do they

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United Nations Development Program, 2004, Kenya - A Country Study, US. Govt. Publication, p. 142; Van Zwanenberg, et al (Editors), 1975, Pgs 51-53; Colin leys, 1974; Wasserman, G. 1976.

bring in all the key actors in communities affected by violence, including the displaced. Further, these efforts often appear completely separate from other development efforts, which often proceed as if the violence and displacement did not happen and sometimes inadvertently intensify the conflict dynamics. Present government initiatives for dealing with both displacement and peace-building through district and local peace committees are inadequate without reforming some of the administration that is the backbone of these efforts.

The draft national policy on peace-building and conflict management notes that there is need for reform of the Constitution, public service, police, and land policies, but such reforms often remain out of the discussions about peace-building. The current formulation process of a National Internal Displacement Policy and National Land Policy, which passed Parliament in December 2009, provides openings for these dialogues at the local level.

Chapter Three

Explaining Ethnic and Land Based Conflicts from a Social Constructivist Approach: The Case of Rift Valley, 2007-2008

3.1 Introduction

The problem of ethnicity can be traced back to the colonial period (1955), and it has progressively accentuated since independence (1963) with the emergence of ethnicity as a factor in national politics. It became a national concern as early as during the colonial period but was accentuated in the post-independence period during the implementation of the policy of Africanization. Ethnic tensions developed especially around the structure of access to economic opportunities and redistribution of some of the land formerly owned by the white settlers. Most of the land in question was in the Rift Valley province and was historically settled by the Kalenjin and the Maasai. The other area that was affected by colonial settlement was the Central Province.

3.2 Analysis of Land Based Conflict

Land and the land-based resources form the basis for the realization of human security, human rights and human development in the society. However, the governance of land-based resources has occasioned unprecedented conflicts, violations and afflictions in the society. On the other hand, evidence from previous studies suggests that where ethnic conflict has emerged in Africa, there have always been political machinations behind it¹¹¹.

Politicization of ethnicity often takes place in a situation characterized by an inequitable structure of access. Such a structure gives rise to the emergence of the "in group" and the "out

¹¹¹ M^Noli, O. (ed.) *Ethnic Conflict in Africa* (Dakar: CODESRIA Book Series, p 64 (1998).

group" with the latter trying to break the structure of inequality as the former responds by building barriers to access that ensure the continuation of its privileged position. At the centre of this scenario are the elites who, feeling excluded or threatened with exclusion, begin to invoke ethnic ideology in the hope of establishing a "reliable" base of support to fight what is purely personal and/ or elite interests¹¹⁹.

The eruption of violence in Kenya after a disputed presidential election in December 2007 highlighted underlying issues of conflict. However, beyond the electoral dispute, historical land injustices in Kenya emerged as one of the root causes of the violence and related conflicts. Other causes of the conflict include the inequitable distribution of state resources such as jobs, infrastructure, skewed economic policies that fail to address the needs and demands of the poor and clamour for political power.

Historical injustices are land grievances which stretch back to colonial land policies and laws that resulted in mass disinheritance of communities of their land, and which grievances have not been sufficiently resolved to date. Sources of these grievances include land adjudication and registration laws and processes, treaties and agreements between local communities and the British. The grievances remain unresolved because successive post independence Governments have failed to address them in a holistic manner. In the post-independence period, the problem has been exacerbated by the lack of clear, relevant and comprehensive policies and laws¹¹⁴.

Surveys conducted, has shown that increased population in the affected regions had put pressure on available land, forcing some of the indigenous people to seek ways of recovering

Mafeje, A. "The Illusion of Tribalism," in *Journal of Modern African Studies*, Vol. 9, No. 2, 1971.

^vAgwanja, P 'Breaking Kenya's impasse, chaos or courts?' 2008 (1) *Africa Policy Institute Brief* Africa Policy Institute p 55.

^{Dr}raft National Land Policy, Government of Kenya, Nairobi, 2006, p 190.

land that was "irregularly" allocated to non-indigenous communities. The term 'indigenous' in this context is employed to denote the original inhabitants of particular lands in the various regions of the country. The Rift Valley Province, which has over the years been most affected by the ethnic land-related conflicts is one of the cosmopolitan regions in the country. Almost all the diverse tribes in Kenya inhabit lands in that region. Historically, however, its original inhabitants were the Ogiek and the Maasai.

3.3 History of the Rift Valley

Ethnicity and land conflicts in Rift Valley and Kenya in general became intense during the mid-1950s when forced land consolidation took place during the emergency period, which benefited mainly the pro-government group that had not joined the Mau Mau revolt. After the state of emergency was lifted, most of the detainees returned home to find that they had lost their land to the loyalists. As some moved to the urban centres in search of wage and self employment, a large wave of this group moved to the Rift Valley in anticipation of what was expected to be land redistribution after independence"⁵. A number of them joined relatives and kinsmen who had moved to the Rift Valley many decades earlier and were staying in some of the settler owned land as squatters. Therefore, when the redistribution of some of the land formerly owned by the white settlers began, it is these squatters that became the instant beneficiaries of the allocations.

But the policy that gave rise to large scale land acquisition by "outsiders" in Rift Valley was the policy of 'willing buyer willing seller' that the government assumed for land transfers after the initial political settlement on about one million acres. Using the economic and political leverage available to them during the Kenyatta regime, the Kikuyu, Meru and Embu groups, but Specially the Kikuyu, took advantage of the situation and formed many land-buying companies,

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Arthu Eshiwani, 1991, *Tribalism and its Impact on Development: (unpublished paper)*.

These companies would, throughout the 1960s and 70s, facilitate the settlement of hundreds of thousands of Kikuyu in the Rift Valley, especially in the districts with arable land – notably Nakuru, Uasin Gishu, Nandi, Trans Nzoia and Narok. The land in the said districts historically belonged to the Kalenjin, Maasai and kindred groups such as the Samburu. But the Kikuyu, Embu and Meru were not the only ones to acquire land in the Rift Valley after independence. The new entrants in the post independence period included the Kisii, Luo and Luhya, who moved into and bought land that bordered these districts¹¹⁶.

This new settlement continued in spite of opposition by the indigenous ethnic groups of the Rift Valley. In fact the Nandi, in particular, protested in a more dramatic manner when in 1969 at a meeting in Nandi Hills, what became known as the "Nandi Declaration" was made after a gathering of radical political leaders in Nandi met to protest what they regarded as an invasion of their ancestral land by outsiders. Aware of these protests even before the "Nandi Declaration" the Kenyatta regime relied on the senior Kalenjin in the government to neutralize the political opposition to the settlers. And none other than the then Vice-President (a Kalenjin) would play a leading role in this strategy¹¹⁷. But as fate would have it, it was this same Vice-President, finding himself as the country's President, who would have to deal with the most exclusive ethnic conflict arising from a policy that he had personally contributed to implementing.

However, during the first decade of his rule, Moi by and large managed to contain the situation helped largely by the politico-administrative culture that had been fostered during the one party era. But he at the same time put in place a mechanism that weakened the capacity of

¹¹⁶ . Leo, C. 1984, *Mwangi wa Githumo, 1987: Diana Hunt in John Githongo, 1995, Lonsdale and Berman, 1987 (Book Two: Tabitha Kanogo; 1976) p 16-71.*

Leo, C. 1984, *Mwangi wa Githumo, 1987: Diana Hunt in John Githongo, 1995, Lonsdale and Berman, 1987 (Book Two: Tabitha Kanogo; 1976) p 172.*

the Kikuyu to continue acquiring more land in the Rift Valley province. It is in the above context that the problem in Rift Valley province that is the subject of analysis here is to be seen.

The ethnic conflict in the Rift Valley took place against a background of an impending general election. This was to be the first time since independence when a truly multi-party election was to be held in post-independent Kenya. This is because this time round, the ruling party was seriously threatened with the probability of being removed from power by the combined political opposition, which had in the first place mobilized public opinion that ultimately forced the government to change the constitution to allow the operation of multipartyism. Playing a major role in the emergent opposition movement were the Kikuyu and the Luo communities.

It should be recalled that Moi had worked very closely with the Kikuyu people, both during the Kenyatta rein i.e. 1963- 1978 and during the first few years of his presidency. However, he had slowly fallen out with them through his policy of rectifying the structure of access to benefit his Kalenjin community at the expense of the Kikuyu _ the former in-group. By the late 80s, therefore, the Kikuyu were a bitter group looking for any opportunity to regain the ground lost during the Moi era. The Luo, on the other hand had been the leading outsiders since the mid-60s when they fell out with the Kikuyu¹¹⁸. Therefore in the run up to the multiparty elections, the two groups had formed an alliance of convenience and out of necessity to dislodge the Moi regime. Radicalized politicians from Gusii and Luhya-land later joined them.

By coincidence, all these communities had benefited from land settlement in and around Rift Valley and therefore became the target of "revenge" by the KAMATUSA* coalition that controlled political power at the time. Expecting at the time to be humiliated at the forthcoming

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elton, Harold, 1984, Kenya - A Country Study, US. Govt. Publication, p. 142; Van Zwanenberg, et al (Editors), Pgs 51-53; Colin leys, 1974; Wasserman, G. 1976.

elections, the KAMATUSA group in KANU got together and decided that those ethnic groups that were betraying them should be taught a lesson. The lesson in question involved their expulsion from especially the "Kalenjin-Maasai lands" in the Rift Valley. Such an expulsion would also rid the province of anti-KANU, anti-Moi voters; thereby denying the opposition critical votes needed to attain the 25% requirement. The ethnic ideology was at once invoked and politicized in order to mobilize the KAMATUSA group throughout the Rift Valley to evict the "outsiders" from their ancestral land. The mobilization campaign was spearheaded by some very senior cabinet ministers who addressed rallies in major towns in the Rift Valley and exhorted their kinsmen to protect their "own" government. As has been documented elsewhere by the writer⁹, most of these statements were very inflammatory, and in normal circumstances would have earned a sack for a minister. As the elections drew closer, war-like speeches increased in intensity.

