

**THE ROLE OF ETHNICITY IN KENYA'S 2007/08 POST-ELECTORAL  
VIOLENCE //**

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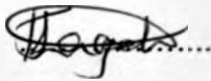
**A RESEARCH PROJECT PROPOSAL SUBMITTED IN PARTIAL  
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## DECLARATION

This project proposal is my original work and has not been submitted for a degree to any other University.

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Date..12/10/2011..

This project proposal has been submitted for examination with my approval as University supervisor.



Dr. Ibrahim Farah

15/11/2011

Date

## **DEDICATION**

To my family who encouraged mum to pursue further studies; I will forever be grateful for your invaluable support. To my colleagues for the reciprocal encouragement we offered each other. To my Supervisor, I am very grateful for your patience and guidance throughout this study. This study is also dedicated to my little grand-daughter Georgiana-Josphina

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Finally I would like to thank my family and friends who continually encouraged me especially during the challenging times.

## ABSTRACT

This study investigated the role of ethnic dimensions in election violence with focus on the 2007-2008 post election violence in Kenya; the main concern being the consistency of ethnic related conflicts, particularly after elections. The study was conceptualized along primordial and instrumentalist theoretical underpinnings aimed at identifying classification schemes and dynamic elements in ethnicity and their relation to conflict. Other core epistemological understandings were enjoined to analyze the broader picture of conflict studies. The study utilised both primary and secondary sources of information. The study did a thematic critical analysis of studies, commission reports and working papers on ethnicity and conflict in Kenya and beyond. Some of the study's key findings include that that the 2007/08 post-election violence signals strong ethnic identification and that although Kenyans resist defining themselves in ethnic terms, their actions in making electoral choices show a country where voting patterns skew largely towards ethnic lines. The study also argues that post-election violence underwrote an important point: that Kenya is an ethnically divided society. The study recommends that improvement of ethnic relations -- besides addressing the wrongs that have been done before -- is required before any conciliatory efforts are successful. As a result, ethnic diversity should be appreciated if it is well managed to create interdependencies and forge unity of purpose in Kenya.

## **ABBREVIATIONS**

<b>ODM</b>	<b>Orange Democratic Party</b>
<b>PNU</b>	<b>Party of National Unity</b>
<b>AU</b>	<b>African Union</b>
<b>KADU</b>	<b>Kenya African Democratic Union</b>
<b>KAP</b>	<b>Kenya Peoples Union</b>
<b>NARC</b>	<b>National Alliance Rainbow Coalition</b>
<b>ECK</b>	<b>Electoral Commission of Kenya</b>
<b>KNHRC</b>	<b>Kenya National Human Rights Commission</b>
<b>APRM</b>	<b>African Peer Review Mechanism</b>
<b>GEMA</b>	<b>Gikuyu, Meru, Embu, Akamba</b>
<b>SLA</b>	<b>Sudan Liberation Army</b>
<b>JEM</b>	<b>Justice Equality Movement</b>
<b>US</b>	<b>United States</b>
<b>NGOs</b>	<b>Non Governmental Organizations</b>
<b>UNITAF</b>	<b>United Nations Transitional Force</b>
<b>UNISOM</b>	<b>United Nations Operations in Somalia</b>
<b>UN</b>	<b>United Nations</b>
<b>FORD</b>	<b>Forum for the Restoration of Democracy</b>

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## CHAPTER ONE

### INTRODUCTION TO THE STUDY

#### 1. Introduction

The concept of ethnicity is traditionally defined according to objective and subjective criteria by recognizing it as a common identity of a group, based upon perceptions among members and non-members. Ethnic identity consists of homogeneity in one or more characteristics: nationality, religion, language, race and ancestry, culture and history.<sup>1</sup> As such, ethnicity serves as a unifying element that often leads to national consolidation and statehood. It may also lead to conflict within a state or among states, when, in a multiethnic state, the boundaries of ethnic identity and state sovereignty overlap.<sup>2</sup>

In understanding ethnicity, the situational and subjective aspects of ethnic identity signify the need to identify critical factors in a range of social processes than just identity within cultural and behavioral components. The fundamental problem commonly involves distinguishing those specific situations in which ethnicity is a salient variable from others in which it is less significant or entirely negligible.

#### 1.1. Background of the Study

The causes of conflicts are multiple and complex, but one of the primary factors that all conflicts have in common is that there is more than one group living within boundaries of a sovereign state and one or more groups feel excluded from the political system to some degree and actively pursue changes in state policies towards this group.<sup>3</sup> Contemporary

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<sup>1</sup> T.C. Davis, "Revisiting Group Attachment: Ethnic and National Identity," *Political Psychology*, Vol. 20. No. 1 (Mar, 1999), p.26

<sup>2</sup> Ibid

<sup>3</sup> I. Khmelko, and K.E Wiegand, "Government repression in ethnic conflict: institutional incentives and cultural Legacies " *International Journal on World Peace Vol XXVii No. 2 June (2010) p. 56*

conflicts worldwide are intra-national in scope, meaning, they are fought within groups who come from within boundaries of a defined state.<sup>4</sup> Major inter-state conflicts have declined in frequency and have been overtaken by intractable conflicts driven by identity<sup>5</sup>. Further characteristics of these conflicts show that cohesion and identity have a tendency to form within narrower lines where people seek security by identifying along closed-in relationships, determined by common experiences, and over which they have some control.<sup>6</sup>

This view is affirmed by Holsti who argues that there are many divergent views that strongly suggest that there is no single reason as why people fight and that every conflict possesses its own historical characteristics.<sup>7</sup> A review presented by Wallesten and Sollenburg registered a total of 101 armed conflicts in the period 1989-1996, and only six were inter-state conflicts. Most of these conflicts were between different identity groups, defined along racial, religious, ethnic, cultural or ideological terms.<sup>8</sup> Okoth and Ogot further allude that there have been 50 ethnically motivated conflicts worldwide.<sup>9</sup>

When the struggle and violence of ethnic groups escalates, turmoil within states may result in civil war and/or in interstate crisis, conflict and war, which focus on ethnic issues. This concentrates more on the national aspects of ethnicity. Conceptualizing conflict from a wider conflict perspective, posits that conflicts are endemic. People in conflicts whether at individual, group, national or international level, perceive their goals

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<sup>4</sup> J. P Lederach,, *Building Peace, Sustainable Reconciliation in Divided Societies*, (Washington United States Institute of Peace 1997) P. 11

<sup>5</sup> Burtler, M. J, *International Conflict Management*, (New York, Routledge,2009), p.53

<sup>6</sup> J.M. Sanders J.M, *Annual Review of Sociology, Ethnic Boundaries and Identity in Plural Societies*, Vol. 28 (2002), p.327

<sup>7</sup> P.G Okoth., & , B.A Ogot, *Conflict in Contemporary Africa*,( Jomo Kenyatta Foundation, 2000), p.2

<sup>8</sup> A Nimmer., *Dialogue Conflict, Resolution and Change*, (New York, Sracuse University Press, 1993). p.25

<sup>9</sup> P.G Okoth., & B.A Ogot, *Conflict in Contemporary Africa*, Op cit, p.5

or interests contradictory to the goals or interests of the other party.<sup>10</sup> In effect, when society members identify a particular situation as a conflict, they also engage in cognitive activities that will be consolidated through epistemic understanding of the conflict situation developing beliefs within the group members which then become symbolic brands.<sup>11</sup> Because conflict is multifaceted, the case of opportunism used through the ethnic lenses provides a premise from which chain reactions develop that yields into violence and perceptions of victimization.<sup>12</sup> Ethnicity is unavoidable but conflict is not.<sup>13</sup>

The single major threat to national identity in Africa is ethnicity which continues to manifest itself in ethnic violence in various parts of Africa, with all the consequent effects of violence such as disruption of health services and food supplies. While the expectation upon political independence was that citizens of African countries would “break out of the boundaries of ethnicity, embrace secular nation-state identity and develop a rational scientific view of development and treat individuals as autonomous entities, the reality is otherwise: ethnic conflicts characterize much of the continent today, over forty years after independence.”<sup>14</sup> In recent years, election processes, part of the governance structure created by states to legitimize political leadership, have castigated violence as competing candidates mobilize intricate social elements to weaken their opponents and win elections.<sup>15</sup>

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<sup>10</sup> B. Tal., “Intractable Conflict through Conflict Resolution to Reconciliation:” *Psychological Analysis, Political Psychology Vol 21 No. 2 (Jun, 2000) p. 351*

<sup>11</sup> B. Tal., *Psychological Analysis, Political Psychology*, op cit, p.352

<sup>12</sup> “Third Party Roles in the Termination of Intercommunal Conflict,” *Millennium Journal of International Studies* 26, No (1997) pp.727-750

<sup>13</sup> H Ben-Yehuda,, and Mishali-Ram, M, “Ethnic Actors and International Crises: Theory and Findings” 1918-2001, *International Interactions* (2006) pp .49-78

<sup>14</sup> E Kamaara,, “Towards Christian National Identity in Africa: A Historical Perspective to the Challenge of Ethnicity to the Church in Kenya “( *Studies in World Christianity, 2010*) pp.126-144

<sup>15</sup> T.D Sisk,, *Elections in Fragile States*, (University of Denver, California Graduate School of International Studies, 2008), p.2

Conflicts in Africa have been commonplace.<sup>16</sup> Struggles in Africa prior to independence, had colonial regimes as the common enemy. Since the end of colonialism in the mid to late 20th century, many post-colonial states have been controlled by a dominant ethnic group, which has provoked political reactions by excluded ethnic groups, leading to various forms of conflict and sometimes violence. This colonial disengagement drove the populace from the realm of the state into ethnic, religious, and other identity-based formations creating a legitimacy deficit for the African postcolonial state. It is this process of deligitimization that created strong social forces culminating in diverse crises and conflicts across the African continent.<sup>17</sup> Towards this end, this study wishes to investigate the role played by ethnic forces or in Kenya's post election violence in the year 2007/08. This study will contribute in the search for a framework to promote coordinated action in the area of Africa's interethnic relations which<sup>18</sup> as Friedrich notes, "Africa ethnic rivalries are mobilized and become volatile especially during elections."<sup>19</sup>

The violent conflict that engulfed Kenya after the disputed presidential election in December 2007 provoked widespread concern because until then Kenya was widely viewed as a rare bastion of political stability and economic prosperity in Africa. As noted by Kanyinga, "Kenya's 'success story' was presented as one from which lessons could be learned: discussion about the unique nature of the country taking shape in the form of what came to be known as the 'Kenya debate'."<sup>20</sup>

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<sup>16</sup> Ibid

<sup>17</sup> D. Abubakar,, "Ethnicity and Recent Democratic Experiment in Africa," *African Issues*, Vol. 29 No. 1(2001) pp.31-36

<sup>18</sup> R Rothchild, *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Washington 1997 R.R Denley & Sons) p.22

<sup>19</sup> S.T Friedrich,, "Political and Election Violence," *Working papers on Conflict Management* No 2, (2001)

p. 1

<sup>20</sup> K. Karinga "The legacy of the white highlands:" "Land rights, ethnicity and the post-2007 election Violence in Kenya " *Journal of Contemporary African Studies*, Vol 27, No 3 (July 2009) p. 325-344

Against this background, the outbreak and spread of the violence in early 2008 highlighted the need for comprehensive analyses on what had gone wrong with Kenya. But researchers have tended to examine factors which are immediate rather than fundamental (e.g. the vote count as the trigger of the violence), rather than on what predisposing conditions existed prior to the conflict. The December 2007 general election was the fourth that the country had conducted since the reintroduction of multiparty democracy in November 1991.<sup>21</sup>

Violent clashes had been reported during the 1992 and the 1997 elections, especially in the Rift Valley province and parts of the Coast province, but their magnitude and reach were not as pronounced as the 2007/08 crisis.<sup>22</sup> The post-election crisis of January 2008 brought Kenya close to collapse and the status of a failed state. Following the proclamation of Mwai Kibaki, the incumbent president, as victor in a highly contentious presidential election, peace was disrupted by severe ethnic violence between supporters of the opposition Orange Democratic Movement (ODM) and the Party of National Unity (PNU). This saw up to 2,000 people killed and as many as 300,000 displaced from their homes. Some of the displaced victims are yet to be resettled and some systems of resettlement have been met with discontent.<sup>23</sup>

Some analysis locates the origin of the crisis in, variously, a background of population growth and extensive poverty; and ethnic disputes relating to land going back to colonial times (notably between Kalenjin and Kikuyu in the Rift Valley).<sup>24</sup> Other schools of thought indicate that what stoked the conflict was the construction of political

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<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> J. Klopp. and, P Kamungi, *World Policy Journal*, (2007/2008), pp11-15

<sup>24</sup> M Ruttena, and, S Owuor, "Weapons of mass destruction:" "Land, ethnicity and the 2007 elections in Kenya," *Journal of Contemporary African Studies*, Vol. 27 No. 3 (July 2009) pp.305-324

coalitions around Kenya's 42 ethnic groups. While summarizing how external mediation and the elite interest in political stability prevented the country falling apart, and led to the formation of a power-sharing government, there are indications that reluctance by the Government, community and other social-political and legal structures to investigate and deal effectively with the underlying issues that caused the crisis, means that Kenya remains a 'democracy at risk', and faces a real challenge of slipping back into the state of what happened then.<sup>25</sup>

## **1.2 Statement of the Problem**

Ethnic conflicts have caused enormous human suffering and produced devastating impacts on political, social order and economic growth around the globe. This type of strife affects neighboring states, poses a threat to both regional and global security and stability, and emerges as a key concern for policymakers. Indeed, ethnic conflict has been elevated to the domain of high politics, a realm previously occupied by international crisis, ideological conflict, and interstate war.<sup>26</sup> Given the continued complexity and importance of the issue, this study seeks to identify whether ethnicity had a role to play in the 2007/08 post election crisis in Kenya. The study further seeks to investigate the underlying ethnic ideologies that could have catalyzed the conflict and hence devise a framework to adequately address the situation.

Various intellectuals and politicians have advanced various strategies in state-building in Africa, but the frame of reference for much policy debate should be what

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<sup>25</sup> Ibid

<sup>26</sup> R Rothchild., *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, op cit, p.2

tools are there to better attack the structures of ethnic conflict.<sup>27</sup> It is argued in this study that an ethnic identification might matter when African structural constraints, including corruption, poverty, and adverse climate, hugely affect the building blocs of state-building. Any positive enterprise must begin by considering how citizens' full range of resources, including community spirit or ethnic attachments, can be used for people's general well-being. Ethnic resources, such as ideas, practices, experiences, and organizations, may be discussed to relate them to the issues of nationalism and state-building. People cannot be programmed by the history of their communities to act in specific ways only, but the patterns which they see around them and the principles in which they are educated as children have implications. The study will critically look at the role of ethnicity but within the context of ethnic violence and conflict.

This research is an interdisciplinary study, bringing together theories from the fields of politics and international relations. Specifically, this research tests the role played by ethnicity in conflict and by so doing provides a foundation for engaging in corrective remedies to effectively build on the positive ethnic ideologies and manage the negative ideologies to curb the recurrence of ethnically instigated violence. As Chege indicates, Kenya is still at risk.<sup>28</sup> This is due to the fact that the AU sponsored agreement left out important pillars of the consociational theory on which the Kenyan grand coalition government is based, namely autonomy and devolution of power to warring groups, mutual veto, and the equality of vote often guaranteed by the electoral system of proportional representation.

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<sup>27</sup> P. Kagwanja,, and, R Southall, Introduction: Kenya - A democracy in retreat? *Journal of Contemporary African Studies* Vol 27 No. 3 (July 2009) pp 259-277

<sup>28</sup> M Chege,, "Kenya: back from the brink?" *Journal of Democracy*, Vol No. 4: (2008), pp125-39.

As such, analysts have urged a fundamental renegotiation of the foundations of a democratic state in Kenya in the context of the post-conflict reforms as crucial to preventing the recurrence of violence and the risk of state failure.<sup>29</sup> While locating Kenya's 2008 crisis within the immediate circumstances relating to the 2007 election, this contribution attempts to analyze the mayhem within the broader arena of ethnicity and the ethnically stimulated contradictions embedded in the country's political and social system.

### **1.3 Objectives of the Study**

The overall objective of the study will be to analyze the role of ethnicity in Kenya's post-electoral violence during the 2007/2008 period.

More specifically, the study aims to:

- i) Provide an overview of Kenya's post-electoral violence in 2007/2008;
- ii) Examine the role of ethnicity in the conflict;
- iii) Explore the role of history in Kenya's ethnic conflicts.

### **1.4 Literature Review**

The literature review focuses on ethnic dynamics with a co-relation to conflict and violence, owing to unique attributes found in each conflict situation.

From a semantic perspective, "ethnicity" is derived from the Greek word *ethnos* meaning race, or group with common racial features and common cultural peculiarities. "The

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<sup>29</sup> F. Holmquist, and M Githinji, "The Default Politics of Ethnicity in Kenya," *Brown Journal of World Affair*, Vol 26, Issue 1(2009) pp.101-117



denotation of ethno therefore happens to be the first ontological postulate or basis, for a people's assertiveness, entrepreneurial instinct and self identity."<sup>30</sup>

Wolf further relates ethnicity with characteristics that generate idiosyncratic aspects such as xenophobia, imaginary complexes and hidden hatred.<sup>31</sup> This leads to the focus of conflict relations which reveal the structure of a family or community, or international system by further establishing that conflict situations are based on the ability to mobilize both material and symbolic resources in order to determine the outcome of a conflict.<sup>32</sup> Whereas in his works on ethnic boundaries and identities, Saunders argues that ethnic groups are social constructions involving insiders and outsiders mutually acknowledging group differences in cultural beliefs and practices and further explains that ethnic groups can also be as well be determined by cultural and geographical boundaries. Discrimination based on ethnic affiliation, for example, ethno-politics tend to be useful in manipulating ethnic identities for purposive goals, a big challenge faced in contemporary Africa.<sup>33</sup>

To affirm to the dynamism of ethnicity, Okoth and Ogot concur that it is indeed a dynamic concept that may possess both a multiplicity of characteristics, explaining the basis on which some scholars have defined ethnic conflicts as "protracted social conflicts; characterized by enduring features of economic and technological underdevelopment and fragmented political systems."<sup>34</sup> That is to say ethnic conflicts, class conflicts, occupational conflicts, regional antagonisms and other forms of internal conflicts are all

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<sup>30</sup> A Tarimo,, & P Manwelo,, (Eds), *Ethnicity, Conflict, and the Future of African States*, (Nairobi, Kolbe Press, 2008) p.14

<sup>31</sup> S. Wolff,, *Ethnic Conflict, A Global Perspective*, (Oxford University Press, 2006), p.16

<sup>32</sup> H.W Jeong,, *Peace and Conflict Studies, An Introduction*, (England, Ashgate Publishing Ld, 2000),p. 31

<sup>33</sup> Ibid

<sup>34</sup> P. Okoth and B. Ogot,, *Conflicts in Contemporary Africa*, op cit, p.3

part and parcel of a multidimensional and complex multiplicity of conflict cycles.<sup>35</sup> This perspective will be critical in this study due to its multidisciplinary aspect.

It has been suggested that ethnic conflicts have roots in long standing distrusts, fear, and paranoia, reinforced by the immediate experience of violence, division and atrocities. These accumulative aspects further exacerbate the hatred and fear that fuel conflict. Hence, the psycho-cultural dispositions found in a society's early socialization experiences can determine the intensity of conflict, while its specific patterns of social organization determines the potential targets of conflict located within society, or outside it, or both.<sup>36</sup>

In examining the causes of conflict, Bjorkqvist's argues that the source of conflict lies in the minds of people, and behavioral aspects such as attitudes of ethnic majority populations towards other communities are potentially important determinants of social exclusion and the welfare of ethnic minorities. This has had a direct impact on the political process leading to conflicts.<sup>37</sup>

Other attributes of conflict arise from economic development for this provides a precursor to communal cleavages precipitated by collective desperation. Being poor weaves a closeness beyond mere sociability and known to encourage strong patterns of neighbourliness when compared to the affluent neighbourhoods where people live a fairly social independent life. In addition, closeness, may promote mutual familiarity leading to conflict, resentment and weakening any sense of mutual responsibility.<sup>38</sup> Further analysis

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<sup>35</sup> J.M Sanders,, *Ethnic Boundaries and Identity in Plural Societies, Annual Review of Sociology*, op cit, p327

<sup>36</sup> O. T Ramsboth,, *Humanitarian Intervention in Contemporary Conflict*, (Cambridge, Polity Press (2005), p.304

<sup>37</sup> C. Dustmann,, and I Preston,, *The Economic Journal*, Vol. III. No. 470 (Apr., 2001), p.353.

<sup>38</sup> P.G Okoth,, & B. A Ogot,, *Conflicts in Contemporary Africa*, op cit., p.249

has proven that poverty can be endured without necessarily falling into conflict, however, the asymmetrical distribution of basic needs, can be a recipe for generating conflict.<sup>39</sup>

Placing the locations of cross-group in terms of social space leads to a well understood analysis than approaches premised in physical space. Barth expounds this perspective by arguing that cultural traits of an ethnic group coincide with ecological circumstances leading to institutionalized behaviour that reflects reactions to the environment as much as they would to cultural orientation.<sup>40</sup> In these very terms, social networks and social capital become central instruments of ethnicity in plural societies. These networks are also shaped and galvanized by characteristics of the immigrant stream and by structural conditions in the host society.<sup>41</sup> In essence, the networks possess a mechanism that invigorates a sense of group solidarity likely to manifest as a reaction to real or perceived threats.

In contrast, social disorganization can as well be generated which involves a “decrease of the influence of existing social rules, highlighting the disorganization in informal settlements.”<sup>42</sup> Another analytical level informs that despite the fragility of this social order, ethnicity and territoriality seem to provide a viable means of securing a reasonably life, given the material deprivations of less formal settlements.<sup>43</sup>

Ethnic conflicts can arise from processes of political mobilization, hyper-nationalism, and inter-communal security dilemma that engender ethnic cleansing with a manifestation towards “populations increasingly holding enemy images of other groups.

