

**THE IMPACT OF INTERNAL CONFLICTS –
'CLASHES' (1991–1999) ON KENYA'S
INTERNATIONAL IMAGE**

BY

ROSE PEGGIE BULITIA

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**This Dissertation is submitted in partial fulfillment of the Requirements
for the Award of the degree of Masters of Arts in International Studies
at the Institute of Diplomacy and International Studies,
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DECLARATION

This dissertation is my original work and has not been presented for a degree in any other UNIVERSITY.

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ROSE PEGGIE BULITIA

This Dissertation has been submitted for Examination with my approval as the University Supervisor.

SIGN Abong'o DATE 16/10/2002

MR. C. ABONG'O

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DEDICATION

My efforts in this project are dedicated to a close friend, **Sophia Joyce Ayoo** who inspired and encouraged me to undertake further studies. According to Sophia, determination and hard work are indispensable ingredients for any achievement. I also pay homage to my sister **Doris Nasambu Bulitia** who was a great source of support morally and materially. I would like to acknowledge her golden words – “Your success is my success by association.” These are the words that engineered me into ‘taking the bull by the horns’ knowing that the success of this work would be shared by the people I cherish in my life. To the two ladies I say thanks and God bless you tremendously.

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I also dedicate this work to my late sister, **Judith Bulitia Tumwa** (Dec 1955 – July 2000), who stood by me and prayed for my success before the cruel hand of death took her away.

***“TREASURE THEM IN YOUR GARDEN OF REST DEAR GOD, FOR
WHILE ON EARTH, THEY WERE MY INSPIRATION AND
TREASURE!”***

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LISTS OF ABBREVIATIONS

OAU	Organization of African Unity
USA	United States of America
UN	United Nations
UNAPARD	United Nations Action Programme for African Economic Recovery and Development
MP	Member of Parliament
LSK	Law Society of Kenya
NGO	Non-Governmental Organization
NCKC	National Council of Churches of Kenya
NPI	Nairobi Peace Initiative
CCR	Centre for Conflict Resolution
APT	Amani People's Theatre
IIAP	Institute of Interactive Arts and Peace building
KHRC	The Kenya Human Rights Commission
CGD	The Centre for Governance and Development
ICJ-K	The International Commission of Jurists – Kenya Chapter
FIDA -K	The International Federation of Women Lawyers - Kenya
UNDP	United Nations Development Programme
HRW/A	Human Rights Watch/Africa
SPLA	International Covenant on Civil Rights and Political Rights
IDPs	Internally Displaced Persons
ICESCR	International Covenant on Economic, Social and Cultural Rights

OPERATIONAL DEFINITIONS

The major terms to be used in the research have been defined as follows:

Ethnicity

This is a term that explains the social identity of a person in terms of the tribe or race to which one belongs. For instance, Luhyias, Kikuyus, Luos, Kalenjins, Greeks, Britons etc. Ethnicity was a major underlying factor used in aggravating conflict during the clashes.

Ethnic Clashes

This refers to the violent confrontations between groups of people of different tribal identities. For example, Kalenjins vs Kikuyus. Ethnicity was used as tool in perpetuating the clashes.

Land Clashes

This refers to violent wrangling based on land ownership. Land was a political catalyst during the clashes.

"Majimboism"

This is a term that is politically conceptualized to refer to the exclusion of people living in an area that does not belong predominantly to the people of their ethnic origin. For example, excluding people from Nyanza (Luos), from the coastal region. Majimboism was used with political coating in contrast with its original meaning to perpetuate clashes.

Good Governance

This refers to the art of utilizing government resources and machinery to sustain peace and prosperity in a state. Good governance is a controversial factor in the whole occurrence of the clashes, considering the way the government handled the situation during the clashes.

Democracy

This refers to the art of administering with fairness, maturity, tolerance and strict observance of the law. The advent of multi-party democracy in Kenya is a major underlying cause of the clashes.

Donor Aid

This refers to foreign assistance to a developing country by a developed country according to prescribed conditions. Donor aid plays a big role in highlighting the impact of the clashes on Kenya's foreign relations.

Foreign Currency

This is monetary gain to a country that is generated by economic activities like tourism. The impact of the clashes on the security in Kenya played a significant role in reducing foreign currency earnings due to dwindling numbers of tourists.

Tribal Clashes

This refers to fighting between one ethnic group and another on the basis of ethnic discrimination. 'Tribal Clashes', is a controversial term in referring to the clashes in Kenya considering the role played by the Kenya Government during the clashes.

ABSTRACT

This dissertation is premised on and informed by secondary data based on the clashes which have been christened 'tribal clashes', 'ethnic clashes' and even 'politically instigated clashes' that occurred in Kenya intermittently between 1991 and 1999.

Chapter one outlines the 'Essence of Clashes' giving the backbone to the whole dissertation as it spells out the research problem, objectives, the hypotheses, the theoretical framework, methods of data collection as well as a summary on the content of the literature that constitutes the dissertation.

Chapter two deals with the 'Overview of the clashes' in the various provinces – Rift Valley, Nyanza, Western and Coast. Eastern and Central Provinces were not affected as the rationale behind the clashes is explained in the literature of the dissertation. Nairobi Province had its share of the violence but not to the magnitude experienced in Rift Valley, Nyanza and Coast Provinces as is shown in the literature in this chapter.

Chapter three highlights the role played by the media, the different ethnic groups, the human rights activists, the religious leaders and the concept of majimboism in escalating the clashes.

Chapter four analyses the repercussions of the clashes on the foreign relations of Kenya showing how the economy was affected by dwindling numbers of tourists; the resistance to multi-party democracy which exposed Kenya to the International Community; the ineffective role played by United Nations Development Programme (UNDP), due to intimidation by the Kenya Government. This Chapter also points out the hope for future clash victims that lies in applying the International Humanitarian Law due to provisions for justice that an individual is accorded beyond the possible intimidation by the state in question.

Chapter five provides the conclusions to the dissertation and suggestions for further research.

1. INTRODUCTION

Kenya appears to be an island of stability in comparison to its neighbours, especially Uganda, Sudan, Ethiopia, Somalia and Tanzania but it is confronted with low intensity conflicts mostly of domestic nature. There have been conflicts connected to cross border guerrilla activity and cattle rustling as well as conflicts with ethnic dimension. Concern towards these conflicts is expressed by religious leaders, politicians and the ordinary people. Non-Governmental Organizations (NGOs) and the media, both local and international, have also played an active role in raising the alarm about the dangers effected by this conflicts.

This research is meant to examine the rationale behind sporadic conflicts in Kenya especially those that occurred in 1992 and later in 1997. It explores whether these conflicts had any impact on Kenya's foreign relations. US human rights and democracy.

A situation of insecurity caused by an occurrence like clashes can have costly repercussions for a country like Kenya. Where peace prevails there are all sorts of advantages. Describing the fruitful relationship between

Kenya and Britain, Sir Roger Tomkys, the British High Commissioner to Kenya in 1992 outlined various factors as a supplement to mark the official birthday of her majesty Queen Elizabeth II. He talked of the overall value of joint trade between Kenya and Britain in 1991 as being worth Kshs.20,000,000 while tourism, Kenya's largest foreign exchange earner then, accounted for some 105,000 British in 1990¹. At the same time, British development effort to Kenya amounts to billions of pounds, being the largest British programmes in the world. This research seeks to establish the extent to which the conflicts in Kenya may have affected this long tradition of friendship with Britain and other foreign relations with the country.

1.1 THE RESEARCH PROBLEM

Internal conflicts occurred in Kenya from November, 1991 up to around July 1992 and sporadically up to 1997. The major areas that were affected involved Nyanza, Western, Rift Valley and Coast Provinces. The conflicts were termed 'land clashes', 'tribal clashes' as well as 'ethnic clashes' affecting Kikuyu, Luo, Luyhia, Kisii, Teso, Maasai and Kalenjin ethnic groups. Affected also were the people living at the Coast. These conflicts were violent, resulting in destruction of lives, property as well as the

¹ The Weekly Review, June 12, 1992, p.33

displacement of numerous people. The widely held public view was that the conflicts were politically instigated and that government administrators and law enforcement officers either, abetted the clashes or were hesitant in dealing with perpetrators of the crime. This research intends to explore the impact of the tribal clashes on Kenya's international image.

A select committee was set up in parliament to probe the causes of the clashes. This committee was chaired by the then Changamwe-MP, Mr. Kennedy Kiliku with thirteen (13) parliamentarians and two (2) officials from the national assembly.

The repercussions recorded included 779 people dead, 650 injured, 54,000 people displaced and property worth Kshs.210 million destroyed². The clashes drew the attention of both the local and the international media, as well as the concern of the international community. The Kiliku report was outrightly rejected by parliament with MPs who had been named in connection with instigating the violence, defending themselves fiercely.

² The Weekly Review, September 25, 1992 p.1-15

Later on a commission of inquiry was set up to investigate the unfortunate clashes of 1992 and 1997. The commission was chaired by the Court of Appeal judge Justice Akilano Akiwumi and was mandated to make recommendations on individuals who ought to be prosecuted in connection with the clashes³.

The report of the commission was handed over to the head of state after 200 working days at the expense of Kshs.146 million. However, findings have not been released in spite of the threat to take legal action against the government by Law Society of Kenya (LSK) members for the withholding of the report⁴. The purpose of this research is to explore the impact of the clashes on the image of Kenya beyond her borders to the immediate neighbours and the foreign nations abroad. The research will also establish the extent to which the clashes affected Kenya politically, socially and economically in its relations with the international community.

1.2 MAJOR ASSUMPTIONS

There are major assumptions taken on board in this research:

³ Daily Nation, Monday 21. February 2000 p. 40

⁴ Daily Nation, Tuesday 22, 2000 p. 6

- that the clashes which led to unwanted loss of lives and destruction of property were a violation of human rights.
- that the clashes were a contravention of peaceful co-existence not only for Kenyans but for other nationalities worldwide. .
- that the clashes created a negative impression of good governance in Kenya which led to the withdrawal of donor aid and affected the tourism industry as well as foreign currency earnings.
- that the clashes were politically instigated.

1.3 RESEARCH OBJECTIVES

The objectives of the study is to:

- assess the impact of the internal clashes in Kenya on the country's foreign relations;
- establish the role played by the government in quelling or fanning the clashes;
- find out the role of other players (like the ethnic groups, religious leaders), law enforcement officers (especially, policemen, army men, chiefs, provincial administrators, district administrators, the media, the NGOs, the diplomats) in quelling or fanning the clashes;
- establish the reaction of the international community towards the clashes;
- assess the losses brought about by the clashes.

1.4 LITERATURE REVIEW

During this period under study (1991-1999) the conflicts have been a subject of investigations, and discussions by individuals and groups of people. Consequently literature has been generated and published on the subject either by individuals and/or groups of people. This literature review therefore outlines, in summary, commentary on the existing information on the low intensity conflicts.

There are several reports concerning these clashes, one of them, 'The Report of the Select Parliamentary Committee'⁵. It mainly deals with the 'who' and 'how' and the immediate causes of the clashes but does not touch on the underlying causes probably because it was meant to recommend to the government, the appropriate action to be taken.

The Kiliku Report had raised hopes that perpetrators of violence identified would face legal action. On the other hand, public doubt about impartial findings was high on the basis of the composition of the team that constituted the committee and its political indication in favour of the ruling party, the Kenya African National Union (KANU).

⁵ The Kiliku Report, 1991

The findings attributed the clashes to Kalenjin leaders in KANU for making inciteful speeches during the 'Majimbo' rallies. They warned about stern action to be taken against anybody who would be associated with opposition politics within the Rift Valley Province, designated as a KANU zone. While it was based on impartial assessment of evidence encountered during the research by the committee, the report was never adopted by parliament. This dashed the public hopes that any official inquiry ordered by a KANU government would come up with useful findings. The report has been perceived as fairly accurate especially concerning public incitement to hatred.

Another report 'Kayas of Deprivation, Kayas of Blood: Violence, Ethnicity and the State in Coastal Kenya⁶' indicates that violence in the coastal area was used by KANU to displace a hostile community vote. This was on the premise that voting would proceed along ethnic lines. The report also identifies economic inequity and religious conflicts as fostering easy cleavage of the coastal settler and native communities by the KANU regime.

WEST AFRICANA COLLECTION

⁶ The Report was published by the 'Kenya Human Rights Commission, 1997'

The next report, 'Killing the vote: State Sponsored Violence and Flawed Elections in Kenya'⁷ provides a political analysis of the violence against a transitional political context. In this connection, violence was used as a weapon of preservation of political power against changing political realities. This report views ethnicity in Kenya as fitting within the phenomenon termed 'informal repression'. The state was able to achieve a lease of life for the restricted structures of the single party era. This enabled the ruling party to continue dominating. All this was done by employing informal agents of repression.

The report further argues that it is the political space which was the object of the context in the various areas rocked by violence. This is backed by demographic data as well as voting trends considering the outbreak of violence in the run up to election period both in 1991 and 1997. This applies to the period immediately after the elections as well as both in 1993-94 and 1998. The pre-election violence was aimed at altering the political demography and legitimize and thus pre-determine the outcome of the elections. On the other hand, post election violence was the governments

⁷ A Kenya human Rights Report, 1998.

strategy of re-asserting its authority and punishing those who did not vote for KANU.

Another report, 'Courting Disaster,'⁸ was based on interviews with survivors of violence, leaders and reports by the press and other observation groups, analyses violence in the Rift Valley, Nyanza and Western Provinces. The report points out that violence led to economic decline of the country and that violence fostered ethnic division in terms of the Kenyan 'supra-nation' apart from sharpening 'negative ethnicity' especially against the Kalenjin who were seen as the aggressors in all reported cases of violence, insinuating a debt of retributive justice to be paid in future. The connection between ethnic grouping and national economic decline is not exhaustive. The report instead, dwells on the potential threat posed by the violence to the integrity of the state as a political entity.

'The Cursed Arrow'⁹ is another report which covers the 1991 - 1992 violence that affected the Rift Valley, Western and Nyanza provinces. It is based on accounts by survivors of the violence, press reports and on spot observations of individuals within the National Council of Churches of Kenya (NCCCK). It is rich in graphic details and photographic evidence of

⁸ A report of the National Monitoring Unit (NEMU), 1993, a civic body

⁹ A publication of NCCCK, 1992

the violence. According to the report, the attempt in September and October 1991 to reverse the political change to political pluralism through 'Majimbo' ideologies is what resulted in the ugly manifestation of the so called land clashes. These were in actual fact political clashes, aimed at intimidating groups, viewed as supporters of pluralism.

The intention was also to fulfill threats by senior politicians that pluralism would lead to chaos. A crucial observation here, is the violent displacement and dispossession of land of particular ethnic groups in order to realize certain political facts. Noteworthy also, is the role of the state, security apparatus, viewed by this report, as to facilitate this displacement. On the whole, the findings of the report point to the fact that the violence was essentially a conspiracy against democracy in Kenya.

'Divide and Rule: State Sponsored Ethnic Violence in Kenya'¹⁰, is another very comprehensive fact finding report based on a fact-finding mission to Kenya carried out by Africa Watch in 1993. It covers the violence that occurred in Nyanza, Western and Rift Valley provinces. It brings about elaborate data of victims, property lost or destroyed, dates as well as vivid

¹⁰ Africa Watch, 1993

accounts of occurrences of violence. The report is based on interviews with survivors of the violence, reports by the Kenyan press and other observers. It agrees with the findings of the Kiliku Select Committee that the political context in which the violence occurred clearly indicates that it was a strategy by the government of Kenya to forestall the opening up of the political space. Two motives for the violence is given in this report. The first one is to prove the government assertion that multi-party politics would lead to tribal chaos. The second motive is to punish ethnic groups that are perceived to support the political opposition under cover of a political slogan, '*Siasa mbaya, maisha mbaya*' (bad politics leads to miserable life)¹¹.