Cases of ethnic clashes erupted towards the end of 1991 directed practically against all non-KAMATUSA Rift Valley inhabitants. Cases of people being killed here and there begun to appear frequently in the local press. But the most effective strategy employed was the destruction of homes and property of the victims in the hope that they would flee to their "ancestral lands". Those who sought refuge in mission centres became targets of ruthless attacks¹²⁰. In some areas, whole communities were dislocated on flimsy grounds. A case in point is in Narok where the then Minister for Local Government declared a settlement scheme at Enosupukia trust land on the grounds that it was a catchment area. This was intended to weaken the voting power of outsiders in the area. The same was the case with the Luo in Kericho who were removed from an area they had settled for over sixty years. In the meantime, the non-KAMATUSA who had

¹²⁰ Uyugi Walter Ouma and Posner D., (2003), *Politics of transition in Kenya: From KANU*
Kiliku Report, 1992: p. 85-90

reached majority age were denied identity cards and thereby registration as voters in the hope that they would go back to their ancestral land.

The Parliamentary Commission appointed to investigate these clashes established the magnitude and extent of the clashes and reported that by the time of compiling their report, a total of over 700 people had been killed. Many others had fled their homes while others had been forcefully evicted and dumped in areas claimed to be their places of origin. A report by the US State Department put the toll as at December 1993 at 1000 dead and between 150 000 - 250 000 displaced¹²¹. In the meantime efforts were being made on the ground to acquire the lands that had been abandoned out of fear of attacks.

3.4 Land Based Conflicts

Land-based conflicts occur with almost rhythmic regularity in Kenya, often in connection with moments of national political importance. The festering conflict in Rift Valley, while embedded in post-colonial land politics and other ongoing land conflicts, has erupted disastrously.

3.5 Cause of Conflict

3.5.1 Ethnicity as a cause of conflict

The consequences of ethnic conflicts in Rift Valley, Kenya are immense. Since the early 1990s, ethnic conflicts have left a trail of destruction in Kenya and have become an endemic phenomenon, threatening the coexistence of the various ethnic groups. Ethnic conflicts are a hindrance to both economic and human development. Loss of life, property, and displacement of Persons has been rampant in Kenya. So destructive and pain inflicting are ethnic conflicts in

Africa Watch - interview with Hon. Amos Wako, 12th July, 1993.

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¹²¹ Africa Watch - interview with Hon. Amos Wako, 12th July, 1993.

Kenya, that their memory sends cold chills down the spines of those who have witnessed them

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or have been directly affected. Nyukuri "points out that the thought of fresh ethnic conflicts in Kenya raises immense fear and apprehension. Violent ethnic confrontations posed a great challenge to Kenya's democratic transition throughout the 1990s. Whereas Kenya's transition to multiparty political pluralism in 1991 was accompanied by ethnic violence that persisted throughout the decade, the transition from the Kenya African National Union (KANU) regime to the National Alliance Rainbow Coalition (NARC) in 2002 was relatively amicable and ethnic violence was very minimal

The 2007-2008 post-election violence and the heavy ethnic undertones that dominated it brought to surface the fact that ethnicity is still a strong force to reckon with in the current wave of political liberalization and democratization. In addition, it portends the ever growing need to comprehend and thus forge ways of managing ethnicity to avert destruction that results from the negative mobilization thereof. This prompted us to dig into research and find out underlying factors behind this recurrent phenomenon in Kenya. Ethnic conflicts is a sad reality that has dawned not only to Rift Valley, Kenya, but also to several other parts of the world, especially as mentioned, since the last decade of the twentieth century¹²⁴.

Ethnic conflicts in Rift Valley, Kenya have attracted proliferate research into the phenomenon. Klopp¹²⁵ for example has carried out extensive research mainly on ethnic conflicts

¹²² Nyukuri, Barasa Kundu. (1997). *The Impact of Past and Potential Ethnic Conflicts on Kenya's Stability and Development*. Paper prepared for the USAID Conference on Conflict p78.

¹²³ Ibid 114

¹²⁴ Osamba, Joshia, O. (2001). *Violence and the Dynamics of Transition: State, Ethnicity and Governance in Kenya*. African Development, 26 (1&2).

²⁵ Klopp, Jacqueline M. (2006). *Kenya's Internally Displaced: Managing Civil Conflict in Democratic Transition*. In Dorina Bekoe A. (ed.), *East Africa and the Horn: Confronting Challenges to Good Governance* (pp. 59-80). London: Lynne Rienner Publishers, Inc.

in Kenya's Rift Valley Province. Jonyo,¹²⁶ accounts highlight that ethnic conflicts in Kenya in the 1990s were to a great extent a divisive strategy pursued by political elites in order to gain

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electoral victory. This has also been captured by Oyugi, who on the same note cite land as one of the historical grievances and a major factor in ethnic mobilization. Oyugi¹²⁸ further reveals that ethnic conflicts in Kenya, especially in the 1990s were orchestrated by leaders, who manipulated ethnicity for personal gains due to their fears of power loss in the wake competitive

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politics. A comprehensive study on the conflicts has been done by Oucho who not only cites land grievances, but also environmental and demographic issues especially population pressure and environmental degradation, as well as colonial legacy among other factors as undercurrents of ethnic conflict in Kenya.

In addition the issue of inter-ethnic conflicts as a recurrent phenomenon with multifaceted dimensions since the early 1990s has received little focus in most research. Besides, the recent post election ethnic violence across Kenya sends messages to researchers that any part of the country stands vulnerable to this terrifying violence¹³⁰. Moreover, the reality that these conflicts have been occurring repeatedly could lead to a state of pessimism and the complacency that ethnic violence is an adversity that is bound to be lived with. This research was however, motivated by optimism and conviction that a clear understanding of the factors underpinning the recurrent phenomenon would enhance better preventive and resolution measures.

¹²⁶ Jonyo, Fred. (2003). *Centrality of Ethnicity in Kenya's Political Transition*. In Walter Ouma Oyugi et al (Eds.), *Politics of transition in Kenya: From KANU to NARC* (pp. 155-179). Nairobi: Heinrich BOll Foundation.

¹²⁷ Ibid 114

¹²⁸ Ibid 114

¹²⁹ Jucho J O (2002). *Undercurrents of Ethnic Conflict in Kenya*. African Social Studies Series. Leiden, Netherlands, 66-74.

¹³⁰ Apollon, Machira. (2001). *Ethnicity, Violence and Democracy*. *Africa Development*, 26, (1 & 2), 99-144.

3.5.2 Political factors

Kenya's democratic transition began in 1991 owing to increased domestic and international pressure that compelled the Kenyan government to accept the reintroduction of multiparty elections; a move that had been vehemently resisted by those wielding power in Kenya at that time. The re-introduction of multiparty political pluralism was considered (at least theoretically) a great leap towards democracy and a way forward towards freedom of political expression, protection and promotion of human rights, equal distribution of economic and other national resources among others; all of which are concordant with democracy. On the contrary, this process of transition has been dominated by violent ethnic conflicts that have continued unabated, usually becoming more intense during Kenya's general elections, which are held after every five years. In 2002 ethnic violence subsided and peaceful handover of power took place.

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This successful change of regime was said to have moved Kenya to the democratic camp.

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Consequently Kenya received a lot of praise from the international community and was considered an icon of stability in Africa. All these praises and optimism were watered down by the 2007-2008 post-election violence, particularly in Rift Valley; which proved to be the most brutal and the worst experienced ever since independence. This research explored the recurrence of ethnic conflicts in Rift Valley, Kenya.

¹ Elischer, Sebastian. (2008). *Ethnic Coalitions of Convenience and Commitment: Political Parties and Party Systems in Kenya*. GIGA Working Papers, N° 68, Ethnic Clashes in Western and Other Parts of Kenya, Government Printer, Nairobi, 96-132.

Villaion, Leonardo A. and VonDoepp, Peter (Eds.). (2005). *The Fate of Africa's Democratic Experiments: Elites and Institutions*. Bloomington and Indianapolis: University of Indiana Press.

Mwai Kibaki's declaration to challenge president Moi and the electoral commission in court for alleged irregularities in the electoral process, sparked reactions from Kalenjin leaders, which triggered the conflicts. Soon after his declaration, powerful supporters of the incumbent president Moi, alleging that Kibaki's move was an insult to their Kalenjin community held a series of rallies threatening violence against Kikuyu migrants in the Rift Valley, especially small holder farmers and traders¹³⁴. Although the conflict was initially political, pitting the ruling party PNU and the opposition ODM supporters against each other, a keen ethnic dimension manifests itself, involving apparently three ethnic groups; the Kikuyu on the one hand against the Luo and Kalenjin on the other; the Luo and Kalenjin were also allegedly targeted by the Kikuyu^{11c}

Despite the strong ethnic undertones in the violence, a naive assumption that the ethnic groups were mere savage social groups who irrationally descended on each other would be a great mistake. Indeed, as Dagne correctly puts it, the political situation that triggered the conflict, as well as underlying social and economic grievances should be clearly examined. Debates on democracy and its link to elections were once more evoked. The elections were said to have taken Kenya back in terms of democracy, watering down the democratic gains that had been attained since the widely accepted 2002 general elections¹³⁷.

K'opp, Jacqueline M. (2006). Kenya's Internally Displaced: Managing Civil Conflict in Democratic Transition. In Dorina Bekoe A. (ed.), East Africa and the Horn: Confronting Challenges to Good Governance (pp. 59-80). London: Lynne Rienner Publishers, Inc.