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<sup>39</sup> Bercovitch et al, *Conflict Resolution*,( Sage Publications, London, 2009), p.495

<sup>40</sup> J.M Sanders,, *Ethnic Boundaries and Identity in Plural Societies*, *Annual Review of Sociology* op cit., p.238

<sup>41</sup> Ibid

<sup>42</sup> F.W Whyte., *Building Peace, Sustainable Reconciliation in Divided Societies* op cit., pp.35,

<sup>43</sup> Ibid

because of deliberate efforts to create such images or because of real threats."<sup>44</sup> International social conflict, rooted in inter-communal relations, may erupt into a crisis of the state and in some cases danger to the central organizing unit, given that group loyalty and legitimacy are shifting away from state towards the centre globe and toward local communities. Put into question is the relevance of the nation state, though reinforced in Kennedy's words, 'the nation state remains the primary locus of identity of most people.'" Though Azar critiques this view point by suggesting that, "most states which experience protracted social conflict, tend to be characterized by incompetent, fragile and authoritarian governments that fail to satisfy basic human needs."<sup>45</sup> Another critical factor seems to be whether party politics align with communal divisions rather than cutting across them.

Interactions between state and society pose a constant engagement of a clash of interests in modern political arena among the various groups since these groups are formed along ethnic, racial, religious, regional or class lines. An uncertainty over the intention of the other offers an opportunity to the leaders of the threatened group, to have an incentive to launch a pre-emptive strike to sustain the ethnic dominance or balance. Ethnicity therefore "acts as a cordon around which group members mobilize to compete for state controlled power, economic resources among others as has been the case in Kenyan politics." "No matter how successful nation building efforts may prove, intragroup differences are likely to persist, allowing political entrepreneurs the option of manipulating rival factions."<sup>46</sup> Ethnicity is not at all different from the dynamics of

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<sup>44</sup> F.O Hampton,, *Parent Midwife, or Accidental Executioner? The Role of Third Parties in Ending Violent Conflicts* (Washington, DC United States Institute of Peace Press 1996) p. 3

<sup>45</sup> O. Ramsboth,, *Humanitarian Intervention in Contemporary Conflict*, Op cit., p.95

<sup>46</sup> R. Rothchild,, *Managing Ethnic Conflict in Africa* ,Op cit, p.5

interstate relations in an anarchic international system. Ethnic security dilemma and to state security dilemma not only have commonalities, but also the same kind of offense-defence escalatory spiral which often lead to the polarization of society.<sup>47</sup>

There is considerable political activity, linking 'clients' and leaders, although they attract more attention from politicians mainly at election time.<sup>48</sup> The right and ability to control one's own destiny is the highest political value which necessitates fierce competition and manoeuvring among groups and parties for control of the crucial processes, seen as a means of fulfilling the quest for power.<sup>49</sup> Political power is a psychological relation between those who exercise it and those over whom it is exercised. "It gives the former certain actions of the latter through the impact which the former exert on the latter's minds. Impact can be; the expectation of benefits, the fear of disadvantages, the respect for love for men or institutions."<sup>50</sup> These views ascertain the intensity of passion attributed to winning or losing an election.

Dynamics of ethnic politics in Africa have been popularized and politicized by politicians to gain political mileage when ethnic identities become amenable to political manipulation either through suppressed groups who feel marginalized or the privileged groups feel threatened.<sup>51</sup> Ethnic politics are seen to analyse the contextual nature of ethnicity by constructing the nature of ethnicity designed from identity.<sup>52</sup> Election

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<sup>47</sup> R. Rothchild, *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Op cit, p. 233

<sup>48</sup> R.M Steers, & L. Nardon, Op cit., p.240

<sup>49</sup> W.I Zartman,, *Ripe for Resolution, Conflict and Intervention in Africa*, (New York, Oxford University Press, 1985), p12

<sup>50</sup> J. Morgenthau., *Politics Among Nations, The Struggle for Power and Peace*, (Caldonia, R.R. Donneley & Sons Co., 1993) pp.30-31

<sup>51</sup> A. Dauda , *Ethnic Identities, Democratization and the future of the African State: Lessons from Nigeria*, *Africa Issues*, Vol. 29, No. 1, (2001) pp.31-36

<sup>52</sup> S.N. Ndegwa,, *The American Political Science Review*, Vol. 91, No, (American Political Science Association (September 1997) p. 599

violence cannot be attributed entirely to identity politics, but the violence which assumes ethnic dimensions raises concerns about the negative impact of election violence on social relations. Consensus on the winner takes it all permeates into proportionality aspects that lead to post election violence.<sup>53</sup>

Political intolerance manifests itself in political oppression, depending on the context and the nature of the target groups. political intolerance in a society in conflict may be varied as “in-group love” or “out-group hate. Intolerance stemming from conflict-induced hate may have a contagion effect on other groups. Citizens linked to the out-group by ethnicity, religion, or national affiliation risk becoming primary targets often defined as “hostile minorities.”<sup>54</sup> It is believed that the more cohesive a group becomes, the more its likelihood to engage in external aggression.

Influences on conflict, refer to the distinction made between person, role and situational variables. “The idea of person is linked to the variables such as attitude, values, or cultural styles.” “The role obligations can be attached to accountability to constituents and situational influences are based on aspects of the situation other than those that define a representative’s role.”<sup>55</sup> This perspective underscores the nexus of the person, role and situational circumstances to conflict.

Limitations in conflict analysis arise from its issue specific nature of approach which tackles the dynamism of conflict and its multi-causal effects. Generalizations from each unique conflict situation pose a challenge for data analysis. A number of studies representing ‘self’ and the ‘other’ are pertinent to the waging of war. This has led to a post-structural analysis that demonstrates ‘self’ implicated in the killing of the ‘other’.

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<sup>53</sup> H. Donald,, “Electoral Systems and their goals:” *A Premier for Decision Makers*, (Jan 2002), p.2

<sup>54</sup> O. Ramson,, T Woodhom,, *Humanitarian Intervention in contemporary Conflict*, p.574

<sup>55</sup> D.J.D Sandole,, & H Merwe,, *Conflict and Intervention in Africa* op cit., p.32

This theoretical deficiency imposes an important restraint on any effort to inventory prepositions and hypothesis concerning crisis.<sup>56</sup>

### **1.5 Hypotheses**

The study will test the following hypotheses:

1. Ethnicity causes conflict;
2. Improved ethnic relations are a pre-requisite for reconciliation and healing;
3. History has a role in ethnic conflicts.

### **1.6 Justification of the study**

Election violence impacts on peace, security and development not only of a nation but also the wider regional and international order. Unity in diversity is a fundamental attribute that nature has uniquely provided, yet co-existence is at the same time an inescapable natural phenomenon. The researcher enjoys a lineage from six ethnic diversities and hence the keenness of a deeper understanding on what entails ethnicity. Indeed, ethnicity may be a decisive cause of violence or perhaps not.

It has been affirmed that conflict is a multidisciplinary study. The benefit of reinforcing behavioral, cultural and social adaptations may be illustrated by various references from other disciplines. In this regard, attention will be focused on relations among individuals within a group which takes a more generalized form. This is an attempt to understand the fundamental features of co-operative and competitive relations and the consequences of these different types of interdependencies.<sup>57</sup>

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<sup>56</sup> Ibid

<sup>57</sup> M Deutsch,, "*Conflict Resolution: Theory and Practice, Political Psychology*, Vol. 4, No. 3 (Sep., 1983) p.433

## 1.7 Conceptual framework

Ethnicity is assumed to play a large role in many international and local conflicts, but it is unclear that the independent effects of ethnicity are particularly strong.<sup>58</sup> This study addresses the specific role that ethnicity played in Kenya's 2007/08 post election violence. Ethnicity is the embodiment of values, institutions, and patterns of behavior, a composite whole representing a people's historical experience, aspirations, and world view. Traditionally, African societies and even states functioned through an elaborate system based on the family, the lineage, the clan, the tribe, and ultimately a confederation of groups with ethnic, cultural, and linguistic characteristics in common. These were the units of social, economic, and political organizations and inter-communal relations.

It is worth noting that there are no general theories of conflicts that cut across all situations and therefore difficulties are abound in conceptualizing conflicts because every conflict bears unique attributes and characteristics. This study also submits that conflict is dynamic.<sup>59</sup> Additionally, each approach contains elements which compliment aspects of other approaches to avoid being drawn into the wider concept of conflict. 'Ethnicity,' itself therefore, is a deeply problematic concept commonly referring to identity groups.

Conflict groups are not monolithic and are usually made up of overlapping subgroups. In normal social conflict, this complex of sub groups serves to contain and dilute conflict in an overall social cohesion. Identities are imposed on individuals, often against their will, by their own side, by outsiders, by their opponents. Identity politics are known to cause 'new wars.' Fundamental is the debate whether these collective identities are 'primordial' or constructed for purposes of manipulation and mobilization of interest,

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<sup>58</sup> D.J Francis., *Peace Conflict in Africa*, (Zed books, New York, 2008), p.58

<sup>59</sup> P. Okoth., and B. Ogot, *Conflicts in Contemporary Africa*, Op cit pp.2&3



as 'instrumentalists' argue.<sup>60</sup> Some instrumentalists who see ethnicity and other forms of communal identity as constructions, reconstructions and deconstructions of discourse of power, contest the integrity of 'social roots.'<sup>61</sup>

Wolf's argument is from a different approach which supposes that the term ethnicity has been misused when he says that order has to be brought to some of the 'chaotic' diverse claims. He further questions what extent ethnic conflicts are about ethnicity, and to what extent ethnicity is merely a convenient common denominator to organize a group conflict? Closer examination of many conflicts labeled 'ethnic' lead to a fluid analysis that ethnicity is quite often no more than a convenient mechanism to organize and mobilize people into homogeneous conflict groups willing to react to each other. Wolf is also of the view that an adequate theory should be able to explain both elite and mass behaviour and provide an explanation for passionate, symbolic, and apprehensive aspects of ethnic conflicts.<sup>62</sup> Though from a rather balanced approach, hard realism is of the view that dynamics of ethnic conflict are not different from other dynamics of conflict.<sup>63</sup>

In analyzing the nexus between ethnicity and violence, Premordialists view ethnicity as a "'fixed characteristic of individuals and communities', an essential bond that unites kinship, ethnicity is inescapable and inevitable in the sense that 'ethnic group identities flow from an extended kinship bond, sharing common behaviours and transmitting across generations.'<sup>64</sup> On the contrary, some scholars oppose this view by

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<sup>60</sup> S. Wolff,, *Ethnic Conflict, A Global Perspective*, Op cit, p.64

<sup>61</sup> O. Ramsboth,, et al, *Humanitarian Intervention in Contemporary Conflict*, (Polity Press, Cambridge, 1996), p.98

<sup>62</sup> S. Wolf,, *Ethnic Conflict, A global Perspective*, Op cit, p.66

<sup>63</sup> F.O Hampson,, "The Role of Third Parties in Ending Conflict," *Millennium Journal of International Studies*, No. 26 (1997) p.727

<sup>64</sup> Dion, D, *The Journal of Conflict Resolution*, Vol. 41, No. 5, Sage Publications, Inc,

arguing that “the most provocative new theories involve the notion that it is ethnic competition that breeds ethnic conflict.”<sup>65</sup>

Whereas, Instrumentalist view ethnic identity as a ‘tool used by individuals, groups, or elites to obtain some larger, typically material end and is socially constructed, often created or de-emphasized by power seeking politicians.’<sup>66</sup> In this sense, “Ethnic conflict’ can therefore be explained as the interplay between multiple fragmented and overlapping identities, which take on social meaning in some contexts but not in others.”<sup>67</sup>

Similar conclusions have been drawn in attempts to explain human aggression, where “the ‘determinist’ are partially challenged in the ‘frustration/aggression’ theory of Dollard and his associates, and refuted in the ‘social learning theory’ with the idea that aggression is not an innate drive nor an automatic reaction to frustration, but a learned response.”<sup>68</sup> Conflict researchers would be plausible to this school of thought with their argument that conflictual behaviour arises from perceptions of the actor in the society he leaves in.

However, the main psychological theories about conflict refer to frustration and aggression theory, and theory of relative deprivation. “The frustration-aggression theory proposes that aggression is the result of frustration and all frustration is aggression but the argument is that aggression is not innate in human beings.”<sup>69</sup> “The theory was to be

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(October 1997), p.638

<sup>65</sup> Ibid

<sup>66</sup> D.J Francis,, *Peace Conflict in Africa*,(Zed books, New York, 2008), p58

<sup>67</sup> K. J, Fukui, J Markakis., *Ethnicity & Conflict in the Horn of Africa*, (James Curry Ltd, London, 1994) P. 113

<sup>68</sup> R Rothchild., *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Op cit, p.2

<sup>69</sup> M Mwangiru., *Conflict in Africa, Theory, Processes and Institutions of Management*, (CCR

modified later when it was proved that there are other causes of aggression apart from frustration.”<sup>70</sup> It has also been shown that aggression does not always follow frustration. Relative deprivation is activated by reference group through comparisons. This is a subjective theory which therefore cannot be analyzed objectively.

According to Mwangi, the nature/nuture debate contends that human beings are by nature violent and aggressive and that this derives from an innate drive for domination. The nuture debate opposes this view by arguing that human beings are not violent by nature, because violence is conditioned by the environment. Inherency and contingency theories also enter this debate with the former affirming that conflict is normal while the latter is inclined towards circumstantial incidences.<sup>71</sup> Debates derived from strategic studies would test this individual perspective since they are state centric versus this human centric approach. Peace researchers – structural conflict versus structural violence.

Behavioural studies or the inherent coherent debate inform that the source of conflicts is biologically determined. However, this study is challenged by the biological theories. “Socio-biology, another branch of biological theories, concerned with genetic sources of behaviour, argue that human behaviour can be explained by the existence of genes which account for human behaviour because in human beings unlike animals, human beings can reason and have the ability to reconsider decisions.”<sup>72</sup>

Whether ethnic divisions are built upon visible biological differences among populations or rest upon cultural ideational distinctions, the boundaries around and the

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Publications, Nairobi, 2006), p.21

<sup>70</sup> Ibid

<sup>71</sup> Ibid

<sup>72</sup> Ibid

meanings attached to ethnic groups are pure social constructions. This analysis is supported by Scott in his argument that “humans have ‘an internal physiological mechanism which has only to be stimulated to produce fighting and further exemplified in contending that physiological sources of aggressive behaviour within a multi-factor frame work allow interaction between nature and nurture.”<sup>73</sup> In support of this view are some scholars who believe that ethnocentrism has roots in biological propensity to protect closely related individuals, though the idea is also critiqued as controversial.<sup>74</sup>

Contact hypothesis theory has a different approach that looks at members of different cultures together over a concentrated period of time. Hewstone and Brown define and criticize the contact hypothesis’s main assumption arguing that “increasing physical intergroup contact inevitably will lead to changes in the mutual attitudes of interacting members and improve their intergroup relations, focusing on similarity and mechanical solidarity with scant attention to differences and organic solidarity.”<sup>75</sup>

The game theory lies in expanding the realm of rational actor models in analyzing concerns of conflict in the same way with co-operation. The essence of game theory is for both empirical and theoretical purposes, when it is used to generate new findings and understandings rather than to reconstruct individual situations. Therefore, “game models can be useful in predicting outcomes that are largely determined by non-purposive or nonsystematic behaviour because this assumption is based on widely accepted view that purpose of any theory, including game theory, is not to reproduce reality, but to increase

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<sup>73</sup> J.D Sandole,, H Van de Mrwe., *Conflict Resolution, Theory and Practice*, (New York, Manchester University,1993), p.9

<sup>74</sup> Shaw et al, *Genetic Seeds of Warfare: Evolution, Nationalism, and Patriotism*,( 1989), p.243

<sup>75</sup> Ibid

our understanding of fundamental processes by simplifying it.”<sup>76</sup> To critique this perspective, is the assumption that the theory is very general and does not provide specific predictions without additional auxiliary assumptions. The versatility of game models can be a vice rather than a virtue when used improperly. The test of the theory is based on whether the case studies taken demonstrate that a game theory approach provides new insights.

Fundamental theoretical problems, exemplified by George and Somke’s dictum that policy oriented theories in international relations tend to consist of ‘free floating’ generalizations and isolated insights.<sup>77</sup> Generalizations can be anchored in the relevant theories, but also a critical evaluation of the competing theories.

The suppositions contained in this study suggest that some combination of attachment/detachment is present within ethnic communities through out the world. These findings bring into question the social-psychological’ basis of behaviour, attitude, perception, values and beliefs and identity. Because of methodological shortcomings, it is difficult to explain patterns of collective attachment which bring about conflicts. As the study illustrates the causes of conflict a multi-dimensional and complex but there is not doubt that behavioural attributes contribute to the main causes.<sup>78</sup>

## **1.8 Methodology**

The study draws from diverse sources of secondary and tertiary data touching on the post electoral violence in Kenya in the period 200/08. Secondary materials used in this study will be journal articles, empirical studies, table studies, scholarly articles from journals

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<sup>76</sup>D. Snidal, *The Game Theory of International Politics*, World Politics, Vol. 38, No. 1 (Oct 1985) pp.27-28

<sup>77</sup> J.L Richardson., *Crisis Diplomacy*, Op cit, p.14

<sup>78</sup> R Rothchild,, *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, p22

and even political statements. The study will be qualitative and will critically analyze secondary data from reports, research studies and table studies on the post election violence. It will also include print and e resources from the library..

The study will refer to descriptive and prescriptive data in the secondary data analysis. The study will identify the themes, categories, patterns to determine the sequence, patterns on the information in relation to the hypothesis. However, methods of research that emphasize on generalizations constituted from case studies are likely to face challenges since conflicts are shaped by many factors and its dynamism is rarely consistent in nature.

Because of methodological shortcomings, it is difficult to explain patterns of collective attachment which bring about conflicts. As the study illustrates the causes of conflict as multi-dimensional and complex, the findings from this study may not generalize other conflicts or the larger conflict arena.

The study area was chosen due to the severity of on the conflict in Kenya's political, economic and social landscape which drew a lot of international attention Further, the conflict management mechanism applied to this particular Kenyan case calls for further studies on whether power sharing is a successful resolution model to this type of conflict.

## **1.9 Chapter outline**

The study is structured into five (5) chapters. Chapter one is the introduction to the study where the background of the post election violence that engulfed Kenya in the period of 2007/08 is discussed. The study also presents the statement of the problem, objectives of the study and hypothesis that will be tested in this section. Justification of the study,

conceptual framework and the literature gap that the study seeks to fill is also presented in this section. The chapter ends with a presentation of the methodology that will be applied to carry out the study.

In chapter two, the study gives an overview of Kenya's 2007/08 post-electoral violence. This entails outlining the factors that preceded the crisis, the environment surrounding the period during the crisis and how the crisis was managed and halted. This chapter provides a comprehensive coverage of the major activities and events before, during and immediately after the crisis.

In chapter three, the study discusses the role of ethnicity in Kenya's post-electoral violence, 2007 – 2008. In this chapter, the writer brings out the concept of ethnicity and how it has been connected to the post election violence by the media, politicians, victims, scholars and academicians. Also discussed is the aspect of ethnicity in the violence as documented in various human rights reports, commissions of inquiry and research studies.

Chapter four is a critical analysis of the role of ethnicity in Kenya's post-electoral violence. Here the study provides a critique of the secondary sources of material by bringing out comparisons and differences in findings of various reports, research studies and scholarly articles. This analysis also provides a comparison of the role of ethnicity in the violence with earlier studies with the aim of bringing out the ethnicity constructs that have been profoundly thought and established conflicts.

Chapter five is a conclusion of the whole study. The study provides the closing remarks and recommendations following an analysis of the role played by ethnicity in the

post election violence. Recommendations are also provided on the gaps this study was not able to fill and hence a basis for areas to be focused on by future studies.



## CHAPTER TWO

### KENYA'S POST-ELECTORAL VIOLENCE: AN OVERVIEW

#### 2.1 Introduction

Chapter one provided a base for the project by identifying the key components of what entails ethnicity. The diverse approaches have established a framework for a broader analysis of the study of ethnicity. Chapter one highlighted the variables of ethnicity and its ensuing ethnic relations and how they are determined by numerous intervening factors. An introduction to the case study was presented to ascertain whether ethnicity had a role to play or just a convenient hypothetical instrument.

This chapter will give an overview of Kenya's 2007/08 post-electoral violence based on the concept of conflict mapping. This entails discussing the Key players/actors to the conflict, issues, interest, allies, constituents and outlining the core and periphery factors that preceded the crisis, the environment surrounding the period during the crisis and how the crisis was managed and resolved.

Lorch characterizes Kenya as a country where presidential elections are always periods of conflict when ethnic violence erupts and tens of thousands of people are displaced. There were post election violence during the presidential elections in 1992, 1997, 2002 and in 2005 during the referendum. In the post December 2007 election period, however, violence was unprecedented. In less than a few weeks an estimated 664,000 Kenyans were displaced of which 350,000 found shelter in 118 temporary tented camps. More than 78,000 houses were burned and the government estimated that about 1,300 people were killed.<sup>1</sup>

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<sup>1</sup> D. Lorch ,, Kenya's post election violence and the plight of its internally displaced (2009), p.54

The post election violence was a huge blow to the country's overall security, economy and democratic gains. While two waves of violence followed in close succession, in some areas, the violence erupted almost instantaneously on December 29<sup>th</sup>, 2007, after the chairman of the electoral commission of Kenya declared the incumbent president Mwai Kibaki the winner, while in some areas, it was organized.<sup>2</sup> The results were widely doubted by the media, the Commonwealth, the African Union and local and international observers.<sup>3</sup> Though triggered by accusations of electoral fraud, the causes of the clashes were rooted in deep historical injustices; a strong belief held by many ethnic groups that there were massive inequalities in resources and skewed government appointments which favoured certain regions and ethnic groups. At the heart was the issue of land distribution.

Since independence, the successive governments have glossed over the growing conflict as well as aggravated it by distributing land to their supporters. Into that mix was a serious lack of trust with the judiciary, deepening poverty and a rapidly growing population of unemployed youth that easily turned to gang violence. Vernacular radio incited both hatred and fear while cell phones facilitated the spread of violence.

