

**UNIVERSITY OF NAIROBI**  
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**DEPARTMENT OF POLITICAL SCIENCE**

**POLITICAL VIOLENCE AND  
ETHNICITY IN KENYA**

**BY**

**SHEILA GAKII MWIANDI**  
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**SUPERVISOR:**

**DR. HENRY AMADI**

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**DECLARATION**

This project is my original work and has not been submitted for award of degree in any other university.

Sign: \_\_\_\_\_

Sheila Gakii Mwiandi

\_\_\_\_\_

Date

This project has been submitted for examination with my approval as the University Supervisor.

Sign: \_\_\_\_\_

DR. HENRY AMADI

\_\_\_\_\_

Date

## **DEDICATION**

This project is dedicated to my family, imagined and ascribed, that has given their support through this project. Special thanks to my sister, Joy Kendi.

## **ACKNOWLEDGEMENTS**

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## **LIST OF ABBREVIATIONS**

1. KANU - Kenya African National Union
2. KADU - Kenya African Democratic Union
3. KPU - Kenya People's Union
4. FORD - Forum for the Restoration of Democracy
5. DP - Democratic Party
6. NARC - National Alliance Rainbow Coalition
7. ODM - Orange Democratic Party
8. PNU - Party of National Unity
9. IEBC - Independent Electoral and Boundaries Commission
10. GEMA -Gikuyu, Embu and Meru Association

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## **ABSTRACT**

After the Cold War and the transition towards democracy, inter-state conflict became prevalent, especially in Africa. Kenya has experienced ethnic political violence around election periods. The study explored the nuanced relationship between ethnicity and political violence.

The study examined secondary data on ethnicity, politics, democratic transition and political violence to understand the nature of recurrent political violence in Kenya. The study found that in periods of political competition such as elections, political elites mobilize Kenyans along ethnic lines, which are perceived to be established voter blocs to ensure a victory to the highest office. The deliberate use of ethnicity is in line with the instrumentalist theory.

The study concluded that because ethnic mobilization can be deemed a logical calculation to ensure a win by a Kenyan presidential candidate, it is not a situation that would be easy to change. However, political stability can be achieved by developing cross-cutting loyalties such as associations with integrative mature political parties, the promotion of national identity and addressing the structural problems such as inequity and disparate access to opportunity.

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# CHAPTER ONE

## **1.0 INTRODUCTION**

### **1.1 Background of the study**

The concept of human security as a priority has increasingly gained acceptance through out the world. As such, the costs in human life and development that arise from political violence are increasingly condemned and efforts are established to prevent them. Due to globalization and the new technologies of information, news about war, terrorism and other forms of political violence in different corners of the world are available to everyone at an unprecedented pace, which has resulted in an increased push for peace from all corners. This push has been supported by scholarly research that has noted a positive relationship between peace and economic growth of a country giving further reasons for states to avoid political violence and/or to resolve it as soon as possible.

Scholars examining economic indicators such as the average standard of living may go as far as to say that political violence is like “development in regress”.<sup>1</sup> On the other hand, historians and anthropologists contextualize political violence as related to movements of social protest against established powers, an indicator of a state’s lack of legitimate authority over the people and/or a violent response of the state to these challenges. Political violence is not a homogenous phenomenon and it may take various forms; however, it is characterized by the existence of conflicting groups with competing agendas that they have resolved may not be achieved by pacifist means. The agendas about which political violence occurs ranges from ideology, quests for power, quests for autonomy, inequalities, repression or exclusion

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<sup>1</sup> Smith, Anthony (2001). *Nationalism: Theory, Ideology, History*. Cambridge: Polity. pp. 54–55. The term references the implication of political violence on a country being the return of a less developed state economically.

just to name a few. These agendas are often both complex and flexible.<sup>2</sup> While political violence can span beyond the borders of a state, the study will examine internal political violence. After the end of the cold war, intra-state conflict became more prevalent than inter-state conflict. In African states that have a multi-ethnic character, these intra-state conflicts have often pitted ethnic communities against each other.<sup>3</sup>

In the case of Kenya, the country is a multi-ethnic society that has experienced several episodes of political violence in its history. This political violence has often been referred to as ethnic clashes that periodically occur during periods of political competition such as elections. As the political violence in Kenya has manifested itself in ways that pit one ethnic community against another, this study seeks to examine the nature of political violence in Kenya specifically and to determine what role if any that ethnicity plays.

## **1.2 Statement of the Problem**

Kenya has proven to be particularly vulnerable to ethnicized political violence. Since the start of multi-party politics, it has experienced political violence in 1992, 1997 and in the 2007/2008 post-election violence. These periods are significant as they are the periods around the general elections. The ethnicized political violence has not only had a negative impact on national cohesion, but has also been detrimental to the political and economic development of the country. These high costs have motivated the need to have a greater understanding of political violence in Kenya.