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¹³⁷ Dagne, x_e_d (2008). Kenya: The December 20p7 Elections and the Challenges Ahead. Congressional Research Service (CRS) Report for Congress, <http://www.fas.org/sgp/crs/row/RL34378.pdf>

^m Ibid 128

Ibid 124

Alleging that victory was stolen from them, the opposition and their supporters cited that the rationale for their struggle was to prevent the loss of the democratic gains that had been

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previously made . The violence subsided at the end of February 2008 after successful mediation by a delegation led by Kofi Annan; PNU and ODM agreed to form a grand coalition government with Raila Odinga, the ODM leader as the Prime Minister ¹³⁹

3.5.3 Legal factor

Violent conflicts, in Rift Valley, Kenya in the post Cold-War era are the anti-thesis of the expected and predicted stability, peace and development that were linked to democratization. ¹⁴⁰

¹⁴¹. Indeed, many would agree that the period has led to destitution of some people especially who have suffered the effects of ethnic conflict in various ways such as loss of property, displacement and loss of life. Identity has taken a centre stage in the conflicts; ethnic belligerence being the most prevalent¹⁴². Even before the 1990s, ethnicity was pointed out as formidable force in Africa by a number of African leaders. It was perceived as a great challenge to nationhood.

¹³⁸ Ibid 128

The Guardian. Kenya's Leaders agree power-sharing deal, (The Guardian.co.uk, 2008).
<http://www.guardian.co.uk/world/2008/feb/28/kenya>

Smith, Zeric Kay (2000) the Impact of Political Liberalization and Democratization on Ethnic Conflict in Africa: An Empirical Test of Common Assumptions. *Journal of Modern African Studies* , 38, (1), 21-40.

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Lake, David A. and Rothschild, Donald. (1996). Containing Fear: The Origins and Management of Conflict. *International Studies* ,21, (2), 41-75.

Shoup, Brian. (2008). Conflict and Cooperation'in Multi-ethnic states: Institutional Incentives, Myths and Counter-balancing. London, 226-569.

Samora Michael of Mozambique for example said that for the nation to live, the tribe must die ¹⁴³. Some scholars have also pointed out the central role ethnicity plays in society. According to Thomson¹⁴⁴, ethnic groups remain an important form of social organization in Africa today, because they continue to serve contemporary social, political and economic needs. Many authoritarian leaders in Africa such as Moi (Kenya), Eyadema (Togo) and Mobutu (former Zaire) expressed fears that liberalization would lead to greater ethnic conflict¹⁴⁵. To what extent were their fears genuine that ethnicity *per se* would lead to conflict? How would political pluralism lead to ethnic conflict?

According to Smith¹⁴⁶, the above authoritarians' expressions of fear of ethnic conflicts were excuses to avoid sharing or losing power in the wake of political pluralism. Indeed, Smith's comprehensive empirical study on the relationship between democratization and political liberalization established that, other influencing factors held constant, an inverse relationship exists between political liberalization and ethnic conflicts in Africa¹⁴⁷. This portends that democratization and liberalization would not lead to ethnic conflicts if ethnicity was not mobilized for conflict.

3.5.4 Social Factor

On 11th January 1998, members of the Samburu and Pokot ethnic communities armed with fire arms, among other weapons, attacked a Kikuyu widow in Laikipia District in the Rift Valley Province; they raped her and stole her livestock (Article 19, December 1998; Akiwumi Report -

German, Bruce and Barkan, Joel. D, (Eds). (2004). *Ethnicity and Democracy in Africa*. Oxford: James Currey, 119-412.

Thomson, Alex. 2nd ed. 2004. *An Introduction to African Politics*. London & New York: Routledge 157-249.

Ib, di₃₃

u. Ibid 133
Ibid 133

Rift Valley Province, 1999). This was followed by retaliatory acts by Kikuyu men, who followed the raiders and on failing to catch up with them entered a Samburu compound and mutilated livestock (Article 19, December 1998). This marked the beginning of attacks and counter attacks. A few days after, on 14th January 1998, a group of Samburu and Pokot men armed not only with the traditional spears, bows and arrows, but also with guns launched attacks on Kikuyu communities in the same district; 50 Kikuyu were killed and over 1000 fled to a nearby Catholic church¹⁴⁸. Further attacks ensued the same month when on 24th January 1998, a group of Kalenjin attacked Kikuyu in Njoro, prompting them to retaliate on 25th. Three days earlier, the farms had been attacked in the same place (Akiwumi Report - Rift Valley Clashes, 1999¹⁴⁹). The attacks left 34 Kikuyu and 48 Kalenjin dead, over 200 houses burned and hundreds of people displaced (Article 19, December 1998:5). The police acted in a complacent manner, were reluctant to react and that's why, it is argued, members of the Kikuyu community organized themselves and retaliated to the attacks¹⁵⁰

The attacks continued sporadically in February and March. By February, over 100 people had died and thousands of others displaced¹⁵¹. After a few years of relative calm in the Kenya, violence broke out again; just like the above discussed cases the violence was linked to elections and with high ethnic undertones. The 2007-2008 post election violence was reportedly triggered by the announcement of the presidential results, which were said to have fallen below international standards; spontaneous violence occurred immediately in major towns especially Nairobi, Kisumu, Eldoret and Mombasa (International Crisis Group, 2008). Opposition

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^Ubid 122

^Rthe Clashes Update, 31st August, 1996, No. 43

^Sbid 122

[']bid 123

supporters immediately began to vent their anger by unleashing violent attacks on those perceived to be pro-government ¹⁵²

This implies an interest heterogeneity whereby leaders and their supporters engage in **conflict** in pursuit of different benefits, thus enhancing a symbiotic relationship between them. In the Rift Valley province, Kikuyu settlements were the primary targets of the Kalenjin vigilante groups; this was reminiscent of the clashes that ensued in the 1990s¹⁵³. Elsewhere, in the major opposition party, Orange Democratic Movement (ODM) strongholds such as the Western and Nyanza provinces, those perceived to be supporters of PNU (Kibaki's) and predominantly the Kikuyu became the primary targets ¹⁵⁴

3.5.5 Economic factor

All through the 1990s, even when it was outright that violence was politically instigated, land finally came to be cited as the major root cause. The same allegations came up during the post-election violence in 2007-2008. Land ownership especially in the Rift Valley is a highly emotive issue. It pits the Kalenjin and Maasai, Turkana and Samburu who claim ancestral ownership of the Rift Valley against the other communities who they consider as foreigners or the immigrants in the region. Bitter emotions are usually more against the Kikuyu. The Kalenjin argue that the Kikuyu, backed by big land companies and state bureaucracy during Kenyatta's reign, bought large tracks in the fertile parts of the Rift Valley¹⁵⁵.

¹⁵³ **'bid 128**

¹⁵⁴ **Africa Watch - interview with Hon. Amos Wako, 12th July, 2008**

Ibid 122

Weekly Review, 6th October, 2008:8

When President Moi came into power in 1978, the Kalenjin were hopeful that by virtue of him being the president, they would benefit especially from land re-distribution ¹⁵⁶. Disappointingly, he followed Kenyatta's suit . He gave land to his loyalists and top profile elite in his government. Many indigenous people ended up remaining landless or being squatters in what they consider as their own land. Similar grievances are also felt at the Coast whereby landlessness reigns among the indigenous people while a few politically well connected people have large chunks of land. They refer to this as a *Historical Injustice* which they want to put right whenever they take up arms.

The pattern of land distribution further supports the inequalities in the country and fuels bitterness. While thousands have no piece of land to call their own, a few rich people own large tracks of land which lie idle. Land for many Kenyans is a main source of food, wealth and welfare, thus landlessness portends great incapacity to afford subsistence ¹⁵⁸ Apart from being a source of livelihood, and land has a cultural value as a source of heritage which further makes land issues emotionally charged. The fact that clashes occurred in the regions that have had a history of disputes illustrates the gravity of land as a root cause of conflicts^{1^9}.

Ethnic violence has negatively affected both individuals and Kenya's various economic sectors in general leading to economic deterioration of the whole country. Individuals lose jobs; businesses cease to operate or operate at reduced frequency in fear of looting, economic sectors come to a standstill, etc. The Rift Valley being the bread basket of the country implies that fighting in the region interrupts food production significantly, whereas at the Coast Province,

¹⁵⁷ *Ibid* 126

¹⁵³ Africa Watch, Article 19, Kenya: Shooting the Messenger, 29th October 1993

Human Rights Watch. (2002). Kenya's Unfinished Democracy: A Human Rights Agenda for the New

^{0v}ernment. Human Rights Watch. 14 (10A).

ethnic violence shakes the tourism industry. The 1990s clashes in the Rift Valley caused great losses to various agricultural sectors; the tea, maize, flowers, milk and other agricultural products produced in the region. Most of these sectors witnessed significant drops in production from 1991 to 1993 during the Rift Valley clashes¹⁶⁰.

In the 2007-2008 post-election violence, daily losses or revenue tax was approximated at KES 2 billion, in the initial stages of the violence . Agricultural production was reduced a great deal as farms were razed, farm workers displaced and transport paralyzed. The tourism industry which is the main source of income at the coast province and a major pillar of the economy in Kenya faced great losses due to the ethnic violence at the Coast Province especially in 1997¹⁶¹. The sector remained hardest hit in the 2007-2008 post election violence, which erupted at a time when tourism was almost at its peak. The violence and scaring images of the riots drew away numerous tourists; the situation was worsened by the cancellation of vacations by Americans and Europeans.

3.5.6 Cultural factor

Majimbo or regional federalism based on ethnicity re-emerged at the re-introduction of multiparty elections in Kenya in the 1990s and has been a major driving force of ethnic conflict in the country. In the same period the ethnic violence that rocked the Rift Valley and Coast Province were organized in the name of *Majimbo* (International Crisis Group, 2008). Nyukuri
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"points out that, if taken as a political system in which a union of states or regions retains powers over their internal affairs, while leaving common national issues like foreign policy and

¹⁶⁰ Ibid 115
¹⁶¹

Barkan, Joel. D and Ng'ethe, Njuguna. (1998). K6nya Tries Again. *Journal of Democracy*, 9 (2), 32-48.

¹⁶² Ibid 115

defence to the central government, federalism (*majimboism*) might not necessarily be undemocratic and harmful. However, federalism based on ethnicity (as the case is in Kenya) is divisive and a threat to national stability and cohesion .