The post-election violence which engulfed Kenya fell short of civil war that several independent African countries have experienced as a result of factors ingrained in national political, economic and socio-cultural character.<sup>4</sup> To all pundits of Kenya's democratization and those who had regarded the country as the only "island of peace and tranquility" in a politically volatile region, the violence that rocked it in the wake of the

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<sup>2</sup> See UN Human Rights Team Issues Report on Post Election Violence in Kenya

<sup>3</sup> Kriegler Report on Post Election Violence in Kenya, 2008, pp.1-2

<sup>4</sup> T.D Sisk,, "Elections in Fragile States: Between Voice and Violence:" *Graduate School of International Studies*, University of Denver, March 24-28, (2008), p.2

December 2007 general election came as a great surprise.<sup>5</sup> Yet to social scientists viewing the country through various disciplinary lenses over the last four decades, the post-election violence had all the structures for violence laid down only waiting to explode, the question still lingering being when it would explode. That it exploded as the year 2007 ended underlines a deep-seated problem which Kenya must solve both in the short-term and in the long-run to avoid an endemic cycle of violence. Even as the dust of that political storm seems to settle, the environment is still unequivocal and politicians across the political divide, like most Kenyans, continue to deepen feelings of hatred and mistrust towards their opponents. Apparently, the post-election violence was partly a response to the disputed result of the presidential poll, and other underlying issues which have not been solved since independence.<sup>6</sup>

## **2.2 Underlying Issues from Independence**

### **2.2.1 Colonial Legacy and the Kenya state**

The British colonial legacy has impacted significantly on Kenya's governance. Four aspects of the colonial legacy verify this fact: coterminous ethnic-cum-administrative boundaries that make up the country; the "land question" which remains unresolved;<sup>7</sup> conflict-prone migrant labour system which generated farm labourers and squatters and an imperial constitution that has stood in the way of efforts to entrench democratization. This section analyses each of these issues.

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<sup>5</sup> See Global Campaign for Free Expressions, Kenya Post Election Violence, Article 19, (1998)

<sup>6</sup> M Githinji, and, F Holmquist, "The Default Politics of Ethnicity in Kenya," *Brown Journal of World Affairs*, volume 16, issue 1, (2009), pp.101-117.

<sup>7</sup> Global Campaign for Free Expressions, Kenya Post Election Violence, Op cit

### 2.2.1.1 Coterminous ethnic and administrative units

The boundaries of ethnic and administrative units have remained coterminous ever since Kenya was colonized. This is the one colonial legacy which has baited the country to the extent it is repugnant to development. Administrative maps of Kenya illustrate this trait persisting in Kenya.<sup>8</sup> The British government established Regional Boundaries Commission to determine provincial boundaries in Kenya. Based on the boundaries that existed and, allegedly, the peoples' wish to belong to regions of their choice, the commission divided Kenya into six regions and the Nairobi area. The seven provinces recommended were Central, Coast, Nairobi, Northern Frontier, Nyanza and Southern.<sup>9</sup>

Apart from Nairobi and Rift Valley provinces, all other Kenyan provinces hold one dominant ethnic group or culturally similar groups. This was influenced by the history of the people and the migration patterns which caused like people to settle together as opposed to scattered groups. Further the African cultural way of life attributed allegiance to communal lines influenced by culture, language, economic activities and values. The colonizers found it difficult to interfere with these lines and ultimately divided the societies as they found them.

The colonially controlled commission bequeathed to Kenya one of the problems that keeps coming up from time to time. The '*majimbo*' (Kiswahili for "regions") debate emerged, which the smaller ethnic groups used as a trump card to acquire their territories and thus avoid domination by the larger ethnic groups. Indeed, its reappearance in political exploits immediately before the 1992 multi-party elections never allowed its different interpretation during the Bomas Draft of the Constitution to gather much

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<sup>8</sup> S.H. Ominde *Land and Population Movements in Kenya*. London: (Heinemann, 1968),p29

<sup>9</sup> Ibid

support in certain quarters. Although the system of coterminous ethnic-administrative units works well in countries such as South Africa and Ghana, it remains Kenya's nightmare, one that haunts leaders and prickles the led. It flares up whenever conflict erupts, and clearly manifested in the post-election violence when certain ethnic groups singled out and attacked other 'unwanted groups.'<sup>10</sup>

### **2.2.1.2 The land question: an unfinished agenda**

Still lingering on as a colonial legacy is the controversial "land question" and well recognized inherent problems on which different commissions have prescribed recommendations that have never been implemented. Land has been at the core of Kenya's political evolution since the colonial period. In fact, the "land question" originated during the 1930s when the Kenya Land Commission (1932-33) made recommendations that planted seeds of discord, among them: rejection of the notion that Africans had any land rights in the former "White Highlands"; setting the stage for the Resident Labour Ordinance of 1937, which segregated squatters as labourers; directing that the disaffected Kikuyu be awarded 21,000 acres (8,500 hectares) of land and £2,000 as compensation for loss of land.<sup>11</sup>

The land settlement programme soon after independence seems to have steered clear of this unresolved agenda, which interested parties have addressed as best suits them even when it least suits other contestants. With time, agitation began for recovery of the expropriated land, with Mau Mau rebellion (1952-55) best known for accelerating the pace of independence in Kenya. Yet, to this day, the Maasai, the Kalenjin, the Kikuyu

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<sup>10</sup> Ibid

<sup>11</sup> J.O. Ouko, et al (eds) "Consequences of Rapid Population Growth for Conflicts: A Case Study of Kenya", *Population and development in Kenya*. Nairobi: School of Journalism Press and Population, (Studies and Research Institute, University of Nairobi, 2000), pp. 259-286.

and the Mijikenda, who were most affected, have not had the situation redressed. Much of their land has fallen into the hands of unscrupulous politicians and other politically correct individuals and land-buying companies.<sup>12</sup>

Today, Kenya remains one of the most disorganized countries in relation to land rights and land laws. Land is governed by more than 16 Acts of Parliament, stemming from consolidation, adjudication to the management of trust land and agricultural land. This lack of organization and clear cut mechanisms brings about confusion and the gaps are manifest in the system of land management which is also a fueling factor.

### **2.2.1.3 Conflict-prone migration**

The conflict-prone internal migration system is the third colonial legacy which has pitted migrant labour (and squatters) and migrant settlers on the one hand, against the “host communities” on the other, precipitating intermittent conflict. Migration redistributed population from rural areas to urban towns comprising commercial agricultural enterprises. The vast majority of migrants have moved from the poorer areas that the colonial land acquisition did not affect.

As soon as the white farmers embarked on commercial farming in different parts of the country, with a strong foothold in the Rift Valley and Associated Highlands, they recruited cheap migrant labour from Nyanza and Western provinces exclusively to work, and some from Central Kenya who had the double expectation both to work and to acquire land.<sup>13</sup> There emerged stable in-migration streams which caused rapid urbanization of Rift Valley Province, the county’s most urbanized region. This type of

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<sup>12</sup> Ibid

<sup>13</sup> S.H Ominde,, Land and Population Movements in Kenya, Op cit, p122

migration never changed much after independence as the new large-scale farmers still required farm labourers from the established sources.

Throughout independence, Kenya's provinces have been sharply divided between five net out-migration provinces (Central, Eastern, North-Eastern, Nyanza and Western) and three net in-migration provinces (Rift Valley, Nairobi and Coast).<sup>14</sup> Unfortunately, migration scholars and policy makers have neglected the unpredictable mobility of those engaging in all kinds of business, though strictly speaking not considered migration in the classical interpretation of the concept.<sup>15</sup>

The colonial migrant system also made provision for squatters who doubled as workers and were granted temporary residence for as long as their employment lasted. After independence, Nakuru, a town in Rift valley province which has been a hot bed of post election violence and dubbed the "farmers' capital" in the colonial period, became a popular destination for Jomo Kenyatta, the first president of Kenya in his "working holiday" escapades during which it is alleged he allocated chunks of land to his Kikuyu kinsmen who, in his view, were the landless deserving freely allocated land.

To date, Nakuru district represents one of Kenya's political hotbeds as the Kikuyu and the Kalenjin scramble for land and different ethnic groups have bitter struggles over parliamentary and civic authority seats in Nakuru and its environs. Thus, the ethnic mix due to migration has shaken, rather than solidified, the foundation of national solidarity; whenever violence erupts, it easily takes an ethnic dimension even if ethnicity does not feature in the equation.<sup>16</sup>

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<sup>14</sup> F. Holmquist, , and M Ford., "State and Civil Society the First Year after Elections, *Africa Today*, Vol. 41, No. 4 (4<sup>th</sup> qtr 1994), pp11-12

<sup>15</sup> S.H Ominde, *Land and Population Movements in Kenya*, Op cit, p24

<sup>16</sup> Ibid

#### 2.2.1.4 Imperial constitution

The “imperial constitution” adopted at the Lancaster House Conference in London was a founding constitution, from which Kenya has not deviated markedly.<sup>17</sup> Kenya had retained an imperial presidency, till August 2010 when a new constitution was unveiled, often considered above the law – an institution that, with impunity, usurped the powers of the country’s legislative, executive and judicial institutions. After KANU convinced KADU to disband and join the government ranks and the Kenya Peoples Union (KAP) was proscribed in 1969, Kenya became a *de facto* one party state from 1969 to 1991.

As President Moi the second president of Kenya gained a firm grip of leadership, his government changed the constitution in June 1982 thereby converting Kenya into a *de jure* party state in 1982-1991.<sup>18</sup> But the tide of multi-party politics forced the regime to change the constitution again in 1992, ushering in an era of multi-party politics in which shreds of the imperial constitution still existed. Thus, periodic mutilation of the imperial constitution was meant to suit the powers that be and was hardly in the interest of the electorate.

That constitution gave Kenya a deceptively smooth transition for independent governance hence the misguided perception that the country was a bastion of peace in a politically volatile region.<sup>19</sup>

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

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<sup>17</sup> S.N Ndegwa, “An Examination of Two Transitional Moments in Kenyan Politics” *The American Political Science Review*, Op cit, p604

<sup>18</sup> Widner and Jennifer, *The Rise of a Party State: From “Harambee” to “Nyayo”* ?, (1992) p.79

<sup>19</sup> F. Holmquist, and M Ford, *Africa Today*, Kenyan Politics, p.5



willing to respond appropriately to the changing political climate that requires equally appropriate changes. Whenever the issues discussed above cause tensions the government and the citizenry have tended to dismiss them as inconsequential until they recur again. Their cumulative effects finally tested Kenya's national solidarity during the 2007/08 post-election violence, invalidating the hypothesis that the country is a bastion of peace.<sup>21</sup> This study therefore seeks to establish whether ethnicity had a role in the crisis and to recommend the way forward

There are multifarious intermediate variables that must have determined post-election violence in Kenya.<sup>21</sup> As any effort to unravel an exhaustive catalogue of them may prove a challenge, however, the analysis of the study concentrates on an illustrative array. Particular factors influenced different traits of violence in particular settings. These include spontaneous violence which broke out in the ODM strongholds soon after the announcement of the presidential election result; organized attacks in the Rift Valley in a Kalenjin-Kikuyu rivalry; organized retaliatory attacks by gangs of Kikuyu youth, directed at the Luo, Luhya, Kalenjin and other groups in the farming enclaves of Nakuru and Naivasha; and excessive use of force by the Kenya Police which killed some and maimed other civilians in particular areas, mainly in western Kenya.<sup>22</sup> This study argues that the independent variables already discussed in the previous section intervened and acted as catalysts of the intermediate variables which directly shaped the post-election violence.<sup>23</sup>

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<sup>20</sup> Ballot to Bullets, Human Rights Watch, Volume No. 2, No.1, March 2008, p.11

<sup>21</sup> M Rutten,, and S Owuor,, "Weapons of mass destruction: Land ethnicity and the 2007 elections in Kenya," *Journal of Contemporary African Studies*, (2009), 27: pp305-24.

<sup>22</sup> Bayne and Sarah Post-election Violence in Kenya: An assessment for the UK Government,(2008)

<sup>23</sup> Ballot to Bullets, Human Rights Watch,Op cit, pp.35-48

### 2.3 Period Immediately before the Crisis

Immediately before the 2007 presidential elections in Kenya, there were two formidable political forces: ODM and PNU.<sup>24</sup> The violence witnessed in the wake of Kenya's 2007 general election has a consistent history, namely a contest between reactionaries who insist on status quo to ensure their grip of power and revolutionaries who would stop at nothing for change. The two parties were strange bedfellows; reactionaries (exclusively within the PNU) pledged continuation of the status quo while their opponents, the ODM, clamoured for change which the NARC government had seemingly failed to deliver.<sup>25</sup>

This analysis sheds light on ethnic balkanization of the country and its implications for bloc voting; the emergent pattern of regional voting blocs and swing provinces; the electorate's consciousness of, and sensitivity which apparently moved them to vote out the Kibaki regime; a call by the proponents of change for reinvigoration of a stalled revolution; heightened mistrust among political leaders in the run-up to the 2007 general election; and the crave for devolution and regionalism as an alternative to a powerful central governance.

Kenya held ten elections in the 44 years 1963-2007, making it one of the few sub-Saharan African countries with a consistent election pattern and orderly transfer of power from one regime and one President to another. Yet that was not to be in 2007 when politicians who had at one time been in government and at another in the opposition were pitted against each other in the tenth general election. The 2007 general election was a contest of Kenyan veterans vis-à-vis younger and more popular politicians who relied on

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<sup>24</sup> See Kriegler Report, Op cit, p.2

<sup>25</sup> S Mueller,, "The political economy of Kenya's crisis" *Journal of Eastern African Studies* 2, no. 2:, (2008), pp.185-210.

specific alliances which they believed would win the day. For the younger politicians, the election marked their moment of reckoning, an opportunity for determining change in the country and a challenge to consign the older generation to political wilderness.<sup>26</sup>

An important backdrop to the 2007 general election was the 2005 referendum on the country's new constitution which had been on the drawing board for eight years towards the end of the Moi regime.<sup>27</sup> In contest were two camps: proponents of the Bomas Draft (a draft for the Kenyan constitution by CKRC) adopted in multi-stakeholder assembly that had deliberated for a long time to reach that verdict, and their opponents who favoured the Wako Draft (the government-approved version of the Kenyan constitution) crafted by a smaller clique who had altered the original Bomas Draft.

In retrospect, the result of the referendum had to a large measure been influenced by the African Peer Review Mechanism (APRM) exercise in Kenya in which a broad spectrum of the Kenyan society had expressed their dissatisfaction with the country's performance relating to four APRM pillars, namely democracy and political governance; economic governance and management; corporate governance; and socio-economic development.<sup>28</sup> Against the backdrop of both the APRM and the referendum, the Kenyan electorate had become alert, and was prepared to vote against, the Wako Draft. To such voters, the 2007 general election was just a repeat of the referendum held on 21<sup>st</sup> November 2005 which ODM faction had prevailed.

The calling of the referendum was itself a political suicide by an insensitive political class that turned its back against the mass opposition to a counterfeit

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<sup>26</sup> Ibid

<sup>27</sup> B. Whitaker, and, J Giersch, "Voting on a constitution: Implications for democracy in Kenya, *Journal of Contemporary African Studies*, 27, no. 1: (2009), pp.1-20.

<sup>28</sup> NEPAD Secretariat Kenya, African Peer Review Mechanism, Country Review Report of the Republic of Kenya. Nairobi: NEPAD Kenya, (2006), pp-22-30

Constitution that was fundamentally on trial at the referendum.<sup>29</sup> When victory eluded the confident and highly motivated ODM and its ardent followers, instantaneous violence exploded at what they dubbed PNU's stolen victory.

### 2.3.1 Political leaders' mistrust and bigotry

In a survey of Kenya, by Bratton and Kimenyi,<sup>30</sup> Kenyans were found not to easily trust co-nationals who hail from ethnic groups other than their own. That political conflict is all too common among people of different ethnic backgrounds, especially in the national political arena. Indeed as the Kenyan electorate was preparing to get to the polls, the electioneering machine was grinding at various fronts. Two dominant political parties harbored satellite parties of varied strength and influence. The PNU camped in Central Province and the northern portion of Eastern Province (better known as the Mount Kenya region) but drew support from a divided KANU, NARC-Kenya, Ford Kenya with a home in part of Western Province, New Ford Kenya which split from it, Safina Party, Shirikisho and other smaller parties. Its candidate was Mwai Kibaki, the man who had become President in 2002-2007 when Raila Odinga who was running against him this time round wooed majority vote for him and crippled Uhuru Kenyatta, the KANU Presidential candidate in 2002 who was easily dismissed as Moi's proxy to maintain the status quo.

During the campaigns in the eve of the 2007 elections, Kibaki was a candidate who, through his *kazi iendelee* (the work to continue) slogan, called for status quo which

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<sup>29</sup> See Kenya Socialist Democratic Alliance (KSDA) *NARC's unfulfilled election promises*. Available at: <http://www.kenyasocialist.org/kswsfiles/Election%20promises%20unfulfilled.Htm>. pp.28-62

Accessed on 29/07/2011

<sup>30</sup> M Barron., and M. S Kimenyi., "Voting in Kenya: Putting Ethnicity in Perspective". Afro-Barometer Working paper No. 95. Cape Town: Institute of Democracy in South Africa (IDASA), (2008), p.117

was not good news for Kenya's most marginalized groups: mostly the youth and women who constituted the majority of registered voters.<sup>31</sup>

The second party with a formidable power-base across generations, class and educational achievements of Kenyans was the ODM which, with the help of KANU and former Kenyan president Moi, had landed defeat to pro-government parties at the 2005 referendum, and which since then had organized itself much better for the 2007 general election. Its presidential candidate was Raila Amolo Odinga, the populist politician upon whom the youth and women placed their support as they became hopeful of change which was ODM's slogan.

In his acceptance speech the day he was nominated the ODM candidate, Odinga told his supporters that he was the bridge linking the present to the future. The party capitalized on the frustration of most Kenyans, reminding them that the Kikuyu had grabbed everything while all other ethnic groups had lost everything, that Mwai Kibaki had betrayed his promise for change, that crime and violence had gone out of control with the police having failed to eliminate criminal groups such as Mungiki, that there was no need for government to sing about the country recording economic growth when that had not brought any benefits to the ordinary citizen.<sup>32</sup>

ODM-Kenya, which had camped in Ukambani with Kalonzo Musyoka as its flag-bearer was not proportionally represented at national level. It was a party waiting for the spoils by promising miracles in the final results; by joining ranks with PNU while the election dispute raged, ODM-Kenya seemed to have been determined to lock out ODM

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<sup>31</sup> C. Gibson,., and L Long,, The presidential and parliamentary elections in Kenya. *Electoral Studies* 30:(2009), pp. 1-6

<sup>32</sup> G. Prunier "Kenya: roots of crisis", *Open Democracy News Analysis*. Available at: <http://www.open-democracy>, 2008, p57

from winning the presidential election. Apparently, the miracle which Kalonzo Musyoka kept promising the country, was his covert support for a Kibaki presidency, having presumably been promised the plum position of Vice Presidency. That Musyoka was appointed Vice President while there was still a stalemate on results of the presidential election makes this hypothesis more plausible, his dispute with Raila Odinga on the pecking order later in the Grand Coalition government by no means surprising.<sup>33</sup>

### 2.3.2 Historical factors

Historical factors are so critical in Kenya's democratic process that they cannot be easily dismissed or wished away as inconsequential. Where land was attractive, it was appropriated and where it was not, procurement of cheap labour became a substitute.

Avaricious land transfers in the independence era made a minority extremely wealthy while the vast majority languished in poverty. Eating into Kenya's social fabric are cultural affinity and stereotyping which harbour even outdated traditions and discriminate against certain ethnic or cultural groups in Kenya. Finally, since 1991,

Kenya's election environment has been hostile, particularly around the time of elections when prospective voters of particular parties or candidates are evicted on flimsy grounds. Therefore, the recent post-election violence should be regarded as the peak of what had been building up over the last sixteen years.<sup>34</sup>

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<sup>33</sup> Ibid

<sup>34</sup> P. Kamungi, M.J, Klopp, World Policy Journal, (2007/2008) p.13

### 2.3.2.1 Unresolved land question

The “land question” has reared its ugly head in Kenya from the perspectives of transfers, purchases and gratuitous grabbing. In 2007/08 after forty-five years of Kenya’s nationhood, more questions had been raised on these and other issues relating to land, but without satisfactory answers to settle the land problem.<sup>35</sup> The history of the Kenyan land settlement programme is riddled with politics, economics, intrigue and deliberate misinterpretation of facts depending on the analyst.

When land alienation took place in the colonial period, indigenous peoples receded to the “African Trust Lands” or “reserves” that took on ethnic tags as the Luo reserve, the Kikuyu reserve, the Kamba reserve and so on.<sup>36</sup> There were no Luhya or Kalenjin reserves as these names arose in the colonial period to amalgamate different ethnic communities with some linguistic-cum-cultural affinity. The land settlement programme can be viewed through two lenses: resettlement of the rank and file of the society and land acquisition through political patronage as well as land-buying companies, some of which turned out to be highly unscrupulous.

Although Kenya’s land settlement programme was an integral part of the independence package which provided an opportunity for Kenya to redress land grabbing by British settlers during the colonial period, it precipitated inequality where the rich acquired land indiscriminately and clearly at the expense of the landless. Migrants who had been squatters in Rift Valley Province took advantage of the temporary stay they had been granted by the white settlers to stake claims on land, knowing full well that such

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<sup>35</sup> Report on the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land (The Ndungu Report), p.4

<sup>36</sup> J.O Oucho, “Migration and Ethnic Relations in Colonial and Independent Kenya”, *Bulletin of the Royal Institute for Inter-Faith Studies* 4 (2 (Autumn/ Winter): (2002), pp.71-91.

land actually belonged to the Kalenjin and the Maasai. Coastal land was similarly acquired without due regard to the Mijikenda who were its original claimants. Kenya's founding President, Jomo Kenyatta, took advantage of his unchallenged position to settle his kinsmen, presumably invoking the constitution which allowed Kenyans to settle anywhere in the country.

Officially, a dual land settlement policy was adopted – settlement of the landless poor with limited capital and agricultural experience on the one hand, and a “willing buyer-willing seller” arrangement; the one involving the poor without much capital and know how, the other elitist.<sup>37</sup> This dual system generated three types of settlers: (a) the poor, unemployed landless persons who were allocated land in the High Density Schemes; (b) the middle-income group with some capital who occupied larger landholdings which included the rich, most privileged persons capable of buying more land, mainly in Low Density Schemes including the first two. Some farmers formed cooperatives and thus bought chunks of land through land-buying companies which benefited from credit facilities.<sup>38</sup>

Land settlement has been the root cause of social tensions, which triggered political tensions between natives and those they referred to as “invaders.” Finally, settlement took a regional bias in which the settlers remained in their provinces with the exception of those from Central and Western provinces who crossed over to Rift Valley Province. Whenever political heat strikes, these in-migrants become victims of violence, looting, arson and destruction of property. This has become such a predictable

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<sup>37</sup>J, Lafargue and, M, Katumanga Kenya in turmoil: Post-election violence and precarious pacification, *Les Cahiers de la Afrique l'Est* 38: (2008), pp.13-32.