Another report is the 'The Political Economy of Ethnic Clashes in Kenya'¹² which analyses the political economy perspective of the prevailing social order which reflects great potential for ethnically motivated violence. It is based on accounts of victims of violence described as 'the multitude of displaced Kenyans who lost dear ones and property due to the violence - it is their co-operation, patience and inspiration that ICJ-K looked for and found in abundance'¹³.

¹¹ A favourite saying used by President Moi during rally addresses all over the country before and after elections in 1992 and 1997

¹² A report of the International Commission of Jurists (Kenya Section) 2000.

¹³ The report of ICJ-K pg 7

The report makes reference to the press accounts and analyses the literature in prevailing reports on the violence, the focus of its investigation is violence as symptom or consequence of poverty and under-development.

It raises issues that are at the core of political economy-explanation of 'ethnic clashes' namely; land, social, economic inequality and the struggles for the control of the state through electoral and political power.

Beurden, attributes the 'clashes' which he refers to as ethnic violence', to 'majimboism' which was interpreted in government circles as a form of Kenyan regionalism¹⁴. According to its opponents, majimboism is a form of ethnic cleansing that encouraged discrimination among various ethnic groups in certain parts of the country (Kenya).

Many observers agree that majimboism played a pivotal role in inciting the ethnic clashes in Rift Valley which have prevailed since 1992. As a result of the violence some 250, 000 people were displaced. Beurden adds that some victims of the 'clashes' attest to the fact that groups aligned with the

¹⁴ J. Beurden, "Small scale conflicts could have major repercussions in Kenya," in "Searching for peace in Africa. An overview of conflict prevention and management activities edited by manique M/Paul Van Tongeren/Hans De Veen.

government assisted the Maasai and Kalenjin KANU militants by providing training, transport and sometimes payment.

Beurden also attributes the clashes to election fever. For instance the 1992 elections were preceded by provocative 'Majimbo' rallies held in parts of Western and Rift Valley provinces during which political leaders incited the masses to weed out anti-government elements from their midst. The rallies of 1991 were followed by the outbreak of clashes at the end of 1991 and early 1992. Thousands of people were displaced and hundreds of homes destroyed when members of the Kalenjin tribe attacked the Kikuyu.

The Kikuyu are said to have voted overwhelmingly for the opposition in the multi-ethnic districts of Laikipia and Nakuru. Destruction was carried out systematically with the security forces allegedly being instructed to turn a blind eye to the violence. The government did not regularize land for the displaced immediately. A further outbreak of ethnic violence occurred in August and September in 1997 in the coastal region. At least 69 people were killed and hundreds of thousands were displaced. The victims were from western, eastern and central province who had gone to the coast in

search of employment and other forms of eking out a living especially business opportunities.

Beurden further notes that leaflets warned 'non-native' families to return to their ancestral homes as gangsters destroyed their houses and businesses. According to African Rights Group, The government feared that these migrants would vote for the opposition in the December elections of 1997 and consequently decided they had to be chased away¹⁵.

Explaining why these 'clashes' failed to escalate into civil war although urban centers like Nairobi also experienced the violence, Kahl¹⁶ points to Kenyan class interests which cut across ethnic lines in urban areas. He identifies Kenya's upper class to consist of large land owners and urban professionals, businessmen, physicians, high ranking politicians and civil servants.

Others in this class include employees and senior Kenyan associates in residential multinational corporations. The other class is identified to be the urban middle class which involves small businessmen (women), lower ranked government employees, nurses, teachers and skilled factory workers.

¹⁵ Quarterly Repression Report - Kenyan human Rights Commission

¹⁶ C. H. Kahl, "Population Growth, Environmental Degradation and State Sponsored violence - The case of Kenya, "International Security 1998"

To Kahl, Kikuyus, who were the main victims in the ethnic clashes also dominate Kenya's economy. They make up the largest proportion of prominent Africans in business and Agriculture. Kikuyus also, along with Luos, make up the largest segment of Kenya's middle class.

According to Kahl, civil war during the clashes was averted because the interests of those in the upper and the middle classes are best served by pushing for political reforms. This will increase their access to the state on policy matters, not escalating ethnic violence. This is despite the fact that the kinsmen, be they Luos or Kikuyus had been murdered in the country side. Political reforms would increase access for Kikuyu and Luo members of the middle class in particular, to state funds as well as civil service positions. On the other hand violence would only result into further destruction. The problem was seen as one of bad governance and corruption rather than evil intent.

1.5 JUSTIFICATION OF THE STUDY

Conflicts like the ones which occurred in Kenya reflect the absence of peace. They disrupt the routine of normal life and this draws the attention of observers who include mainly neighbours and the international community

whose interests are threatened. Establishing the impact of clashes on Kenya's foreign relations is important to defend the image of a sovereign state and which has at its disposal efficient machinery for guaranteeing peace for its nationals. According to the literature review, the clashes effected insecurity which threatened peace to Kenya's neighbours and affected the flow of tourists to the country leading to dwindling foreign currency earnings. The insecurity also had a negative impact on the donor community which halted aid to Kenya leading to a collapsed economy. On the whole the image of Kenya as a sovereign state was placed under scrutiny as the violation of human rights during the conflicts drew the attention of foreign missions (such as Britain and United States), human rights activists, NGOs, church leaders and the United Nations represented by United Nations Development Programme (UNDP).

1.6 THE HYPOTHESIS

There is correlation between the clashes in Kenya and the Country's international image.

1.7 THEORETICAL FRAMEWORK

The theoretical framework for this dissertation involves theories of conflict considering the fact that clashes fall within the area of conflict.

The term 'conflict' refers to a condition in which one identifiable group of human beings whether tribal, ethnic, linguistic, cultural, religious, socio-economic, political or other is engaged in conscious opposition to one or more other identifiable human group because these groups are pursuing what are or appear to be incompatible goals¹⁷. Coser, defines conflict as, 'struggles over values and claims to scarce status, power and resources in which the aims of opponents are to neutralize, injure, or eliminate their rivals'¹⁸ Both definitions find direct application to clashes under study as they involved a clash between various ethnic groups in Kenya incited politically to fight over land and other resources.

While general theories of conflict and revolutions may be relevant, in this particular case, a few theories in summary have been identified to explain the occurrence of clashes in Kenya. These include Biological and Psychological theories, Instinct theories of Aggression and Frustration and Aggression Theory.

According to the Biological and Psychological Theories, conflict has an inside and an external dimension. It emerges out of the internal dimensions

¹⁷ J. E. Doughty and R. L. Pfaltzgraff (Jr), 'Contending Theories of International Relations', P 187.

¹⁸ L. A. Coser 'The functions of Social Conflict' (New York: The Free Press, 1956) P3

of individuals acting singly or in groups¹⁹. Conflict also arises out of external conditions and social structures. In general outlook large organised aggregates of human beings affect smaller aggregates, individuals and vice versa²⁰.

Looking at conflict from a microcosmic level, Corning has noted that there is need to understand the evolutionary and genetic aspects of behaviour to fully comprehend the inner principles by which human life is organised. He adds that social scientists must attend increasingly to the interaction between the organism and the environment²¹. This idea is strengthened by the socio-biologist view that seeks to bridge the gap between genetic inheritance of individuals on one hand and social processes and institutions on the other.²² The Biological and Psychological theories further point to the fundamental and specific biological requirements for living organisms. These include a pure atmosphere, nutritional requirements, fresh water, sleep, shelter and clothing as well as health care. It is no wonder that over the world especially among humans the greater part of all economic activity is devoted to meeting basic biological needs. These biological needs are complemented

¹⁷ J.E. Dougherty and R.L. Pfaltzgraff, Jr (eds) "Contending Theories of International Relations," 3rd Ed. New York 1990. pp2 74-275

²⁰ Ibid.

²¹ P. Corning, 'The Biological Basis of Behaviour and some Implications for Political Science', World Politics, III (April 1971). Pp 339 – 340.

²² 'Sociobiology: The New Synthesis', (Cambridge Harvard University, 1975).

by psychological needs which are more difficult to satisfy – sense of belonging, self-actualisation, self-esteem and prestige among others²³. This explains why much of the political and economic competition and conflict among human societies is traceable to the fact that the demand for things required to satisfy biological and psychological needs always exceeds the supply²⁴. Conflict during clashes was reflected in the desire to defend human basic needs which were threatened by violence and destruction.

One instinct theorist of aggression, McDougall, contented that ‘instinct’ of pugnacity’ as he termed it, became operative in human beings only when instigated by a frustrating condition²⁵.

Another controversial scholar of the ‘instinct’ theories Sigmund Freud stated among other things that all instincts were directed toward the reduction or elimination of tension, stimulation and excitation. This was part of his psychoanalytic foundation which he exchanged in correspondence with Albert Einstein indicating that a person carries within an active instinct for hatred and aggression²⁶. According to this view, the occurrence of conflict

²³ A. H. Maslow, ‘Motivation and Personality’ (New York, 1954 pp 90 – 98).

²⁴ C. Robert, ‘Toward a Framework for the Analysis of Scarcity and Conflict’, in ‘International Studies Quarterly’, 21(Dec. 1977) pp 569 – 591).

²⁵ W. McDougall, ‘An Introduction to Social Psychology’, Boston: Luce, 1926 pp 30 – 45.

²⁶ S. Freud, ‘Why War?’ in ‘Readings in World Politics’ (New York: Oxford University Press, 1950).

becomes a necessary periodic release by which groups preserve themselves through diverting self-destructive tendencies to outsiders.

The Frustration-Aggression theory serves to explain a belief that high conflict potential in most developing societies is a function of frustration caused by economic deprivation. One scholar in this area, John Dollard and his colleagues indicate that aggression is always a consequence of frustration. Frustration in their view is defined as an interference with the occurrence of an instigated goal response which leads to mobilizing of extra energy that flows into generalized destructive behaviour²⁷.

From the theories indicated above, the conflict manifested in clashes in Kenya, had their root causes in biological and psychological factors pre-empted by political activities in the various communities that were affected. Provocative statements hinging on ethnic identity served to highlight the reality for competition for limited resources like land and hence activating aggression in conflicting parties to violent confrontation. This led to killings of not only human beings but livestock and destruction of property – houses and food stores – the very manifestations of the human basic needs leading

²⁷ J. Dollard, L. W. Doob, N. E. Miller 'Frustration and Aggression' (New Haven: Yale University Press, 1939) p 1.

to the deprivation of the same. Frustration was an evident outcome that resulted into the aggression of the magnitude that disturbed peace and development in Kenya with resultant retrogressive effects, politically, economically and socially. These effects had a negative impact on the image of Kenya not just with her neighbours but also internationally as the research findings show in the various chapters of this dissertation.

1.8 METHODOLOGY

The basic method used involved **Secondary Data Collection** which included collection and review of information documented in sources such as published materials, unpublished academic papers, journals, electronic and print media.

FIELD WORK

There were many areas which were affected by the clashes. Key among them were Rift Valley province in particular – Nakuru, Molo, West Pokot, Marakwet, Enosupukia, Narok and Maela; In Nyanza province especially Trans Mara as well as Western province especially Mt. Elgon Area and Bungoma. There was violence at the Coast province especially at Likoni and Kwale.

Fieldwork to the affected areas was impossible because of the sensitivity of the topic. Suspicion and reluctance to give information about any inquiry posed a threat to the researcher since a case like that of Fr. Kaiser served to confirm what would happen. Information collected therefore is based on reports written by daring researchers of KHRC, Africa Watch/Africa; ICJ and accounts in periodicals; journals and Media Papers i.e. Society, Economic Review, Weekly Review, Daily Nation, NCKK publications especially 'Update' etc. I also documented information from the few people who were willing to talk.

Reports by the Human Rights researchers portray eyewitness accounts of clash victims including those who were imprisoned as well as prominent leaders whose roles during the clashes were significant. The dissertation therefore, bears a well-balanced piece of work with conclusions and suggestions that point to the tragedy surrounding the clashes which had devastating repercussions on Kenyans for generations to come. Questions that remain unanswered about the clashes will best be probed for honest answers at a time in Kenya when the government personalities who are implicated in the perpetration of the unfortunate violence will have lost their influence. These are personalities who currently are "politically correct"

enough to commit atrocities with impunity, crash the evidence of the atrocities committed and go scot-free. There are those who go scot-free even when there is glaring evidence to convict them. It was against this background of government backed impunity in law that the clashes occurred in Kenya.

PRIMARY DATA COLLECTION

This method was used to obtain information from key persons in organizations that were conversant with the clashes as they occurred. Visits were made and information collected from Catholic Secretariat – Peace and Justice Sections; United Nations Development Programme (UNDP) Gigiri; UNICEF at Gigiri; UNHCR, Nairobi; Amani Centre, Kenya Red Cross, Nairobi. Visits were also made to KHRC as well as the International Commission of Jurists (ICJ)-Kenya.

INSTRUMENTS OF DATA COLLECTION

Interview guidelines were developed for key informant interviews. The guidelines consisted of open-ended questions which were administered face to face. This design helped in gathering as much information as possible since most questions were asked with no restrictions. Information was also obtained through telephone conversations.

CHAPTER TWO: AN OVERVIEW OF THE CLASHES IN RIFT VALLEY, NYANZA, WESTERN AND COAST PROVINCES 1991-1999²⁸

2.1 INTRODUCTION

The background to the clashes in this Chapter constitutes the underlying factors to the outbreak of violence. These include issues such as the competition for the limited resources that determines the livelihood of people in Kenya for example land and livestock. This section also examines the inflammatory remarks made by prominent politicians in the famous “Majimbo rallies” in political meetings that were held prior to the outbreak of the clashes. The political climate at the onset of the clashes in 1991 was dominated by the multi-party debate during which the Kenyan government was forced to re-introduce political pluralism.

The pressure to concede to multi-partism was effected by both political and international demands for political liberalization and respect for human rights towards the end of 1991.²⁹ President Moi’s view at that time was that multiparty system would threaten the stability of the state by dividing the country along ethnic lines. This assertion seemed to be accurate by the time

²⁸ Much of the information in this chapter is drawn from references indicated in the literature review in chapter one pages 5-18.

²⁹ Human Rights Watch/Africa pp 36-43

the first multiparty elections were held at the end of 1992. The political parties in Kenya were divided largely along ethnic lines and 'tribal clashes' in the rural areas of Western Kenya had left hundreds dead and tens of thousands displaced.³⁰

The majority of the victims came from ethnic groups associated with the political opposition. Between 1991 and 1996, it was estimated that some 1,500 people had died in the clashes and that some 300,000 were displaced³¹. The warring groups included the Kalenjin who formed about 11 percent of the Kenyan population and the Masai against the populous Kikuyu, Luhya and Luo tribes. To be noted is brief background history of these tribes.

³⁰ Kiraitu Murungi, " Ethnicity and Multi-partism in Kenya" A Kenya Human Rights Commission Publication, Nairobi, Kenya p.15

2.2 THE CLASHES IN RIFT VALLEY, NYANZA AND WESTERN PROVINCES

When the campaign for multiparty democracy gained strength and developed into a full election campaign, violence broke out between different ethnic groups in Rift Valley, Western and Nyanza provinces. These were areas which also formed the heart of the 'white highlands' during colonialism. This violence which was later referred to as 'tribal clashes', broke out in October 1991 on the borders of the three provinces and rapidly spread to neighboring districts. By the time parliament was repealing the section of the constitution to allow political pluralism, making Kenya a one-party state, large areas of Western Kenya had been affected with tens of thousands having been displaced from their land.

Accounts by eye-witnesses were amazingly similar. They narrated about bands of armed 'Kalenjin warriors' attacking farms belonging to the Luo, Luhya and Kikuyu. These were groups from which FORD drew its main support. The bands of warriors were reported to have destroyed homes while driving the occupants away as they killed those who resisted. The eye-witness reports also indicated that the warriors were dressed in formal uniform (red or black T-shirts) with tattooed faces like initiation ceremony

³¹ Ibid. p 16

candidates, carrying traditional bows, arrows and pangas (machetes). The Kalenjin warriors are said to have operated in organized groups.