Mainly driven by the ambition of the Kalenjin, Maasai, Turkana and Samburu populations to gain exclusive control over their respective provinces' natural and economic resources; reclaim land, jobs and property by expelling immigrant communities from the provinces, majimboism in Kenya has always played a divisive role in those areas and fuelled ethnic violence, especially in

Rift Valley¹⁶⁴. It is a rhetoric that occurs mainly during general elections since the 1990s. In the campaigns for the 2007 general elections, similar calls for Majimbo were evoked, this time not by the ruling party, but by the then opposition (ODM) who allegedly promised the Rift Valley Province autonomy if it gained power; although the leaders did not explain how the devolution would be carried out, many ordinary people in the provinces perceived it as an opportunity to get rid of their alleged Kikuyu dominance ¹⁶⁵

The growing culture of impunity since the first eruption of violence has engendered the recurrence of ethnic violence. Most of the high-ranking politicians who were implicated in organizing violence in the 1990s have never been brought to book and they continue to operate freely and even hold high ranking government positions. The prevailing culture of impunity and culture of violence interdependently underpin the recurrence of ethnic conflicts in Kenya¹⁶⁶.

ibid us

Owen McOnyango, 2010, "The Jews, The Gentiles and The Grudge". UNESCO seminar paper, 28-31, May.

¹⁶⁶ **Ibid 122**

Zartman, I William (2009), Ripe for Resolution conflict and Intervention in Africa, New York, Oxford University Press 87-96.

3.5.7 Poverty and exclusion (marginalization)

Poverty, social, economic and political exclusion form a strong basis for manipulation for political gain. Exclusion renders people vulnerable to propaganda and sentiments against neighbours by masking them as the causes of one's fate. Groups that have suffered exclusion and marginalization have been the targets for manipulation in all the above discussed ethnic conflicts in Kenya. The strong correlation between poverty and political manipulation in Kenya has been candidly captured by Lonsdale¹, who strictly points out that the votes of the poor are bought at election times. Ethnic conflict in Kenya has had far reaching consequences both to the individuals and families affected, to the country at large and also at the international level.

Some of them have been short term while others have inflicted indelible scars in people's lives. The following are some of the cultural consequences of the ethnic conflicts in Kenya: Considering the kind of attacks launched during ethnic violence it is undeniable that insurmountable property is lost in the process. Destruction, looting and razing of property, homes and farms implies that victims are left in a state of destitution and in a state of total dependency. This kind of destruction is further aimed at total eviction of the victims. It is possible to recover from loss of property, given time and favourable condition but loss of life is an impact that cannot be recovered. Children are orphaned or parents left childless by death. Since 1991, ethnic violence has claimed numerous lives in Kenya. By 1993, it was estimated that 1,500 lives had been lost in the Rift Valley ethnic clashes and by 1999 the number was estimated to have risen to

¹Lonsdale, John. (2004). *the Dynamics of Ethnic Development in Africa: Moral and Political Argument in Kenya*. In Bruce Berman et al. (eds.), *Ethnicity and Democracy in Africa* (pp.73-95). Oxford: James Currey

2,500¹⁶⁸. The 1997 clashes in Mombasa claimed over 100 lives, while the 2007-2008 post-election violence claimed over 1000 lives just within months.

3.6 Conclusion

3.6.1 Ethnic and Land based Violence in Kenya: Church's Perception

This section endeavours to present and analyse empirical data acquired through semi-structured interviews from individuals. The individual interviews comprised of one clergy and four lay people. The lay people interviewed were one church leader, one Internally Displaced People (IDP) camp leader and two members.

Close proximity to empirical data is emphasized in the presentation of the data. To set a backdrop of this presentation the study endeavours to answer the main question: *What role should the church play in society?* To address the main question of this study the following two sub-questions were raised: *How has the church been part of the problem/solution of ethno-political violence in Kenya?* *What should the church do to address ethno-political violence in Kenya?* This chapter therefore seeks to present how the informants understand ethnic and land based violence in Kenya.

No other institution that could ostensibly get involved in conflict resolution activities on a national scale has as much institutional credibility as the Church. It also has independent resources and a grass-roots network that is often more effective than the powerful provincial administration. In many case studies, when violence breaks out people flee to churches as was the case during the 1991-94 clashes. By providing displaced Kenyans with temporary shelter,

Afr; Sam^a^ -tosh'a, O. (2001). *Violence and the Dynamics of Transition: State, Ethnicity and Governance in Kenya*. *ca*n Development, 26 (1&2).

that in some cases has become semi-permanent, the Church has acted as an important safety valve in a situation where the underlying political cause of crisis remains unaddressed¹⁶⁹.

3.6.2 Informants understanding of ethnic violence in Kenya

The themes presented emerged out of interview guide questions. The first question posed to both individual interviews and the focus group informants: *How do you understand ethnic and land based violence?* This provoked another question that became relevant to the study. Many informants said that one cannot have deep understanding of ethnic and land based violence in Kenya unless one understands the experiences of the victims.

Recounting her experience with victims of ethno-political violence in Kenya, an informant who worked with a Non-Governmental Organisation on peace-building said:

It is impossible to understand what it meant by ethno-political violence if you have not seen how people have lost their loved ones, property and hear the stories of the victims. If you have never heard them narrate their shocking stories, you can't define ethno-political violence. You must understand their feelings, experiences and put yourself in their shoes.

For this informant, understanding the deeper meaning of ethnic and land based violence one has to listen to stories from victims. Listening to such narrations gives one a deeper perspective of the issues.

Since there were victims of ethno-political violence (both clergy and lay people) as informants, the other question that was added was: *What is your experience of ethnic and land based violence?* Out of this question, several issues emerged that touched on, among others; fear, trauma, loneliness, insecurity and homelessness.

Kobia Samuel, 1996, The Quest for Democracy in Africa. NCCK, pp.33-34.

3.6.3 Victims' experiences

In this section, the victims' immediate experiences of the ethno-political violence emerged in the process of narrating their stories. Majority of the informants argued that to understand the deep meaning of ethno-political violence in Kenya, one has to know the experiences of the victims and the effects of ethno-political violence to individuals and society.

Some informants argued that ethno-political violence has recurred in Kenya because the Government had to a large extent repeatedly ignored what victims have gone through. Most of the informants argued that the government can only address the different perspectives and causes of ethno-political violence by first identifying and understanding people's grievances. Understanding the different issues and experiences would then help come up with holistic ways of re-integrating and restoring victims of violence into society. These sentiments were mainly from informants who were indirect victims of the ethno-political violence.

Fear and trauma

Majority of the respondents said that victims are tormented by the deaths of their loved ones, especially children and spouses, whom they witnessed being killed. Men were brutally murdered by armed youths in the presence of their wives and children. Women narrated how their sons and their husbands were mercilessly killed as they watched. Many men also said they watched helplessly as their wives and daughters were being raped.

A widow said she lived in fear and trauma after the disappearance of her son whom she has not seen since the day they fled from the post-election violence of 2007/2008. She said that they decided to flee to their closest relatives but her son insisted that he wanted to go to his father's home. After the violence ended, she established that her son was not at his

grandfather's home and a search for him begun. Two days later, she learnt that the son was among three people who were burnt to death in a nearby village. She said:

Since I am a Christian I invited church leaders for prayers. Before the ceremony I sought the death certificate of my son from the authorities but my request was declined. I was told that it was wrong to declare my son dead when there was no evidence but the ceremony was to help me put a closure to my son's disappearance. Naishi kwa uchungu na maswali mengi ya ni nani aliyemua mtoto wangu. (I live with pain and I keep asking who killed my son). I am still waiting for answers.

It was also noted that victims who lost their limbs during the violence have been undergoing psychological torture. One victim said his brother lost a leg during the ethno-political violence of 1997 after being attacked by a neighbour from a rival ethnic group. He said:

We had political differences in support of the area Member of Parliament during the general elections. The neighbour pierced my brother's leg with a poisonous arrow and that stopped him from going to a polling station. My brother's leg was later amputated..

Children are still traumatised by the experiences of the ethno-political violence that rocked Kenya in 2008. A teacher said that children often draw pictures of burning houses and men with arrows and bows. Many children were left fatherless and are under the care and of traumatised single mothers.

Some of the women who were raped got pregnant and some, like one informant, opted to abort the rape children. She said her *pride had been buried*, an indication of the stigma many of them live with. Many women informants were not able to openly share their experiences regarding rape and majority broke down as they recalled the traumatising ethno-political

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violence. Some women said they were uncomfortable narrating their experiences to men and preferred to talk to fellow women, an indication of the importance of the gender factor in addressing rape issues.

Emphasising how children still suffer from trauma, an informant, a teacher, said children draw arrows, bows, burning houses and parents running for safety. He argues that the events that occurred during the post-election violence of 2007/08 are still fresh in pupils' minds." He added that children were in several occasions defiled during the ethno-political violence.

The loss of loved ones, sexual assault left many victims traumatised and living in fear. Besides having to worry about the safety of their children, some of the rape victims gave birth to children who are now a permanent reminder of their traumatising ordeal.

Another informant said that she can never recover what she lost during the ethno-political violence, more so her dead husband. She said as a married woman she enjoyed a certain status and a better life style but this changed with the loss of her husband and the property they owned.

Many of the informants argue that justice and reconciliation should begin with the offender who should take the initiative to seek forgiveness. An informant said that in cases where the offenders are not well known, forgiveness could be achieved symbolically by asking the elders of the particular community to seek for forgiveness on behalf of the guilty members of the community. The informant added that this could give a foundation of reconciliation between the two communities.

Evidently, many people are aggrieved and they still harbour bitter memories thus posing

^a challenge to the church and counsellors*who deal with trauma.

Loneliness

Death lives a vacuum to immediate members of the family. It is more traumatising when death involves a young person. In the ethno-political violence that rocked Kenya in 2008 most of the deceased were young men who either went out to fight protect their families or were the target of armed groups from the 'enemy community.' Many left young families at the mercy of the world. Many women found themselves single mothers faced with a bleak future.