<sup>38</sup> Ndungu Report, Report on the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land, Op cit, p.15



phenomenon that surprisingly the Government of Kenya has only taken few measures to try and redress it.<sup>39</sup>

### 2.3.2.2 Cultural affinity and stereotyping

The second historical factor is cultural affinity or differences that engendered ethno-cultural animosity and unnecessary stereotyping between ethnic groups, often ending up in ethnic strife, conflict and violence. It has been noted that the “ethno-conflict theory” – incorporating social, political and economic structures, religion, language and folk psychology, though not sources of conflict – identifies variables within a cultural system that with time can both cause conflict and contribute to conflict resolution.<sup>40</sup>

In Kenya, different key players in cultural stereotyping included vernacular FM radio stations which relayed news and played offensive music aimed at enemy groups, the yellow press which circulated alarmist information and politicians from particular communities whose inflammatory language against other communities lit the fires of confrontation. Towards the 2007 general election, Kenya had implicitly become divided into ethno-cultural zones: the GEMA zone in Mount Kenya region, the Kalenjin enclave in Rift Valley Province, the Luhya zone in Western Province, the Luo and Gusii enclaves in Nyanza, the Muslim backyard in Mombasa and so on. Not surprisingly, PNU did not waste any resources in much of Nyanza and Western provinces, and, in equal measure, ODM made exceptionally few visits to the Mount Kenya region as well as Ukambani.<sup>41</sup>

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<sup>39</sup> T. P Wolf,, ““Poll poison”?: Politicians and polling in the 2007 Kenya election,” *Journal of Contemporary African Studies*, Vol. 27, No. 3, July 2009, pp.279-304

<sup>40</sup> Centre for Conflict Resolution, Distance Learning Course: New developments in Conflict Resolution, 2000, Part 3, p.167

<sup>41</sup> N. Kasfir,, and J Byfield,, (ed), “The election crisis in Kenya: Can the political class still govern? In *Cross-Currents*,” Ibadan: Book Builder, (2008), p.126

### 2.3.2.3 Regional inequalities

The other historical issue was imperial presidency in Kenya. Kenya's imperial presidency had usurped the three arms of political governance, namely, the legislature, the executive and the judiciary. During the Moi regime, the presidency played a triple role of having the prerogative to direct legislative, executive and judicial matters of the state of Kenya. Ethnic nepotism characterized appointments in the public service. When NARC assumed the reigns of power in 2003, it announced that meritocracy would guide all appointments in Kenya. This however, did not seem to happen as ethnic nepotism seemed to deepen after the November 2005 referendum when all appointments were confined to the Mount Kenya region. It is in the NARC regime that those aged 60 years or more dominated top-level appointments and ensured that younger and more deserving Kenyans were marginalized.<sup>42</sup>

Invocation of the "theory of ethnic nepotism" is inherent in Kanyinga's<sup>43</sup> analysis of public appointments and confirms consistency of ethnic nepotism. Jomo Kenyatta's cabinet appointments favoured the Kikuyu. Moi followed suit, even appointing people who were unqualified for the positions they encumbered. Mwai Kibaki, appointed an equal number of Kikuyu, Luhya and Luo to his cabinet at the onset of his first term in 2003 up to the referendum in November 2005, but stung by the referendum results, made his cabinet overwhelmingly a Mount Kenya region affair, with the Luhya benefiting

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<sup>42</sup> Ibid

<sup>43</sup> K, Kanyinga, "Governance Institutions and Inequality in Kenya", In Society for International Development, *Readings on Inequality in Kenya*. Nairobi: Society for International Development, (2006), pp345-397.

substantially up to the time of the 2007 general election.<sup>44</sup> Appointments of Assistant Ministers and in the public service as well as parastatals took more or less a similar pattern.

Kibaki's appointments before and after the Grand Coalition government provides evidence of ethnicized political, civil service and state corporation appointments reminiscing Jomo Kenyatta's appointments in April 1974. Key institutions, among them the cabinet, security chiefs and state corporations including financial institutions were headed by Kibaki's appointees from the Mount Kenya region.<sup>45</sup>

All political regimes in the country have entrenched certain biases and prejudices of the past, which the general public, civil society organizations and the donor community have urged the regimes to redress. Successive Kenyan regimes have established commissions to investigate particular issues of national importance, but neither are their findings been made public nor their recommendations seriously considered. Nairobi and Central Kenya and Rift Valley during the time of President Moi, have had the lion's share of Kenya's development, judging by regional disparity in various developmental indices.<sup>46</sup>

Publications presenting facts and figures provide invaluable information. They reveal regional inequality which makes provinces drift farther apart, creating even greater animosity. In the eyes of highly motivated voters, an ODM victory would have redressed regional inequalities and usher non-partisan governance concomitant with regionalism.

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<sup>44</sup> S. Elischer, Ethnic coalitions of convenience and commitment: Political parties and party systems in Kenya. German Institute of Global and Area Studies (GIGA) Working Paper no. 68, February (2008), p88

<sup>45</sup> K. Ngotho, "Big Money Games That Run Kenya's Politics: Exclusive", MARS Group Kenya, 14 February (2008), p125

<sup>46</sup> H. Gisemba,, The lie of the land: Evictions and Kenya's crisis. Africa Policy Brief no. 2 (February) Africa Policy Institute, (2008), pp.75-79

The study therefore seeks to find out whether the conflict was purely instantaneous or there was an ethnical connotation to it.

#### **2.4 During the Post-Election Violence and After**

Following the disputed 27 December 2007 elections and the consequent cataclysmic violence, Kenya became a monumental case of the violent rollback of Africa's democratic wave of the 1990s. But the country was already on the precipice long before the first ballot was cast or President Mwai Kibaki was declared winner and sworn in for a second presidential term on 30 December. The violent conflict that engulfed Kenya after the disputed presidential election in December 2007 provoked widespread concern because until then Kenya was widely viewed as a rare island of political stability and economic prosperity in Africa which is characterized by frequent conflicts. As indicated by Klopp,<sup>47</sup> Kenya's 'success story' was presented as one from which lessons could be learned: discussion about the unique nature of the country taking shape was a debate in many international forums.

The December 2007 general election was the fourth that the country had conducted since the reintroduction of multiparty democracy in November 1991. Violent clashes had been reported during the 1992 and the 1997 elections, especially in the Rift Valley province and parts of the Coast province, but their magnitude and intensity were to be greatly exceeded by the post-election violence in 2007/8. By the time the violence subsided in April 2008, it had left 1,000 to 2,000 people dead and 600,000 displaced from

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<sup>47</sup> J. Klopp, "Ethnic land clashes and winning elections: The case of Kenya's electoral despotism," *Canadian Journal of African Studies* 35, no. 3: (2001), pp473-517.

their homes and communities and cost the economy over 100 billion Kenya shillings (around \$1.5billion).<sup>48</sup>

Kenyan went to the polls on 27 December 2007. The final vote count and result were hotly disputed by the opposition political party but the Electoral Commission of Kenya announced the results late on 30 December 2007. Within hours of declaring Mwai Kibaki the winner of the disputed presidential poll, violence broke out in Nairobi, the Rift Valley, the Coast, Western, and Nyanza provinces, regions where the opposition had huge support. In the Rift Valley province, many Kikuyu families were evicted from their landholdings. Also evicted were members of the Kisii ethnic community, who were argued to have voted in support of the Kikuyu candidate, Mwai Kibaki.

The Kalenjin evicted the Kikuyu, assumed control of areas on which they had settled, and in some cases gave them local Kalenjin names to erase their Kikuyu identity. In all instances, the outbreak of violence in the Rift Valley was framed in terms of a discourse on territorial claims to the Rift Valley by the Kalenjin and the individual property rights of the Kikuyu. Many of the Kikuyu evicted from the area had title deeds to their land holdings. They did not place any political claims on the land they owned; rather, they considered that their title deeds conferred absolute ownership. Conflict between individual property rights and group territorial and political claims rapidly accentuated the conflict.<sup>49</sup>

The post-election violence had several patterns. First, it was spontaneous and it took the form of protests in reaction to the perceived rigging of the election and the announcement of results after a flawed vote count. This first form of violence

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<sup>48</sup> See Africa Research Institute. Kenya: A nation fragmented. Briefing Note 0801, (2008)

<sup>49</sup> F. Holmisquist and M, Ford, *Ethnic Groups in conflict*, Op cit, pp. 5 -7

accompanied public demands for 'justice' and 'truth' about the election. The second form was institutional violence in which the security forces went out to oppositional strongholds to disperse by force those protesting. Third was the organized and coordinated violence: politicians and business people planned and enlisted criminal gangs to execute violence.

This form of violence had ethnic connotations; in the Rift Valley it targeted the Kikuyu and the Kisii for expulsion from the region.<sup>50</sup> They had voted for the government and a Kikuyu candidate, yet they were settled in the Kalenjin's territorial sphere. The fourth pattern took the form of revenge attacks. These were purportedly organized especially by the Kikuyu to expel the Kalenjin, the Luo and the Luhya from their rented premises in parts of Nairobi, and from Naivasha and Nakuru in the eastern part of the Rift Valley province where the Kikuyu are numerically larger than other groups.<sup>51</sup>

Finally, there was a rapid spread of criminal violence that rapidly assumed a class dimension. Involved in all these forms of violence were groups of youth with financial support from their ethnic leaders and business people. Among the Kikuyu, for instance, Mungiki, an outlawed group which had sprouted from the first wave of political violence in 1991, was financed to undertake revenge and retaliatory attacks in Naivasha and Nakuru in the eastern part of the Rift Valley province. In the Rift Valley, Kalenjin warriors and several other militia groups also emerged to undertake attacks against the Kikuyu.

The post-2007 election violence was also more widespread.<sup>52</sup> Although its intensity varied across the country, six of Kenya's eight provinces were to become

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<sup>50</sup>See Report of the Commission of Inquiry into the post-election violence in Kenya, Op cit

<sup>51</sup> Ibid

<sup>52</sup>See International Crisis Group, Kenya in crisis. Africa Report no. 137, 21 February, (2008)

embroiled. What makes the issue more intriguing is that neither the 2002 general election nor the referendum on the proposed new constitution in November 2005 (around which the governing coalition was deeply split) triggered violent conflict of a nature similar to what occurred during either the 1992 and 1997 or the 2007 elections.<sup>53</sup> However, what is of particular significance is that the Rift Valley has been the region with most political violence.

It was the epi-centre of violence and displacement of persons in and around the 1992 and the 1997 general elections and also the heartland of the violence which erupted after the flawed and disputed presidential election in December 2007.<sup>54</sup> This study analyses the nature and role of ethnicity in the post-2007 election violence and how its interplay with national politics contributed to that violence. It also examines whether ethnicity can also be applied in reconciliation systems and processes.

The political violence halted after the signing of the National Peace Accord and specifically the signing of the 'Agreement on the Principles of Partnership of the Coalition Government' on 28 February 2008 under the mediation of the African Union Panel of Eminent African Personalities chaired by former UN Secretary-General Kofi Annan. Although the international mediation process returned calm to these areas, coexistence of the Kikuyu and the Kalenjin in the Rift Valley is still characterized by suspicion and mistrust.

The violent aftermath of the election divided virtually all institutions of state and society along political and ethnic lines. The political class, conditioned by localism was

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<sup>53</sup> K Kanyinga,, The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya. *Journal of Contemporary African Studies* Vol. 27, No. 3, (July 2009), pp325-344

<sup>54</sup>BBC. 2007. 'Odinga rejects Kenya poll result', BBC News, (31 December 2007)

deeply split. In the midst of the crisis, the political class divided while external forces found a unity of purpose. Kenya's middle and upper classes, as well as the vast majority of the population, grew uneasy as violence and tension spiraled.<sup>55</sup> Civil society organizations made an extraordinary effort to bring peace: several organizations combined forces early on to form Kenyans for Peace, Truth, and Justice.

Because of their extensive experience and trust built out of working together on multiple issues, they were able to cast a wider net, this time on a world scale, engaging the Kenyan diaspora, African activist networks, informing and lobbying governments and politicians in the United States and Europe, and encouraging them to mediate. As days passed and violence continued, the private sector began to find its voice and press for peace. The Kenya Private Sector Alliance (KEPSA) became the organizational vehicle and catalyst for major businesses worried about their economic prospects in a deteriorating political context. They met among themselves and fashioned a minimal consensus,<sup>56</sup> no small task given the divided ethnic loyalties and tensions of the moment and they spoke with Kofi Annan, Kibaki, and Odinga and their supporters.<sup>57</sup>

The violence and its possible spread, coupled with growing anxiety among the middle classes and well-to-do, put pressure on the political class to make an agreement. External forces were also engaged, but their power may have been exaggerated due to their prominence in the Kenyan and international media. However, the energy and basic unity of neighboring states (especially Tanzania and Uganda) and of more distant powers

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<sup>55</sup> M. Bratton., and M Kimenyi., *Journal of Eastern African Studies* 2, Op cit, pp.272-89.

<sup>56</sup> C Gibson., and L Long., *Electoral Studies*, Op cit, pp.1-6

<sup>57</sup> M. Chege., *Journal of Democracy* , Op cit, pp.125-39



like the African Union, the European Union, and the United States, helped forge the Accord that ended the violence and set up the coalition government.<sup>58</sup>

The debate continues about the causes of the post-election violence that led to the most serious challenge to Kenya's national integrity since independence. However, there is one aspect of the pre-election period about which there is little disagreement: role of ethnicity in fuelling the crisis if not starting the crisis. While the precise contribution to the violence cannot be determined, this analysis makes use of a selection of such results to analyze the role that may have been played by ethnicity in that conflict.

## **2.5 Conclusions**

In this chapter, the study has presented an overview of Kenya's 2007/08 post-electoral violence by providing a comprehensive coverage of the key players and major activities and events based on issue specific interests, before, during and immediately after the crisis. Therefore, whatever aspect was introduced, the aim is to identify the ethnic elements in the whole, pertinent to violence and conflict. The key actors are political parties, ethnic communities, politicians, individuals, gangs, organizations, institutions, the state and international community. The ensuing violence is categorized as either spontaneous; institutional; co-ordinated or criminal. The contending issues come out as a struggle for resources, governance, ethnic affiliations and ideology, cultural affinity, elections, politics and political competition mostly compounded around ethnic connotations. The mediation process propagates the international community's commitment on sustaining peace. The end to violence precipitated by signing of the peace accord is seen as a conflict resolution mechanism that halted the violence and restored the country to normalcy.

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<sup>58</sup> Ibid

## CHAPTER THREE

### THE ROLE OF ETHNICITY IN CONFLICT: THE CASE OF KENYA'S POST-ELECTORAL VIOLENCE, 2007-2008

#### Introduction

In the previous chapter, the study has presented an overview of Kenya's 2007/08 post-electoral violence. This entailed outlining pertinent factors characterized in the post election violence discussed in this discourse. First, historical sources illuminating evolution of Kenya into nation state where cohesive groups amalgamated on the basis of ethnic, cultural, social and political alignments. Second, is the data providing demographic transition and re-distribution of resources. Finally the ethnic and geographical dispersion of ethnic groups, their relationships and analysis of underlying ethnic issues.

In this chapter, the study discusses the role of ethnicity in Kenya's post-electoral violence, 2007 – 2008. The study brings out the concept of ethnicity and how it has been connected to the post election violence by the media, politicians, victims, scholars and academicians. Critical to note is that the study will look at the role of ethnicity but within the context of ethnic violence and conflict. In this chapter, the study assesses the concept of ethnicity in Africa in the colonial and post-colonial periods. Analyses are also made on the influence of ethnicity on conflicts in Africa, narrowing down to the case of Kenya. In Kenya, the study assesses the role of ethnicity in Kenya from independence to 2007 and then focuses on assessing the role of ethnicity on the 2007/08 post electoral violence. The study closes the chapter with conclusion on the role of ethnicity in conflict in the Kenya case.

The events of December 2007 have provoked debate which reflects the enduring problematic relevance of ethnicity in African democracies. Ethnicity is an icon of power that has featured prominently in political manifestations leading to the big question as whether it is a salient factor in conflict, or negligible, or over stated. As Berghe notes, there are many reasons why the question of ethnicity has continued to prevail onto the political and intellectual agenda.<sup>1</sup> In the first place, conflicts thought to be fuelled by ethnicity, the collapse of communism, the ensuing upsurge of nationalist conflict in Eastern Europe, and the increasing visibility of racism in the West, has given a new and urgent focus to problems of ethnicity.

Within the academic world, these developments have helped to precipitate a bewildering state of 'paradigms lost.' Most notably, the strengths of materialist analysis, both as an analytical and a practical programme, have been severely fractured. Ethnicity, which, like nationalism, has often been seen by marxists as a form of irrational false consciousness, cannot any longer be explained away or ignored in this way.<sup>2</sup> It is with us in one form or another and we therefore have to attempt to understand its workings. The new world order has also helped to remove some of the stigmas associated with ethnicity or 'tribalism' in the African context.<sup>3</sup>

Events in Rwanda, the former Yugoslavia, Sudan and racism in the West have, paradoxically, helped to naturalize the idea of ethnic conflict; the horror of ethnic cleansing is a reminder that ethnic or tribal particularism is not especially an African problem. Further, the demise of the bipolar balance of power and the superpower ideological rivalry eroded the allegiance, cohesion that characterized bloc and national

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<sup>1</sup> V.D Berghe,, *Class, Race and Ethnicity in Africa*. Ethnic and Racial Studies, 6, (1983), p.2

<sup>2</sup> D.L Horowitz,, *Ethnic Groups in Conflict*. Berkeley: (University of California Press, 1985), p.67

<sup>3</sup> J.D Toland,, *Ethnicity and the State*, London: (Transaction Publishers, 1993), p.58

politics. It is widely believed that the cold war dictated domestic politics and restrained social discontent.<sup>4</sup>

### 3.2 Ethnicity in Colonial Africa

There relatively recent emergence of the word ethnicity in academic and popular discourse, is just a new and alternative way of describing something that has been there all along. Should we, in other words, think of ethnicity as a universal phenomenon for which we have found a new label or should we think of it as a specifically modern phenomenon? There is something universal about ethnicity, of course, and this might be described as the human need to belong, to identify and hence also to exclude.<sup>5</sup> But this "need" can obviously be expressed and satisfied in many ways which we would not necessarily wish to describe as "ethnic."<sup>6</sup>

If we ask "What is peculiar to ethnic discriminations?", moreover, we find it is impossible to give a definition that will unambiguously set aside ethnic from non-ethnic ways of expressing difference, identity and exclusion, a problem that also attaches to the attempt to define "nation". It is believed that ethnic identities are static and once beliefs, images and attitudes towards other communities have been established, efforts towards a transitional change of the mentioned aspects becomes difficult.<sup>7</sup> It is therefore precisely the vagueness and ambiguity of the ethnic idea that explains both its huge popularity in academic and popular circles and its power to move individuals to collective action. A

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<sup>4</sup> M.S Lund,, *Preventing Violent Conflicts, A strategy for Preventive Diplomacy*, United States Institute of Peace Press, (Washington D.C., 1996), p.18

<sup>5</sup> C. Young,, *Ethnicity and the colonial and post-colonial state in Africa*, in: P. R. Brass (Ed.) *Ethnic Groups and the State* (London and Sydney, Croom Helm, 1985), p.29

<sup>6</sup> A. D Smith,, *The origins of nations, Ethnic and Racial Studies*, 12, (1989), pp.340-367.

<sup>7</sup> F.O Hampson,, *Millennium Journal of International Studies*, Op cit, p.390

question we can hope to understand, on the other hand, by investigating particular cases, is "What, if anything, is peculiar to 'modern' ethnicity?" Clearly, if there is such an identifiable type of ethnicity, then it must have arisen, by definition, in reaction to certain political and economic processes which we take to be characteristic of modernity.

Such an understanding of ethnicity has become virtually the current orthodoxy amongst Africanist historians and political scientists, for whom contemporary African ethnicities are not primordial relics of the distant past but, on the contrary, products of the same world-historical process that has produced modern capitalism, wage labour and class structures.<sup>8</sup> The argument rests on an analysis of the relationship between ethnicity and the nation-state. The export of this "alien" form of political organization to Africa had the effect of re-shaping existing ethnic identities and sometimes creating totally new ones, although not necessarily with the awareness, let alone conscious intent, of those who were the main actors in the process.

Key factors here were: the classifying of subject peoples into artificially bounded categories through the work of administrators, anthropologists and missionaries; the creation of territorially discrete administrative sub-divisions which made local ethnicities more fixed and less permeable than before; the unequal distribution of the economic, educational and other benefits of modernization, which meant that some regions and groups were favoured while others were marginalized; and the concentration of political power at the state's centre, which provided an arena within which ethnic groups became,

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<sup>8</sup> Horowitz, *Ethnic Groups in conflict*, Op cit, p.235

in effect, competing interest groups.<sup>9</sup> The result was a transition from a non-competitive to a competitive form of ethnicity or "political tribalism".<sup>10</sup>

On account of its capacity to redefine, absorb, and dissolve problematic concepts like race and class, ethnicity has been referred to by one writer as a sort of intellectual 'lightning rod'. Like many words 'ethnic' or 'ethnicity' can serve as a euphemistic substitute for other appellations.<sup>11</sup> The word 'ethnic' functions like a wild-card which can readily be inserted into a string of related concepts. For instance, ethnic serves as a mediating link in the evolutionist sequence by which 'tribes' supposedly become 'nations'. It also functions as a surrogate term for 'race' in the cluster of concepts which connects 'race' with 'nation' and 'culture' across borders especially where globalization has eroded national borders and generated insecurities and social tensions.<sup>12</sup>

Ethnicity has been described as perhaps the greatest riddle or enigma encountered by the social and cultural sciences of our time. The fact that this enigma is even regarded as a cancer and virus within nation-states is directly related to the expectation of particularly sociologists, political scientists, historians and economists, that countries with a cultural heterogeneous population should be able to accommodate these differences peacefully within the same political entity.<sup>13</sup> This political entity, namely the nation-state, has existed for the last 5000 years.