Local Kalenjins often reported that outsiders had come to tell them that they had to fight and that the Kikuyu or others were planning to attack them. There was also promise of the land of those who were attacked. Where counter-attacks had been mounted by Kikuyu, Luhya or Luo, they were usually more disorganized and ineffective in driving people away from their land. Those displaced were by great majority the Kikuyu, Luhya and Luo ethnic groups. These groups also dominated the membership of FORD, the leader of the call for multipartyism. The coalition also based its political platform on misuse of power by President Moi whose government was dominated by members of his ethnic group, the Kalenjin and the allies, the Maasai.

President Moi on his part resented the calls for multipartyism because he viewed it as anti-Kalenjin movement. He played on the fears of the minority ethnicities at the return to power of the economically dominant Kikuyu. He also argued that Kenya's multi-ethnic nature meant that multiparty politics would inevitably breakdown on ethnic lines leading to violence.

The concept of majimboism at the outbreak of violence was used by both KANU and KADU for separate reasons. For KANU, politicians close to Moi revived calls for Majimboism as a way for countering the demand for multipartyism in Kenya. On the other hand, Kalenjin and Maasai politicians opportunistically revived the idea of Majimboism or ethnic regionalism championed by KADU in the run-up to independence. The KANU prominent politicians campaigned for regional autonomy as a cover up for their intention to forcibly expel all ethnic groups from the Rift Valley, except for the Maasai, Turkana and Samburu – who were considered to have been rightful inhabitants before the onset of colonialism. Majimbo rallies were then held in several districts with calls for “outsiders” in the Rift Valley to return to their ‘motherland’ or for ‘true’ Rift Valley residents to defend themselves from opposition plots to eliminate indigenous peoples of the Rift Valley³². These rallies were viewed by many Kenyans as masterminding ethnic expulsions. This is what placed the responsibility of the clashes of the late 1991 and after at the door steps of the government. The outbreak of the clashes was followed by the circulation of rumours about the involvement of government ministers and officials in sparking off the violence.

³² The Kiliku Report: Nairobi Government Printer, September 1992 pp 8-9

In April 1992, more systematic investigations were carried out by the National Council of Churches of Kenya (N.C.C.K.), a coalition of Protestant churches, that was very actively involved in providing relief to the victims of clashes. N.C.C.K. issued a report that linked high – ranking government officials to the outbreak of the violence. The report said in part

‘ ... these clashes were and are politically motivated ... to achieve through violence what was not achieved in the political platform i.e. forcing Majimboism on the Kenyan people’.³³

A further report was issued in June 1992 by a coalition of groups³⁴ which stated that the attacks were organized under central command, often in the presence of local administration and security officers and that warriors who were arrested were often released unconditionally. Due to mounting pressure from the opposition and the churches, President Moi had to authorize an official investigation in September 1992. This came to be known as the Parliamentary Select Committee to investigate the Ethnic Clashes in Western and other parts of Kenya. The Committee under the chairmanship of the member of parliament for Changamwe Hon. Kiliku delivered a controversial report forcefully confirming many of the earlier allegations. Having been formed before the elections, the committee consisted of only KANU members of parliament. The committee which was named after the

³³ “The Cursed Arrow: Organised Violence Against Democracy in Kenya” (Nairobi, NCCCK, April 1992), p.1.

chair, the Kiliku Report, cited evidence that the 'Kalenjin Warriors' carrying out the attacks had been paid by these officials for each person killed or house burnt down. It added that government vehicles had transported the warriors to and from clash areas.

The Report recommended that appropriate action be taken against those administration officials who directly or indirectly encouraged the clashes³⁵.

The Report was not adopted by parliament and no effort was made by the government to implement its recommendations. The clashes which escalated during 1992 decreased in intensity towards the end of the same year. This was the time when international attention focused on the country during the lead-up to the elections which were finally held on December 29, 1992 with KANU returning to power. There were widespread allegations of irregularities in the conduct of the poll but the international observers gave their assessment as follows:

“despite the fact that the whole electoral process cannot be given an unqualified rating as free and fair ... we believe that the results in many instances directly reflect, however imperfectly, the will of the people”.³⁶

Based on only 36 percent of the popular vote, The KANU victory owed much to the government's manipulation of the electoral process and to the

³⁴ “Inter-parties Symposium/Task Force Report”, Nairobi, June 11, 1992.

³⁵ “The Kiliku Report” p.82.

³⁶ The Presidential, Parliamentary and Civic Elections in Kenya: The Report of the Commonwealth Observer Group” (London: Commonwealth Secretariat, 1993). p.40

division – mainly on ethnic lines – of FORD into two parties, FORD-Kenya and FORD-Asili, to which was added a break away group from KANU, The Democratic Party (D.P).³⁷

Majority of Kenyans expected the clashes would cease after Moi's election victory. While some areas were restored to calm, periodic outbreaks of violence continued throughout 1993 and 1994. Residents in some areas, who returned to their farms after being driven off were attacked a second or even a third time. According to a report that was published in April 1993, by a group originally set up to monitor the elections, previous conclusions of government investigations were confirmed as well as complicity and documented attacks that took place following the elections.³⁸ With the announcement of the joint Kenyan/UNDP program in late 1993, hopes that attacks would end and that the displaced would be permitted to go home were raised. The Kenyan/UNDP Program came into being as a result of pressure from international donors for a program to be initiated to return the internally displaced persons (I.D. ps) to their homes. Consequently, a Disaster Management Team was established.³⁹ The team traveled through

³⁷ Dominated by Luos, FORD –K was largely multiethnic comprising also of Lubyas and members of some smaller groups. FORD – A and DP were both seen as Kikuyu parties divided along regional Lines. "Courting Disaster: A Report of Continuing Terror, Violence and Destruction in the Rift Valley, Nyanza and Western Provinces of Kenya", Nairobi: National Election Monitoring Unit (NEMU), April 29, 1993.

³⁹ U.N. Disaster Management Team, "Mission to the Affected Areas of Western Kenya Affected by the Ethnic Clashes", May 1993 p 1-2.

the Rift Valley Province and met with a wide range of people, mostly, the displaced, the local administration, NGOs and church groups,⁴⁰ to map out a plan of action.

While this program was in place, violent clashes broke out again in 1994 in Burnt Forest and Molo areas respectively. The victims of this renewed violence were largely Kikuyus. Those affected by the killing and destruction fled to relatives, church compounds, nearby abandoned buildings, make-shift camps and market centres.⁴¹ Where the displaced sort refuge they got over crowded, and unsanitary and inadequate conditions forced many to create open makeshift structures consisting of cardboard and plastic sheeting and even to sleep outdoors. Food was cooked under filthy conditions and many of the displaced suffered health problems including malaria, diarrhoea and pneumonia. These conditions worsened during rainy season. Adding to the unbearable conditions, were the local government officials who downplayed the magnitude of insecurity in their area by dispersing victims without providing adequate assistance or security to permit them to return to their land.⁴² This put them at risk.

⁴⁰ Human Rights Watch/Africa p 44.

⁴¹ Ibid. p 42.

⁴² Ibid. p 42.

Deeply affected were children who constituted roughly 75 percent of the displaced. Many of the children had witnessed the death of close family members and had even suffered injuries themselves in some cases. Such children, as reports indicated, often displayed aggressive behaviour or suffered nightmares. The education of these children was disrupted in many cases and even permanently for some. Where make-shift schools at camps were put up by parents and volunteers, local government authorities were known to close down the schools thus depriving such children of any formal education.⁴³

In one camp in Kenya, called Maella, a study of displaced women found that women had suffered rape and other forms of sexual assault during the clashes. The report also found that gender inequalities were exacerbated after displacement.⁴⁴ Displaced women were also victims of wife-beating, sexually transmitted diseases, poverty, manipulation, hunger, fear, anger, anxiety, trauma, despondency, dehumanization, heavy workload and physical fatigue. The report showed that women shouldered a bigger burden.

⁴³ Human Rights Watch/Africa, "Divide and Rule". pp 80-83

⁴⁴ "Report on the Psycho-Social Needs of the Displaced Women in Maella and Thessallia Camps: Field Visit by the FIDA Team from July 25-30, 1994". Dr. Naomi Gathirwa, Nairobi, August 1994.

They often risked returning to farm on their land because the men feared death if they returned. Women also ate less in order to feed their husbands and children first. They often suffered miscarriages or complications in childbirth due to lack of adequate diet and harsh living conditions.⁴⁵

At the peak of clashes in Narok, children suffered devastating effects of the violence in their education in October 1993. Twenty-three (23) schools were closed down while 400 teachers fled the violence-torn areas. Students at the Egerton University rioted against the violence which was affecting their institution as displaced people took refuge on their campus.⁴⁶

2.3 CLASHES AT THE COAST PROVINCE

At the Coast Province clashes pitted the indigenous ethnic tribes against the upcountry group consisting of the Luo, Luhyas, Kikuyus, Tharaka and Kisiis among others. Like the violence in Rift Valley, Western and Nyanza provinces, the observation from church leaders and many ordinary people was that the clashes were politically instigated by influential people.⁴⁷

⁴⁵ Human Rights Watch/Women's Rights Project, "The Human Rights Global Report on Women's Human Rights (New York. Human Rights Watch, August 1995.", pp 100-140.

⁴⁶ "Children bearing the brand of Narok Ethnic Cleansing" Daily Nation, Saturday, October 30 p.15.

⁴⁷ Most Rev. John Njenga, Archbishop of Mombasa in a letter, "Rehabilitation of Likoni/Tiwi victims", *to the Development and Social Services, Kenya Catholic Secretariat – Nairobi 28 Jan 1994.*

Inciteful remarks from leaders based on 'Majimboism' introduced the element of the struggle for control, use and distribution of national resources. For instance, Sharrif Nassir, the most vociferous advocate of Majimbo gave his reasons for advocating Majimbo in the following statement: "When I discovered that the residents of Coast province only owned a third of the area resources, I realized that we must opt for Majimbo. I have realized that my people are getting phased out. We have been eclipsed ... the coastal people are not being allowed to benefit from the resources. Upcountry people have grabbed every inch of the resources we have. Majimbo will ensure that people have an equal share of the national cake".⁴⁸ To Nassir therefore, Majimboism was a strategy for effecting a redistribution of resources. A prominent scholar from the coast, Prof. Ali Mazrui, in one of his books, observes that the most sensitive issue about Majimboism is not how to decentralize political authority and hence political 'Majimbo' but how to decentralize the economy and hence economic 'Majimbo'. He further states that under both President Kenyatta and President Moi, "the Coast has been quite literally looted by non-coastal

REPRODUCED FROM THE
NATIONAL ARCHIVES

⁴⁸ Shariff Nassir, Sunday Nation, July 24 1994 (Interview) p 16.

Kenyans ... and that we need to find a solution to this problem of (Internal Colonization)".⁴⁹ Persistent calls for "non-indigenous people to quit the coast and return to the places which their ancestors occupied before the birth of the Kenya nation in 1895 were followed by an outbreak of violence characterised by ethnic cleansing at the coast."⁵⁰ In the run up to the elections in 1997, this violence claimed an estimated 100 people and displaced approximately 1000,000 mostly from pro-opposition up-country population.⁵¹ The general view as these clashes which kept recurring intermittently, was that the government was masterminding the chaos using surrogate agents to avoid responsibility.⁵² This tactic gave rise to a new deadly phenomenon termed "informal repression" (see Chapter One) which was styled along ethnic or land clashes posing the newest threats to human rights in the multiparty era. The violence was aimed at creating animosity between communities to split political inclinations, to frighten whole communities into voting for the ruling party, KANU as an insurance for their security. In addition, the intention was also to drive out, "politically incorrect" communities from specific electoral areas and even to kill off communities as a final solution to ensure the political survival of the ruling

⁴⁹ Ali Mazrui, "Democracy and Endangered African State. Political Economic and Military Aspects" Keynote address at "Conference on Democracy in Multi-Ethnic Society: The Kenyan Situation" National Concerns Council, NRB, June 29-July 3, 1994 p. 9

⁵⁰ Mjimboism, Ethnic Cleansing and Constitutionalism in Kenya – Gibson K. Kuria – April 1994 p. 13-14

⁵¹ "Killing the vote, State Sponsored Violence and Flawed Elections in Kenya". A KHRC Report. P 1.

party and its leaders.⁵³ This explains the eruption of clashes either on the run-up or immediately after the elections.

For opposition strongholds like Likoni, only 30% of the registered voters turned up to vote in the 1997 general elections. The actual violence broke out in Likoni and its environs on the night of August 13, 1997 popularly referred to as, "The Bloody August 13".⁵⁴ A gang of raiders overpowered the Likoni Police station, killing six police officers and making away with between 30-50 guns and about 3,000 – 5000 rounds of ammunition. Like the warriors in Rift Valley and Western Provinces, these raiders were well organized as they went razing down the police station, the Likoni tourist police booth and a block which housed the offices of the District Officer and the Chief of the location. They set free prisoners from the police cells – crashing down a whole infrastructure of law and order.⁵⁵ Civilians in and around Likoni's Ujamaa village were attacked. At its peak, the violence involved sections of Mombasa, Kwale, and Kilifi districts. The most affected areas were mainly Likoni, Ukunda, Matuga and Msambweni in

⁵² Ibid.

⁵³ Ibid. p ii

⁵⁴ Ibid. p 6.

⁵⁵ Ibid.

Mombasa and Kwale. This orgy of conflict claimed between 60-100 lives while 200 people were injured as well as over 100,000 others displaced.⁵⁶

According to eye-witness survivors, the raiders targeted the up-country people who were referred to by the Mijikenda inhabitants of the Coast as "Wabara" (upcountry people) or "Wakirienge" (those who speak alien dialects).⁵⁷ These included the Kamba, Luo Luhya, and Kikuyu among others. This situation generated between 4,000 and 5,000 upcountry people who took refuge in camps in various churches especially the Likoni Catholic church in Likoni, the Cathedral and Baptist High School in Mombasa, Mombasa Island.⁵⁸

While the situation seemed to thaw between August and November, reports of numerous incidents of killings, looting, rape and displacement were still evident through Mombasa and Kwale with serious raids being reported in Msambweni, Diani, Ukunda and Likoni in September alone.⁵⁹ In all these, the victims were the upcountry groups. This violence at the Coast had

⁵⁶ African Rights, "Violence at the Coast: The Human Consequences of Kenya's Crumbling Political Institutions",

Witness, Issue 2, October – November 1997.

⁵⁷ The Mijikenda consist of nine sub-groups: the Kambe, Chonyi, Rabai, Ribe, Giriama, Duruma and Digo. The Digo were the most affected by the clashes.

⁵⁸ Source: Agnes Mailu, Catholic Secretariat, Mombasa, 22nd November 1997.

⁵⁹ Kenya Human Rights Commission, Quarterly Repression Report, July – September 1997.

similar overtones as the clashes in Rift Valley, Nyanza and Western Kenya namely: that the violence had its roots in politics of machinations and maneuvers; that plans for clashes were organised over a period of time (February – March 1997); and the aim was to destabilize the growing opposition in Likoni, Msambweni constituencies in Kwale and Mombasa Districts.⁶⁰

Furthermore, threats were issued to upcountry people as early as May 1997 by the Mijikenda neighbours. One Luo in Msambweni, for instance, was pre-warned by a neighbour, “This time you will go and vote in your own home area”.⁶¹ These threats were similar to leaflets that were issued in the Rift Valley clashes warning “aliens” to return to their motherland just before the elections in 1992. While those who were threatened at the Coast in 1992, especially the Luo and Luhya numbering up to 8,000 at the Likoni Catholic church camp, in an attempt to dicentralize them managed to return and vote, this was never the case in the 1997, General Elections.⁶² Voting was severely disrupted.

⁶⁰ Kenya Human Rights Commission , “Kayas of Deprivation, Kayas of Blood, p.19.

⁶¹ Kenya Human Rights Commission , Kayas of Deprivation, Kayas of Blood.

⁶² National Council of NGOs, Investigation Report on Violence in Mambasa, Kwale and Kilifi Districts, September, 1997 p. 8.