One informant, a young woman who lost both her husband and father and lived in a tent in the camp lamented that:

I feel God is too unfair to me because I cannot not understand why both my husband and my father were killed leaving me with three young children to take care of My husband was the breadwinner of the family and he provided everything. (...) I have no one to share my problems with since my father was also killed during the same political violence of 2007/2008. My children who were too young then, keep on asking me where their father is. I am not sure if they will go to school, wear clothes or have something to eat. I am also very lonely. When my husband was alive many people used to visit us including pastors but now no one comes.

Such families suddenly became a 'burden', which society, including the church, was not ready to bear.

Insecurity

The women who lost their husbands and sons during the ethno-political violence feel insecure about their lives. Children lost their fathers who provided for them and they suddenly found themselves under the care of their mothers, thus making them also insecure. Many of the women

are faced with challenges of bringing up their children and meeting their needs in absence of their husbands. In some instances, the dead husbands were the sole breadwinners in their families. An informant in the focus group said:

My life has never and will never be the same again since I lost my husband. I feel unprotected and I no longer enjoy the security I had when my husband was alive. I feel insecure both economically and socially. Raising my children both physically and socially due to financial constrains is difficult because I am alone. I cannot afford what my husband could provide for my children. The death of my husband has changed my status in the society. The respect I commanded in the society when my husband was alive is no more. I am afraid of the holistic development of my children in absence of their father. My children may not develop well physically, mentally and socially.

Insecurity is experienced in different perspectives. From the economical perspective, the victims live in fear that they may not afford as much as when the other partner or the parent was alive. Children are afraid that they may not complete their education or afford the basic needs.

Social insecurity is experienced from a societal perspective. As the informant mentions above, as a widow she may not command the same respect she enjoyed when the husband was alive. She views herself differently and society also views and treats her differently. The sudden insecurity causes anxiety in both parents and children which, creates a negative ripple effect on society as a whole.

Homelessness

victims were left homeless or sought refuge elsewhere after their homes were set ablaze,

Most of the victims went to IDPs camps to seek shelter and food.

An informant said:

I will never have a home like the one I had before. I lived in that house for 25 years and I lost everything in it after it was burnt and this has caused me a lot of anguish.

Some of the victims have been homeless and living as squatters since the ethnic violence of 1992 and 1997.

Inter-ethnic married victims

Some of the people married within communities perceived as the 'enemy' became the target of ethno-political violence in Kenya. Marriages were disrupted where a spouse from the 'enemy' community was forced to flee to save their lives. An informant reported that:

My friend has never come to terms with the situation up to today that he is separated from his wife because of the ethnic-violence. He was warned by friends to send his wife away since some youths were planning to attack and kill her. He took it seriously because he had witnessed spouses from the said 'enemy community' being killed mercilessly. He asked his wife and children to flee. The man did not accompany them for fear of putting them in danger. Since then, it has been difficult for the father to mend his relationship with his children because they believed he abandoned them when they needed him most.

One church Minister, who served as a pastor in Eldoret he decided to relocate his family to his home area in Nakuru town because he lived in fear after seeing many families lose their loved ones and others separate with their spouses during the 1992 general elections. He said:

I lost my brother who lived in the Rift Valley province during the post-election violence. He was married to a woman from the enemy community and had purchased land in her

home area but he was killed during the post election violence because he did not support the candidate that was favoured by the local community. My brother left behind a young family, which I am now taking care of (...) After his death I requested for a transfer and despite being a church minister, I harbour deep hatred for the people I had diligently served. Church ministers are human beings too and I felt betrayed.

Chapter Four

Explaining Ethnic and Land Based Conflicts from a Social Constructivist Approach: A Critical Analysis

4.1 Introduction

Ethnicity is as old as humankind. People in every part of our modern world, just as in ancient times, belong to some kind of ethnic or tribal group that reinforces their sense of belonging, nationalism, patriotism, social values, political progress, and development. The languages we speak, the customs and traditions we cherish, the food we crave, and the clothing we adore all have some linkages to our ethnicities, whether as Blacks, Europeans, Asians, Icelanders, or even as Kenyans. In this way, ethnicity reinforces our very beings as persons and nations in charting our destinies in this world in regard to national unity and progress¹⁷⁰.

Ethnicity should therefore not be a hindrance to national unity and progress, or the source of the continuing violence and instability in African states, unless Africans, out of misguided individual egos used ethnicity for mischief, bordering on corruption, mismanagement, and greed for power. However, ethnicity has been a resource in the hands of frivolous 'political entrepreneurs' who because of corruption, mismanagement, and greed for power have manipulated ethnicity and use it to achieve their personal agenda. A lot has been written about ethnicity as a source of conflict in Kenya and especially in the Rift valley but it has not been clear on what are the real causes of conflict¹⁷¹. This chapter will look at some of the emerging issues in regard to the study which sought to explain ethnic and land based violent conflicts in the Rift Valley.

¹⁷⁰ Undau, L.B., & Jean Pierre Misago (2009). Who to blame and What's to Gain: Reflections on Space, State, and Violence in Kenya and South Africa. *Africa Spectrum* 44(1):99-110.

• Kent McClelland (2000): *Conflict Theory, Kenya*.

4.2 Emerging Issues

Consequences of ethnic conflicts that took place in Kenya may not render themselves easily to categorization. This is perhaps because of the fact that the practice of ethnicity is subterranean most of the time. Nevertheless, it is common knowledge that such causes and consequences must fall under broad categories such as social, economic, political, religious, environmental as well as psychological realms of life.

One of the long term causes of the clashes in Kenya is attributed to the colonial legacy, which is essentially historical but with ramifications in the post independence era. It is a historical fact that the indirect rule administered by the British colonialists later turned out to be the 'divide and rule' strategy which polarized the various ethnic groups in Kenya. This in turn contributed to the subsequent incompatibility of these ethnic groups as actors on one nation-state called Kenya. It was unfortunate that the early political parties in Kenya that championed the nationalist struggle against colonial establishments were basically 'distinct ethnic unions'.

The Kikuyu for instance, formed the Kikuyu Central Association (KCA), the Akamba formed the Ukambani Members Association (UMA), the Luhya formed the Luhya Union (LU), the Luo formed the Young Kavirondo Association (YKA), the Kalenjin formed the Kalenjin Political Alliance (KPA), the Coastal tribes formed the Mwambao Union Front (MUF), Taita formed the Taita Hills Association (THA), in that order of ethnic conglomerations. As a result of the foregoing ethnic trends, a situation prevailed in this country in which a common political voice was not possible.

Land is yet another source of ethnic conflicts in Kenya, both in the long term and in the short term. For a long time in the history of this country, land has remained a thorny economic

and political issue. Various scholars like Christopher Leo and Mwangi wa Githumo, have attempted to provide some explanations as to why land has been a major source of ethnic/political conflicts. The land issue has its origin in the colonial history of Kenya, where the colonialists dreamed of making this part of Africa a white man's country. The colonialists established the Kenya protectorate and later on the Kenya colony with the finance that was to be generated from the white settler plantations which covered the highly potential areas of the country. History has it that large tracts of agriculturally potential land (i.e. white highlands) were alienated by the British colonial administration.

On the other hand, African leaders, Kenya included, have a propensity to use State power and institutions to promote their own interests or those of their ethnic groups. This is achieved through intimidation, violence and other forms of terror against both real and imagined enemies. The violence in Kenya must be seen in that light. Building a new democratic society does not seem to be the major concern of African leaders, whose primary inspiration is to capture and retain State power at all costs¹⁷³.

Kenyan politicians have continued to trade accusations about the causes of political or ethnic violence in the country. Both the government and the opposition blame each other for having instigated the mayhem to gain political mileage. In June 1998, the Government appointed a Judicial Commission, chaired by Justice Akiwumi, to investigate the causes of the violence in the country. The Government is yet to publicise the Commission's findings.

During the clamour for political pluralism, spearheaded by the church and civil society, the Government warned that multipartism would breed inter-ethnic conflicts, since the people

were not yet cohesive enough. However, due to pressure from foreign donors and the international community, who had cut off economic assistance to Kenya, the government relented and repealed Section 2A of the Kenya Constitution. This action legalised the formation of other political parties to compete with the then sole party, the Kenya African National Union (KANU).

Ethnic politics and violence seem to have resurfaced with the advent of this political pluralism in Kenya in 1991. The violence adversely affected Kenya's most fertile region of the Rift Valley, Nyanza and Western Provinces. The Rift Valley covers 40% of Kenya. The farms acquired by non-Kalenjin in the Rift Valley were the focus of violence. The Kalenjin laid claim to all the land in the province, based on the so-called rights of previous ownership of those lands in pre-colonial times. The Kalenjin vented their anger on other ethnic groups, whom they viewed as supporters of the political opposition.

The violence therefore was a replica of ethnic cleansing. According to Oyugi (1997),¹⁷⁴ tribalism is often used as an ideological tool in economic competition and political conflicts. This assertion seems to confirm what happened during the 1992 elections, when the Kalenjin and their kinsmen opted to defend the status quo of privileges, against the possibility of deprivation by potential challengers. This marked the genesis of ethnic violence in Kenya. On the other hand other researchers,¹⁷⁵ point out that the condition for ethnic conflicts in Africa was created historically through colonial and post-colonial government policies. The key cause of disagreement in most of African ethnic conflicts is control of the State apparatus and the national

Oyugi, W. O. (ed.), 1994, *Politics and Administration in East Africa*, Nairobi, East African Publishing House.

Magubane (1969) and Nzongola-Ntalaja (1997)

resources to which the State has access. The State is thus both a contributor to and the manager of ethnic conflicts.

4.2.1 Colonial Injustices

The severity of the problem of historical injustices has repeatedly been articulated in the various forums established by the government, including the Constitution of Kenya Review Commission, the Presidential Commission of Inquiry into the Land Law System of Kenya and the Presidential Commission of Inquiry into the Illegal/Irregular Allocation of Public Land and the National Land Policy Formulation Process. Equitable access to land is an essential precursor for economic development in Kenya, as most primary and secondary economic activities- agriculture, tourism, mining, pastoralism and agro-based manufacturing sector -are dependent on land¹⁷⁶.