In building on the scholarly discourse on this phenomenon, this project seeks to examine the relationship between political violence in Kenya around the general elections

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<sup>2</sup> Yang, P. (2000) *Ethnic Studies: Issues and Approaches*, New York: State University of New York Press.

<sup>3</sup> Manyasa, Emmanuel Okoth. (2005) "Ethnicity: An Opportunity or a Bane in Africa's Development." In *East Africa: In Search of National and Regional Renewal*. Edited by Felicia Arudo Yieke, 67-79. Dakar, Senegal: CODESRIA Publications.

and the ethnic character of the violence that is manifested. The study seeks to answer the questions: How can one explain the recurrent political violence in Kenya during the election period? What role does ethnicity play? Is there a link between ethnic mobilization and political violence in Kenya: In this study, the dependent variable is the election-related political violence. The independent variable is the nature of political mobilization.

### **1.3 Objectives**

The broad objective of the study is to explore the relationship between ethnicity and political violence in Kenya. The study therefore aims to:

- i. To examine the role of ethnicity in political mobilization in Kenya
- ii. To examine the recurrence of ethnic-related political violence in Kenya
- iii. To contribute to the existing literature related to election-related violence
- iv. To provide some policy recommendations.

### **1.4 Scope and Limitations of the Study**

Although it is recognized that ethnic communities are a universal phenomenon, this study is limited to investigating the ethnic dynamics within Kenya. Furthermore, it is limited in examining the role of ethnicity in political violence that have largely emanated from the periods around elections that pit ethnic communities against each other. While the study is cognizant that there are about forty-two ethnic communities in Kenya, this study will not be able to elaborate on each of these communities. Rather, the study will examine some of the main ethnic communities as an illustration of the construction and use of ethnicity in Kenya's political arena. This study will examine certain periods of Kenya's history as illustrative periods. Due to limited time and resources, the study will not be able to expound on these periods to great detail.

## **1.5 Justification**

### ***1.5.1 Academic Justification***

This study seeks to contribute to the existing body of knowledge on ethno politics, ethnic identities, political violence, and the nature of political mobilization in Africa. Existing discourse on political violence in Kenya has tended to focus more intently on the particular events around the political violence rather than the analysis of the causes. Furthermore, some discussion has discussed the political violence as a manifestation of existing ethnic tensions that are longstanding - contrary to the position taken in this paper. This project seeks to link and build on the discourse on ethnic identity construction and that of political violence in Kenya. In particular it seeks to examine the nuances of the political violence in Kenya and the role of ethnicity as a contribution to the existing body of literature on political violence.

### ***1.5.2 Policy Justification***

The political violence in Kenya has pitted ethnic groups against each other. This violence has had high costs in terms of lives, the welfare of the citizens particularly the displaced persons, property, investments and more. It has also had a detrimental effect on establishing a cohesive Kenyan nation. The divisive nature of the Kenyan society is an impediment to its development and prosperity. As such, it is imperative to gain an understanding on the nature of the political violence in Kenya, the role of ethnicity in the political violence, as well as any opportunities to create an ethnically diverse nation whose ethnic communities are not mobilized against each other for political purposes. Kenya's development would benefit from insights on these questions.

## **CHAPTER TWO**

### **2.0 LITERATURE REVIEW, THEORETICAL FRAMEWORK AND HYPOTHESIS**

#### **2.1 Introduction**

The chapter seeks to review literature on ethnicity, ethnic-based conflict and the character of politics in Africa as a foundation for this study. Additionally, this chapter seeks to elaborate on the theoretical/ conceptual framework that will be utilized in this study. From these, a hypothesis is generated and its dependent and independent variables operationalized.

#### **2.2 Literature Review**

##### **2.2.1 Ethnicity**

Scholars such as Richard Jenkins, Edward Miguel and Paul Brass but to name a few have written about the subject of ethnicity. These scholars have examined the concept of ethnicity beyond Africa looking at the way in which it is understood and its significance.

Richard Jenkins, in his book, *Rethinking Ethnicity*, examines the debates on whether any such categorization as ‘ethnic group’ actually exists and if ‘ethnicity’ matters. Jenkins argued that ethnicity does exist and it is a social construct. Despite it being considered an ‘imagined community’, the impact of ethnicity on a society is far from imaginary - rather, it has far reaching implications on how we understand and navigate our world. He argues that our conceptualization of ethnicity should continue to be reexamined in the face of changing social contexts.

Paul Brass proposes that people mistakenly believe that certain social categories such as ethnicity are natural, inevitable, and unchanging facts about the social world. They believe that particular social categories are fixed by human nature rather than by social convention

and practice. He argues that the reality is that social categories and the meaning of those social categories have changed over time.<sup>4</sup> As such, the concept of ethnicity is dynamic and perhaps responsive to the times.