The violence that was unleashed at the Coast just before the 1997 General Elections was directed in areas where upcountry people were concentrated in large numbers. These areas included Likoni, Ukunda, Matuga and Msambweni in Mombasa as well as Kwale Districts. According to the table shown below the proportion of this upcountry population among the registered voters constituted approximately 50 per cent in Mombasa and about 15 per cent in Kwale.

The Population of the Main Up-Country Groups in Mombasa and Kwale Districts (1989).⁶³

Group	Mombasa	% Of Total	Kwale	% Of Total
Luo	64,088	13.88	4,445	1.16
Luhya	42,790	9.27	3,060	0.80
Kamba	54,842	12.53	34,143	8.91
Kikuyu	29,099	6.30	4,013	1.05
Mijikenda (Coastal)	128,860	27.91	316,240	82.56
Taital (Coastal)	31,041	6.72	3,288	0.86
Total	461,753	100.00	383,053	100.00

To be noted significantly about these figures is that the up-country population was concentrated in specific areas, in particular Likoni, Kisauni, Mvita and Changanwe constituencies in Mombasa and Msambweni in

⁶³ Source: Republic of Kenya, "Population Census 1989, Vol. 1 March 1994 in "Killing the Vote".
A Kenya Human Rights Commission Report, 1998 p. 68.

Kwale. The heavy concentration of upcountry voters is reflected in the high rate of voter registration as shown in the table below:⁶⁴

Changamwe	-	78,554
Kisauni	-	76,591
Likoni	-	42,367
Mvita	-	70,841
Msambweni	-	60,203

In comparison, Kwale and Kilifi Districts registered an average of about 30,000 voters.⁶⁵ Displacement of up-country people is estimated to have ranged between 75 per cent and 100 per cent in those areas directly affected by the clashes.⁶⁶ In the 1992 elections, however, displacement did not automatically lead to disenfranchisement: As has been mentioned earlier in this chapter, the upcountry people who were displaced from Likoni were able to return to their homes and vote.

What led to virtual disenfranchisement of the displaced victims of classes in 1997 was the loss of identification documents (identity cards, title deeds, passports, driving licences) during the attack.⁶⁷ One would only be allowed to vote on production of either a passport or identity card, etc. Commenting

⁶⁴ The Presidential Race Table, *Daily Nation*, January 4, 1998, p.18.

⁶⁵ Ibid

⁶⁶ Kenya Human Rights Commission, "Kayas of Deprivation, p. 49.

⁶⁷ Source: Agnes Mailu, in charge of the Displaced, Catholic Secretariat, Mombasa December 23, 1997.

on this Likoni situation, a London-based human rights organisation, African Rights, whose researchers visited clash torn areas of Mombasa stated in part,

“... Even if voters are able to return eventually to their constituency, in order to cast their vote, political terror makes a farce of ‘democratic elections’ as people have good reason to fear expressing any sort of political preference”.⁶⁸

Further disenfranchisement of the displaced people is evidenced by the fact that villages and sub-locations with predominantly upcountry population especially Shoda-Maweru and Ujamaa in Likoni were reduced to ghost-villages as occupants had run away to seek refuge in camps and churches. Commenting on the situation, Reverend Athanasius Muga, the Chairman of Mombasa Baptist Association High School, (a resident of Ujamaa village in Likoni), stated, that the displaced were not willing to go back to Likoni because they feared being killed.

“people are still being killed in villages such as Ujamaa ... As the elections approach most houses are empty ... it is difficult to convince the displaced to go to Likoni to vote ... they are still scared”.⁶⁹

Those who had taken refuge in churches especially in the Likoni Catholic church were intimidated by terror gangs. According to Father Raphael Lombardo, daring raiders attacked and killed two people on August 22nd and

⁶⁸ African Rights, “Violence at the Coast: the Human Consequences of Kenya’s Crumbling Political Institutions, Witness, No 2, 1997, p.24.

⁶⁹ KHRC Report, 1998 p.70

injured a policeman who was also among the displaced inside the church compound.⁷⁰

The nightmare of the displaced at Likoni was worsened by the action of the government who ordered the Likoni Catholic Church to force the internally displaced people out of the church. This strange move was opposed by the Archbishop of Mombasa, John Njenga who rejected the government ultimatum stating that the security of the refugees had not been guaranteed.⁷¹

Later, the church under pressure undertook to settle as many of those displaced people at Likoni Catholic Church as resources could allow: By December 22nd, both Likoni church and the Cathedral within Mombasa Island were completely deserted. The displaced people had to be evacuated for fear of more attacks on them. By November 22, 1997, the church project had housed 600 families apart from feeding and providing medical care.⁷²

Those who were housed by families and friends also obtained food rations and medical services from the church to supplement support from their hosts.⁷³ Settling the displaced still left the environment quite unfavourable

⁷⁰ African Rights, "Violence at the Coast", Supra p.6-7.

⁷¹ KHRC, Quarterly Repression Report, July – September 1997, p.17.

⁷² Source: Agnes Mailu, in charge of the resettlement project, December 23, 1997.

⁷³ Ibid.

for voting. One displaced victim lamented: 'The election is going to be the worst election. They have interfered, they have killed, they have burned people's homes and property. Mombasa area is a KANU zone now. Most people from upcountry are for the opposition, they want to interfere with the opposition vote. I will never vote for the government'.⁷⁴ More harassment for the displaced upcountry population emerged from the supporters of the Shirikisho Party of Kenya (SPK). The activists of the party warned the upcountry people that they would be evicted after the elections if they did not vote for the party.⁷⁵ The threats were issued in leaflets declaring that after the midnight of December 28, upcountry people should move away resulting in very low turnout for elections by upcountry people.

The outcome of massive displacement, violence and intimidation of voters, especially the upcountry ones, was the increasing of KANU's parliamentary strength in Mombasa, from one seat in 1992 to two seats after the elections.⁷⁶ In addition, all the seats in Kwale District were retained and President Moi led in all constituencies at the Coast including the traditional opposition strongholds. The Presidential vote rose from an average of 33.38 per cent in 1992 to about 42 per cent in 1997 in the four constituencies of Mombasa –

⁷⁴ Ibid.

⁷⁵ Source: Rev. Athanasius Muga, Mombasa, December 23, 1997 In KHRC Report, 1998 p.72.

Changamwe, Kisauni, Likoni and Mvita.⁷⁷ In Likoni which was the scene of the worst cases of ethnic clashes, the rise was more dramatic. While the Presidential vote for KANU in 1992 was 31.165 percent, in 1997, KANU garnered 41.5 percent of the vote.⁷⁸

Another significant outcome to the massive displacement was the low voter turn-out in the areas most affected by the clashes. The turn-out was the lowest in the whole country. For instance, voter turn-out in the four constituencies of Mombasa, averaged 38 percent. In Likoni and Mvita, it was worse as only 37.4 percent and 25.22 percent of the total registered voters respectively turned out to vote.⁷⁹ Due to the displacement of its supporters, FORD - K came a dismal fourth. The newly registered Shirikisho Party of Kenya (SPK) acquired the Likoni seat (having threatened the upcountry voters with eviction before election). In the final analysis, President Moi took 44.2 percent of the vote having been a major improvement from 31.2 percent in 1992.⁸⁰

⁷⁶ Results of parliamentary and Presidential tables, Daily Nation, Jan.5, and NEMU. Report pp.191-222.

⁷⁷ "Results of parliamentary and Presidential tables", *Supra*.

⁷⁸ *Ibid*.

⁷⁹ *Ibid*.

⁸⁰ *Ibid*

For some local residents at the Coast the violence unleashed on them during the clashes was lined up with a different motive. Of all the coastal ethnic groups, the Mijikenda faced a full brunt of the reprisal at the hands of the security forces.

The upcountry people faced their own music at the hands of the marauding raiders who murdered, mutilated, tortured and raped them. For the Mijikenda, KANU used the occasion of a security operation to intimidate and silence opposition elements among them, and other local residents. To the Digo leaders, the locals at the coast suffered more than the upcountry people during the clashes. According to Sheikh Amir Banda, "Most of them were beaten by the General Service Unit ... some taken to a place called Magandia a calcium manufacturing plant in Ukunda, and dumped there in full lorries. I think the numbers of people who died during the security operation were more than those who died as a result of attacks by raiders. In all, I think over 300 people including the 65 official figure died in the whole process".⁸¹ Other forms of injuries included arbitrary arrests, extortion of huge sums of money from the Digos in exchange for peace and freedom

⁸¹ Source: Sheikh Amir Banda, in an interview with KHRC, December 22, 1997, in KHRC Report 1998, p.74

from the police as well as harassment of those who were innocent.⁸² Even the diehard KANU stalwarts were shocked by the intensity of violence against the Digo. For instance, Emmanuel Maitha, who was briefly arrested as one of the organisers of the violence expressed his views as follows: "The Mijikenda are angry with the ruling party: its security agents have vandalized homes, raped women and consigned communities to destitution under the pretext of flushing out 'clash perpetrators'".⁸³ Another loyalist, Mr. Hassan Haji, (then the Coast Deputy Provincial Commissioner), admitted that a GSU officer had been arrested on suspicion that he tortured residents, after some locals protested against rape, beatings and harassment.⁸⁴

2.3.1 THE IMPACT OF COASTAL CLASHES ON MOSLEMS

Other victims of harassment by security forces included Muslim clerics, intellectuals and ex-soldiers. There were those who were arrested and detained in police custody for long periods. For instance, Sheikh Hamisi Amir Banda, head of the Masjid Markaz Mosque in Ukunda, Prof. Alamin Mazrui of KHRC, Ali Chizondo, the Imam of Msambweni Mosque, Jumke Rashid Tosha and Khalef Khalifa, a founder member of the IPK. These were subjected to abuses and torture, as evidenced by the following

⁸² African Rights, "Violence at the Coast" Supra pp. 18-19

⁸³ "The Star", December 9-11, 1997.

narrative: "On August 16, at 6.00 a.m, someone came and told me that I was being called by the District Commissioner of Kwale. I eventually landed in Shimo La Tewa Prison where I was tortured. I was supposed to tell them who caused the violence. I had nothing to say because in the first place, I did not know anything.⁸⁵ Sheikh Banda faced various accusations: raiding Likoni Police Station and killing policemen on August 13; burning houses, supporting federalism, killing people and more telling, opposing the Msambweni KANU MP, Kassim Mwamzandi.⁸⁶ These were virtually the moslems radicals, intellectuals or supporters of reforms whom KANU sought to silence under the guise of a security operation.

Other forms of atrocities against the locals committed by the GSU included: use of excessive force, killing of civilians and wanton cruelty. A case on record involves a five-year-old girl in Mwakamba village, who sustained serious injuries in the ears after being slapped by the GSU men.⁸⁷ Also, a mosque – Majid Noor Mosque – was attacked by the GSU leaving at least 20

⁸⁴ African Rights, "Violence at the Coast p.18 1997.

⁸⁵ Sheikh Banda, in an interview with KHRC at Ukunda, December 22, 1997 in A KHRC Report, 1998 p.75.

⁸⁶ Coastal Killings: Torture, Arrests, but no Chie yet", Epress Today, Oct. 3,1977.

⁸⁷ Ibid p.2

bullet holes and four faithfuls dead: Said Juma Kazuri, Ali Juma, Hijja John and Salim Kwaya.⁸⁸

These were killed in cold blood. The Imams reacted by challenging the government to state if Muslim clerics and faithful were being singled out for torture and harassment at the hands of the government. They warned that there would be resistance from the muslims if the harrassment did not stop.⁸⁹

Mijikenda ex- servicemen were also victims of arrests and torture to an extent that they warned they would be forced to defend themselves if harassment against them did not stop.⁹⁰

2.3.2 THE IMPACT OF COASTAL CLASHES ON THE MIJIKENDA

The violence directed against the Mijikenda left as many as 800 or more displaced and hundreds of others fleeing to Tanzania (Lunga Lungu) for refuge.⁹¹ The police picked so many Mijikenda young men by September 1997 that President Moi ordered them to release the innocent ones.⁹² By December 1997 so many of those arrested, mainly the Digo, were held up at Shimo la Tewa Prison. One of them, Mr. Michael Nyamawi died while in

⁸⁸ "Epress Today", October 3, 1997, p2.

⁸⁹ Ibid.

⁹⁰ Ibid

⁹¹ National council of NGOs, Report, 1997, p.11

⁹² African Rights, Supra P.19.

custody.⁹³ Following a plea by the Msambweni KANU aspirant, Ms. Marere Mwachai, to the President to free those arrested in connection with the Likoni violence unconditionally, the President ordered the police to drop charges against an elderly woman. She had been arrested on suspicion of collaborating with the Likoni raiders.⁹⁴

The violence in Likoni-Kwale had a counter productive effect on KANU on three grounds. First of all the party's stalwarts such as the all sitting members of parliament in Kwale including Boy Juma Boy (Matuga), Kassim Mwanzandi (Msambweni) and Ngozi Rai (Kinango), were defeated at KANU party nominations. Secondly, following the mounting tide of Mijikenda ethno-nationalism, the government ended up registering the first coast-based party, the Shirikisho Party of Kenya (SPK) in November 1997. The leaders of this party who were mostly Mijikenda intellectuals, rejected ethnic cleansing of Majimboist mould. This was inspite of the fact that the new party embrassed federalism.⁹⁵ Thirdly, the violence effected ethnic rivalry and bitterness in Mijikenda politics against KANU. For instance, the newly formed party, Shirikisho, was strongest around areas of Ukunda, Likoni, Msambweni and Matuga all of which were affected by the clashes.

⁹³ Daily Nation, December, 24, 1997.

⁹⁴ Ibid.

The main argument within the party was that the Digo community had suffered under KANU government and called upon the entire Mijikenda community to reject KANU in solidarity with the Digo who were still suffering under disguise that they invaded the Likoni police station and stole guns in August.⁹⁶ By mid December 1997, the party had portrayed itself as the liberator of the Mijikenda against KANU and began to pose a big threat to KANU, having fielded nine parliamentary candidates in the area. In spite of threats to have the party deregistered, S. R. Shakambo Shirikisho candidate won the Likoni parliamentary seat against another opposition candidate of FORD-K. Shakombo was a king pin in the clashes.⁹⁷ KANU had however allowed the registration of Shirikisho party as a political strategy to divide the vote for easy control. The government had adamantly refused to give legal recognition to other coast-based parties such as IPK and the National Democratic Union (NADU). The plausible explanation for the belated registration of the Shirikisho party was to divide the Arab – Swahili and Mijikenda votes at the coast.⁹⁸ The Luo were prime targets of the raiders in 1997 because they had numerically enabled the victory of a FORD – K candidate in the Likoni parliamentary seat in 1992. This explains why

⁹⁵ "Shirikisho not for Tribalism", Daily Nation, December 22, 1997

⁹⁶ Daily Nation, December 22, 1997.

⁹⁷ KHRC, *Kayas Revisited*.

⁹⁸ "Killing the vote", *Supra*, p.79

the Luo population at the coast had to be displaced. The other important step therefore, was to ensure that the Islamic factor did not become a rallying point for the unity of Arab-Swahili and Mijikenda voters. Consequently, KANU activists encouraged the mobilization of the Mijikenda, especially the Digo, along ethnic-racial lines in order to divide the two coastal groups. SPK, was therefore registered as a milestone towards this objective and the government used its prerogative to register or deregister parties to secure its stronghold where its influence was threatened.⁹⁹ Through intimidation and violence, KANU eventually won its battle of survival at the coast in the 1997 general elections against its upcountry and IPK foes. All seats Kwale were scooped by KANU; both the Chagamwe and Mvita parliamentary seats went to KANU and the Kisauni seat which was won by Rashid Mzee was also for KANU.¹⁰⁰

This victory for KANU at the coast was a total fluke as it had been won through informal repression displacement and ethnic recidivism encouraged by the state – something that undermined, the democratic process.¹⁰¹

2.4 CLASHES IN THE NORTH RIFT VALLEY

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

In Narok and West Pokot, violence flared up with the aim of punishing those who voted against the power barons. The intention was to alter the prevailing political demography to ensure KANU's victory in future elections. To achieve these objectives the KANU elite mobilized vigilant groups against the urban poor and the displaced in camps. These groups harassed the opposition members and their supporters as a government ploy of weakening political opposition and eventually voiding democracy.¹⁰² The residents of Enoosupukia were evicted on November 3, 1993 on orders of William Ole Ntimama, then a Minister of Local Government, on the grounds that they were 'aliens' who were destroying the Masai Environment.¹⁰³ These residents were Kikuyus who had purchased their land from the Dorobo and Maasai groups in the late 1960s and early 1970s and believed they owned land rightfully so.