Most conflicts have been associated with ethnic violence in Kenya are deeply rooted in land issues. However, the failure by the government to adequately deal with what some communities perceive as historical injustices has allowed the grievances to fester and the problem to ferment into a national crisis. Reports by both government and non-governmental agencies have recorded that the violent clashes and conflicts over land-based resources in the Rift Valley and other parts of the country in the 1990s were ignited by the political exploitation of these grievances¹⁷⁷. This situation demands an equitable land distribution process that is capable of providing livelihood opportunities to the landless poor as well as redressing colonial wrongs and re-establishing justice in the land sector.

Landau, L.B., & Jean Pierre Misago (2009). Who to blame and What's to Gain: Reflections on Space, State, and Violence in Kenya and South Africa. Africa Spectrum 44(1):99-110.

Nyukuri Barasa, 1992, "Ethnicity and the Politics of National Integration in Kenya". A paper presented on 22nd October at Kisumu, 91-95.

In pre-colonial times, land was communally owned and traditional rights and obligations ensured direct access to all. However, colonialism disrupted these relationships. Colonial authorities assumed that all land to which private ownership could not be established by documentary evidence was ownerless. The British colonial legacy has impacted significantly on Kenya's conflicts . Four aspects of the colonial legacy verify this fact: coterminous ethnic-cum-administrative boundaries that make up the country; the "land question" which remains unresolved; conflict-prone migrant labour system which generated farm labourers and squatters and an imperial constitution that has stood firmly in the way of efforts to entrench democratization.

4.2.2 Coterminous Ethnic and Administrative Units

The boundaries of ethnic and administrative units have remained coterminous ever since Kenya was colonized¹⁷⁹. This is the one colonial legacy which has baited the country to the extent it is repugnant to development. Administrative maps of Kenya in 1924, 1929, 1961 and even today provide evidence of this trait persisting in Kenya. The apparent bait was the work of the Regional Boundaries Commission which the British Government established in July 1962 to determine provincial boundaries in Kenya. Based on the boundaries that existed and, allegedly, the people's wishes to belong to regions of their choice, the Commission divided Kenya into six regions and the Nairobi area¹⁸⁰; the seven provinces recommended were Central, Coast, Nairobi, Northern Frontier, Nyanza (included the present Nyanza and Western provinces and Kericho district) and Southern.

United Nations Development Program, 2004, Kenya - A Country Study, US. Govt. Publication, p. 142; Van f^anenberg, et al (Editors), 1975, Pgs 51-53; Colin leys, 1974; Wasserman, G. 1976.

Ominde, S.H. (1968) *Land and Population Movements in Kenya*. London: Heinemann 369-425.

Apart from Nairobi and Rift Valley provinces, all other Kenyan provinces hold one dominant ethnic group or culturally similar groups. Apparently, mischief dictated the decision of the colonially controlled Commission to bequeath to Kenya one of the problems that keeps rearing its ugly head from time to time. This explains why majimbo (Kiswahili for "regions"), which the smaller ethnic groups used as a trump card to acquire their territories and thus avoid domination by the larger ethnic groups. Indeed, its reappearance in political exploits immediately before the 1992 multi-party elections never allowed its different interpretation during the Bomas Draft of the Constitution to gather much support in certain quarters. Although the system of coterminous ethnic-administrative units works well in countries such as South Africa and Ghana, it remains Kenya's nightmare, one that haunts leaders and prickles the led. It flares up whenever conflict erupts, and clearly did so in the post-election violence when certain ethnic groups singled out and attacked other unwanted groups ^{IX}.

4.2.3 The land Distribution

Still lingering on as a colonial legacy is the controversial "land question" and well recognized inherent problems on which different commissions have prescribed recommendations that have never been implemented. Land has been at the core of Kenya's political evolution since the colonial period. In fact, the "land question" originated during the 1930s when the Kenya Land Commission (1932-33) - otherwise known as the Carter Land Commission - made recommendations that planted seeds of discord, among them: rejection of the notion that that Africans had any land rights in the former "White Highlands"; setting the stage for the Resident Labour Ordinance of 1937, which defined squatters as labourers; directing that the disaffected kikuyu be awarded 21, 000 acres (8,50\$ hectares) of land and £2,000 as compensation for loss

¹ Nyukuri, Barasa Kundu. (1997). *The Impact of Past and Potential Ethnic Conflicts on Kenya's Stability and Development*. Paper prepared for the USAID Conference on Conflict p78.

of land¹⁸² and creation of conditions leading to the country's administrative segregation into a "dual" economy and society by the colonial state¹⁸³. The land settlement programme soon after independence seems to have steered clear of this unresolved agenda, which interested parties have addressed as best suits them even when it least suits other contestants.

With time agitation began for recovery of the expropriated land, with Mau Mau rebellion (1952-55) best known for accelerating the pace of land decolonisation if not the whole decolonisation process¹⁸⁴. Yet, to this day, the Maasai, the Kalenjin, the Kikuyu and the Mijikenda, who were most affected, have not had the situation redressed. If anything, much of their land has fallen into the hands of avaricious individual Kenyans and unscrupulous land-buying companies.

4.2.4 Conflict-Prone Migration

The third colonial legacy is the conflict-prone internal migration system which has pitted migrant labour (and squatters) and migrant settlers on the one hand, against the "host communities" on the other, precipitating intermittent conflict¹⁸⁵. Migration redistributed population from the traditional sector to the modern sector comprising commercial agricultural areas and urbanizing centres. The vast majority of migrants moved from the poorer areas that the colonial land acquisition did not affect.

As soon as the white farmers embarked on commercial farming in different parts of the country, with a strong foothold in the Rift and Associated Highlands, they recruited cheap migrant labour from Nyanza and Western provinces exclusively to work, and some from Central

¹⁸² i-gureidi, 1989:24-25 and Kanogo, 1987:122, note 33, quoted in Oucho, 2002a: 80.

Gordon, 1986:60

¹⁸³ Rosberg and Nottingham, 1966; Kanogo, 1989

¹⁸⁴ Draft National Land Policy, Government of Kenya, Nairobi, 2006, p 190.

Kenya who had the double expectation both to work and to acquire land . There emerged stable in-migration streams which caused rapid urbanization of Rift Valley Province, the county's most urbanized region. This type of migration never changed much after independence as the new large-scale farmers still required farm labourers from the established sources ¹⁸⁷Throughout independence, Kenya's provinces have been sharply divided between five net out-migration provinces (Central, Eastern, North-Eastern, Nyanza and Western) and three net in-migration provinces (Rift Valley, Nairobi and Coast).

Unfortunately, migration scholars have neglected the unpredictable mobility of those engaging in all kinds of business, albeit strictly speaking not considered migration in the classical interpretation of the concept. The colonial migrant system also made provision for squatters who doubled as workers and were granted temporary residence for as long as their employment lasted. After independence, Nakuru town, dubbed the "farmers' capital" in the colonial period, became a popular destination for Jomo Kenyatta in his "working holiday" escapades during which he allocated chunks of land to his Kikuyu kinsmen who, in his view, were the landless deserving freely allocated land ¹⁸⁸.

To date, Nakuru district represents one of Kenya's political hotbeds as the Kikuyu and the Kalenjin scramble for land and different ethnic groups have bitter struggles over parliamentary and civic authority seats in Nakuru and its environs. Thus, the ethnic mix due to migration has shaken, rather than solidified, the foundation of national solidarity; whenever

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Oucho, J.O. (2002b) *Undercurrents of Ethnic Conflict in Kenya*. Leiden, Netherlands: Brill Academic Publishers.

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® Christopher, 2004, Land and Class in Kenya 66-79. University of Toronto Press.

violence erupts, it easily takes an ethnic dimension even if ethnicity does not feature in the equation¹⁸⁹.

4.2.5 Imperial Constitution

The "imperial constitution" adopted at the Lancaster House Conference in London was a founding constitution, from which Kenya has not deviated markedly. It has retained an imperial presidency often considered above the law - an institution that, with impunity, usurped the powers of the country's legislative, executive and judicial institutions. After KANU convinced KADU to disband and join the government ranks and the Kenya Peoples Union (KAP) was proscribed in 1969, Kenya became a one party state from 1969 to 1991¹⁹⁰.

As President Moi gained a firm grip of leadership, his government changed the constitution in June 1982 thereby converting Kenya into a *de jure* party state in 1982-1991¹⁹¹ but the tide of multi-party politics forced the regime to change the constitution again in 1992, ushering in an era of multi-party politics in which shreds of the imperial constitution still exist. Thus, periodic mutilation of the imperial constitution was meant to suit the powers that be and was hardly in the interest of the electorate. That Constitution gave Kenya a deceptively smooth transition for independent governance hence the misguided perception that the country was a bastion of peace in a politically volatile region.

The four issues examined above have placed hurdles on Kenya's way as an independent nation which observes its constitution for the good of the citizens and willing to respond

¹⁸⁹ Elischer, Sebastian. (2008). *Ethnic Coalitions of Convenience and Commitment: Political Parties and Party Systems in Kenya*. GIGA Working Papers, N° 68, Ethnic Clashes in Western and Other Parts of Kenya, Government Printer, Nairobi, 96-132.

¹⁹⁰ Eken, Peter P. 2006, "Social Anthropology and the Uses of Tribalism" 67-91, Faculty of Social Sciences, University of Ibadan.

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Widner, Jennifer (1992) *The Rise of a Party State: Form "Harambee" to "Nyayo"*. P 96.

appropriately to the changing political climate that requires equally appropriate changes. Whenever the issues discussed above cause tensions the government and the citizenry have tended to dismiss them as inconsequential until they rear their ugly heads. Their cumulative effects finally tested Kenya's national solidarity during the recent post-election violence,

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invalidating the hypothesis that the country is a bastion of peace .