Since the second half of the 19<sup>th</sup> century the nation-state has developed as an independent sovereign unit which, due to industrialization, wars and migration amongst

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<sup>9</sup> A.D Smith,, *The Ethnic Origins of Nations*, Op cit, p.15

<sup>10</sup> Ibid

<sup>11</sup> G. Prunier,, *The Rwanda Crisis: History of Genocide*, (London, Hurst, 1995), p.94

<sup>12</sup> M.S Lund. *Preventing Violent Conflicts, A strategy for Preventive Diplomacy*, Op cit, p.20

<sup>13</sup> T.H Eriksen,, *Ethnicity and Nationalism: Anthropological Perspectives*, London/Boulder, (Pluto Press, 1993), p.43

others, has to accommodate people of diverse cultural origin. The magnitude of the cultural diversity is apparent from the fact that the world's almost 200 independent states have to accommodate approximately 5000 ethnic groups which speak 600 major languages. Only in 10% of these states do about 90% of the populations speak the same language. The statistics become more skewed when you come to Africa.<sup>14</sup> Ethnicity has become such a subjective basis for collective consciousness which becomes convenient for the political process when it spurs group formation and underpins political organization.<sup>15</sup>

Theories about modernization and social change which predicted that the boundaries between people within a particular state would eventually disappear in a so-called 'melting pot' were not realized. In fact, world wide, people such as the Basques in Spain, the Sikhs in India, the Tamil-speakers in Sri Lanka, the Ibo in Nigeria, the Kurds in Iraq and the Indians in the USA and Canada, initially showed an unwillingness and later open enmity towards being forced to abandon their cultural identities in order to become part of the dominant culture.<sup>16</sup>

At first the resurgence of ethnicity was explained as a consequence of growing economic inequality between the rich and the poor.<sup>17</sup> It soon became clear, however, that a more fundamental dimension of social cohesion was involved. A conceptual instrument then had to be found to explain the phenomenon and so the term ethnicity, as we know it today, was born and applied. This concept originated from the Greek word *ethnos*, which

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<sup>14</sup> Ibid

<sup>15</sup> D. R. Rothchild, *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Op cit, p.247

<sup>16</sup> D. Malhotra, *Long Term Effects of Peace Workshops in Protracted Conflicts*, *The Journal of Conflict Resolution*, Op cit, p. 390

<sup>17</sup> V.D. Berghe., *The Ethnic Phenomenon*, Op cit, p.87

was an etymological reference to people who were different or who had a different lifestyle to the Greeks. The word is also closely related to the English concept of a tribe or a simple or primitive form of society about which little is known.<sup>18</sup>

Ethnic identities are believed to be powerful motivators of behavior in Africa, but the source of their salience in political and social affairs remains debated. One perspective holds that ethnic identities are salient in Africa because they reflect traditional loyalties to kith and kin. By this view, ethnic identities are hardwired (intrinsic part of who people are) and their salience follows directly from their link to people's natural makeup. A contrary perspective argues that ethnicity is salient because it is functional. The world is a competitive place, proponents of this position hold, and, in that world, ethnicity serves as a useful tool for mobilizing people, policing boundaries, and building coalitions that can be deployed in the struggle for power and scarce resources.<sup>19</sup> By this view, the salience of ethnicity is intrinsically bound up in political competition.

### 3.3 Ethnicity and Conflicts in Africa

In recent decades, ethno-political conflicts have been at the forefront of international security agendas and the desire to understand and contain ethno-political violence has been a priority for academics, policy-makers, and peace practitioners.<sup>20</sup> Because ethnic groups are often characterized by dense social networks, it becomes clear why national electoral outcomes, particularly in spatially divided societies display an ethnic alignment.

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<sup>18</sup> Ibid

<sup>19</sup> T.H Eriksen., *Ethnicity and Nationalism: Anthropological Perspectives*, p.243

<sup>20</sup> M. Mwangi, *Conflict in Africa, Theory, Processes and Institutions of Management*, Op cit, p.7



which then becomes a basis in the build up of ethnic conflict.<sup>21</sup> These conflicts typically transcend state-centric issues, yet have the capacity to internationalize and thereby affect regional as well as national stability.

Owing to the prevalence of persistent and vexing violence, communal conflict and occasional genocides in several countries in sub-Saharan Africa, which has about 1500 distinct ethno-linguistic groups, historians, political scientists, and public policy-makers, trying to understand the correlation of ethnic forces and violence have complicated many social-political issues related to ethnicity.<sup>22</sup> This problem is not unique to Sub-Saharan African countries but is characteristic of formerly colonized peoples and their territories around the world. Colonial and post-independence land occupations have caused a structural problem. Most wars today take place within rather than between states.<sup>23</sup>

The most obvious consequence of this has been a huge growth in the world total of refugees, from around 2m in 1970 to over 43m by 2010, with a further 31m people displaced within their own national borders. Internal wars are fought mainly with light weapons which are easily and cheaply available almost everywhere; they are particularly destructive of the lives and livelihoods of civilians; and they are waged not against an anonymous and invisible enemy but against neighbours, friends and even relatives. This, of course, is one of the most bewildering and disturbing aspects of today's "new wars" for those caught up in them no less than for those observing and trying to understand them: how is it possible for people who have been living together on the best of terms since

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<sup>21</sup> D Rothchild, *Conflict Resolution*, (ed), Op cit, p.251

<sup>22</sup> M. J. Burtler, *International Conflict Management*, New York, Routledge, 2009, p.53

<sup>23</sup> J.M Sanders, *Annual Review of Sociology, Ethnic Boundaries and Identity in Plural Societies*, Vol. 28 (2002), p.327

childhood to behave towards each other with such awful cruelty and inhumanity as we have seen, for example, in Rwanda and former Yugoslavia.

When asked why they carry such atrocities, they frequently describe, explain and justify them in terms of a deep and ineradicable difference between "them" and "us".<sup>24</sup> And yet, it often appears that it is the atrocities themselves which have created, or at least raised the salience of, the differences described. Here we meet the enigma of ethnicity. Ethnic sentiment can undoubtedly motivate people to acts of extreme violence against those whom they classify as "other" but, when one attempts to examine the empirical basis of this sentiment, it recedes from view.

Ethnicity will not serve as a causal explanation of war because it is not a thing in itself, even though its power to influence behaviour is largely the result of it being seen as a "natural" property of a group.<sup>25</sup> It is, rather, a relational concept: it refers to the way cultural differences are communicated and it is therefore created and maintained by contact, not by isolation. But although it is, to various degrees and in various ways, "imagined" and "invented", ethnicity is not, as has often been pointed out, "imaginary". It is real in at least two senses. First, it is a subjective reality which has enormous potential to mobilize and motivate collective behaviour, not only in war. Second, it does not emerge from nowhere but requires specific historical conditions in order to flourish.<sup>26</sup> It is the special achievement of those who use it as a political resource that they are able to "construct" an identity for their followers which, although based on a highly selective and

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<sup>24</sup> H. Ben-Yehuda,, and Mishali-Ram, *International Interactions*, 2006. Op cit, p.32:49–78

<sup>25</sup> R. Rothchild, *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Op cit, p.22

<sup>26</sup> Reynal-Querol, Marta, "Ethnicity, Political Systems, and Civil Wars." *Journal of Conflict Resolution* 46 (1): (2002), pp.29–54.

distorted view of their collective past, has enough connection with that past to make it plausible and meaningful.

Any discussion of the relationship between ethnicity and war must therefore include the following questions. First, if ethnic differences are not given in nature, in what historical circumstances do they typically become salient? Second, by what specific techniques do leaders seek to use ethnicity as a political resource? Third, how can we explain the special power and efficacy of ethnic ideas to move people to collective action, especially at times of extreme social disruption and change? Fourth, how are we to explain the growing importance of local, including ethnic, identities in a world which is also becoming more unified, politically, economically and culturally? And finally, what can the international community of politicians, aid organizations, journalists and academics do to help prevent and mitigate the terrible consequences of internal war and politicized ethnicity? The study will assess the Kenyan 200/08 post electoral violence on these fronts by analyzing the specific role played by ethnicity in the violence.

Even the genocidal conflict between Hutu and Tutsi in Rwanda cannot be explained as the outcome of primordial tribal antagonisms.<sup>27</sup> This is not only because the genocide was deliberately planned by the Hutu elite of the Habyarimana government as a means of clinging on to power, but also because the ethnicity they played upon and orchestrated was largely a product of the recent colonial and post-colonial past.<sup>28</sup> Tutsi and Hutu identities were not, of course, invented by the German and then Belgian authorities, nor were these authorities aware of the consequences of their administrative

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<sup>27</sup> Sambanis and Nicholas, "Do Ethnic and Non-ethnic Civil Wars Have the Same Causes?" *Journal of Conflict Resolution* 45 (3):(2001), pp.259–282.

<sup>28</sup> Reynal-Querol, Marta, "Ethnicity, Political Systems, and Civil Wars." *Journal of Conflict Resolution* 46 (1): (2002), pp.29–54.

decisions and policies; but the system of indirect rule established in both Burundi and Rwanda made these identities much more systematic and extensive classifications of the subject populace.

It was probably only in the central part of the pre-colonial kingdom of Rwanda that the key institution of traditional Tutsi domination, the cattle contract between a pastoralist Tutsi "patron" and an agriculturalist Hutu "client", was widespread; but the colonial administration absorbed the ideology of domination of the central Rwandan state, codified and rationalized it, and extended it throughout the domain.<sup>29</sup> The policy of institutionalizing Tutsi domination and recruiting the indigenous elite almost entirely from the Tutsi aristocracy was legitimized by the theory that the Tutsi belonged to a superior Hamitic race, with its origins in Ethiopia, to which the Bantu-Hutu were considered to be self-evidently inferior.

Then, a few years before independence was proclaimed in 1962, the Belgian authorities did a volte-face and proceeded to support a social revolution of Hutu against the Tutsi minority which led, between 1959 and 1964, to the brutal killing of 10 000 Tutsi and the exodus of 150 000 Tutsi refugees, mainly to Uganda. It was the sons and grandsons of these refugees who, as members of the Rwandan Patriotic Front, took part in the military campaign against the Hutu government of Rwanda, beginning with an invasion from Uganda in 1990.<sup>30</sup> We must assume that their prolonged exile from a Rwandan "land of dreams" had as important an impact on their Tutsi identity as the experience of exile in Tanzania had for the identity of Hutu refugees who fled the genocidal massacres perpetrated by the Tutsi elite in Burundi in 1972. The particular

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<sup>29</sup> G. Prunier, *The Rwanda Crisis: History of Genocide* (London, Hurst, 1995), p.54.

<sup>30</sup> L. de Heusch, *Rwanda: responsibilities for a genocide*, *Anthropology Today*, 11, pp. 3-7.

ethnic materials, then, out of which the Hutu political and intellectual elite fashioned its policy of politicized ethnicity, were a legacy of 50 years of Belgian colonial rule.

The failure (or unwillingness) of the leaders of the international community to appreciate the extent to which Tutsi and Hutu ethnicities were a reaction to the experience of colonialism made it easy for them to portray the 1994 genocide in Rwanda as an eruption of ancient and irrational tribal antagonisms, rather than as the carefully planned, deliberately executed--and therefore preventable operation it was.<sup>31</sup>

Another major ethnically motivated violence in Africa is Darfur. Since Darfur began grabbing headlines in 2003 for daring rebel attacks upon government outposts, the Muslim western region of Sudan quickly became synonymous with massive war crimes, and even "genocide."<sup>32</sup> Due to the counterinsurgency campaign Khartoum launched in response, violence against civilians exploded, with death tolls peaking in the period through mid-2005, and sporadic attacks continuing to the present.

Low-level conflict with the rebels endures, even as peace agreements and truces come and go. Millions of displaced villagers continue to reside in camps that arose at the start of the strife and quickly mushroomed. Some camps now outrank many cities in size, though certainly not in basic services. Living conditions are harsh, and many are eager to return to what is left of their homes, but do not feel safe to do so. Some fled to the capital. Khartoum's periphery is lined with massive slums housing the marginalized from Darfur and southern Sudan. Other Darfuris are refugees, residing just across the border in neighboring Chad or emigrating to Egypt and beyond.<sup>33</sup>

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<sup>31</sup> A. de Waal, "The genocidal state: Hutu extremism and the origins of the "final solution" in Rwanda", *Times Literary Supplement*, (1 July, 1994), pp. 3-4.

<sup>32</sup> M. Mwangi, *Conflict in Africa, Theory, Processes and Institutions of Management*, Op cit, p.17

<sup>33</sup> Ibid

The rebels were originally comprised of two groupings, the Sudan Liberation Army (SLA), based among the Fur, Zaghawa, and Masalit ethnic groups, and the Justice and Equality Movement (JEM), drawing from the Kobe clan of the Zaghawa and linked to Islamists that had fallen out with Khartoum.<sup>34</sup> Available indications are that the rebels had substantial popular support, at least in a general way. Their grievances were deeply felt and longstanding: a lack of economic development and a share of political power.

Dating back to the pernicious years of British colonialism, infrastructure development has been concentrated in Khartoum while Darfur remains desperately poor, lacking all but the most rudimentary schools and medical facilities. However, fighting continues to draw ethnic lines and support.<sup>35</sup> Similar underdevelopment pervades most of the periphery of Sudan; only the central areas have seen substantive evidence of the country's oil wealth.

Another long standing ethnically instigated violence is the Somalia Crisis a rather homogenous group in terms of ethnic divisions.<sup>36</sup> In 1991, General Mohamed Siad Barre, who came to power through a military coup in 1969, was ousted from power by several Somali armed groups. Following the collapse of central authority in Mogadishu, the capital, rival Somali groups engaged in armed struggle for personal political power and prevented food and medicine from reaching innocent civilians suffering from drought and famine. An estimated five hundred thousand people died from violence, starvation, and disease as Somalia was wracked by continued internal chaos. In 1992, an operation led by US was commissioned and it successfully subdued the warlords and armed factions and enabled NGOs to provide humanitarian relief safely to Somalis.

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<sup>34</sup> J. K Fukui Markakis, , *Ethnicity & Conflict in the Horn of Africa*, Op Cit, p.113

<sup>35</sup> M. Mwangi, , *Conflict in Africa, Theory, Processes and Institutions of Management*, Op Cit, p.21

<sup>36</sup> D.J, Francis, *Peace Conflict in Africa*, Zed books, (New York, 2008), p.58

In May 1993, UNITAF handed the operation over to the United Nations. The UN effort was known as United Nations Operation in Somalia (UNOSOM) II. In May 1993, UNOSOM II coalition forces were attacked by one of the factions in Mogadishu. On 3 October 1993, after a seventeen-hour battle between US troops and Somali factions in Mogadishu, in which eighteen US Rangers were killed, President Clinton ordered the withdrawal of US troops from Somalia. In March 1994, the United States completely pulled out of Somalia, and one year later the UN pulled out the remaining peacekeepers.

Since the withdrawal of UN forces in March 1995, Somalia has been without a central government and has been splintered into several regions controlled by clan-based factions.<sup>37</sup> There have been fourteen Somali reconciliation or peace conferences to bring an end to the fighting in Somalia since the early 1990s. Some were held under the auspices of or were supported by the UN or governments in the Horn of Africa. These efforts have largely failed to bring about lasting peace.<sup>38</sup> Moreover, competing efforts by international actors have contributed to the failure of peace efforts in Somalia.

There is a general perception that Africa is trapped in a never-ending cycle of ethnically motivated conflicts.<sup>39</sup> The Rwandan genocide, Darfur, Somalia, northern Nigeria, Côte d'Ivoire, and the violent aftermath of the controversial Kenyan elections, among other cases, seemingly substantiate this perception. As grievances accumulate and are defined at the group rather than individual level, the motivation for ethnically The centuries-old inertia behind these animosities, moreover, defies resolution. The seeming implication is that Africa's complicated ethnic diversity leaves the continent perpetually

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<sup>37</sup> Bercovitch et al, *Conflict Resolution*, Sage Publications, London, (2009). Op cit, p.495

<sup>38</sup> H.Ben-Yehuda and M. Mishali-Ram, Ethnic Actors and International Crises: Theory and Findings, 1918–2001, *International Interactions*,: 2006, pp.49–78.

<sup>39</sup> A. Tarimo, & P Manwelo,, (Eds), *Ethnicity, Conflict, and the Future of African States*, Op cit, p.14

vulnerable to devastating unending conflict.<sup>40</sup> This, in turn, cripples prospects for sustained economic progress and democratization.

### 3.4 The Role of Ethnicity in Kenya, 1963 - 2007

The critical challenge to understanding the nexus of ethnicity in Kenya today lies not only in identifying the important tri-polar relationship between history, agency and contingency, but even more importantly in locating the historical seamless thread of this multi-dimensional process.<sup>41</sup> The beginning of the process is traceable to the colonial period, for the modern state in Kenya was not only a creation of colonialism, but also colonial institutions were key determinants in the construction of ethnicity.

The colonial period, often located from about 1895, involved the creation and the consolidation of the modern state. The process itself was shot through with contradictory policies and a lack of an elaborate and consistent plan. But by 1904 the general contours of the policy had been put in place. The country assumed its present name, Kenya, in 1920.<sup>42</sup>

The dominant ideology under colonial rule was based on white ethnicity in which the European colonial administrators and settlers enjoyed political and economic advantages over the majority black African population. Within the African communities itself, colonial rule patterned a “divide-and-rule” policy in which some communities were privileged over other communities especially with regard to access to modern economic

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<sup>40</sup> Bercovitch et al, *Conflict Resolution*, Sage Publications, Op cit, p. 495

<sup>41</sup> K. Wamwere,, *Towards genocide in Kenya: The curse of negative ethnicity*. Nairobi, (Mvule, 2008), p.78

<sup>42</sup> D. Branch,, and Cheeseman, N, *Democratization, sequencing and state failure in Africa: Lessons from Kenya*. *African Affairs* 108. no. 430: (2009), pp1-26.



processes that accompanied colonialism.<sup>43</sup> Kenya gained independence from Britain in 1963 after a negotiated political settlement. The inheritors of the colonial state, as elsewhere in Africa, were the group of elites who had been carefully nurtured and immersed in the social values and ethos of colonialism.

On the surface, the change from a colonial to a post-colonial state appeared to engender substantive structural changes: the colonial successor state was based on a liberal democratic constitutional dispensation which emphasized plural politics, the rule of law and the sanctity of private property. Additionally, the incoming African political class seemed fairly diverse both in ethnic and social composition. And, to the extent that it purported to espouse a common ideology of African nationalism, it looked like a fairly stable political class.

In the formative years of the post-colonial state, the ruling elite in Kenya appeared to espouse democratic values. For example, elections were held regularly and were often vigorously contested, especially those involving local government and at parliamentary levels. But the veneer of democratic formalism did not take long to unravel. The process of manipulating the democratic process took both a deliberate effort at dismantling nascent democratic institutions and a simultaneous ethnic engraving of the political process. For example, whereas the first cabinet was composed of politicians from diverse ethnic backgrounds, Jomo Kenyatta, the head of the cabinet and president was a Kikuyu, the Vice President was Jaramogi Oginga Odinga, a Luo.

Other important cabinet members included Tom Mboya, the Secretary-General of the ruling party, Kenya African National Union (KANU), who was a Luo, and Njoroge

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<sup>43</sup> S. Dercon., Ethnicity and violence in the 2007 elections in Kenya. Afrobarometer Briefing Paper, no. 48, February., (2008)

Mungai and Mbiyu Koinange, both from the Kikuyu community and, after the dissolution of the opposition party, Kenya African Democratic Union (KADU) in 1964. Ronald Ngala and Daniel Arap Moi, from the Giriama and Kalenjin ethnic communities respectively, also took pride of place in the cabinet.<sup>44</sup>

However, by 1969, a mere six years after independence, political power had effectively been dominated by the Kikuyu, with Kenyatta at the helm but closely surrounded by ethnic relatives and friends such as Mbiyu Koinange, Njoroge Mungai, James Gichuru and Charles Njonjo.<sup>45</sup> And even though Moi, a Kalenjin, was the formal vice president of the country, it was common knowledge that he held just a symbolic position. It soon became apparent that Jomo Kenyatta favoured the Kikuyu elite as the inheritors of the state. Important cabinet positions became the preserve of the Kikuyu, the head of the central bank had to be a Kikuyu, as indeed the head of the civil service, the police and most other important public service and parastatal positions.

Equally important was the fact that the average Kikuyu was favoured in appointments to the public service, and even in access to state loans for private business and other public resources.<sup>46</sup> At the institutional level, Kenyatta deliberately devalued the role of KANU as an organizational forum of politics. Instead, he foisted an ethnic organization called the Gikuyu Embu Meru Association (GEMA), which henceforth became the pre-eminent political organization in the country.

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<sup>44</sup> J. Gettleman, "Tribal violence breaks out in Kenya over disputed election result." International Herald Tribune, (30 December, 2007)

<sup>45</sup> K. Omolo, "Political Ethnicity in the Democratization Process in Kenya". *African Studies*, Vol 61, (2002), pp 210-221

<sup>46</sup> J. Gettleman, "Tribal violence breaks out in Kenya over disputed election result". International Herald Tribune, (30 December, 2007)

Moi took over as Kenya's president upon Kenyatta's death in 1978. In his path to the elevated position, Moi, through a combination of luck and fortitude, had survived a sustained attempt at barring him from the presidency by the Kikuyu elite in Kenyatta's court. Moi, once in power, lost no time in directing the political process in favour of select members of his Kalenjin community.<sup>47</sup> Where important cabinet positions used to go to the Kikuyu, they were now taken over by the Kalenjin. In like order, headship of the civil service and the central bank was appropriated, and ambassadorial positions in important Western capitals became the exclusive preserve of the ethnic chosen few. Essentially, the ethnic nature of the state changed little but for the ethnic backgrounds of the favoured elite.

The process of democratization in Kenya began with the holding of the multi-party elections between December 1991 and January 1992. Before these elections, a political liberalization process that started a year earlier had seen changes such as the re-enactment of a law re-introducing a multi-party system in the country. Subsequently several political players formed opposition parties, some even defecting from the ruling party, KANU. Since late 1991 a multi-party political system had been put in place and many political parties now existed in competition with the ruling party and theoretically offered alternative governments.<sup>48</sup>

In 2002 general election in Kenya, political life itself was relatively more relaxed, civil liberties were generally guaranteed, and associational life had witnessed an increased vibrancy marked with a buoyant civil society that was ever keen to point out the mistakes of the ruling elite. Moreover, the country had undergone two multi-party

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<sup>47</sup> K. Omolo, *African Studies*, Op cit, pp.210-221

<sup>48</sup> T.D Sisk, *Elections in Fragile State*, Op cit, .p8

general elections in 1992 and 1997, and was geared for a third multi-party general election in 2002. But a closer look reveals that democratization in Kenya had not fundamentally affected ethnic politics in the country.