In concluding this chapter, it can be pointed out that the pattern of harassment and displacement of the population before and after elections in 1992, and 1997 was repeated in all areas that were affected by the clashes in

¹⁰² Ibid. p.24

¹⁰³ "In the Interest of Maasai", Weekly Review, October 29, 1993, pp8-9

Rift Valley, Western, Nyanza, North-Eastern as well as the major towns of Kenya, Nairobi, Nakuru, Eldoret, Kisumu and Mombasa. The rationale in all areas was either to temper with the electorate to ensure victory for KANU or to punish people in areas where voting had been done for the opposition.

In chapter three, the role of various groups in either fanning or quelling the violence involved in the clashes will be discussed.

CHAPTER THREE: THE ROLE PLAYED BY DIFFERENT ACTORS

3.1 INTRODUCTION

This chapter concentrates on the part played by various actors during the clashes with the aim of assessing the contribution of each actor in either fanning or quelling the fire that was behind the clashes. The actors identified include, the media, Human rights activists, religious leaders and the UNDP. Whether or not the government's role served to put off the fire during the clashes will also be assessed in the unfolding pages of this chapter. The different roles will be discussed in turn.

3.2 THE ROLE PLAYED BY THE MEDIA

The media served to propagate awareness about the state of the clashes by reporting events in the areas affected. This drew a scathing attack from the President who cautioned the press against sensational reporting particularly in spreading rumours about the violent political clashes in the sections of the country. He warned:

“And if a newspaper thinks that it can write with impunity inflammatory statements which can cause bloodshed, it is mistaken... We will ban it! A newspaper is not more important than human life!”¹⁰⁴

This was followed later by the arresting of the Chief Editor of the Society Magazine together with his wife and three staffers who were locked in

¹⁰⁴ "Press Freedom First", Society May 25, 1992 p 40

solitary confinement for a whole weekend.¹⁰⁵ Due to international outcry, these people were taken to court to answer a charge of sedition for publishing articles that were causing disaffection. This action was not taken very kindly by the press as it was seen as a contravention to its freedom. According to Article 19 of the United Nations Declaration of Human Rights, everyone has the right to freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.¹⁰⁶ This right is echoed in the constitution of Kenya itself: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without inference, freedom to receive ideas and information without inference and freedom from interference with his correspondence."¹⁰⁷ The press during the clashes hence felt it had a right to collect and disseminate information to serve as an instrument through which an individual's right to information and knowledge had to be realized. It is significant to note that the clashes took place against the background of impending elections and multiparty elections signifying the realization of the democratization process that was sweeping sub-Saharan Africa at that time. In this process therefore, the press was giving the impetus and acting as the

¹⁰⁵ Ibid

¹⁰⁶ "Press Freedom First", Society May 25, 1992 p 40

organized voice of the people to convey their demands to the government. Consequently, the press became the most dreaded institution to the government and hence the first victim of its anger as it amplified the pitiable groans of the victims of clashes and pricked the conscience of the world for sympathy and action. In this context, the press was seen to unshackle the victims of clashes while dethroning the perpetrators of the same.¹⁰⁸ This did not argue very well with president Moi's expectations. He had made it clear that he did not want people to think on their own, he-being-the only thinker. "I would like the ministers... and others to sing like a parrot after me... During Kenyatta's time, I sang only 'Kenyatta'... I didn't have ideas of my own. Who was I to have my own ideas? ... So you play my tune. Where I put a full stop, you put a full stop."¹⁰⁹ Consequently, magazines which reported anti-government news during the clashes earned names like '*anti-nyayo*', '*vibaraka vya ukoloni mamboleo*' and 'instigators of violence'. For instance, "The Economic Review" and the "Star" came under heavy criticism by the government for pointing out that President Moi incited violence in 1997 prior to elections.¹¹⁰ There was, hence deliberate state policy to run down the operations of the press by frequent impounding of

¹⁰⁷ Constitution of Kenya

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ Quote in Sheila Rule "No Tune like His Own Tune, Kenya Tells Nation, New York Times Nov. in "The Print Media and Political change in Kenya 1958-1988" Draft paper 1998, p 10

issues concerning what the government did not want people to read. There were also arrests, detentions and jailing of journalists to stop noisy reporters from getting too close to what authorities wanted to cover up during the clashes and the era of multipartyism. This repression only served to make the press more fearless. A columnist in Economic Review, Macharia Gaitho commented, “Moi... publicly exhorted touts and hawkers to be prepared to repel any assembly,”¹¹¹

Referring to the Kamukunji rally that had been planned for April 22nd 1997 and which was disrupted with explosives of tear gas cannister by the police and roudy members of “jeshi la mzee.” To Pius Nyamora of Society, “... multiparty politics had come to stay ... and no amount of public platitudes and mass choirs can hold the sweeping tide.”¹¹²

3.3 ROLE PLAYED BY ETHNIC GROUPS

One main ethnic group that was implicated in fanning the clashes was the Kalenjin tribe. Warriors are said to have been the attackers – well organized into an army, fully armed with bows and arrows, guns, war swords, T-shirts with Ford Labels and high power walkie-talkies¹¹³. These attackers were

¹¹¹ The Economic Review, June 9-15, 1997, p 40

¹¹² Society December 16, 1991 (Editorial)

¹¹³ Society May 25, 1992 p3

helped by the General Service Unit (GSU) and police deployed in the war front. The GSU and police disarmed residents leaving them to be killed in cold blood. Prominent Kalenjins offered vehicles which together with GK vehicles transported the Kalenjin warriors to operational bases.¹¹⁴ The military helicopters and high government security officers boosted the operations of the warriors by visiting them while Kalenjin men and women took care of looted household goods and livestock.¹¹⁵ This Kalenjin private army caused countless deaths and displaced thousands. The role of the Kalenjins is further amplified by the claims that security forces at the battlegrounds and even the provincial administration in these areas came from the Kalenjin community. Further more, the speaker of the National Assembly, a Kalenjin by tribe, on four occasions persistently denied members of parliament the chance to discuss the clashes as a matter of national importance. No logical explanation was given for this denial.¹¹⁶ In addition, some Kalenjin members of parliament were on record for having called on the government to "provide the Kalenjins with sophisticated weaponry.

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Hansard

The other tribes could only wonder why a similar call could not be made in respect of the Luhyas, Kikuyus or Kisiis who were the brunt bearers of the senseless skirmishes. To the President (a Kalenjin), clashes were organized and managed by the opposition especially FORD using “manambas” (matatu touts) and hawkers. Observers were quick to point out that manambas and hawkers did not have the capability to give a whole government headache. The same government had been seen to act swiftly and decisively to handle these groups of people whenever they rioted in any town. To make manambas, hawkers and the opposition as scapegoats was seen to be political manipulation on the part of the President. This was a way of mapping out strategies to wipe out non-Kalenjin tribes in the Rift Valley with a view to establishing a monopoly of KANU seats since the elections were then, round the corner.

The role of other tribes especially non-Kalenjins (excluding Asians) was one of retaliation against the Kalenjins. It should be noted that the clashes occurred on the onslaught of multiparty politics – not only in Kenya but in various other African countries. It was the contention of president Moi that Kenya was not cohesive enough to stand the rigours of political pluralism. On one hand, many ethnic groupings in the country continued to live

together in harmony. However, in most affected areas – (Western, Coast and Rift Valley) – there was intensive connection with the Kalenjin community especially in Mt Elgon and Molo. The apparent implication was that the Kalenjin leaders turned out to be the ones who were not cohesive enough given their pioneering role in the history of the clashes. The *majimboism* crusade was authorized and launched by Kalenjin leaders.

The mayhem that followed this *majimboism* crusade resulted into deaths of hundreds of people, hundreds injured, displaced, houses burned and livestock stolen and ruined just to prove that a multiparty system of government could not work in Kenya. Evidence of seeds of discord that were sown by the tragedy of the clashes instigated with obvious political colouring comes out clearly in the following poem:

SING ME A SONG¹¹⁷

"Sing me a song
Of consolation to a tormented soul
A song to wipe my tears of bitterness
A song to make me feel human again.

Sing me a song
That will rub off the hate that simmers in my heart
A song that will make me not to hate the sight of the oppressor
A song that will make me listen to his lies.

Sing me a song
A song to make me not hear the bullets
And the poison stained arrows from a foreign land
As they tear the souls of those I hold dear.

Sing me a song
That will make me not to see the warriors combat
In war against unarmed "foes"
Foes just because of their thirst for freedom.

Sing me a song
A song that will make me stand the sight of their son
Preaching the gospel of nationalism
As his heart simmers with what the mouth does not say.

Sing me a song
That will make me to forget the past
Not to remember his boys clobbering old hungry women
Boys who can't now come to save the life of a countryman.

Sing me a song
That will make me forget dreams I held clear
Dreams of a rosy tomorrow
A tomorrow what I thought would come to be.

Sing me a song
To heal the naked wound of a countryman
A song that will make me take my only weapon
The strong will to fight for my stolen humanity."

By David Karanja - Nairobi.

¹¹⁷ *Society*, May 25, 1992

More indication of animosity in the hearts of those who were affected is revealed in a letter written by Kennedy Ogeto, Nairobi¹¹⁸ who referred to the clashes as “meticulously stage – managed political operation.” The revengeful attitude shown in the letter is proof that Kalenjins were bound to be outcasts in their own country.

3.4 THE HUMAN RIGHTS ACTIVISTS

The Human Rights Archtivists played a very significant role since the inception of “ethnic” violence in 1991 – 1995 as well as 1997 – 1998. The violence which led to loss of hundreds of lives and an estimated 300,000 displaced persons drew the attention of Human rights Activists like the Kenya Human Rights Commission, the Internal Commission of Jurists (K), the National Council of Churches of Kenya, the Catholic Secretariat – Justice and Peace Kenya among others. Reports written by these activists concerning the devastating effects of the clashes have been mentioned in chapter one. The efforts of the activists is backed by the necessity to reinforce human rights and protection which was an important dimension of internal displacement for victims of the clashes.

¹¹⁸ Society, May 25, 1992 P.3

Human rights violation often cause the displacement and not surprisingly, human rights and justice issues are at the core of finding lasting solutions to enable the internally displaced to return to their land or be reintegrated elsewhere. Protection involves the security of people and their property as well as guarantees of legal protection and redress for rights abuses.¹¹⁹ The cost of ignoring human rights and protection concerns eventually leads to failure to reach lasting solutions.¹²⁰ Under the U.N. Charter, the duty to promote and protect human rights lies with the government. International agencies like UNDP are not meant to police governments or to investigate them. They however, have to intervene as protectors and advocates for the displaced where abuses are systematic and a government shows unwillingness to assist the displaced as has been the case with clash victims in Kenya. International agencies therefore could protect vigorously and publicly about human rights abuses against the displaced and to put into place minimum conditions for operation. This is to ensure that fundamental human rights and protection considerations are met. Measures should also be undertaken to confront abusive or uncooperative authorities so as to create a secure environment required for the reintegration of the displaced. This includes a willingness on the part of the UNDP to adopt a vigorous

¹¹⁹ Human Rights Watch/Africa p.2

¹²⁰ Ibid

advocacy approach against government actions that undermine the reintegration. To be noted is the fact that reintegration and sustainable development cannot succeed in the context of insecurity, abuse and fear.¹²¹

3.5 THE ROLE PLAYED BY RELIGIOUS LEADERS

Religious leaders played the role of watchdogs. They took on a moral obligation to denounce those they felt were perpetrators of violence during the clashes. The Justice and Peace Commission of NCCCK pointed out highly placed government officials and prominent Kalenjin leaders who were instigating and fanning tribal sentiments which led to acts of lawlessness and hooliganism against innocent citizens.¹²² At the height of the clashes in 1992, catholic Bishops were among the church leaders who at State House in Nairobi, bluntly accused President Moi of complicity in ethnic clashes that had hit parts of the country. The bishops asked the government to resign as it seemed to have lost control of security in the country.¹²³ This was a typical reaction from the church in the wake of their growing resistance to injustice inspired either by the state, individuals or military interest groups.¹²⁴ In times of political repression, dictatorial regimes tend to be wary of church leaders as the church is known to bring

¹²¹ Ibid

¹²² Weekly Review, March 13, 1992, p.20

about peaceful change or force it through. In many parts of the world, it serves as the unofficial opposition.¹²⁵ This is a position for which the church has paid dearly.

In Kenya, outspoken clerics including Reverend Timothy Njoya, Reverend Mutava Musyimi and Fr John Kaiser have been targets of violence for speaking against social and political injustices within the government. Reverend Njoya of the Presbyterian Church of East Africa was beaten twice severely in 1997 and in 1999. He was attacked again with crude weapons by thugs outside the parliament buildings.¹²⁶ Fr John Kaiser who was shot and found dead on 24th August 2000 just off the Nakuru – Naivasha highway, identified himself with human rights, social justice, equality as well as democracy. He is particularly remembered for his tireless efforts to help the dispossessed and helpless victims of the 1991-1992 and 1997-1998 tribal clashes.¹²⁷ He believed that the clashes were sponsored by prominent personalities in government. In his testimony before the Akiwumi.

¹²³ Weekly Review, June 19, 1992, p.5

¹²⁴ "Violence Against The Church" – by Dennis Onyango. Daily Nation, September 4, 2000 p.4

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ "Bring to book Kaiser's Killers." Daily Nation, Thursday, August 31, 2000 p.7

Commission¹²⁸ Fr Kaiser named prominent government personalities¹²⁹ as the prime culprits in sponsoring the clashes by sending youths to Israel for commando training. Fr Kaiser also offered material and financial support to the victims of the clashes especially at the Maela Camp. He alerted the whole world especially the donor community about their miserable fate.¹³⁰

In one of the letters, the priest wrote to the World Bank's country representative of that time, Mr Stephen O'Brien urging him to consider the plight of Maela victims during the negotiations to resume financial aid to Kenya.¹³¹ The death of Fr Kaiser has been linked by many to the role he played during the clashes. Reverend Mutava Musyimi speaking during Fr Kaiser's funeral said the priest had been murdered by perpetrators of the tribal clashes who feared being exposed.¹³² In their tribute, the Justice and Peace Commission of the Lodwar Catholic Diocese said Fr Kaiser was killed because of his crusade against the land clashes as well as corruption and defilement of young girls. Referring to the testimony the priest gave before the Akiwumi Commission of inquiry into the ethnic clashes, the Law Society Chairman, Gibson Kuria (by then), lauded Fr Kaiser for his indomitable

¹²⁸ A Presidential Commission of Enquiry set up to investigate the clashes that rocked the country in 1992 and 1997.

¹²⁹ One of those implicated was Julius Sunkuli, then Minister in the Office of the President

¹³⁰ Daily Nation, Thursday, August 31, 2000 p.7

¹³¹ Daily Nation, Thursday, August 31, 2000 p.7

spirit in fighting against injustice. He added that Kenyan's were inspired by a man, "who dared to speak when more timid souls had been cowed into compliant silence."¹³³ The case of Fr Kaiser therefore ended up pitting the Catholic Church against the government highlighting the issue of justice which is a universal virtue. The killing of the clergy in other parts of Africa is reported from Algeria to Angola; Burundi and Cameroon to Nigeria and from Rwanda and Sudan to Zimbabwe.