4.2.6 Land Distribution

The agricultural produce contributes 80% of the Kenyan economic growth meaning that land is of great value in this context as the source of livelihood. Many informants argued that the centre of economic development and social welfare sourced out from the land in Kenyan is unquestionable¹⁹³. Land is valued and continues to be the main source of living. The informants noted that every individual therefore has to protect his/her piece of land by whatever means. Some informants further added that the land issue is one of the historical factors that have largely contributed to ethno-political violence in Kenya today.

The value attached to land from in Kenya is so noteworthy that it makes the land related matters equally sensitive. During the focus group interviews an informant argued that a lot of disputes, many court cases and physical clashes are mostly caused by issues of land ownership disagreements. A church leader added that many Kenyans believe that land is a gift from God hence should be protected under whatever costs.¹⁹⁴

It was noted that the government used the land for political patronage purposes and to build alliances a pattern that continued with and increased under his predecessor, Mr Moi. He

¹⁹² .
Apollos, Machira. (2001). Ethnicity, Violence and Democracy. *Africa Development*, 26, (1 & 2), 99-144.
Human Rights Watch. (2002). Kenya's Unfinished Democracy: A Human Rights Agenda for the New government. Human Rights Watch. 14 (10A).
Interviews with minister 2012

proceeded to weaken the capacity of the Kikuyu community to acquire more land in the Rift Valley province immediately he became the president. A victim argued that during Moi's tenure as the president, illegal allocations of land increased dramatically especially to his political patronage in the late 1980s and throughout 1990s. The land was granted for political reasons to a few people at the great expense of the public. The victim of post violence further said that corruption in the allocation of trust land for 'settlement schemes' established by the government became a common problem during Moi's regime".¹⁹⁵ This corruption practice led to interests of the landless being ignored in favour of those government officials and their relatives: Members of Parliament and other influential people.

Many informants argued that it is out of frustration that Kenyan people voted for an opposition party into power in 2002, the National Rainbow Coalition (NaRC) that brought President Kibaki to power. There were expectations that he could resolve and follow up the issue of land allocation, which was and still, remains a thorn in the flesh of many Kenyans. The Land issue was one of his major campaigns promises. Informants in the focus group said that Kibaki's government did not meet the expectations of Kenyans when he failed to implement the Ndung'u Commission report.¹⁹⁶ The informants added that the report was deemed controversial since it named many government officials and ministers in Kibaki's government.¹⁰⁷

Unfortunately all the work of the Ndungu Commission was shelved for some few individual political mileages at the expense of innocent Kenyans. It was noted that land retains a pivotal point in Kenya's history. It was the basis upon which the independence struggle was waged. It has traditionally dictated the pulse of Kenyan nationhood causing some communities to

¹⁹⁵ Interviews with victim 2012

¹⁹⁶ Ndung'u Commission was launched by president Kibaki to investigate patterns of corruption and unjust land allocations and propose solutions.

Interviews with focus group member 2012

live with ethnic tensions over land ownership . I noted that land continues to command a central position in the country's social, economic political and legal relation.

Many informants argued that land has become a short cut to getting rich. They believe that the powerful and influential people allocate themselves and their family's large chunks of public land at the expense of the poor and landless people. The political patronage of the senior civil servants and cabinet ministers are given portions of public land as a reward for their loyalty to the existing political system. This kind of nepotism, favouritism and corruption prevents the deserving people from owning land where they can dwell in and also use as a source of livelihood¹⁹⁹. Such kind of corruption leads to resistance of the rich to by the poor and finally to hostility that provokes hunger among the poor against the rich that results to conflict against the 'others.'

Furthermore, some informants accused the church of owning big chunks of land given to them by the Kenyatta and Moi governments, missionaries and Kenya's British colonizers. It was noted during the interviews that many churches were mentioned in illegal land acquisition by the Ndung'u Report,²⁰⁰ of public land.

4.2.7 Social-Political Factors

The informants highlighted the main social political factors that cause ethnic and land based violence to be political incitement and negative ethnicity, impunity, election fraud and understanding of pluralism and *majimboism* politics.

¹⁹⁸ Ndung'u Commission was launched by president Kibaki to investigate patterns of corruption and unjust land allocations and propose solutions.

²⁰⁰ Africa Watch - interview with Hon. Amos Wako, 12th July, 1993.

Cf Ndung'u N, on his article, *Tackling Land related Corruption in Kenya* from visited from http://siteresources.worldbank.org/RPDLPROGRAM/Resources/459596-1161903702549/S2_Ndungu.pdf visited on ^{13th} September 2011.

The ethnic conflicts in Kenya could also be attributed to the calls by high ranking KANU officials for the re-introduction of a *majimbo* (federal) system of government based on ethnicity. Federalism (majimboism) as a political system in which a Union of states or regions leave foreign affairs and defence to the central government but retain powers over some internal affairs is not necessarily undemocratic but the federalism system of governance that is based on ethnicity is a threat to any country's unity , stability, and development²⁰¹.

Federalism or majimboism has a long history which has been greatly documented.²⁰² However, we hasten to assert that the advocates of *majimboism* in the built up for the 1992 elections and after, often called for the expulsion of all other ethnic groups from land occupied before colonialism by the Kalenjins and other pastoral ethnic groups.²⁰³ It is fair to assert that the recent majimbo debate was recipe of chaos, ethnic animosity and conflict that be fell Kenya between 1991 and 1995. The country's political history has it that the clashes began shortly after the infamous Kapsabet and Kericho *majimbo* conventions held by prominent Kalenjin and KANU politicians.

Most of the respondents argued that political incitement has become one of the many contributors to ethnic violence in Kenya today. Since multi-party politics was legalized, politicians have been known to using inciting language to intimidate those they consider outsiders claiming they will take their jobs and their land. Victims' response of their experiences of ethno-political violence concluded that the political class is to be highly blamed for political

²⁰¹ Nyukuri Barasa, (1997). *The impact of past and potential ethnic conflicts on Kenyan's stability and development*. A paper prepared for the USAID Conference on Conflictresolution in the Greater Horn of Africa June.

²⁰² Ochieng, 1985, Ogot, 1976.

²⁰³ Weekly Review June, 29 1993; Kenya Times May 20 and 21, 1993; Daily Nation June 30th, 1993.

incitement²⁰⁴. The incitement resulted into violence that turned the elections onto battle of power and used ethnic tensions to disturb the peace in the area and the country at large. They argued that it was the ultimate betrayal from politicians.

Political incitement has been used to fuel violence in almost all the general elections. The Kalenjin and Kikuyu ethnic communities and their allies used such political incitements on other immigrants groups to fuel violence to intimidate them in favour of their candidates in 1992 and 1997. From the Kalenjin community it was always a discussion of preparation for a 'war' in case a Kikuyu president won in 1992, 1997 and 2007 elections. 2002 elections were an exception because the incumbent president then endorsed a Kikuyu as his favourite for a presidential candidate. One informant a leader in one of the IDP camps in Eldoret reported that: "local leaders within the Kalenjin community called for meetings where they declared that electoral victory for a Kikuyu president would be a signal for 'war' against the local Kikuyu. They said that any victory for a Kikuyu leader should be seen as an irrefutable proof of electoral fraud and that all Kikuyu were complicit of it being a teacher, a pastor or whatever status a Kikuyu bears."²⁰⁵

The politicians stoked ethnic tensions to marshal political support among their kinsmen. During interviews with focus groups it was established that some Kalenjin politicians used metaphors like *madoadoo* (spots) or 'snake' in reference to the 'enemy community' while the Kikuyus threatened to retaliate.²⁰⁶ The incitement was used to consolidate votes for the candidates in their regions. Since majority of the immigrants are afraid to vote in such times in fear of their lives where they are purported to support opposition parties and vice-versa.

²⁰⁴ Stewart, F. (2008). Note for Discussion: Kenya, horizontal Inequalities and the Political Disturbances of 2008, CRISE, p.4

²⁰⁵ » Interviews with Leader 2012
Interviews with focus group 2012

Thus, negative ethnicity has been used against ethnic communities deemed to be foreign, consequently leading to ethnic clashes and bloodshed as besieged communities try to save their lives and protect their property. The politicization of land issues has led to civil strife because of the sensitivity of land ownership.

One informant said that politicians often use negative ethnicity during general elections, to win the favour of the constituents in the name of fighting for their jobs, land and property. Politicians often address refer to other ethnic communities by nicknames. *Madoadoa* (dotted) was a well known term used by the Kalenjin in reference to the Kikuyus in the Rift Valley.²⁰⁸

Political incitement was more pronounced from a negative ethnicity perspective. The media also used vernacular idiomatic language in reference to the 'enemy communities.' A victim reported that KASS FM used language that had a clear meaning to the audience.²⁰⁹ The Kass FM used language like 'people of milk' (Kalenjin) to 'cut the grass,' (the Kikuyus) so that the Kalenjin community can reclaim their land from the Kikuyus. The language used by the said radio station was highly idiomatic but communicated the intended message.

4.2.7 Impunity

Ethno-political violence was more pronounced after the re-introduction of multi-party politics in 1991 and was experienced during the campaigns of the general elections of 1992, 1997, 2002 and worsened in 2007, as noted above. In spite of the death and destruction of property, many informants claimed that no one from the government side has been punished

The term negative ethnicity is used in this context to make a clear distinction between ethnicity and negative ethnicity. The former can be said to be the condition belonging to a particular group but the latter can be said to refer to ethnic hatred and bias. (see Koigi Warnwere,€003:20)

² Interviews with focus group 2012

KASS FM is a private owned radio that is operated in Kalenjin language said to be the leading radio station in the entire Rift Valley province.

although names of the suspect offenders were adversely mentioned in the Kiliku and Akiwumi Parliamentary reports. No one has been held accountable for political incitement and negative ethnicity despite the naming of senior politician in the governments reports²¹⁰.