To begin with, political liberalization in the country was forced upon a recalcitrant ruling ethnic elite determined to hang on to power. Internal protest against the authoritarian government of President Moi had a long history, but peaked in the 1980s after receiving a considerable boost from the prevailing international trend towards a generalized collapse of single-party systems. It is significant though that, even against the evidence of a worldwide democratic wave, the Moi regime had expected to hold out. It was therefore not until Western countries withheld aid to the regime that Moi relented to the demands for a multi-party system, even as he continued to profess his antipathy to the system.<sup>49</sup>

Political ethnicity, a prominent characteristic of the one-party state in Kenya, easily fed into the democratization process in a number of ways. For example, for the Kalenjin, Moi's ethnic group and the favoured community, institutional transformation as entailed in democratization represented a great threat to extant political and economic privileges.<sup>50</sup> They were thus the least predisposed to support reform measures. On the other hand, ethnic "outgroups" embraced democratization mainly as an opportunity to overturn a system widely perceived as anti-ethnic to their political and economic aspirations.

Quite predictably, then, the Kalenjin supported the ruling party, while the new opposition parties were enthusiastically embraced by the ethnic outgroups, but especially

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<sup>49</sup> See Report of the Commission of Inquiry into the post-election violence in Kenya. Op cit

<sup>50</sup> K Wamwere., Towards genocide in Kenya: The curse of negative ethnicity. Nairobi: Op cit, p. 179

by the numerically significant Kikuyu, Luo and Luhya. Within the opposition itself, disunity along ethnic lines was not long in coming. In the run up to the first multi-party elections in 1992, for example, the main opposition movement, the Forum for the Restoration of Democracy (FORD), which had been the umbrella body for the fight for democracy, collapsed under the weight of ethnic divisions as the ethnic elites from the main ethnic opposition groups repositioned themselves for the much anticipated ethnic appropriation of political power.<sup>51</sup>

In an ethnically polarized political environment, the Moi regime, which still commanded the most resources to buy votes, easily won the first multi-party elections in 1992. This was to be repeated again in the elections in 1997. In both circumstances, there were ethnically instigated clashes just before the two elections which cooled off immediately after Moi won. An important feature of Kenya's politics is that the institutional expression of multiparty politics, whether in terms of political party formation or informal political alliance and lobbying, expresses itself purely on ethnic lines.

Political parties invariably represent specific ethnic groups. Typically, a party is headed by an ethnic patron who engages with the electorate chiefly through the recruitment of clients. The parties themselves have very limited social appeal as they are generally characterized by shallow social roots, authoritarian leadership and inarticulate political ideologies and policies.

Voting patterns in both the 1992 and 1997 elections confirm that ethnicity is the primary form of political organization that presidential candidates and political parties get

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<sup>51</sup> F. Holmquist, and Ford, M, *Africa Today*, Op cit, p.7

support predominantly from their ethnic regions.<sup>52</sup> Moi, the KANU candidate who won both presidential elections in 1992 and 1997, is from the Kalenjin community, who occupy most parts of the Rift Valley province but are also found in parts of the Western Province. His “homeboy” status thus largely accounts for the massive support he received mainly in the Rift Valley and in Western province.

The second candidate in the 1992 elections, Matiba, a Kikuyu, also drew huge support from the heavily Kikuyu populated provinces of Central and Nairobi. A large number of Kikuyu diaspora is also to be found in the Rift Valley which accounts for Matiba’s equally impressive support from the province. Additionally, the so-called GEMA tribes tend to vote in a clanistic pattern. In the case of Western province, Matiba’s good performance was a result of choosing Martin Shikuku, a native of the region, as his running mate. To some extent, the same argument explains the varied fortunes in the provinces of Kibaki, another Kikuyu presidential candidate. Similarly, Oginga Odinga, a Luo, received majority support from the Luo-dominated Nyanza province. In the 1997 presidential elections, the ethnic voting pattern was repeated with little change, if any.

The Kalenjin were shunned into KANU whereas all other tribes joined other political parties. To reiterate, this form of political exclusion, the Kalenjin sought to eliminate from the area those opposed to Moi (the Kikuyu who were in the opposition) by specifically evicting them from land they had occupied in the settlement schemes or bought through the land purchase programmes. Class and ethnicity intertwined for different purposes.

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<sup>52</sup> K Kanyinga., Land redistribution in Kenya. In *Agricultural land redistribution: Towards greater consensus*, ed. C. Bourguignon and R. van den Brink, Op cit, p.179

On the one hand, the Kalenjin elites sought to advance their class interests by protecting the Moi government from losing political power by mobilizing support from their land-hungry constituencies. The campaign against 'foreigners or settlers' turned violent in October 1991 when Majimboists in KANU invaded farms in the Rift Valley to evict non-Kalenjin. A repeat of this pattern followed in the lead up to the 1997 general election. Once again the Kalenjin elites in KANU mobilized around the land question. They continually pointed out that the Kikuyu had not only acquired what was Kalenjin land but also that the Kikuyu were rapidly dominating the local economy at the expense of Kalenjin.

Some of them argued that that the Kikuyu would eventually dominate the Kalenjin even in local politics. Because of these discourses of domination, violence related to land and targeting specifically the Kikuyu in the Rift Valley continued to follow election cycles.<sup>53</sup> The Kikuyu peasants became the main victims of these waves of evictions. Involved in these cycles of violence were groups of Kalenjin youth organized under the name of Kalenjin warriors and guided by both senior and local politicians who also financed their operations.<sup>54</sup>

However, the 2002 election and the referendum of 2005 did not witness these forms of violence. There were no threats against the Kikuyu in the Rift Valley. Having completed his constitutionally permitted terms in office, Moi was not a candidate.<sup>55</sup> There was thus no pressure on the Kalenjin elite to fight for him. It is also significant that Moi had identified Uhuru Kenyatta, a Kikuyu, as KANU's candidate for the presidency.

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<sup>53</sup> See Report of the Commission of Inquiry into the post-election violence in Kenya, Op cit

<sup>54</sup> Ibid

<sup>55</sup> S. Mueller,, The political economy of Kenya's crisis. *Journal of Eastern African Studies* 2, no. 2: (2008), pp.189-210

This strategy merged Kikuyu-Kalenjin elite interests. Uhuru Kenyatta would protect Moi's and the Kalenjin interests when the former retired from political life, and the Kikuyu interests would be safeguarded under a Kikuyu presidency and KANU leadership. KANU, however, lost the election. A coalition of political parties, the National Alliance Rainbow Coalition (NARC), won on a platform of comprehensive reforms including those relating to land and the constitution. A new government was formed, headed by President Mwai Kibaki, a Kikuyu. In 2004 the coalition disintegrated following disagreements on power sharing. Those disagreements spilt over into the constitution-making process. A new draft constitution, which provided a framework of land administration and access to or control of land, was presented in a referendum in November 2005 but was rejected.

In 2006, following the disintegration of the national coalition and the defeat of the proposed new constitution, there were violent conflicts over land in several areas, including those outside of the Rift Valley. The most protracted conflicts were in Mount Elgon district in the Western province and in Kuresoi in the Rift Valley. In the Mount Elgon case, the cause of the conflict was allocation of plots in one settlement scheme where local residents complained about outsiders being given land at the expense of local residents.

The conflict in Kuresoi centred on disputes between Kikuyu and Kalenjin over land ownership including some of the farms that various groups had bought from the departing settlers.<sup>56</sup> In Kuresoi, violence continued up to a few weeks preceding the 2007 December general election and may have been aimed at reducing the voter turnout for the

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<sup>56</sup> K. Kanyinga, Land redistribution in Kenya. In *Agricultural land redistribution: Towards greater consensus*, ed. C. Bourguignon and R. van den Brink. Washington, DC: The World Bank, 2009, p.247



multi-ethnic Kuresoi parliamentary constituency. Conflict over land recurred after the disintegration of the coalition because the disintegration signified a loss of opportunity to address the question of land rights endemic to these areas.

The opportunity to address grievances on land was lost when people rejected the draft constitution in the referendum. It was said that the proposed constitution was defeated because the Kikuyu political elite, who were in central positions in government, were not keen to share political power with other tribes. Issues of land and the domination of Kikuyu in the settlement schemes in the Rift Valley shaped those perceptions. The ensuing conflicts were an expression of resentment over wrongs arising from how land issues were addressed.<sup>57</sup>

### **3.5 Ethnicity and Its Role in Kenya's Post-Electoral Violence, 2007-2008**

Following the disputed December 27<sup>th</sup> 2007 elections and the consequent widespread violence, Kenya became a monumental case of the violent rollback of Africa's democratic wave. Few anticipated Kenya to explode into violence as almost 14 million registered voters went to the polls on December 27<sup>th</sup> 2007 to elect a national president and 210 parliamentarians in the country's latest multiparty election. In his briefing to domestic and international election observers on 21<sup>st</sup> December, the Electoral Commission of Kenya (ECK) chair Samuel Kivuitu, was effusively confident that the election would be peaceful and any ensuing transition smooth. The polling day was calm, but this was to be the calm before the storm.<sup>58</sup>

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<sup>57</sup> Ibid

<sup>58</sup> , D Throup, The count, *Journal of Eastern Africa Studies* 2, no. 2: (2008), pp.290-304

On 28 December the Orange Democratic Movement leader Odinga appeared to command a strong lead as results began to trickle in, initially from his strongholds in Nyanza, the Rift Valley and western Kenya. However, on 29 December the margin shrunk quickly to a mere 38,000 votes, with nearly 90% of the votes counted (180 out of 210 constituencies) and the bulk of the remaining uncounted votes largely from President Kibaki's central and eastern Kenya turfs. On 29 December, when the public expected the final results of the presidential tally, the ECK chair publicly expressed his suspicion that districts near the capital had delayed reporting results because 'they were being cooked'.<sup>59</sup>

Tension reached a dangerous peak as the Party of National Unity (PNU) and the Orange Democratic Movement (ODM) leaders quarrelled over the accuracy of the results coming in from Kibaki's strongholds in Nakuru, central Kenya and the Eastern Province. The crisis came to a head on 30<sup>th</sup> December 2007 after the police were called in to empty the counting hall at the Kenyatta International conference centre and The electoral body Chairman declared Kibaki victor in the presidential poll with 4,584,063 votes (47%) over Odinga's 4,352,993 (44%).<sup>60</sup> Within the hour, Kibaki was quickly sworn in for a second term at State House amid calls for the postponement in announcing the results.

The ODM leader rejected the results and claimed victory with Odinga calling on Kibaki to concede defeat and order a recount of the vote (Ndegwa 2007). The PNU, for its part, accused the ODM of fraud in its Nyanza and Rift Valley turfs, claiming that through the discrepancies between polling station tallies and Electoral Commission results, Odinga gained 53,000 votes while Kibaki lost 106,000. The independent review

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<sup>59</sup> Krigler Commission, Op cit, p.57

<sup>60</sup> BBC News - Kenya's presidential elections results. 30<sup>th</sup> December 2007.

commission would conclude months later in September 2008 that 'the conduct of the 2007 elections was so materially defective that it is impossible to establish true or reliable results for the presidential and parliamentary elections.<sup>61</sup>

Prior to the 2007 election in Kenya, both the leading political parties, PNU and ODM, had courted tribal antics in their campaigns. ODM had the popular slogan of 41 against one which meant 41 Kenyan tribes were fighting against one tribe for political supremacy. For its part, the PNU also courted ethnic populism, actively playing the ethnic card to break ODM strength in the vote-rich Rift Valley. Upon its creation in September 2007, PNU moved quickly to forge a Kikuyu-Kalenjin association with Moi as its centrepiece. Moi, who had joined the 'Orange movement' during the November 2005 referendum, now backed Kibaki and endorsed his presidential bid on 28 August 2007.<sup>62</sup>

Moi reportedly persuaded the KANU chair, Uhuru Kenyatta, to make up with his Kalenjin rival in KANU leadership, Nicholas Biwott, and bring the party into the PNU alliance. But the strategy failed to make serious inroads into Kalenjin politics. Even the staunch loyalists of the former president like came to believe that the old man's support for Kibaki 'had nothing to do with the Kalenjin community, but 'it was all about his own interests. The Kalenjin overwhelmingly voted for Raila and the ODM, rejected pro-Kibaki candidates and voted Moi's supported candidates and sons out. But PNU strategists exploited the ODM's anti-Kikuyu rhetoric to prey on ethnic fears to ensure that the Mount Kenya region voted as a bloc through a mix of propaganda and ethnic mobilization.

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<sup>61</sup> See The Independent Review commission, (Kriegler Commission) (2008) into the post election violence

<sup>62</sup> See Report of the Commission of Inquiry into the post-election violence ii Kenya, Op cit

When anti-Kikuyu leaflets were circulated in the Rift Valley and threats made of residential property seizure in Nairobi, it was alleged that if the ODM won the elections it planned to carry out genocide against no less than one million Kikuyu in order to change Kenya's electoral demography permanently to ensure that the ODM ruled in perpetuity. The Mount Kenya communities took these threats seriously. A series of measures, including the Kikuyu elite 'adopting' rural polling stations to ensure that all the registered voters cast their votes, the youth being given responsibility to wake up voters early on the election day and a decision by the business elite to close shops and bars until everyone had voted largely accounted for a historic voter turn-out of over 80% in Central Province.

For the first time since the 1960s, the Mount Kenya groups (Kikuyu, Embu, Meru and Mbeere) voted as a bloc for Kibaki.

The 2007 election dispute served to ignite an already combusive environment.<sup>63</sup> The pre-election phase witnessed an upsurge of intimidation, threats to candidates, hate speeches, distribution of hate leaflets, violence between rival groups, mob lynching of members of ethnic rivals and tearing up of Kikuyu voters cards in parts of the Rift Valley.<sup>64</sup> By December 2007, violence had killed hundreds and displaced over 2,000 families in Mount Elgon, Molo and Kuresoi. After the election, violence became increasingly diffused, taking the forms of 'spontaneous', organized (including organized retaliatory violence) and state violence.

Violence escalated on 29<sup>th</sup> December when Odinga's early lead began to fall off amid delayed results and allegations of fraud. But violence broke out immediately Kibaki was declared winner on 30<sup>th</sup> December. The initial violence was 'spontaneous.'

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<sup>63</sup> M Kimenyi, Voting in Kenya: Putting ethnicity in perspective. University of Connecticut Working Paper Series, (March 2008). Op cit, p. 56

<sup>64</sup> See Kenya National Human Rights Commission (KNHRC) (2007) election report

consisting mainly of unplanned wanton destruction of property and random killings of suspected ethnic rivals.

In Nyanza, Odinga's home province, thousands poured into towns to protest first the delayed release of the presidential results, and then the Kibaki victory. Angry mobs looted and torched property in Kisumu and homes and property of the Kikuyu, Kamba and Kisii. Violence spread to the Kisii border area where Luo youths burned sugarcane plantations belonging to Kisii, eliciting retaliation from the Kisii who torched Luo homes. Violence also hit Nairobi's ethnically mixed slums Dandora, Kibera, Kariobangi, Kawangware and Mathare.

Here, conflict involved looting and plundering of Kikuyu and Kamba landlords property by Luo and Luhya tenants, uprooting of the railway line that passes through Kibera slums, and forced circumcision of Luo by Kikuyu mobs and the Mungiki (a kikuyu illegal sect). Violence exploded in the Rift Valley within minutes of the swearing in of Kibaki as president on 30<sup>th</sup> December. Notable was 'the speed and coordinated nature of the early attacks', which 'strongly suggested that it was not spontaneous' but organized.

In the first wave of violence, Kalenjin, Luo and Luhya ODM supporters attacked the settlements of suspected Kibaki supporters, mainly from the Kikuyu, Kisii and Kamba communities in the north Rift including Eldoret and its environs.<sup>65</sup> Here, farms and shops of the displaced or slain victims were vandalized, stripped of their signs, renamed and expropriated while houses, granaries and crops in the field were torched and victims killed by ethnic militias wielding arrows, machetes, clubs and guns. Violence

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<sup>65</sup> G. Lynch, 'Courting the Kalenjin: The failure of dynastism and the strength of the ODM wave in Kenya's Rift Valley province. *African Affairs* 107, no. 429 (October):2008, pp.541-68

also engulfed parts of Nakuru, Narok and Naivasha in central Rift, and some parts of South Rift. There were also reports of attacks on the Luo and Kisii settlers by the Kalenjin taking advantage of the collapse of law and order to rustle animals and take land from their neighbours irrespective of political loyalties.<sup>66</sup>

Finally, in some parts of western Kenya, violence not only affected the Kikuyu, Kisii and Kamba, but also the Bukusu (Luhya) who also voted for the PNU. The violence affected mainly poor peasant families, small farmers and traders who fled by foot, handcarts, bicycles and lorries to safety in internally displaced persons camps in church compounds, police stations, showgrounds and other government facilities. In the most chilling of this orgy of killings, on 1<sup>st</sup> January 2008 an estimated 200 Kalenjin youths set the Kenya Assemblies of God church in Kiambaa, Eldoret on fire, burning alive and beyond recognition more than 35 women, children and disabled people who had sought refuge there. Bitter Kikuyu victims claimed that William Ruto, a prominent figure in ODM, was the main inciter and organizer of the Rift Valley violence.

Following reports of the burning alive of Kikuyu women and children in Kiambaa and as Kikuyu IDPs started pouring into the Kikuyu 'homeland' of Central Province from early January 2008, Kikuyu launched retaliatory attacks on suspected members of the Luo, Luhya and Kalenjin communities. On 3<sup>rd</sup> January 2008, youth mobs blockaded the Nairobi-Nakuru highway targeting these communities. Ethnic militias threatened to burn down the Tigoni holding centre, one of the many centres hosting an estimated total of 8,889 non-Kikuyu IDPs across central Kenya and Nairobi.

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<sup>66</sup> N. Wadhams., Can Kenya avert a bloodbath? The Times, (30 January 2008), p.1

On 5<sup>th</sup> January, locals demanded the eviction of non-Kikuyu IDPs from Limuru town outside the Bata Shoe gate and also outside Kirathimo Red Cross Centre. Reports of attacks on non-Kikuyu employees in companies such as the Universal Corporation and Steel Rolling Mills as well as in commercial flower farms in Naivasha and Ol Kalou also increased. On the Nairobi-Nakuru highway, militias mounted impromptu checkpoints where passengers in buses and matatus were asked to produce their national identity cards, and those belonging to the Luo and Kalenjin groups lynched<sup>67</sup>. Luo workers were forced to seek shelter at Kabete or Tigoni police stations, with families forced to send their members out of the city for fear of attacks.

The conflict took a deadly turn when the Mungiki entered the fray. Initially formed in the 1980s to liberate the Kikuyus from Moi oppression and to spearhead a cultural revival of the traditional Kikuyu way of life, Mungiki went underground after a mid-2007 police crackdown and internal fissures. The post-election chaos enabled the Mungiki to regroup and operate openly as a defender of the beleaguered Kikuyu community. Media reports claimed that Mungiki was recruiting and administering oaths to young men from Central Province and dispatching them to the Rift Valley for operations, and had also deployed recruiters in Kikuyu dominated IDP camps who targeted vulnerable Kikuyu youngsters displaced by violence as new members to swell its ranks.<sup>68</sup>

Mungiki's new recruits successfully overpowered and repelled Kalenjin militias who invaded the industrial towns of Nakuru and Naivasha, winning the hearts and minds of the Kikuyu, and for a while rehabilitating itself as a legitimate force. The sect's

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<sup>67</sup> See Republic of Kenya. The independent review committee (Kriegler report): 2008 Summarised Version, Op cit

<sup>68</sup> C. Ombati,, Mungiki suspects arrested. Standard, (18 February, 2008), p.4

fighters also hit back at Kalenjin warriors in Molo and parts of Rongai and worked with local vigilantes in Nyahururu and western Laikipia multi-ethnic districts where the Pokots, Turkana and Samburu had raided Kikuyu villages. Mungiki also struck against Kalenjin living in the Ol Jabit area of western Laikipia who were controversially settled in the former Ngobit Forest by Moi in the late 1990s.

Beyond the Rift Valley, Mungiki made serious inroads into Nairobi slums. In Eastlands, Kariobangi and Dandora, Kikuyu landlords hired sect members to evict Luos who had taken advantage of the chaos to refuse to pay rent.<sup>69</sup> Mungiki fighters also countered the dreaded Luo militia, the Taliban, which, although outlawed, continued to operate in Mathare, Huruma, Kariobangi and Baba Dogo slums in the east of the capital. The revitalized Mungiki came to be viewed by the Kikuyu generally as an effective counterweight to the Kalenjin militias.

Echoing the report by the Kenya National Human Rights Commission, the Waki Commission concluded that the 'Mungiki' was used by some civil servants, ministers and members of parliament to fight back against the Luo and Kalenjin.<sup>70</sup> However, discussion on Mungiki appears largely speculative, but it points to the critical role the organization played in the post-election violence.

Kenya was popularly seen as the model democratic and peaceful nation prior to 2007 election crisis. As the year came to a close, this image was rudely and brutally shattered by the eruption of widespread and horrific ethnic violence and anarchy. Even though the parties to the conflict quickly agreed to a power-sharing arrangement that

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<sup>69</sup> E Kisiang'ani, Waki report exposes the beasts in our politics. Standard, 2 November, 2008

<sup>70</sup> See Republic of Kenya. 2008. The report of the Commission of Inquiry into the Post-Election Violence (the Waki report): Summarised version. Nairobi.



halted the violence, analysts have rightly characterized post-crisis Kenya as a democracy at risk, where tempers are still high. This chapter has critically assessed the contribution of ethnicity to the violence that engulfed the country after the December 2007 election.

The critique suggests that Kenya's 2007/08 crisis was a combination of an entrenched legacy of inequity in distribution of wealth (especially land) along ethnic lines and political manipulation of ethnicity by elite politicians.

### **3.6 Conclusions**

In this chapter, the study discusses the role of ethnicity in the world, Africa and Kenya. The study further relates ethnicity to the 2007/08 post-electoral violence. The study outlines auxiliary ethnic case studies within the African context. The study brings out the conceptual instrument of ethnicity to explain the phenomenon connected to the post election violence by the media, politicians, victims, scholars and academicians. Also discussed is the aspect of ethnicity in the violence in Kenya in previous elections and circumstances before the 2007/08 violence. The chapter was concluded by discussing the role of ethnicity in the 2007/08 violence as documented in various human rights reports, commissions of inquiry and research studies. Ethnicity emerges as a relational concept, potent to mobilize through collective behaviour within constructed 'identities.' Offered also is the transitional base that ethnicity has followed from the past to present political dispensations. Entrenchment of ethno-politics in aspects of political systems portrays the strong driving force ethnicity wields.