Killing of priests in these countries is attributed to political, religious and social intolerance that has claimed over 300 priests across the continent according to a Pauline Publication book.¹³⁴ Elsewhere in the world the catholic church and even Islam has been instrumental in forcing political transitions including changes of regime, in many parts of the world. For instance, Pope John Paul II's visit to Poland in 1979 set off a tidal wave that crashed the despotic communist regime in his motherland.¹³⁵ The example of Poland spread to Romania where it swept Nicolai Causescu from power. Affected also was Germany where Erich Honecker was brought down with his representative regime.

¹³² Ibid P.2

¹³³ Ibid P.3

¹³⁴ "They are a Target." A Pauline Publications Book. The book carries biographies of the murdered priests and the circumstances under which they died.

¹³⁵ Ibid.

The Poland case further swept through Czechoslovakia climaxing, as a movement, in the bringing down of the Berlin wall which has been a global symbol of oppression during the cold war. In Nicaragua, pressure from the Catholic church led to the collapse of the Sandini regime. In India, sikh extremists killed Prime Minister Indira Gandhi and in Indonesia Moslems played a key role in Suharto's hurried exit from power. In Sri Lanka, religious leaders remained a decisive force as the Moslem Taliban helped to drive the Russians form-Afganistan.¹³⁶

Some political leaders over the years have recognized the church's role in the struggle against colonialism in Africa. Paying homage to the church's revolutionary role, Milton Obote, the former president of Uganda, stated that independence in Uganda would have been elusive without the influence of the teachings of the church.¹³⁷ The church therefore is a big constituency that no regime can ignore including stable governments. Mzee Kenyatta recognized the church's pivotal roles in secular affairs. Addressing church leaders he said:

"If we go wrong and you keep quiet, one day you may have to answer for our mistakes, as the nation today needs a conscience and you the church are that conscience."¹³⁸

¹³⁶ "They are Target," Supra

¹³⁷ Ibid.

¹³⁸ Special Report. Daily Nation, September 4, 2000 p.5

Then, it was at the nagging conscience of the Filipino nation that the Catholic Church hastened the departure of dictator Ferdinand Marcos regime, Jaime Cardinal Sin, stated simply, "the people cried and their voice was heard in the high heaven."¹³⁹ In Kenya, religious leaders have been actively on the forefront to act as unofficial opposition to the government on issues of governance and especially human rights and welfare matters of the people both before and after the on set of the multiparty system in December 1991.¹⁴⁰ Outstanding among the clergymen are Archbishop Kuria, Okullu, bishops David Gitari, George Njuguna, John Mahiami, the late Alexander Kipsang Muge, Reverends Mutava Musyimi and Timothy Njoya.

These clergymen who are predominant members of NCCCK gained national renown for constantly locking horns with political government leaders at local and national levels on all manner of issues including the clashes.¹⁴¹ The National Council of Churches (NCCCK) has recently released a report on ethnic clashes¹⁴² linking their occurrence in the various parts of Kenya to general elections. According to this report which was launched by Reverend Mutava Musyimi, the NCCCK General Secretary, tribal animosity had been visited on many communities in Rift Valley, Western, Coast and Nyanza

¹³⁹ Ibid.

¹⁴⁰ The Weekly Review, June 19, "The Church Factor", p.6

provinces prior to the 1992 and 1997 general election. Citing the Gucha/Trans Mara skirmishes of recent times, the report indicates that the violence was occurring only a year before the 2002 General Elections¹⁴³

This Gucha/Trans Mara conflict has pitted members of the Maasai community (Trans Mara) against the Kisii in Gucha, leaving an estimated 30 people dead. The report identified poor governance, poor administration of justice and inflammatory political statements—as key causes of instability in Kenya. To Reverend Musyimi, Kenyan communities were largely co-existing peacefully prior to the 1991 – 1992, “ ... so called ethnic clashes ... since 1992, Kenya has suffered many other clashes. Another flare-up occurred before and after the 1997 General Elections. Such happenings have led many Kenyans to believe that clashes are somehow related to politics in general and general elections in particular.”¹⁴⁴

Highlighting the effects of the clashes, the report cites the loss of many lives and livestock and destruction of property as well as the negative impact on education and the economy. Other effects include the apathy of many

¹⁴¹ Ibid.

¹⁴² “The National Agenda for Peace Survey Report” NCKK Nairobi, 2001

¹⁴³ Ibid.

¹⁴⁴ Reverend Mutava Musyimi, NCKK General Secretary, in his remarks during the launching of the Report at Church House, Nairobi.

Internally Displaced People (IDPs) in the 1992 –1993 in Molo, Enosupukia, Njoro and other parts of Nakuru District who were still homeless and live on relief food. The report also mentions the impact of the clashes on the tourism industry which was seriously affected by the 1997 clashes at the Coast. Basing its survey on the premise that peace and security are important for human development, the report also revisits the recurrent tribal animosities among the Pokot, Turkana, Marakwet in the North Rift and communities in Trans Mara District. It lists other causes of the conflicts as poverty, land and internal border disputes, illiteracy and ignorance, negative cultural practices and the influx of illegal firearms.¹⁴⁵

This report was rebattled by KANU by the Secretary General Mr Kamotho who dismissed it as “..... too simplistic (and) imaginary”¹⁴⁶ He argued that it is not only politicians who issue inflammatory statements and that church leaders too fanned such clashes. He further stated that tribal animosity occurred in areas like Pokot, Marakwet, Turkana and borders between Kisiis and Maasais long before Kenya’s independence and that there were no clashes in 1974, 1979, 1983 or 1988.¹⁴⁷ On the other hand, an MP for Kitutu Chache, Jimmy Angwenyi (KANU), backed the report stating

¹⁴⁵ “The National Agenda for Peace” Supra

¹⁴⁶ Kanu dismisses Clashes Report”, Daily Nation, Thursday, June 28, 2001 p.4

that the border clashes between the Kisiis and Maasais along the Gucha/Transmara border were linked to the next General Elections. According to Angweni, "certain people in the government are insecure and they take cover in a fluid situation."¹⁴⁸

Mr Kamotho's rejoinder brings out various loopholes. First of all he admits that politicians have issued inflammatory remarks as he attributes these to the religious leaders too. Secondly, while he implies that there were no clashes in the 1974, 1979, 1983 and 1988 elections, he forgets that this was the era of single party politics when elections were a single party show. Thirdly, this rejoinder confirms the use of communities susceptible to clashes to explain "tribal clashes" while the violence is politically instigated. This leaves the KANU government still accountable as proper governance and impartial administration of justice could have quashed the clashes promptly enough to avoid the damage incurred. In a nut-shell, the role of the religious leaders in the clashes was two-fold. First, to fearlessly condemn the occurrence as inhuman and unjust and to challenge the laxity of the KANU government in dealing with the situation. Secondly, to offer humanitarian assistance to the Internally Displaced Persons (IDPs) in

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

refugee camps in collaboration with NGOs, the Red Cross and other sources of help.

3.6 LAND AS A CATALYST DURING THE CLASHES

Land was used politically to fuel the clashes. The government gave land as a handsome reward to the members of the Kalenjin and Maasai communities who participated in the clashes.¹⁴⁹ The government also enabled the Kalenjin and the Maasai to acquire land formerly owned by the displaced population in the Rift Valley Province, and these were the most fertile farmlands in the country. This was done through the sanctioning of fraudulent land transfers, illegal occupation and pressured land sales and exchanges.¹⁵⁰

A drastic effect of the violence was that it depressed the market value of land in the clash-torn areas. For instance, in the fertile Uasin Gishu District, the value of land declined by between 75 and 80 per cent. The displaced were being offered Kshs 20,000.00 (\$250) instead of Kshs 80,000.00 – 100,000.00 (\$1000 – 1200) per acre, the land value before the clashes.¹⁵¹ Kalenjin buyers insisted that, “the amount has been agreed upon by buyers

¹⁴⁹ Human Rights Watch, *Failing the Internally Displaced: The UNDP Displaced Persons Programme in Kenya*,

¹⁵⁰ *Ibid.*

¹⁵¹ “Victims Asked to sell their Farms”, *Daily Nation*, May 4, 1993; “Biwott Men Target Clash Victims Land”, *The People*, June 27-July 3, 1993.

regarding the purchase of all farms owned by non-Kalenjin in the Rift Valley.”¹⁵² In Olenguruone, Nakuru, one Kikuyu man sold six acres of land at Kshs 70,000.00 (approximately \$1,300), while the market price was Kshs 600,000 (approximately \$11,000) due to panic land selling in the clash-hit zones.

Some local leaders in certain areas sanctioned illegal land occupancy as a vote-catching device.¹⁵³ In Narok, Ole Ntimama an area Member-of-Parliament and a Minister in the Kenya Government told the Maasai to disregard Kikuyu title deeds as they were of no consequences and advised them to take up and develop all the land owned by the latter. Consequently, Area Committees were formed, comprising of Chiefs, Councillors and Maasai elders, to oversee the take-over of Kikuyu land by the Maasai.¹⁵⁴

In Olenguruone, Nakuru District, the fraudulent transfers were more rampant than anywhere else. Here, land title deeds belonging to the Kikuyus were transferred to the Kalenjins with full complicity of the Commissioner of Lands who is expected to give consent for all land transfers.¹⁵⁵ In addition,

¹⁵² Human Rights' Watch/Africa: "Divide and Rule", p. 76.

¹⁵³ Ibid, " Failing the Internally Displaced," 1997, p.76.

¹⁵⁴ KHRC, "Quarterly Repression Report", October-December 1996, p. 36.

¹⁵⁵ Ibid, Human Rights' Watch/Africa, p. 72.

victims were coerced to exchange their prime land with the Kalenjin, prompting a Nakuru lawyer into saying; the government “The land Control Board has become an instrument of Control for to further discriminatory policies ...”¹⁵⁶

This way of handling the land issue transformed the Rift Valley into a nearly exclusively Kalenjin – Maasai area with far-reaching political implications. Ethno-Nationalism among the Maasai and Kalenjin ended up soaring high. This has all been to the benefit of the KANU elite by allowing a claim that it is satisfying Kalenjin Sentiments (and) and that the government deserves continued political support for getting their land back and thus increasing their economic wealth.¹⁵⁷ According to a remark by Human Rights Organization, “... the rift valley is allocated the largest number of seats in parliament (49 out of 120), the KANU government is making long term political gains for a future election by consolidating Kalenjin hegemony.”¹⁵⁸

In the run up to the 1997 General Election, KANU embarked on a slightly different strategy. It involved resettling some of the internally displaced, particularly the Kikuyu in Nakuru. In the month of November, about 700

¹⁵⁶ Mirugi Kariuki, (lawyer) in an interview with HRW/Africa, 1996 p. 72-73.

¹⁵⁷ Human Rights' Watch/Africa, “Divide and Rule,” p.76.

¹⁵⁸ Ibid.

Kikuyu families displaced from Chapakundi, Olenguruone in 1992, were resettled at Kapsita in Elburgon.¹⁵⁹ President Moi personally awarded the title deeds to the victims. This however was interpreted as a ploy by KANU to lure votes of the populous Kikuyu.

This approach to resettlement was not viewed as a genuine solution to the problem of displacement. Critics pointed to a flawed precedent set by the government with regard to land ownership and occupancy. Koigi wa Wamwere, a former MP in Nakuru and the then presidential candidate in the 1997 elections argued that by not resettling the victims back to their own land in Olenguruone, "KANU had formalized ethnic cleansing in Nakuru by letting the culprits occupy the land left by the victims."¹⁶⁰ Religious leaders among them who added to the outcry was the Bishop of Embu and the Chairman of the Roman Catholic Bishops' Conference, the Kenya Episcopal Conference, John Njue.

These argued that the relocation of the Molo clash victims from Olenguruone to Chapakundi, "would seem to be an explicit blessing of the clashes and indeed a confession of the feigned incapability of the

¹⁵⁹ *Daily Nation*, December 3, 1997.

¹⁶⁰ *Ibid*, *Daily Nation*, December 3, 1997.

government to control the clashes.¹⁶¹ It was evident that the government would have risked losing votes in the December elections of 1997, had it dispossessed the Kalenjin of their newly acquired land. One disturbing factor concerning land and the clashes was the treatment of the government towards the internally displaced in camps where they gathered to refuge. While it was widely assumed that the government would resettle the clash victims to their former lands, the approach was one of harassment. Vigilante groups, the regular police and provincial administration police were used to disperse the internally displaced from camps. For instance, on June 3 1993, over 2000 Luhya and Teso internal refugees in Entebess camp in Trans Nzoia District were forcibly dispersed.¹⁶² More atrocious was the treatment of these clash victims at the Maela Camp in 1994. KANU youth, vigilantes and administration police razed the camp to the ground on the night of 24, 1994. This camp which was situated near Naivasha town sheltered over 10,000 clash victims who were displaced from Enosupukia, Narok in October 1993. The government identified 200 of them as 'genuine' victims of displacement but relocated them to two-acre plots at Moi Ndabi, a government farm near Maela. This was a less agriculturally suitable place

¹⁶¹ Ibid.

¹⁶² Human Rights' Watch/Africa, "Divide and Rule" p. 67-71.

compared to the fertile land in Enoosupukia.¹⁶³ Those victims who were considered 'non-genuine' became double displaced in an operation which was undertaken to flush them out of the Maela Camp. They were forcefully loaded on government lorries at 3:00 am in the night.¹⁶⁴ Those who resisted were beaten and thrown into the trucks and transported to three destinations in Central Province, the 'homeland' of the Kikuyu. One group was dumped by the roadside at Ndaragwa in Nyandarua District. Another group in Kiambu, and a third was left between the railway line and main road in Ol Kalau, Nyandarua District.¹⁶⁵ What was atrocious about this operation is that the government never bothered to resettle the displaced to 'their land' in Central Province but simply dumped them in a 'no-man's land'. Twice displaced, these victims beefed up the new crop of Kenya's post – Mau Mau landless class.¹⁶⁶

The land issue was used therefore by the government as a tool in instigating the clashes which can be appropriately termed politically fanned clashes.

3.7 THE ROLE PLAYED BY UNDP

¹⁶³ Ibid. "Failing the Internally Displaced" p.77-82.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ "government and Catholics to Resettle 700 Families", he Update, No 53, June 30, 1997, Daily Nation, November 25, 1997

The clashes, which rocked various parts of Kenya – Rift Valley, Nyanza, Western and Coast provinces between 1991 and 1999, as shown in this research project resulted into deaths of over 1,500 people and over 300,000 people displaced. Human rights abuses included: denial of basic human rights to those affected by the clashes; the harassment, intimidation and forced dispersal of the displaced; the government's complete refusal to hold the perpetrators and inciters of the violence accountable; and the expropriation of the land owned by the displaced with a view to consolidating the new ethnic order of land distribution that had been imposed by the violence. While the Kenya government was strongly implicated in these injustices against her own people, prospects for uncovering the plotters, executioners and the motive behind the clashes have remained remote. This is in consideration of the fact that the Kiliku report was rejected in parliament while the Akiwumi Commission of Enquiry into the clashes has never been released to the public. Bearing in mind the magnitude of the violence and the disastrous effects of the clashes, one would have expected international intervention to address the situation even through sanctions.

SETBACKS IN UNDP'S MANDATE TO ADDRESS HUMAN RIGHTS ISSUES OF CLASH VICTIMS IN KENYA

The plight of the internally displaced world wide has gone largely unaddressed by the international community because primary responsibility for their safety and assistance needs lies with their own government. The assertion of sovereignty by national governments and the lack of any clear mechanism for international assistance have further contributed to a lower level of international protection than comparably situated refugees who have crossed an international border.

However under the U.N. charter, the duty to promote and protect human rights is within the mandate of all U.N. agencies.¹⁶⁷ The UNDP, one of these agencies is the U.N.'s development arm charged with administering reintegration programs for the internally displaced but in close coordination with the government. According to the UNDP's policy documents as affirmed by the U.N. Secretary General, Kofi Annan, human rights issues constitute part of development work.¹⁶⁸

¹⁶⁷ Human Rights Watch/Africa, USA, 1997, P.2

¹⁶⁸ "UN Reform: The first Six Weeks," Statement by Kofi Annan, U. N. Secretary General, New York, February 13, 1997, In "Human Rights Watch/Rights Watch/Africa" USA, 1997, P.3.