Ethno-political violence erupted during the multiparty elections of 1997/98 and investigations were done and they pointed a finger at politicians for inciting and organizing it. Regrettably no one was held accountable for such actions yet politicians from both the ruling party and the opposition incited people into violence²¹¹. The 2005 constitution referendum campaigns were also done along ethnic lines. The Kenya National Commission of Human Rights (KNCHR) documented incitement and hate speeches during the referendum and called for investigation and prosecution of 16 sitting and former members of parliament for instigating ethnic-violence but nothing was done. He added that the KNCHR further documented hate speech during 2007 general elections campaign and no investigation or arrests were made.

There is no record of culprits being prosecuted for incitement, hate speech or negative ethnicity hence some people decided to take the law into /their own hands as happened in 2007/08 post-election violence. This triggered the massive violence of 2008²¹².

The State stands accused of complicity in one way or another in ethnic violence in Kenya. This is due to its acts of omission or commission. From the very beginning, the State's

²¹⁰ Kasara Kimuli, 2010. "Electoral Geography and Conflict: Examining the Redistricting through Violence in Kenya." Working Paper, 121.

²¹¹ Aklaev, A (2008). *Causes and Prevention of Ethnic Conflict: An Overview of Post-Soviet Russian-Language Literature*. Institute of Ethnology and Anthropology, Russian Academy of Sciences, 85.

²¹² Landau, L.B., & Jean Pierre Misago (2009). *Who to blame and What's to Gain: Reflections on Space, State, and Violence in Kenya and South Africa*. *Africa Spectrum* 44(1):99-110.

response to violence was lukewarm. The Government and the local administration attempted to play down the conflict by blaming the Opposition and the mass media for sensational reporting²¹³. The Government wanted to gain political mileage out of the clashes by using violence as a political tool.

Although the Government portrayed the violence as purely ethnic or tribal, its basis was clearly political. The Government and the ruling party stood to benefit economically and politically from the mayhem²¹⁴. The violence appears to have been used as strategy to retain power. This was aimed at circumventing the rule of law and undermining the process of political pluralism. Bayart points out that in contemporary African States, ethnicity exists mainly as a mechanism for accumulating wealth and political power²¹⁵.

4.3 Conclusion

Consequences of the clashes in Kenya are enormous and cannot be easily quantified, especially the psycho-social ones. Most of the victims of these clashes were left homeless, landless, destitute, injured, dead, abused, to mention but a few of the atrocities resulting from the menace. The immediate and real consequence of the clashes in Kenya was felt most at personal and family level.

There was loss of security in the clash-prone areas as the civilians took the law into their own hands, targeting perceived enemies. As a result of insecurity, there was indiscriminate loss of human life. Many people sustained physical injuries and others were traumatized. The state of insecurity interfered with the day-to-day socioeconomic and political undertakings within the

¹³ Kiliku Report 1992

[^] Ibid 213

²¹⁵ Bayart, Jean-Francis, 1993, *The State in Africa; The Politics of the Belly*, New York, Longman.

clashes areas. There was loss of life among the Kikuyu, Kalenjin, Luhya, Luo, Iteso, Kisii and others. However, there is increasing evidence to suggest that although the loss was felt on either side of the conflict, the non-Kalenjin ethnic groups suffered most.

For instance, the Kiliku Parliamentary Select Committee of September, 1992 put the death toll of clashes victims at 778, those injured at 654 and those displaced at 62,000. These figures exclude the number of persons who were killed, injured and displaced after September 1992. The Human Rights Watch/Africa, estimated that the number of those killed by November, 1993 was at least 1500, while those displaced was at least 300,000. However, with continued clashes in 1994 and 1995, the total number of those who died, injured or displaced increased drastically, following the Enosopukia, Maela, Mtondia, Nyatike and Kibera incidence. NCKK Review Report of August/September 1994, revealed that the number of displaced people for 15 districts in Kenya was about 311,433 persons in 43,075 households.

During the recent post election violence in December 2007 to March 2008; approximately 1,100 people were killed and 350,000 internally displaced from several parts of the country with majority of the displaced coming from the Rift valley²¹⁶.

Ethnic conflicts in Kenya appear to be the inevitable consequences of the unresolved political and economic contradiction behind an apparently partisan political system. This system seems to place a higher premium on ideological or sectional interests at the expense of national interests. The 'politics of the belly' syndrome appears to have been perfected by the Kenyan Political elite.

Kenya National Commission on Human Rights. 2008. *On the Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*. Nairobi, Kenya: Kenya National Commission on Human Rights.

Political conflicts generally radiate around the imperative of accumulation and the problem of legitimisation. This study shows the correlation between governance, politics, ethnicity and violence in Kenya. There has been an upsurge in cases of conflict and violence in Kenya since the re-introduction of political pluralism in 1991. These have taken the form of ethnic violence, banditry and cattle rustling. Such violence has caused deaths, destruction of property, dislocation of populations and has added lawlessness to a state of insecurity.

Chapter Five

Conclusion

5.1 Summary

The 2007-2008 and potential ethnic conflict in Kenya could be attributed to several factors. First, although mystery still surrounds the root causes of the recent clashes, one fact that is clear from numerous reports, newspaper articles, press statements and other documents is that leadership played a crucial role in fueling these clashes. Indeed, such of what has been written or pronounced in the fore mentioned literature implicates the leadership of the day (i.e. top government officials) top ranking members of the ruling party and opposition parties, some church leaders and other high ranking members of society.⁷¹⁷

Secondly, the misunderstanding of pluralism and majimboism is also a source of ethnic conflicts in Kenya. The re-introduction of multi-party politics in Kenya in the early 1990s, had a number of far reaching consequences one of which was the eruption of ethnic clashes in Western, Rift Valley, Nyanza and Coast provinces. This was partially a fulfillment of President Moi's earlier prediction that a return of his country to a multi party system would result in an outbreak of tribal violence that would destroy the nation (Human Rights Watch/Africa November, 1993). It was also because of the misconception of pluralism and majimboism by leaders from the ruling party and opposition parties as well as the general public.

Beginning with the late 1980s, after the 1988 rigged elections and early 1990s many Kenyan political elites started questioning the status quo perpetuated by the one party political

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²¹⁷ See Task Force report of NCCK 1992, Daily Nation March, 11, 29, 31st, 1992. The cursed arrow, April 1992; Kiliku parliamentary Report, 1992; Human Rights Watch, November, 1993; Murungi Report, 1995; Nyukuri, 1996 etc

system in the name of Kenya Africa National Union (KANU). They began to view multiparty political system (pluralism) as a panacea to democratic governance which was and was not the case! It was the case because pluralism could offer a forum for competitive politics and hence guarantee freedom of choice. It was not the case because multi-partyism is not synonymous to democracy and single partyism is not synonymous to autocracy.

5.2 Key Findings

The violence that has characterised Kenya's political and social landscape appears to have been the result of a deliberate manipulation and instigation by political leaders. The immediate causes of the violence were political rather than ethnic. The other causes advanced, such as land disputes, appear to be far-fetched, for they merely served as a camouflage to sustain the conflict. However, we cannot dispute that unresolved land issues have been a source of conflict more so given Kenya's population growth and increasing number of squatters.

The study contends that the upsurge of violence has been a big challenge to the process of democratisation and governance in Kenya. Since the entry of multi party politics there has been greater focus on ethnicity given that Kenyan politics hinges primarily on ethnicity and not ideology. This supports Bayart's argument about the 'politics of the belly' . In Kenya, people tend to vote along ethnic lines, hoping that if one of their own wins the elections then it would be their 'turn to eat'. This study therefore brings to the fore, the relationship between politics, violence and ethnicity. It highlights ethnicity as a trigger for conflict given incidents where communities that previously co-existed peacefully for many years become arch-rivals because of their differences.

²¹⁸ Bayart, Jean-François, (1993), *The State in Africa; The Politics of the Belly*, New York, Longman.

The study concludes that the forces of political violence have adversely affected the democratisation process in Kenya, which goes against the new global political order.

Violence and conflicts have become endemic in Kenya because the Government has remained insensitive to currents of historical change and the need for genuine political reforms. It is necessary to develop workable and home-grown democratic institutions in Kenya. This requires identifying and popularising relevant aspects of the traditional political culture, mobilising different communities and capitalising on their differences to promote their involvement in national affairs.

It is also important to come up with a workable strategy based on historical reality, prevailing situation and current ethnic relationships. This will require the promotion of a new culture that embraces democracy while recognising ethnic and political differences. It is important to accommodate different communities equally. It is also critical to underscore the importance of political tolerance so fully appreciate democratic governance in the dynamic society we live in.

5.4 Recommendations

The underlying causes of violence in Kenya should be identified and addressed in an honest manner, instead of merely focusing on the symptoms. In this regard, the State should come up with a land policy or establish a land commission to look into the issue of land tenure more so because of the strong attachment that Kenyans have to land.

There is need to for civic education, to encourage different ethnic groups to respect the civil liberties of individuals and the importance of peaceful co- existence. The Government, churches and other non-governmental organisations should spearhead this education, so that

people can learn how to accommodate changes within the socio economic and political set up of the country. Change of attitude is also critical hence people must adopt new cultures which promote justice, peaceful co-existence and the interdependent nature that characterizes the Kenyan society.

There is need to enhance equitable distribution of national resources for citizens, with respect to sharing the country's natural and political resources. Given Kenya's multi-ethnic and multi-cultural characteristics, it is important to adopt policies that promote public interest. Each ethnic group has its own basic interests and expectations which may or may not conflict with other ethnic communities. The basic needs of each group should be identified and harmonized within the national needs so as to equitably share the country's resources.

It is critical to introduce civic education campaign programmes to forestall the likelihood of inter-ethnic animosity given that we have multi-party political system which may not facilitate equal access to national resources. Of critical importance is to exterminate wholesale condemnation of specific ethnic groups. This can be done by building institutional capacity for conflict resolution through indigenous approaches. A good example is the formation of the Truth, Justice and Reconciliation Commission of Kenya was set up in 2008; a move aimed at solving ethnic conflict among people living in the Rift Valley.

The State should also make provision for compensation violence victims. As it is, four years after the 2007-2008 general elections, we still have some Internally Displaced persons in IDP camps.

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