## CHAPTER FOUR

# THE ROLE OF ETHNICITY IN KENYA'S POST-ELECTORAL VIOLENCE: A CRITICAL ANALYSIS

### 4.1 Introduction

In the previous chapter, the study discussed the critical role of ethnicity in Kenya's post-electoral violence, 2007 – 2008. The study brought out the concept of ethnicity and how it has been connected to the post election violence by the media, politicians, victims, scholars and academicians. Also discussed was the aspect of ethnicity in the violence as documented in various human rights reports, commissions of inquiry and research studies.

In this chapter, the study provides a critique of the secondary sources of material by bringing out comparisons and differences in findings of various reports, research studies and scholarly articles. Having established the strong components embedded in ethnicity, pitched on vulnerable social, political and economic fronts, often orchestrated through manipulative mechanisms for definite or supposedly indefinite interests, the study now provides a discussion of the findings of the study in relation to the theoretical and conceptual framework. This chapter also aims to bring out a critical analysis of the role of ethnicity in the 2007/08 post electoral violence.

### 4.2 Ethnicity and Conflict

The 2007/08 post election violence in Kenya threatened to tear Kenya apart and require analysis that digs deeper into the role of ethnicity. More correctly, emphasis and focus should be placed on the interpenetration of historical and current ethno-political

developments whose origins can be traced in the early stages of state formation in Kenya and in the colonial times and often commonly referred to as a product of colonial rule.<sup>1</sup> The way the British colonialists segregated the Kenyan people into ethnic groupings with fiefdoms for easier manipulation and administration, the way politicians have been supporting tribal party outfits to gain ethnic support and the way politicians mobilize 'our people' against 'them' supports the constructionist theory that ethnicity in itself is not a cause of conflict.<sup>2</sup>

The concept of 'new wars' became prominent in 19th century. The area that became Kenya could be described was made up of various tribes (currently considered sub-nationalities if seen from the eye of British Historians and ethnographers). Some contrary views have also been discussed positing that ethnic violence has replaced the spread of communism as the major security concern in the international arena.<sup>3</sup> The context of new wars seen in its immediacy of experience has been instrumental to the scholarly community after accumulation of much knowledge for managing conflicts typical of the cold war era.

It is acknowledged that end of the cold war, created a new geopolitical environment that came along with new types of internal conflicts among them ethnic conflicts. Of importance also, is the dynamics to these conflicts different from the old rules of the cold war and hence the need to develop new knowledge of dealing with these conflicts before they erupt into large scale violence.<sup>4</sup>

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<sup>1</sup> S Ndegwa, *The American Political Science Review*, Vol. 91, No. 3, Op cit, p600

<sup>2</sup> D. Malhotra,, *Long Term Effects of Peace Workshops in Protracted Conflicts*, *The Journal of Conflict Resolution*, Op cit, p.755

<sup>3</sup> Ibid

<sup>4</sup> A.L. Alexander, *Political Science and Politics*, Vol. 33, No. 1, (March 2000), *American Political Science Association*, 15

Identity emerges as a strong aspect with regard to relationships between different groups. There have been various ethnic tribes that have been living in harmony but cases of ethnic groups going against each other are prevalent in Africa. The African capacity to grapple with the changing conditions of life, especially the challenge to integrate and consolidate ethnic identities into structure of nation-state has been wanting.<sup>5</sup> Ethnicity is the essential bond that unites kinship weaves through the social fabric, in the sense that ethnic group identities flow from an extended kinship bond, sharing common behaviours and transmitting across generations. In Kenya these bonds date back to even pre-colonial times but were made more evident by the British colonial masters. Some scholars who oppose this view by suggest that the most provocative new theories involve the notion that it is ethnic competition that eventually breeds ethnic conflict.<sup>6</sup> The support of this argument is articulated in findings of the various commissions; KNHRC report on post election violence, Waki commission and Kriegler report.

There is a general understanding that there are no general theories of conflicts that cut across all situations and therefore providing difficulties in generally conceptualizing conflicts. This study also submits that ethnicity is dynamic.<sup>7</sup> Furthermore, making casual inferences about conflict is risky business as we may divert into the larger concept of conflict. However, the strongest evidence that social science can provide about causation, originate from controlled experiments and history does not qualify to such experimentation. Subsequently, social practice defines the norms of communal authority within an identified group with specific moral economy and ethnic rituals.

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<sup>5</sup>S.J Kaufman *International Security*, Vol. 21, The MIT Press, 1996, 38

<sup>6</sup> D. Dion, *The Journal of Conflict Resolution*, Vol. 41, No. 5, (October 1997), Sage Publications, Inc. p.638

<sup>7</sup> P. G. Okoth., and B. Ogot, *Conflicts in Contemporary Africa*, Op cit, pp.2-3

Consequently, analyses usually rely on various forms of no experimental date, its occurring without careful manipulation and control furthering the empirical accuracy in trend and in-depth analysis,<sup>8</sup> but, each specific component introduces variables inter-twined within the wider context of conflict. 'Ethnicity,' itself therefore, is a deeply problematic concept commonly used to refer to identity of groups. Conflict groups are not monolithic and are usually made up of overlapping subgroups. In normal social conflict, this complex of sub groups serves to contain and dilute conflict in an overall social cohesion. The view that identities are imposed on individuals is illustrated through situations in Kenya where individuals are forced to conform to manipulations from politicians and members of their own ethnic group. Here, ethnic authority derived and vested through various means such as family, clan, and community.

The authority is then legitimized through conformed customs and practices of that community, which in essence lays a foundation for the basic unit of solidarity.<sup>9</sup> These manipulative positions also establish icons of power and hierarchy of power as well. These tools are pertinent in the fight 'new wars.' Yet again, this perspective can be challenged from another platform which suggests that ethnic conflicts may not actually be new, but have multiplied in frequency with varying degrees in magnitude.<sup>10</sup>

The theoretical underpinnings were derived from the two main arguments on ethnicity were premised on Instrumentalist and primordial concepts. Some instrumentalists who see ethnicity and other forms of communal identity as constructions, reconstructions and deconstructions of discourse of power, contest the integrity of 'social

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<sup>8</sup> P.C Stern, and D, Druckman, *The Journal of Conflict Resolution*, No. 42, 1998, p.50

<sup>9</sup> S.N Ndegwa, *American Political Science Review*, Vol. 91, No. 3, Op cit, p.601

<sup>10</sup> D. Malhotra, *Long Term Effects of Peace Workshops in Protracted Conflicts*, *The Journal of Conflict Resolution*, Op cit, p908

roots.<sup>11</sup> The label 'ethnicity' therefore leads to a supposition that ethnicity is yet another convenient mechanism to organize and mobilize people in homogeneous conflict groups willing to react to each other as has been analysed in the study.<sup>12</sup> While national level political competition in Kenya is often misunderstood and shallowly interpreted in terms of a competition between the Kikuyu and the Luo, most commentators on Kenya's politics do ignore the position and role of the Kalenjin, Luhya, Kamba, Kisii, Coastal peoples (Mijikenda), Swahili, Arabs, Indians and Europeans who live in large farms/ranches and important urban areas in Kenya. Each of these groups subsumes a number of smaller ethnic units that become relevant bases of social identity in more localized settings. The groups hardly mentioned are the Ogieks, and the Jemps who are the original occupants of some parts of present Rift valley but have since been displaced or evicted to create room for current occupants. What is however neglected in the debate about Kenyan politics is the reality that all groups have a stake in the running of the Kenyan polity, but due to systematic exclusion as explained in the in-group out-group theory, some groups from the national leadership, competitive politics in Kenya is bound to have an ethnic dimension. Groups are also know to satisfy their identity and security needs through conflict which guarantees change in structure of society and better livelihood.<sup>13</sup>

The instrumentalists view ethnic identity as a 'tool used by individuals, groups, or elites to obtain some larger, typically material end and is socially constructed, often

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<sup>11</sup> O. Ramsboth., et al, *Humanitarian Intervention in Contemporary Conflict*, Op Cit, p.98

<sup>12</sup> F.O Hampson,,*The Role of Third Parties in Ending Conflict*, Millennium Journal of International, Op cit, p727

<sup>13</sup> O. Ramson, and Woodman,T, *Humanitarian Intervention in Contemporary Conflict*. Polity Press, Cambridge, 1996, p96

created or de-emphasized by power seeking politicians.<sup>14</sup> 'Ethnic conflict' can therefore be explained as the interplay between multiple fragmented and overlapping identities, which take on social meaning in some contexts but not in others.<sup>15</sup> This view relates to the ethnic conflict between Kikuyu and Kalenjin over the years. The colonial migrant system also made provision for squatters who doubled as workers and were granted temporary residence for as long as their employment lasted.

After independence, Nakuru town, period, became a popular destination for Jomo Kenyatta in his "working holiday" escapades during which he allocated chunks of land to his Kikuyu kinsmen who, in his view, were the landless deserving freely allocated land. To date, Nakuru district represents one of Kenya's political hotbeds with widespread ethnic antagonism as the Kikuyu and the Kalenjin scramble for land and different ethnic groups have bitter struggles over parliamentary and civic authority seats. The scramble for land, political seats and the mixture of ethnicity in the region fuels are fundamental structures for conflict awaiting triggers which come in the form of elections. Thus, the ethnic mix due to migration has shaken, rather than solidified, the foundation of national solidarity; whenever violence erupts, it easily takes an ethnic dimension even if ethnicity does not feature in the equation as explained in the identity perceptions. Conclusions also drawn from the human aggression, suggest that where the 'determinist' are partially challenged in the 'frustration/aggression' theory of Dollard and his associates, and refuted in the 'social learning theory' with the idea that aggression is a learned response.<sup>16</sup>

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<sup>14</sup> D.J. Francis, *Peace Conflict in Africa*, Op cit, p.58

<sup>15</sup> Fukui K., J. Markakis J., *Ethnicity & Conflict in the Horn of Africa*, Op cit, p.113

<sup>16</sup> R Rothchild,, *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Op cit, p2

The role of ethnicity has bearing on the main psychological theories about conflict which again refers to frustration and aggression theory, and theory of relative deprivation. This can be linked to the frustrations faced by the Kalenjin host community in Rift Valley towards the immigrant communities. The frustration-aggression theory contradicts this position by arguing that aggression is not innate in human beings. Modification of the theory followed later when it was proved that there are other causes of aggression apart from frustration adding to the general assumption anchored on the multiplicity principles found in this study.

On the other hand, it has also been shown that aggression does not always follow frustration. Reference groups skew people's perceptions. This is a subjective theory which therefore cannot be analyzed objectively.<sup>17</sup> However some ethnic animosity in Kenya can be explained using this theory. Still lingering on as a colonial legacy is the controversial "land question" and well recognized inherent problems on which different commissions have prescribed recommendations that have never been implemented.

Land has been at the core of Kenya's political evolution since the colonial period. In fact, the "land question" originated during the 1930s. The Kalenjin, who perceive land within Rift valley as theirs are frustrated when the land question is not tackled and linking this aspect linked to the classical contact hypothesis, draws together in-group thinking draws upon inter-group relations. This school of thought operates around a framework of cognitive processes; personality development and social cultural influences, intergroup conflicts and competition.

These contextual conditions of the contacts suggest that intergroup focus of contact is based on super-ordinate goals based on interdependency which can be later

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<sup>17</sup> M, Mwangiru, *Conflict in Africa, Theory, Processes and Institutions of Management*, Op cit, p21



synthesized on the individual or group criteria. The theory is critiqued by an argument that frequent and intergroup contact is subtly biased and more 'illusory than real, and further suggesting that a balance between interpersonal and intergroup relations in a structural context effect; a balance between affective and motivational aspects; and exchange between contact similarities and differences.<sup>18</sup>

Frustration could also have emanated from the high unemployment levels in the youth. The youth were mostly viewed prior to 2007 election in Kenya as the most placed to vote Kibaki's government out. They viewed Raila as their saviour and the 'rigging' of the election could have caused high levels of frustration which could have led to the violence. The crisis took ethnic dimension due to the party affiliation and voting patterns in Kenya. Though, inequalities derived from governance issues play a big role in the build up of underlying triggers, Mwangi's view articulated through the nature/nurture debate informs that human beings are by nature violent and aggressive and that this derives from an innate drive for domination. Dominance by tribe or party cleavages has become common not only in Kenya but global politics. Though, the nurture debate opposes this notion by arguing that human beings are not violent by nature, because violence is conditioned by the environment again supporting the instrumentalist's concept.

These assumptions when enjoined to the Inherency and contingency debate may lead us to the understanding at dyadic level as of why conflicts recur within certain periods. Further suggestions coined from the proportional hazard model which says that "after a given conflict, the defender is again challenged by the initial challenger, therefore

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<sup>18</sup> Abu Nimer, M,(ed) *Dialogue, Conflict Resolution and Change*, Op cit, pp.7-9

increasing the chances of another challenge.”<sup>19</sup> However, this study is contradicted by the biological theories. Socio-biology argues that human behaviour can be explained by the existence of genes which account for human behaviour. In human beings unlike animals, aggression and violence are intertwined intimately with feelings.

Human beings can reason and have the ability to reconsider decisions, meaning a decision can be made to engage in violent acts, or not.<sup>20</sup> Whether ethnic divisions are built upon visible biological differences among populations or rest upon cultural ideational distinctions, the boundaries around and the meanings attached to ethnic groups are pure social constructions a reference which absorbs portions of primordial concept as well as instrumentalists.

There is no single study carried out in Kenya or any social observation in the post election violence that points out that one ethnic group in Kenya is biologically violent. However, outside post election violence, there have been cases of cattle rustling which is chiefly instigated by a few tribes against others. However, this relation has not been established in the political arena. This study is supported by Scott in his argument that humans have ‘an internal physiological mechanism which has only to be stimulated to produce fighting and further exemplified in contending that physiological sources of aggressive behaviour within a multi-factor frame work allow interaction between nature and nurture,<sup>21</sup> though some scholars argue that ethnocentrism has roots in biological propensity to protect closely related individuals, though the idea is also critiqued as

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<sup>19</sup> M. Grieco, J Repetitive Military Challenges and Recurrent International Conflicts, *International Studies Quarterly*, 45, (2001), p.58

<sup>20</sup> Ibid

<sup>21</sup> J. Sandole, Van de Mrwe, H, *Conflict Resolution, Theory and Practice*, Op cit. p. 9

controversial.<sup>22</sup> In the Kenyan case, there are various situations where people in politics have viewed themselves as 'us' against 'them.' A case in point is the 2005 referendum which is taken as a prelude to the post election violence.

In a more general approach, conflict theorists view change as rising largely from within the system, based on the opposition of ideologies, institutions, or groups. Therefore the pressures for change in society are ubiquitous, as various interest groups struggle for power and resources. This may explain the hopes Kenyans had in instituting change of government based on the promises given during campaign strategies, emphasized also through subordination and dominance paradigms which argues that individuals, families or countries which are subordinate to others should seek to improve their positions.

The analogy of '1 against 41' which was used by ODM during the referendum is supported by this theory. The 41 tribes in Kenya were depicted as being dominated by one tribe, the Kikuyu, and they were seeking to improve their position. The conflict theory also supports the animosity between the Kikuyu as the dominant ethnic group and the Kalenjin as the suppressed ethnic group. The Kalenjin therefore instigate violence in trying to improve their situation.

The suppositions contained in this study suggest that some combination of attachment/detachment is present within ethnic communities through out the world. These findings bring into question the social-psychological basis of behaviour, attitude, perception, values and beliefs and identity. Because of methodological shortcomings, it is difficult to explain patterns of collective attachment in ethnic groups which bring about conflicts. As the study illustrates the causes of conflict are multi-dimensional and

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<sup>22</sup> Shaw et al, *Genetic Seeds of Warfare: Evolution, Nationalism, and Patriotism*, 1989, p243

complex but there is not doubt that ethnicity and behavioural attributes fuel the crisis rather than causing it.<sup>23</sup>

As explained earlier in the paper, there were three areas for bloc votes and some swing provinces in which the two parties scrambled for votes. Ethnic balkanization of the country generated three voting blocs — two main ones in western Kenya and Mount Kenya area and a tiny one for ODM, PNU and ODM-Kenya respectively.<sup>24</sup> Throughout the study, identity has emerged as a core element in formation ethnic blocks. The advancement of ethnic groups in political processes plays an important role in political institutions. The ethnic block becomes a resource of bargaining political positions and other beneficiary gains. It is believed that when governments caught up in a mutually hurting stalemate are compelled to negotiate for power sharing arrangements where the ethnic block is used as the leverage that determines the percentage shareholding.<sup>25</sup>

#### **4.3 Improved ethnic relations as a pre-requisite for reconciliation and healing**

Majority of studies, working papers and commissions have indicated that improving relations between different ethnic groups is an important and requisite condition of having lasting peace in Kenya. In principle, inclusion is seen as empowering minority groups and in weak states where resources are scarce, having ethnic representation at state level is perceived as a fair share of the allocations. Power sharing therefore becomes a useful mechanism formed on the basis of ethnic interests used to re-assure

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<sup>23</sup> R Rothchild., *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Op cit, p.22

<sup>24</sup> Ibid

<sup>25</sup> B. Walters, *Committing to Peace: The successful Settlement of Civil Wars*: Princeton University Press, (2002),p.252

weaker groups of their security and well being.<sup>26</sup> On other other hand, interactions among group leaders are not static and are vulnerable to changes in the balance of power.

For example when the elites in a power coalition feel isolated, they can withdraw from the bargaining process and seek protection through opposition political blocks or by means of military capacity. The result can be further polarization and complicates any credible agreement in put in place.<sup>27</sup> But as Horowitz observes, some ethnic bargaining may be essential and may essentially require the kind of pragmatism lacking in ethnic groups when their interests are threatened, it also seems too optimistic to expect magnanimity, and to remain neutral and let ethnic fires to burn themselves out, if not very cynical.<sup>28</sup>

By all accounts, international actors are to intercede to prevent violent conflicts from escalating into full scale wars. In other words, the globalised world has a responsibility to respond and develop the necessary procedures for comprehensive conflict management and resolution.<sup>29</sup>

In attempting to understand ethnicity, some scholars have conceptualized it as a product of contact and not of isolation, and by implication entailing commonalities and differences between categories of people in a process. In the Kenya situation, studies have tended to examine the relative distinctiveness of ethnic groups failing to stress the integrative and mutual contact aspects. Through increased contact (signifying dense interactions), some ethnic groups have expanded the volume of trade with each other as

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<sup>26</sup> B. Walter, *Committing to Peace, The Successful Settlement of Civil Wars*: (Princeton University Press, 2002), pp. 86-91

<sup>27</sup> L Kuper,, *The Pity of It All, Polarization of Racial and Ethnic Relations*, Minneapolis: (University of Minesota Press, 1977), pp.265-280

<sup>28</sup> D. Horowitz,, *Ethic Groups in Conflict*, (University of California Press, 1988), p.22

<sup>29</sup> Gareth et al, *The Responsibility to Protect*, International Commission on Intervention and State Sovereignty, Ottawa, p.68

partners; not as competing groups. Such interdependencies enhance unity of purpose and contribute to harmony as opposed to competition that eventually leads to conflict, and at worst, violence.

Scholars focusing on the challenges of ethnicity in Africa – that largely include ethnic struggles and violence — are confronted with critical (and also controversial) viewpoints that are worth interrogating in this paper. Basically, African ethnicity is “basically a political and not cultural phenomenon, and it operates within contemporary political contexts whose success is dependent on various intervening variables.”<sup>30</sup> Most studies on ethnicity present it as a negative force; ethnic conflicts and violence lead to destruction of property, poverty, deaths inter alia.

Keeping in mind that ethnicity, language, social economic class can sometimes overlap in various contexts, and is largely determined by the setting in which it operates.<sup>31</sup> Ethnic diversity could be appreciated if it is well managed to create interdependencies and forge unity of purpose in a nation state. Furthermore, ethnic groups could be mobilized to undertake development projects without provoking undue competition that could lead to conflict or violence. Unfortunately, there is limited evidence in Kenya to demonstrate the potentiality of ethnicity as a resource.

Based on the analysis that “The ethnic entrepreneur has considerable but no total, latitude in determining which demands to present,” the choices which sometimes may clash with class or other pertinent privileges leading to an impartial tendency towards the specific group concerns.<sup>32</sup> One step towards making ethnicity a resource is taming

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<sup>30</sup> A. Cohen, *Custom and Politics in Urban Africa*, (University of California Press, 1969), p. 162

<sup>31</sup> K. Neslon, “Relating Class to State in Africa,” *Journal of Commonwealth and Comparative Politics* 21, No. , (1983), pp. 18-20

<sup>32</sup> Heyden et al, “Elections and Politics in Single Party Systems,” *British Journal of Political Science*

extreme ethnicity through enforcement of appropriate laws and regulations. Another strategy would be to discourage negative stereotyping among competing tribes through civic education. Ethnicity is a social reality in Kenya (as elsewhere) that cannot be wished away or assumed. I underscore the observation that multi-ethnicity by itself should not be taken as the bases of ethnic conflict and violence in Kenya.

Some of the world's most ethnically diverse States, such as Indonesia, Malaysia and Pakistan, though not without internal conflict and political repression, have suffered little inter-ethnic violence, while countries with very slight differences in language or culture, such as Somalia and Rwanda, have had the bloodiest of all conflicts. Part of state building should entail dismantling all networks and associations that promote and perpetuate negative ethnicity. Examples sources from case studies, can be further analyses by, the comparable-cases strategy focuses on cases that have different values on the dependent variables and similar values on all but one of the possible causal variables. Therefore, we may fail to capture the variation in the dependent variable, leaving one dependent variable that co-varies with the dependent variable, throwing us back in our earlier discussions based on multiplicity, and multicasal aspects of conflict.<sup>33</sup>

#### **4.4 Role of History in Ethnic Conflict**

Though Kenya has been having different tribes even in pre-colonial times, the categorization of different tribes into ethnic groups was clearly indicated by colonialists for ease of administration and manipulation. An awareness of the ethnic group as a distinct entity in relation to other identity groups is, in many instances, a relatively recent

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2, No. 4, October (1972), pp. 389-420

<sup>33</sup> J.S Mill, *A System of Logic London*, (Longman, 1970), p.75

phenomenon. Furthermore, the recent origins of many ethnic groups points to a lack of homogeneity and cohesiveness in their formations. But, as highlighted in the discourse of the study, identity has emerged as a crucial factor that separates groups into cleavages, as clan, ethnicity, religion, geographic or regional affiliation,<sup>34</sup> dress, language, or customs among others.<sup>35</sup> This indicates that Historical factors are so critical in Kenya's democratic process and ethnic violence that they cannot be easily dismissed or wished away as inconsequential.