Following the inception of the ethnic violence in Kenya from 1991, an estimated 300,000 people were displaced. Consequently the UNDP administered a program for these internally displaced people between 1993 to 1995.¹⁶⁹ While UNDP did a lot to assist in resettling some of the clash victims and seeing to their emergency needs, a major set back in this program has been identified as inadequate security and protection for the internally displaced. UNDP's response to this loophole was that it did not have the capacity or mandate to become the primary advocate against human rights violations in Kenya and that it faced limitations in engaging in "sovereign" issues for which it did not have the mandate. Human rights violations according to UNDP had to do with the policy of the government of Kenya during the clashes.¹⁷⁰

Another setback of the program has been shown as the absence of terms of agreement between the UNDP and the Kenya government before the implementation of the program which the government took advantage of to undermine the UNDP program i.e by forcefully dispersing the internally displaced from camps (especially the Maela case (see chapter three), interfering with relief supplies and condoning fraudulent loss of land by

¹⁶⁹ Human Rights watch ... Supra p1

¹⁷⁰ Ibid.

clash victims. According to the UNDP resident representative and the U.N. team at work during the clashes, there was difficulty in reaching agreement with the government due to political complications.¹⁷¹ This implies that the government capitalized on the factor of sovereignty to manipulate and intimidate efforts by UNDP, NGOs and even religious organizations to accord the clash victims the assistance they needed. The organization of African Unity (O.A.U.)¹⁷³ was equally ineffective in intervening to stop violation of the human rights of clash victims because of the principle of none interference in the internal affairs of the member states in the O.A.U. charter.¹⁷²

3.8 **'MAJIMBOISM' – A POLITICAL CATALYST TO THE OUTBREAK OF CLASHES**

A crucial observation according to the findings of this research is the link between the campaign for a majimbo system of government as a counter to pluralism and the outbreak of clashes. As J Beurden put it (see chapter one), *majimboism* was interpreted in government circles as a form of Kenyan regionalism resulting in a form of ethnic cleansing that encouraged

¹⁷¹ Ibid. pp. 144 - 151

¹⁷² There is need for total overhaul of this principle in the interest of peaceful co-existence and promotion of human rights and transparency

¹⁷³ CAU is now African Union

discrimination among various ethnic groups in those parts of Kenya where violence broke out.

This research has shown that *Majimboism* played a pivotal role in sparking off the ethnic clashes in Rift Valley. This led to numerous deaths and displacement of thousands of people. More evidence has shown that groups aligned with the government assisted the Maasai and Kalenjin KANU militants by providing training, transport and sometimes payment. The election fever served to precipitate the clashes as the 1992 elections were preceded by provocative *majimbo* rallies held in parts of western and Rift Valley provinces. In these rallies, political leaders incited the masses to weed out anti government elements from their midst. The rallies were then followed by the outbreak of clashes at the end of 1991 and 1992. After the elections, clashes erupted again in 1993 – 94 as well as in 1998 in Rift Valley, Nyanza, Western as well as Coast provinces.

Among those who were killed and displaced at the coast were up country non-coastians from western, eastern, Nyanza as well as central provinces. These had gone to the coast in search of means of eking out a living but became victims of political leaders who sought tribal support by invoking fear and hatred of other tribes.

3.8.1. THE RATIONALE BEHIND THE MAJIMBO IDEOLOGY AND THE CLASHES

The proponents of majimbo justified it on the grounds that it would bring the government closer to the people and hence give people a say in the affairs of the country.¹⁷³ Those in favor of majimbo today reason that ethnicity is a fact of life in Kenya and that ethnic diversity should be accommodated in a federalist arrangement.¹⁷⁴ Those opposed to majimbo concede that ethnic differences do exist but argue that *majimboism* will entrench tribalism, exaggerate tribal differences and tear the nation apart. In July 1994, the Chairman of the Democratic Party of Kenya Mr. Mwai Kibaki and eleven opposition members of parliament passed the Tala Declaration, which rejected Majimbo. They argued that majimbo would cause chaos in the country and land Kenya to a Rwanda like situation.¹⁷⁵ Arguing on the same view, Prof. Hyder, states that even within every ethnic group there are smaller ethnic groups and clans and taking majimbo to its logical conclusion would entail dividing up the country in to smaller and smaller cohesive political units. This would lead to total disintegration of the country.¹⁷⁶ He

¹⁷³ See Debate of Constitution of Kenya (amendment) Bill, "National Assembly, House of Representatives Official Report" Vol.III part III, 27-28 Oct. 1964

¹⁷⁴ Ali Mazrui, "Democracy and the endangered African State: political Economic and Military aspects" key note address at "Conference of democracy in a multi – Ethnic society: the Kenya situation National concerns Council, Nairobi June 29 – July 3, 1994.

¹⁷⁵ Daily Nation, August 2 1994

¹⁷⁶ Mohammed Hyder, "Majimbo. Fear and Promise", Daily Nation. July 9 1994, p. 18

cites the example of Rift valley province where some Nandis demanded their own Nandi Majimbo for fear that the Keiyos and the Tugens backed by powerful politicians would drive them away from their ancestral lands.¹⁷⁷

Against this controversy, the clashes did occur beginning with Rift Valley province when a putrid version of majimbo was introduced by the politicians in this province in 1991 as a strategy against multy – party democracy. As Kamau Kuria puts it, this version of majimboism sought to create “KANU zones” and ethnically pure “homelands” from which undesired “foreign” tribes and ideologies were to be expelled.¹⁷⁸ To Aseka, this type of majimbo “is a kind of messianic revivalism of tribal apartheid”.¹⁷⁹ It is also considered to be a strange amalgam of ideologies deriving from fear and guilt and is likely to create ideal conditions for ethnic particularism, mutual exclusiveness and the specter of ethnic cleansing.¹⁸⁰

Incitement of political leaders led to ethnic clashes in the Rift Valley in which as has been stated in this research, well trained and organized Kalenjin warriors”and “Maasai morans” killed thousands of members of Kikuyu, Luo, Luhya and Kisii communities, destroyed their property and left

¹⁷⁷ Ibid.

¹⁷⁸ G. K. Kuria, “Majimboism, ethnic cleansing and constitutionalism in Kenya,” Nairobi KHRC, 1994. P.8.

¹⁷⁹ Dr. Eric Aseka, speaking at the conference on “Democracy in a Multy-Ethnic Society. The Kenya situation”, National Concerns Council, Nairobi, June 29-July 3 1994.

over 300,000 people homeless. The clashes continued sporadically as politicians continued to call for expulsion of “foreigners” in an effort to create politically and ethnically pure “KANU zones” not only in the Rift Valley but at the coast in the run up to the elections in 1997. This version of majimboism has been vehemently resisted by most Kenyans. For example, in a political rally in Nyandarua, Kikuyu political leaders vowed that “majimboism would be implemented after the death of the last member of the Kikuyu community.”¹⁸¹—The concept of majimboism that prevailed leading to the sparking off of the clashes has been re-assessed with a view to forestalling another genocidal ethnic conflict in Kenya similar to what happened in Rwanda as explained by Alex de Waal.¹⁸²

3.8.2 THE ECONOMICS OF MAJIMBOISM AND THE CLASHES

An underlying factor in the majimbo controversy is one of economics. Behind renewed calls for *majimboism* just before the outbreak of the clashes was the struggle for control, use and distribution of national resources. While some proponents called for majimbo as a strategy to maintain the status quo and protect their property and privilege acquired from the excesses of president Moi’s rule, other proponents have tended to support

¹⁸⁰ Tom Mboya, “Freedom and After”, Heinemann 1990 p. 72 and KANU Manifesto (1963).

¹⁸¹ Daily Nation, July 5, 1994.

¹⁸² Alex de Waal, “Rwanda Genocide Took Four years to plan.” The Times, London, June 18, 1994.

majimboism as a strategy for effecting redistribution of resources to correct “historical imbalances.” As professor Mazrui put it.

“Most of the pre-occupation in Kenya has concerned itself with political *majimbo* – how to decentralize political authority. But the more sensitive issue is how to decentralize the economy – economic *majimbo*”.¹⁸³

To Mazrui, the coast both under President Kenyatta and President Moi has been looted by non – coastal Kenyans and that a solution needed to be found to what he terms as a “problem of internal colonization”.¹⁸⁴ Sharif Nassir, a most vociferous advocate of *majimboism* gave his reasons for advocating *majimbo* as follows:“ I have realized that my people are getting phased out. We have been eclipsed... the coastal people are not being allowed to benefit from the resources. Up country people have grabbed every inch of the resources we have. *Majimbo* will ensure that people have an equal share of the national cake”.¹⁸⁵

Another *majimbo* protagonist, William Ole Ntimama¹⁸⁶ explained that he supported *majimboism* so that the Maasai who were pushed out by the white man from their ancestral lands and marginalised by President Kenyatta do not face extermination and extinction. He added that he supports *majimboism* with a large degree of local autonomy so that regions can

¹⁸³ A. Mazrui “Democracy and Endangered African State,” *Supra* p.9.

¹⁸⁴ *Ibid.*

¹⁸⁵ S. Nassir, *Sunday Nation*, July 24, 1994 (Interview) p. 16.

¹⁸⁶ *The Economic review*, July 11-17 1994 (Interview with William Ole Ntimama) P.11.

control their own police forces and have political muscle to control ownership and distribution of land and other resources.¹⁸⁷ He further explained that: “most of the pastoralists of Kenya left behind and marginalized are feeling that people are coming to occupy their land and eat all their resources and squander all their wealth while they look on helplessly. They feel it is time for their rights to be established.”¹⁸⁸ Ole Ntimama justified ethnic violence to correct these injustices emphasizing that: “If people feel oppressed and suppressed, they will wake up and fight for their rights.”¹⁸⁹

Economic marginalization was therefore one of the significant factors in fanning the clashes as the people affected were not only coastians and the pastoralists. Over the years, president Moi has used his unlimited control over the state’s resources to disproportionately transfer national resources to his Rift Valley elite on whose political support he ultimately depends.¹⁹⁰

Emphasis in political rallies about multy party democracy in Kenya from 1991 has evolved around exclusion of opposition areas from the allocation

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ J. D. Barkan and M. Chege, “Decentralizing the State: District Focus and the Politics of Re-call in Kenya,” *Journal of Modern African Studies*, Vol.27 No.3 (1980) p.431.

of National resources. The indication has been that KANU government is the controller of the national resources and that only those areas which supported KANU would benefit from the national resources. On the other hand, those who do not support the KANU government would be ignored in the distribution of the national cake.¹⁹¹ For instance, while addressing a public rally at Nyamira District, president Moi told the Ford Kenya M. P. for the area that his contribution in the parliament would be futile since there would be no development in his constituency unless he defected to KANU.¹⁹² This economic discrimination generated so much ethnic tensions that the slightest incitement by politicians did spark off bloody clashes as witnessed in Rift Valley, Western, Nyanza and Coast provinces. To crown it all, an Member of Parliament (M.P.) for Nyando, made a radical proposal that the Luo secede and “approach president Museveni with a view to moving Luo – land to Uganda because the KANU government has politically and economically marginalised Nyanza.”¹⁹³

¹⁹¹ Daily Nation, January 20, 1994, p.15.

¹⁹² The Weekly Review, July 22, 1994, p.4.

CHAPTER FOUR: CRITICAL ANALYSIS OF THE IMPACT OF THE CLASHES IN KENYA

4.0 INTRODUCTION

This chapter analyses the foregoing three chapters and proceeds to assess the impact of the clashes on various aspects that were affected regarding Kenya's image as a sovereign state in an international community. The specific aspects include the impact of the clashes on Kenya's foreign relations and international image, and the effects of the clashes on Kenya's economy.

Chapter One outlined the essence of the clashes pointing out the problem that set the stage for undertaking this research project as well as identifying the methodology by which information was acquired. This chapter also indicates the major assumptions and the hypothesis which constitute the basis of the enquiry for this research project. The theoretical framework that is also part of the chapter offers the rationale behind the conflict.

Chapter two consists of an overview of the clashes as they occurred in the specific provinces that were affected – Rift Valley, Western and Nyanza.

¹⁹³ Ibid

Chapter three indicated the roles played by various actors, including the media, ethnic groups, Human Rights activities and the Religious leaders in the occurrence of the clashes. Other factors like land, the Majimbo ideology as well as the international organizations have been highlighted in terms of their contribution during the occurrence. Chapter four provides an assessment of the impact of the clashes on the aspects of the conflict. The government of Kenya as the power in control of the whole country is the center of the assessment of the occurrence of the clashes.

Chapter four, as has been mentioned at the beginning of this chapter, provides an assessment of the impact of clashes on the aspects that have a significant bearing on the image of Kenya internationally.

4.1 IMPACT ON KENYA'S INTERNATIONAL IMAGE

As indicated in chapter one, the clashes drew the attention of the international community. The U.S. assistant Secretary of State for African Affairs Cohen, viewed the ethnic violence in western Kenya in 1992 as a setback on Kenya's record on human rights and democracy and disquieting for development. Cohen further observed that the US and other donor communities had decided to withhold fast disbursing assistance to Kenya

with the U.S. withholding \$28M of its planned foreign economic development to Kenya. Commenting on civil strife in Africa, President Clinton said people who live in multi – ethnic states must learn not just to tolerate their ethnic differences but to celebrate them.

During the elections in 1997, Kenya Broadcasting Corporation (KBC), a national radio and television station, was internationally noted for its inability to be impartial. David Throup, a British academic who coordinated the western donor response to the Kenya polls, was critical of KBC. Throup reported that by early December 1997, KBC had resorted to giving disproportionate coverage to president Moi and KANU as well as being continuously negative to the opposition.

Internationally also, conflicts in Kenya were highlighted by such organizations as the Amnesty International and the Human Rights Watch which were backed up by Kenya's foreign donors in emphasizing the need for political democratization and economic reform. This was viewed as a means to end corruption and hence improve the standards of governance. Due to Kenya's dependency upon foreign financial support and the prevailing economic crisis, the government found itself under increasing

international pressure to submit to the demands of the International community. Withdrawal of this support was bound to destabilize the country leading to continued resistance.

Kenya's immediate neighbours also felt the impact of the internal conflict in Kenya especially at the borders. As mentioned in chapter one, the government of Kenya and Ethiopia had peace talks over the conflict between the Kenyan Somalis and the Ethiopian rebels group, Oromo Liberation Front (OLF). On the Ugandan front meetings were organized involving high level government officials of Kenya and Ugandan Karamojong (see chapter one) For instance in November 1996, a meeting was held between the Pokot from Kenya and Uganda to reconcile these southern common border pastoralists. Other peace talks were held at Kakuma, (Turkana) district in Kenya) which resulted into returning of stolen livestock back to rightful owners.

The state of insecurity due to intermittent eruption of violence ended up giving seeming inability for Kenyan authorities to guarantee safety of foreign officials. For instance as mentioned in chapter one, a former Ruandan Interior minister Seth Sendashanga was assassinated along with his driver in Nairobi suburb in May 1998. Further more, the seeming lack of

sufficient security measures and the presence of a muslim community made Kenya a target of international terrorism. This culminated in a bomb attack on the U.S. Embassy in Kenya that was disastrous both to Kenyans and the Americans (see chapter one). The wrath of the Muslims had been provoked by the refusal of the government to register the Islamic Party of Kenya (IPK) during the 1997 general elections, as well as the banning of the five muslim NGOS. All these served to taint the image of Kenya internationally.

4.1.1 INTERNATIONAL LEGAL PROTECTION FOR THE INTERNALLY DISPLACED

The number of people who are displaced within their own countries worldwide exceeds those who have crossed international borders and become refugees.¹⁹⁴ According to the recent estimates, the internally displaced population is placed at twenty million and refugee population at fifteen million.¹⁹⁵ The internally displaced often flee the same persecutions, the only difference being that refugees have crossed an international border.

¹⁹⁴ Article of the 1951 Convention of the Status of Refugees defines a refugee as a person who has a, "well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country".

¹⁹⁵ Amnesty International, "Respect my rights: Refugee speaks out" London, March 1997.

This difference is however as a result of comparatively weaker response from the international community.

Primary responsibility for the internally displaced rests with their government in compliance with international human rights and human obligations. Where governments are failing to provide adequate assistance and protection to the internally displaced populations, the international community has a responsibility to hold such states accountable to their obligations under international human rights and humanitarian law. However, despite growing internally displaced populations, the international community's response to this needy and vulnerable group remains varied and inadequate.

Evidence of the lack of international oversight is the fact that no internationally agreed upon definition of the internally displaced exists at present. A working definition was established in 1992 by the U.N. Secretary General as: "Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflicts, internal strife,

systematic violation of human rights or natural or man made disasters; and who are within their territory of their own country."¹⁹⁶

Vulnerable and unable to find places of safety, internally displaced persons often suffer persistent violations of fundamental human rights and their basic needs often go unmet.¹⁹⁷ The pressing nature of the problems facing the internationally displaced do not differ much from those of the refugees. Furthermore there is no comparable treaty for protection of the internally displaced and no specific institution mandated to address their needs. The 1951 convention relating to the status of refugees and its 1967 protocol which establishes the obligations of states towards refugees does not apply to the internally displaced persons.

There are however numerous provisions within international law which are relevant to the rights of the internally displaced.¹⁹⁸ In Kenya the Moi Government's actions towards the internally displaced has consistently been in violation of its international legal obligations. Under international law,

¹⁹⁶ "Analytical report of the Secretary General on the Internally Displaced Persons", U.N. Doc.E/CN.4/1992/23, February 14, 1992, para. 17.

¹⁹⁷ Analytical Report..... Supra para 6

¹⁹⁸ "Internally Displaced Persons: Report of the Secretary General, Mr. Francis M Deng," submitted pursuant to commission on human Rights resolution 1995/57. U.N. Doc, E/CN. 4/1996/52/Add 2. December 5,1995.

articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR) which Kenya has ratified, every human being is guaranteed the inherent right to life and to be free from torture and cruel, inhuman or degrading treatment or punishment. Governments also have a duty under Article 26 of the ICCPR to provide equal protection of the law as well as investigating violations of the law when they occur and bring the perpetrators to justice.¹⁹⁹ Also a state may not choose to prosecute serious violation of physical integrity in a discriminatory fashion i. e. protecting some individuals of some ethnic groups and not the others.

Forced displacement by its nature gives rise to massive violations of the international right of the IDPS to choose their own residence and to move freely within their own region and country. Freedom of residence and movement is guaranteed in article 12(1) of the ICCR.²⁰⁰ The guarantees of food, portable water, clothing and housing are also of great importance to those who are internally displaced. Under international law, the Kenyan government is not allowed to discriminate in its fulfillment of its obligation

¹⁹⁹ Report of the Human Rights Committee, 37, U.N. GAOR sup. (040) Annex V, general comment 7(16), para. 1 (1982) U.N. Doc A/37/40 (1982).

²⁰⁰ Derogation from this is permitted only to the extent necessary to "protect national security, public order, public health or morals or the rights and freedoms of others, and are consistence with the other rights recognized in the resent convention."

to provide persons within its territory with the essentials needed for their survival. Yet according to this research (see chapter two and three) the government periodically destroyed or prevented relief supplies from reaching camps in areas where it knew this would affect certain ethnic groups, while not obstructing assistance to other areas.

Under the international covenant on Economic, social and cultural rights (ICESCR), which Kenya has ratified, the right to an adequate standard of living, including adequate food, clothing and housing is recognized in article 11(1). Access to medical care is recognized in article 12. The committee on Economic, Social and Cultural rights held that a state party in which any significant number of individuals is deprived of essential primary health care of basic shelter and housing, or the most basic forms of education is PRIMA FACIE failing to discharge its obligations under the covenant” unless it can “demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority those minimum obligations.”²⁰¹

²⁰¹ General comments adopted by Human Rights Treaty Bodies, U.N. DOC. HRI/GEN/I/REV.1 (July 29 1994).

Primary responsibility for the right of the internally displaced rests with their sovereign government and any international assistance to an internally displaced population requires the acquiescence of the state. But where governments are unwilling or unable to uphold their international legal obligations to promote and protect human rights, the international community is legally entitled, if not obliged, to become involved. However international involvement usually occurs in such cases or situations when a government has invited an international presence to assist it with the problems of the internationally displaced.²⁰² In a situation of civil strife as was the case with the clashes in Kenya, a government may be unwilling to invite the international intervention especially when it may itself be responsible for the displacement. No wonder the plight of the victims of clashes in Kenya went internationally unchecked in spite of the presence of a department of the United Nations Development Program (UNDP) which is charged with the responsibility of overseeing the fate of the internally displaced persons.²⁰³ Various factors account for this seeming complacency on the part of the UNDP in highlighting human rights violations of the clash victims to some appropriate United Nations Forum for action.

²⁰² "Failing the Internally Displaced" Human Rights Watch/Africa, 1997, USA p 23

²⁰³ The December 1988 Conference on the plight of Refugees Returnees and Displaced Persons in Southern Africa (SARRED) and the May 1989 International Conference on Central (America) Refugees (CIREFCA)

4.1.2. THE INTERNATIONAL HUMANITARIAN LAW AND HOPE FOR CLASH VICTIMS

Architects of ethnic slaughter such as the one manifested in the clashes in this research project may face the law in future if Kenya domesticates a key international statute that punishes violence on civilians. The government has ratified several treaties of International Humanitarian Law (IHL) and plans an inter-ministerial committee to speed up its absorption into national legislation. This move includes Kenya in a family of sixty-(60) countries world wide among which, twelve in Africa have ratified this law and formed implementation committees.²⁰⁴

The thrust of this International Humanitarian Law is to criminalise persecution of none - combatants and the captured or the incapacitated belligerents in both internal and cross border strife. The law strongly targets war criminals as is the case in Arusha, Tanzania where the authors of the 1994 genocide are facing the International Crimes Tribunal on Rwanda. The IHL confines war to combatants, ensuring civilians and incapacitated belligerents are relieved of the pain caused by the sort of lunacy that has

²⁰⁴ K Opalain, "Combats who target civilians to face the law." Special report, Daily Nation, Friday March 16, 2001, p6

been tearing apart the Great Lakes Region and the former Yugoslavia.²⁰⁵ According to Patrick Lumumba, the IHL is about the “dos” and “dents” on the battle field and is bound to help the soldiers to behave responsibly. The law is appropriate for Kenya on a couple of grounds. First because of the country’s position in a region plagued by the armed conflicts according to the Attorney General, Mr. Amos Wako. Secondly Kenya is among countries once devastated by the internal conflict especially the MAU MAU and recently the outrageous ethnic clashes.²⁰⁶

Consequently a mechanism for setting up a national IHL implementation committee and its terms of reference was set up in a seminar in Serena Mount Lodge Nyeri, organized by the Attorney General’s Chambers and the International Committee of the Red Cross (ICR) in March 2001.²⁰⁷ Had Kenya incorporated IHL into its legislation before the occurrence of the clashes, the masterminds in the clashes would have been prosecuted either in Kenya or handed over to Rome, the seat of the envisaged International Crimes. A tribunal such as the one that is set up in Arusha for the Rwanda genocide would probably have sat to isolate the innocent from the guilty in the Kenyan clashes. This is because the International Statute demands that

²⁰⁵ Ibid.

²⁰⁶ Ibid.

government were involved in causing the violence, destruction and killings during the clashes.²⁰⁹

This goes along way to explain the cynicism likely to meet the Kenya government's move towards domesticating IHL. A major limitation therefore is the fact that the government would unlikely deliver its supporters to be tried. In addition according to certain sources,²¹⁰ Kenya is yet to recognise the competence of the international fact finding commission, the UN arm that investigates violation of human rights in countries torn by wars. Further more, Kenya is not a signatory to the International Criminal Court. To be party, a country has to review its legislation to ensure it can effectively try war suspects or hand them over to the international Criminal court. At the writing of this research project, the constitution of Kenya is yet to be reviewed. It is however hoped that at some opportune time in future, criminals of the clashes will be brought to justice when a government will be established, that will consider this issue of the clashes objectively.

²⁰⁹ See Chapter One and Two

²¹⁰ Sources are undisclosed for security reasons

In concluding this chapter, it can be stated that the violence that characterized clashes in Kenya had disastrous repercussions on Kenya's foreign relations, economy, good governance and the international peaceful co-existence between the people who were affected.

4.2. IMPACT ON THE ECONOMY

The clashes put at stake the value of joint trade with Britain estimated at Ksh. 20,000,000 as outlined by Sir Roger Tomskys, the British High Commissioner to Kenya in 1992.²¹¹ At stake also was Tourism, Kenya's largest foreign exchange earner, which by 1990 accounted for some 105,000 British Tourists. Furthermore, British development efforts to Kenya was ranked among the largest programs in the world at that time (see chapter one).

This research has shown that violence led to the economic decline of the country. Clashes were therefore a symptom or consequence of poverty and underdevelopment. This factor was manipulated by politicians to ignite violence between ethnic groups for example the coastal indigenous tribes against the settler up country ones (see chapter one and three). What was evident were issues that were at the core of the political economy of Kenya.

For instance the ethnic clashes stemmed from land, social and economic inequality as well as the struggle for the control of the state through political power.

During the clashes at the coast in 1997, the economy of Kenya was seriously shaken by the World Bank's decision to suspend part of its aid package to Kenya. The state of insecurity also led to a spectacular drop in the number of tourists visiting the country. For instance, the number of visitors from Germany – Kenya's largest source market went down by 80% (see chapter one) Further more foreign and domestic investment stopped while bilateral donors found it difficult to support the government with the aid that was badly required by the economy. A further setback inflicted by the insecurity caused by bloody fighting among the Somali, Samburu, Boran and Dagodia pastoralists was the blow on the lucrative tourism industry in Isiolo County Council. At stake were the Council's annual earnings of Ksh. 80 million from the tourism industry, considering its popular tourist facilities like Buffalo springs, the Samburu Sarova Shaba and the Samburu Intrepids (see chapter one). At stake also was the Ksh.10m fund used annually by the county council as bursary for needy students.

²¹¹ See Chapter One

By January 1998 earnings from tourism in Kenya were at the lowest. Stake holders in the industry pointed to various factors to blame for the industry's woes namely: the clashes at the coast, anxiety over general elections and bad weather.²¹² In 1992 when the clashes started, tourism earned KSh. 14, billion due to widespread insecurity in the game parks. This attracted extensive negative publicity abroad. The Kenya wildlife service estimated that earnings from tourism would plummet by a whopping KSh. 18 m between mid 1997 and mid 1998 following the pre – elections and post – elections violence especially at Likoni at the coast.²¹³ The clashes therefore dealt a disastrous blow not only on the economy of Kenya but also the country's international image.

²¹² The Weekly Review, Jan. 30, 1998, p. 21

²¹³ Ibid.

CHAPTER FIVE: CONCLUSIONS

In the foregoing chapters a case has been made about the occurrence of clashes in Kenya intermittently between 1991 - 1999. Chapter One which is the essence of the topic under study set the basis on which the whole study was undertaken. The chapter gives a summary of the problem, the assumptions that have guided the research findings and the hypothesis to be verified. Chapter two gives details of the clashes in the various provinces showing the devastating effects of the conflict on the social, economic and even psychological implications on the people that were affected. Chapter three indicates the role played by various actors during the clashes with an assessment on the underlying factors such as majimboism, rivalry over land, and ethnic animosity. These were manipulated by politicians to spark off the conflict. The participation of the media the human rights activists the foreign diplomats, the international organisations such as the UNDP and Red Cross in assisting the internally displaced persons (IDPs) throw light on the impact of the clashes on the international image of Kenya. Chapter four focuses on the analysis of the impact of the clashes on aspects like the economy and the legal implications of the whole conflict. All these aspects serve to show that the occurrence of the clashes was a big set back on the international image of Kenya.

Findings in every chapter have come out to verify in the light of the objectives of the study, the major assumptions of the research:

- that the clashes led to unwanted loss of lives and destruction of property and hence violating human rights;
- that the clashes were a contravention of peaceful co-existence not only for Kenyans but other nationalities within the borders of Kenya;
- that clashes created a negative impression of good governance in Kenya leading to the withdrawal of donor aid.
- affected also was tourism, a major source of foreign currency earnings.

Above all,

- that the clashes were politically instigated.

Finally, all the foregoing findings verify the hypothesis of the research project stated in Chapter one in particular that, 'there is correlation between the ethnic clashes in Kenya and the country's image internationally'. The conflict that was characterised by violence disturbed peace that is a major ingredient for development. Tourism received a major blow and the impression of bad governance led to the withdrawal of foreign aid as institutions like World Bank and the International Monetary Fund tie up aid to domestic politics and respect for human rights among the conditions to be fulfilled for aid disbursement.

While further research could be undertaken to unravel all the dilemmas and unanswered questions about the clashes so far, such as why the Akiwumi Report has never been released, there appears to be no academic merit for this further research.

RECOMMENDATIONS

With reference to the conclusions given above, the following recommendations have been made:

1. The government should ensure that the constitutional review under process is successfully completed to enable it to renew its constitutional obligation under the international covenants to protect the fundamental rights and freedoms of the Kenya citizens. The fatal clashes that took place intermittently between 1991 and 1999, grossly violated human rights in all aspects – the right to life property, freedom of movement and political and civil liberties.
2. The government must stamp out all forms of communal violence – cattle rustling, border disputes political, economic rivalry, land disputes etc. These forms of violence were exploited politically to intensify hatred and fighting between ethnic groups to justify their

being termed '*ethnic clashes*' when they were in reality '*politically instigated clashes*'. The political will to guarantee security which lacked throughout the period of the clashes should be renewed.

3. As a measure to restore peaceful co-existence between the communities that were affected by the clashes the government should set-up an independent commission of inquiry with the following terms of reference:-

- Review the Kiliku Report on Ethnic clashes in the Rift Valley and Western provinces (1991 -92),
- Investigate all allegations of the involvement of government officials in the clashes and prefer charges where evidence of wrong doing is available,
- Investigate persistence reports of land sales being effected under duress, illegal occupation and fraudulent transfers (as mentioned in Chapter three of this research project). Where the displaced victims sold land at below prevailing market rates, such land transfers be reviewed and reversed where evidence is available to this effect. Assistance to be given to

displaced persons through appropriate payment of compensation to those who lost their land.

4. The government should release the Akiwumi report to the public and implement all the recommendations made with impartiality. All those implicated in instigating the clashes should be answerable in court. This can help in effecting the healing process.
5. The government in collaboration with the international agencies as well as the humanitarian relief organisations and local non-governmental organisations should set up a clash victims fund to accomplish the following:-
 - Provide compensation and relief assistance to clash victims,
 - Resettle all victims and get them back on proper economic footing,
 - Rebuild schools and other social services in clash – torn areas.
6. The government should guarantee adequate security to all, for as long as it takes to enable displaced families to return permanently to their land (see chapter three).

7. Owing to the unsatisfactorily role that was played by the security forces during the clashes, the government should retrain the forces with a view to re-dedicating them to the ideals of nationhood and service to the people. This will ensure that they will not be party to the abuse of human rights, excessive use of force against civilians or agree to be used by future governments and ethnic mongers to subvert justice and perpetuate inter or intra-ethnic violence.

8. For future elections, the government should as a matter of vital importance, create a level playing field by:
 - Repealing all laws that are inimical to the democratic process,
 - Empowering the electoral commission to organise and oversee free and fair elections and,
 - Encourage civic education in schools and other fora to create an enlightened citizenry which understands the intricate culture of competitive politics engendered by a multi-party system.

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