Eating into Kenya's social fabric are cultural affinity and stereotyping which harbour even outdated traditions and discriminate against certain ethnic or cultural groups in Kenya, this is well portrayed along the contact hypothesis theory. Where the ethnic identity is in essence "a subjective self concept or social role, the ethnic group is a culturally based social organization. The analytical importance ascribed to culture can be argued along problems imposed from European colonial rule with its concomitant introduction of European cultural values and institutions."<sup>36</sup>

Finally, since 1991, in the advent of multiparty politics, Kenya's election environment has been hostile, particularly around the time of elections. Therefore, the recent post-election violence should be regarded as the peak of what had been building up over the last sixteen years confirming our findings that deep rooted historical issues often lead to violence.

The history of "land question" has reared its ugly head in Kenya from the perspectives of transfers, purchases and gratuitous grabbing. In the forty-five years of

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<sup>34</sup>, J.P Lederach, *Building Peace, Sustainable Reconciliation in Divided Societies*. Op cit , pp.12-13

<sup>35</sup> T.C. Davis,, *Revisiting Group Attachment: Ethnic and National Identity, Political Psychology*, Vol. 20, No. 1 (Mar, 1999) , p.26

<sup>36</sup>, S.J Kaufman, *International Security*, Op cit, p.108



Kenya's nationhood, more questions have been raised on these and other issues relating to land, but without satisfactory answers to settle the land problem. The history of the Kenyan land settlement programme is riddled with ethnicity, politics, economics, intrigue and deliberate misinterpretation of facts depending on the analysts.<sup>37</sup>

The other historical factor that has played a part in fuelling ethnic conflict is cultural affinity or differences that engendered ethno-cultural animosity and unnecessary stereotyping between ethnic groups, often ending up in ethnic strife, conflict and violence. It has been noted that the "ethno-conflict theory" incorporating social, political and economic structures, religion, language and folk psychology, though not sources of conflict – identifies variables within a cultural system that with time can both cause conflict and contribute to conflict resolution.

In Kenya, different key players in cultural stereotyping included vernacular FM radio stations which relayed news and played offensive music aimed at enemy groups, the yellow press which circulated alarmist information and politicians from particular communities whose inflammatory language against other communities lit the fires of confrontation. Towards the 2007 general election, Kenya had implicitly become divided into ethno-cultural zones: the GEMA zone in Mount Kenya region, the Kalenjin enclave in Rift Valley Province, the Luhya zone in Western Province with the exception of a part of Bukusu area, the Luo and Gusii enclaves in Nyanza, the Muslim backyard in Mombasa and so on. Not surprisingly, PNU did not waste any resources in much of Nyanza and Western provinces, and, in equal measure, ODM made exceptionally few visits to the

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<sup>37</sup> See Ndungu Report, Report on the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land, Op cit

Mount Kenya region as well as Ukambani. This was an indication that, even before the crisis, tension was high and the crisis was 'bound to happen'.

Another historical factor that may have contributed to the post election violence was the legacy of violent election environments of areas seen by the incumbent as competitive. The one legacy of the Moi regime is the creation of a violent elections environment.<sup>38</sup>

Additional historical factors which fuelled ethnic violence was regional inequalities. All political regimes in the country have entrenched certain biases and prejudices of the past, which the general public, civil society organizations and the donor community have urged the regimes to redress. Successive Kenyan regimes have established commissions to investigate particular issues of national importance, but neither are their findings been made public nor their recommendations considered. Therefore, mapping of theoretical connections between intervention methods will help clarify theoretical assumptions and also guide research agenda aimed at formulating management mechanisms for conflict.<sup>39</sup>

Historical issues that could have fuelled the crisis was the perceived entrepreneurial spirit of the Kikuyu ethnic group. Unpredictable movement of people involved in petty trade, transportation business and other income-generating activities had been taking place alongside the four conventional types of internal migration. This "business migration" entails largely movement of people from Central Province to other parts of Kenya. These historical factors lead up to the concept of ethnic classifications and this is where ethnic related conflicts gain intensity and become less negotiable.

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<sup>38</sup> S.N Ndegwa., *The American Political Science Review*, Op cit, p.609

<sup>39</sup> N. Rouhana., et al (eds), *International Conflict Resolution after the Cold War*, (Washington D.C., Academy Press, 2000), p.318

These structures weaken state institutions and help to advance exclusionary ideologies which in turn gain widespread public support against certain groups. These problems exacerbate into conditions that drive political elites to engage in dangerous outbidding tactics, hence polarizing further inter group relations.<sup>40</sup>

Urbanization and poverty in urban centres in Kenya, like that in most sub-Saharan countries, is simply a conglomeration of population in settlements that lack viable economic base and strong political governance. This another factor that leads to frustration if the groups view themselves as marginalized. It is not surprising that slum areas where most of the poor live, account for more than 60 per cent of Nairobi's population. This explains why many Luo and Luhya migrants in Nairobi live in Kibera and Mathare slums, why the Kikuyu dominate Mukuru *kwa* Njenga slum and why the Kamba dominate the sprawling suburbs of Embakasi constituency.

The long-established in-migrants of these residential areas have a knack for identifying new in-migrants or temporary guests who visit those areas in times of elections, for instance. A persistent problem in these areas is disagreement between landlords and their tenants as the former keep increasing rents without the latter seeing justification for that. With the disputed election results, serious disagreements easily flared up, culminating in violence. Victims of social exclusion easily strike back whenever they believe something does or is likely to aggravate their situation. In the Nairobi slums, socially excluded persons saw their hopes completely wiped out against all expectations hence their spontaneous reaction to hit back.

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<sup>40</sup> D. Rothchild,, "Managing Ethnic Conflict in Africa:" *Pressures and Incentives for Co-operation*, Op cit, p.257

In Kibera, for example, were slum dwellers whose hopes for housing upgrading announced but not implemented by the NARC government in 2002-2007) had been dwarfed, whose rents had increased even beyond their incomes and who had been waiting for change ever since 1992 when multi-party politics reappeared. They would take no more and to try and satisfy their egos through violent response. In the highly urbanized Rift Valley, relative to other provinces, urban centres and rapidly growing trading centres are most vulnerable to violence, triggered by any small disagreement. It was not surprising that post-election violence erupted in settlements of varying sizes in western Kenya, especially in Rift Valley where, as the Kiliku Report<sup>41</sup> stated, the *chui* (Kiswahili for leopards), Kalenjin, had been braying for the blood of *madoadoa* (Kiswahili for “spots”, i.e. non-Kalenjin in the province. The report of the Parliamentary Committee to investigate the pre-1992 ethnic clashes, like that of the Akiwumi Commission in its wake, had been gathering dust without their contents ever being considered. If some of the salient findings of these commissions had been implemented, they would have helped avert the post election violence.

#### 4.5 Conclusions

In this chapter, the study provides a critique of the secondary sources of material by bringing out the different components that ethnicity within the framework of ethnic violence and conflict. Due to the complexity and broad historical and contemporary issues the numerous concepts allowed synthesis of different perceptions that shape the

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<sup>41</sup> Republic of Kenya, Report of the Parliamentary Select Committee to investigate Ethnic Clashes in Western and other parts of Kenya [The Kiliku Report]. Nairobi: Government Printer, 1992

**main purpose of ethnicity. Consequently ethnicity has emerged as a fundamental force with essential structural characteristics which can work for both good and bad depending on situational circumstances.**

## CHAPTER FIVE

### CONCLUSIONS

#### 5.1 Summary

Kenya is characterized as a country where presidential elections are always periods of conflict when ethnic violence erupts and tens of thousands of people are displaced. There were post election violence during the presidential elections in 1992, 1997, 2002 and in 2005 during the referendum. In the post December 2007 election period, however, violence was unprecedented. In less than a few weeks an estimated 664,000 Kenyans were displaced of which 350,000 found shelter in 118 temporary tented camps. More than 78,000 houses were burned and the government estimated that about 1,300 people were killed.<sup>1</sup>

Apparently, the post-election violence was partly a response to the disputed result of the presidential poll, and other underlying issues which have not been solved since independence.<sup>2</sup> These issues include coterminous ethnic-cum-administrative boundaries that make up the country; the “land question” which remains unresolved;<sup>3</sup> conflict-prone migrant labour system which generated farm labourers and squatters and an imperial constitution that has stood in the way of efforts to entrench democratization.

However, the study established that the violence was mixed with underlying issues and anger over a stolen election.<sup>4</sup> When victory eluded the confident and highly motivated ODM and its ardent followers, instantaneous violence exploded at what they

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<sup>1</sup> D, Lorch Kenya's post election violence and the plight of its internally displaced (2009), p.54

<sup>2</sup> M, Githinji, and Holmquist, F, “The Default Politics of Ethnicity in Kenya,” *Brown Journal of World Affairs*, volume 16, issue 1, (2009), pp. 101-117.

<sup>3</sup> Global Campaign for Free Expressions, Kenya Post Election Violence, Article 19, Op cit, p.2

<sup>4</sup> See Kenya Socialist Democratic Alliance (KSDA) *NARC's unfulfilled election promises*. Available at: [http://www.kenyasocialist.org/kswsfiles / Election % 20promises % 20unfulfilled. htm](http://www.kenyasocialist.org/kswsfiles/Election%20promises%20unfulfilled.htm). Accessed on 29/07/2011

dubbed PNU's stolen victory. The study also has established that lack of trust for other co-nationals who hail from ethnic groups other than their own contributed to the crisis.<sup>5</sup>

The post-election violence had several patterns. First, it was spontaneous and it took the form of protests in reaction to the perceived rigging of the election and the announcement of results after a flawed vote count. This first form of violence accompanied public demands for 'justice' and 'truth' about the election. The second form was institutional violence in which the security forces went out to oppositional strongholds to disperse by force those protesting. Third was the organized and coordinated violence: politicians and business people planned and enlisted criminal gangs to execute violence. Characteristic to all the mentioned forms of violence has a pointer towards ethnic connotations.

Historical factors are so critical in Kenya's democratic process that they cannot be easily dismissed or wished away as inconsequential. Yet again, whereas the historical facts arraigned in this study may give us a conjuncture to the purpose of study, other opposing arguments to these very theories assert that the discipline of history, traditionally concerned with narration of past events using documents and other relative remnants suffers a potential mortal attack from the rise to academic prominence from a new array of literary and social theories.<sup>6</sup>

'New wars' theorizing rests upon the assumption that globalization is an all encompassing transformative process. Globalization is also seen a phenomenon that has radically recast all forms of social relations and interactions. The new wars have produced a second crisis of identity fueled by identity politics and where manipulation of

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<sup>5</sup> M Barron,, and, M. S, Kimenyi *Voting in Kenya: Putting Ethnicity in Perspective*. Afro-Barometer Working paper No. 95. Cape Town: Institute or Democracy in South Africa (IDASA), ( 2008)p.117

<sup>6</sup> O. Daddow,, *International Relations Theory*, SAGE, Publications ,London, 2009, pp.31-32

group identity by elites has become important, these factors taken together are crucial to creating or sustaining a climate of use of violence in real or perceived threats.<sup>7</sup>

This study also affirms that that ethnicity is an important factor in explaining electoral choices in Kenya, but only as one among several relevant determinants of partisanship. Whereas people will vote according to their ethnic origins, they will also care about policy interests such as personal economic wellbeing, the performance of the economy, and the government's policy record in select issue areas. In the same note, ethnicity fuels conflict and this was the case witnessed in 2007 although ethnicity was an intervening variable not the independent variable. There are multifarious intermediate variables that must have determined 2007/08 post-election violence in Kenya. As any effort to unravel an exhaustive catalogue of them is at best pretentious, my analysis concentrates on an illustrative array. Particular factors influenced different traits of violence in particular settings.

The post-election violence underwrote an important point: that Kenya is an ethnically divided society which requires more reconciliation and healing if national unity is to be maintained. The study makes three broad conclusions. First, that history has a major role to play in ethnic violence. Second, that the 2007/08 post election violence though not primarily caused by ethnicity had strong ethnic connotations. Third, that improved ethnic relations is a pre-requisite for reconciliation and healing.

## 5.2 Key Findings

Conflicts referred to as ethnic are receiving increased attention. The research into ethnicity seems to originate from generic dimensions owing to the analyses compiled

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<sup>7</sup> M.J, Butler, *International Conflict Management*, Routledge, 2009, pp5.8-60



more from a social and cultural perspective as static factors without due consideration of the characterization of their emergency or sources. Little attention has been paid to empirical analysis or trend analysis of these conflicts to follow up on the processes through which these conflicts grow and the type of interventions to avert escalation, though it may be argued on grounds each conflict has its own unique attributes.<sup>8</sup>

Ethnic ideology is historically constructed while its social and political role and prominence changes over time. The analytical challenge is to explain the changes of ethnic sentiment. Kenya's ethnicity is traced back to pre-colonial origins along ethnically homogeneous geographical spaces and occasional conflict. It has roots in colonial policy of divide and rule, through ethnically defined administrative jurisdiction.<sup>9</sup>

Identity conflicts have been seen to emerge with intensity when a community, in response to unmet basic needs for social and economic security, resolves to strengthen its collective influence and to struggle for political recognition.<sup>10</sup> Issues pertaining "to group and community rights and not just individuals is what is often referred to as 'ethnic conflict.'" "Friebag has underscored to name them 'identity conflicts' rather than ethnic conflicts which he further elaborates as the failure to address fundamental needs, participation in decisions and ensure equitable distribution of resources and benefits."<sup>11</sup>

Victims of conflicts belong to a constituency with less effective structural representation. Components of victimhood comprise of history of violence, traumatic aggression and loss, conviction that the aggression was unjustified and fear on the part of

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<sup>8</sup>See Report on Commission of Inquiry into the Post-Election Violence, 2008, Op cit

<sup>9</sup> F. Holmquist, and Ford, M, Africa Today, Vol. 41, No. 4, Kenyan Politics, What Role Civil Society? 1994, pp. 5-25

<sup>10</sup>R Shank, "1996 Fertilizer Situation; Progress, Problems, and Programs" (UN Emergencies Unit for Ethiopia, Addis Ababa, 1996, pp.1-3

<sup>11</sup> J.P. Lederach Building Peace, Op cit, p.8

the victim that the aggressor will strike again. It poses as a big challenge to delegitimize the negative stereotypes of the enemy so that a group of people can discard old beliefs and values and undergo a transvaluation in an evolving collective belief system.<sup>12</sup> Critiques to this analysis, argue that it may be difficult in societies whose perception or morality tends to be absolutist since societies moralize their behaviour codes in strengthening commitment to laws, custom and group cohesion.<sup>13</sup>

There are types of violence where mediation is impractical especially if the protagonists, both or either have no regard for it. Factions certain of victory are known to reject mediation. Opponents who are usually oppressed minorities struggling for their rights. It is only when it becomes eminent to the powerful opponents that they are less successful than they had expected, that they will countenance mediation.<sup>14</sup>

One can delineate several significant points about ethnicity drawn from the various interpretations of the concept. First, ethnicity is not a static but a dynamic concept that is socially constructed. I evoke its passive or active meanings depending on the obtaining circumstances. Second and drawing from the first point, ethnicity is a situational concept – its meaning and interpretation is largely determined by where we are and who we are with for whatever purpose. In this context, ethnic differences are “invisible” (hidden) between people of different ethnic groups who have common business interests or who meet in a foreign country. However, the same people will make their differences “visible” (manifest) when they engage in politics and campaign for their ethnic-based political parties. Third, I further observe that ethnicity is an elastic concept –

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<sup>12</sup> J.D Sandole., and Huga V.der M., *Conflict Resolution Theory and Practice*, Op cit, p.114

<sup>13</sup> Ibid

<sup>14</sup> A. Curle., *Tools for Transformation*, A Personal Study, Hawthorn Press, 1990, p.91

it can be interpreted rigidly to exclude others or interpreted generously to include them albeit in a different situation.

Ethnicity is thus a relatively fluid concept. In understanding the concept of ethnicity, identity has featured as a strong independent variable. It is an 'entity' from which dynamics of social control develop ideological asymmetry, which is then legitimized through in-group attachment, only differing in scope between high status groups and low status groups, explaining the justification of social dominance and other related inter-group theories.<sup>15</sup>

The epistemological underpinnings in this study support the analogy that conflict is multicausal. However, ethnicity has a major bearing on the causes of ethnic conflict but as illustrated along the chapters, mutually competing ideologies infer that economic dimensions augment to the basis that generates structures susceptible to trigger violent conflicts<sup>16</sup>. The need to integrate a vast synthesis of human knowledge indicates that we cannot identify any single cause of conflict.

The study contends that structural patterns of conflict account for the social and economic dispositions explaining why violent act is arguably a learned behaviour rather than biological factors, therefore, leaning on the arguments supported by instrumentalists school of thought. Indicators from earlier chapters have underscored the unique attributes of the ethnic elements and its characterization which at times unites individuals for a common good or drives them towards anti social behaviour. Therefore, particular

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<sup>15</sup> L Shana, et al, *Political Psychology*, Vol. 19, No.2, International Society of Political Psychology, (Jun 1998) p.374

<sup>16</sup> M Barron,, and M. S, Kimenyi, *Voting in Kenya: Putting Ethnicity in Perspective*. Afro-Barometer Working paper No. 95. Cape Town: Institute of Democracy in South Africa (IDASA), ( 2008). p.117

structural conditions determine the extent to which the violence is directed at others within the society or outside.

The fundamental question is whether the Kenyan crisis was resolved. Further study to this debate is necessary in order to augment the findings derived from this study. Entering the debate of resolution of conflicts, definitions inform that it must be a process that leads the action system to a state where to a state where issues that define the conflict are no longer present. Meaning, there are no longer two, or more compatible goals ranging from complete agreement on one of the goals or some compromise, to total annihilation of one of the parties and suppression of one of the parties.<sup>17</sup>

### 5.3 Recommendations

The post-election violence underwrote an important point: that Kenya is an ethnically divided society which requires more reconciliation and healing if national unity is to be maintained. The study makes three broad conclusions. First, that history has a major role to play in ethnic violence. Second, that the 2007/08 post election violence though not primarily caused by ethnicity had strong ethnic connotations. Third, that improved ethnic relations is a pre-requisite for reconciliation and healing.

Conflict resolution is more than just a simple matter of mediating between parties and reaching an integrative agreement on the incompatible goals. It must also be within the "context of the conflict, the conflict structure, the intra-party as well as the inter-party divisions, the broader system of society and governance within which the conflict is embedded."<sup>18</sup> There is a great risk to the resolution if it is confined to the "ripe moment,"

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<sup>17</sup> J. Galtung, *Peace and Social Structure*, Oslo, 1978, pp.434-438

<sup>18</sup> O. Ramsbotham, and Woodhouse H.M, *Conflict Resolution*, Polity Press, 2006, p.184

as suggested peace processes are also complex successions of transformations punctuated by several turning points and sticking points. "Reconstruction and peace building remain a priority" especially in the conflict settlement phase in order to sustain the achieved gains.<sup>19</sup>

Governance and institutional reforms are issues that need to be addressed. The promulgation of the new constitution on the 27<sup>th</sup> August 2010, brought in a new chapter offering hope that the wrongs of yesterday will fundamentally dealt with in a new set up. Formation of a coalition government following electoral disputes may have ended tensions but can also be seen as a stop gap measure whose success is relative to the envisaged achievements. For effective reconciliation and peace, improved ethnic relations are a pre-requisite. However, this cannot be achieved in isolation without dealing with the underlying problems.

From the wider perspective of conflict it is understood that conflict is endemic and part of human life and hence we cannot eliminate conflict. However, competitive politics is a man made management tool. Man's rationality as expressed by realists can be impressed upon to formulate sustainable mechanisms that would guarantee political competition an enduring and accommodative base to both losers and winners the same way competitive sports has harmoniously transcended the cultural and ethic divide that welcomes victories and defeats without necessarily resorting to violence. This particular aspect calls for further research along interdisciplinary doctrines to try and identify the fundamental variables involved in this "global acceptance." The sports victories of Mo Farah, a Somali refugee, who took British citizenship and has represented Britain in

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<sup>19</sup> Ibid

International racing competitions is a phenomenon to behold when Britons stand up to give him a standing ovation following his brilliant performances.

Focal political competition and power struggle can be eased through formation of a more complex pattern of group loyalties. Multi ethnic dominance can be contained through division of multi ethnic organizations at the centre beyond the boundaries of ethnic links by creating alternative identities based on political ideologies, class affiliations and religious orientations. Therefore, the formation of cross cutting group loyalties can minimize anti social and cultural differences in inter group relations. This can be done by building alliances on mutually shared interests and international values. This helps absorb the energy for conflict.<sup>20</sup>

Where conflict has occurred, mechanisms like enquiry, good offices, arbitration, judicial settlement, conciliation, mediation cannot be avoided. Power sharing is a collective political set up that provides a forum for all significant groups to participate in joint exercises of governmental power. Benefits of such arrangements can derive adjustment of group interest by proportional political representation and minority guarantees. Power sharing arrangements provide room for cooperation. Governments of Austria, Belgium and Netherlands are successful examples of political coalition formations. Though democratic principles are for the majority, minorities can be taken care of by adjusting territorial confines because their effective representation helps curb ethnic animosities.<sup>21</sup>

From the conflict management purview, all parties to a conflict have to be involved in resolutions undertaking in order to arrive at mutually acceptable ideas, other

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<sup>20</sup> H.W Jeong,, *Peace and Conflict Studies, An Introduction*, Op cit, pp.230-231

<sup>21</sup> Ibid

than relying on boardroom solutions. As I conclude this study, on 9<sup>th</sup> August, 2011, violent riots erupted in the City of London whose happenings bear a semblance to the election related violence of 2007/2008 in Kenya.<sup>22</sup>

Whereas successful conflict resolution mechanisms has been registered, it is also imperative to realize that strategic decision making concerns situations involve human interactions and, therefore, more susceptible to error and mismanagement.<sup>23</sup> However, ethnicity is a manmade disaster. Starting, continuing, and ending ethnic oriented conflicts are decisions made by individuals. Ethnic conflicts are endemic but by understanding the core causes, consequences, and dynamics can equip us to deal with them in a more effective manner.<sup>24</sup>

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<sup>22</sup> BBC report of 9<sup>th</sup> August, 2011

<sup>23</sup> C. F Hermann, *International Crises, Insights from Behavioral Research*, (ed), The Free Press, New York, 1972, pp267

<sup>24</sup> Wolf S, *Ethnic Conflict*, Op cit, p.8

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