Edward Miguel notes that ethnic identities remain a salient aspect of identity in Africa. Miguel argued that this saliency comes from ethnicity being a reflection of traditional loyalties to kith and kin. The connection between ethnicity and blood links indicates that it is not an aspect of identity easily overcome.<sup>5</sup>

### 2.2.2 Ethnic Conflicts

Scholars such as John Hutchinson, Anthony D. Smith, James Fearon and Ian Hacking, Rhoda Howard, Kimani Njogu et al and the Waki Commissioners to name a few have examined ethnic conflicts in general terms and as it has been perpetuated. In their examination of conflicts that have been described as ‘ethnic’, they have tried to address the role that ethnicity may have played.

James Fearon asserts that the idea that “ethnicity is socially constructed” is the foundation from which one can understand ethnic violence. He alludes to those who are able to construct this concept of ethnicity and imbue it with specific meaning as critical in the understanding of ethnic violence.<sup>6</sup> Along the same vein, Kimani Njogu et al argue that political violence results from the ability to exploit ethnic affiliations in societies to the extent that awareness is heightened about perceived inequalities in the distribution of power and resources. They argue that once mobilized, politicized violence that has an ethnic dimension

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<sup>4</sup> Brass, Paul R. (2001). *Ethnicity and Nationalism: Theory and Comparison*. SAGE Publications.

<sup>5</sup> Miguel, Edward, Shanker Satyanath, and Ernest Sergenti. (2004). "Economic Shocks and Civil Conflict: An Instrumental Variables Approach." *Journal of Political Economy*, Vol. 112, No. 4, pp. 725-53.

<sup>6</sup> Fearon, James D., and David D. Laitin. (1999). *Explaining Inter-ethnic Cooperation*. *American Political Science Review* 90 (4), pp 715–35

tends to escalate quickly. Most significantly, they assert that ethnicity in itself is not a problem, but it is the exploitation of it that brings about civil strife.<sup>7</sup> The Waki Commission in its examination of the ways in which political violence manifested itself in Kenya resolved that the victims and perpetrators of the violence were determined on the basis of ethnicity. In concurrence with Kimani Njogu's work, the Waki Commission saw the ethnic violence escalate and reinforce ethnic cleavages in the society.<sup>8</sup> Nicholas Sambanis reinforces the prevalence of what is termed "ethnic conflict" in his study of civil wars between 1960 and 1999 in which over seventy percent (70%) were conflicts over "identity" with the genocide in Rwanda as a stark example of the devastation possible.<sup>9</sup>

On the other hand, there are scholars such as Ian Hacking that do not believe that there has been enough evidence between the social construction of ethnicity and resultant violence on the basis of the existence of ethnicity.<sup>10</sup> While not as radical a position, John Hutchinson and Anthony Smith propose that political violence cannot be explained solely on ethnic terms as there are other contributing factors such as economic inequalities that may explain it better.<sup>11</sup> Rhoda Howard argues that looking at African conflicts as caused by "tribalism" is too simplistic a view. Rather, there are a multitude of factors such as pre-colonial status groups, pre-colonial empire, politicized ethnicity, secessionism, irredentism, politicized religion, outsider groups and indigenous peoples that may better explain the

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<sup>7</sup> Njogu, Kimani, Kabiri Ngeta and Mary Wanjau (eds). (2010). *Ethnic Diversity in Eastern Africa: Opportunities and Challenges*, Nairobi: Twaweza Communications.

<sup>8</sup> Commission of Inquiry into Post-Election Violence, (2008). "Report of the Commission of Inquiry into Post-Election Violence," 'Waki Report' or 'Waki Commission', Nairobi, Kenya.

<sup>9</sup> Sambanis, Nicholas. (2001). "Do Ethnic and Nonethnic Civil Wars Have the Same Causes?" *Journal of Conflict Resolution* 45(3), pp 259-282.

<sup>10</sup> Hacking, Ian. (1999). *The Social Construction of What?* Cambridge, Mass.: Harvard University Press.

<sup>11</sup> Hutchinson, John and Anthony D. Smith (eds), (1996). *Ethnicity*, New York: Oxford University Press.

conflicts.<sup>12</sup> The most common view amongst the various works is that the exploitation of perceived ethnic cleavages in addition to other contextual factors can lead to political violence.

### 2.2.3 Politics in Africa

This study also looked at some of the existing literature on politics in Africa to get a basis on the factors that best characterize the ways in which it is played out. Some of the authors examined include Alex Thomson, Jean-Paul Azam and Bethwel Ogot.

Alex Thomson in his book, *An Introduction to African Politics*, notes that although African ethnic affiliations were historically fluid, there has been a deliberate attempt to limit the fluidity of ethnic identity among African communities. He notes that one of the actors that had an interest in this endeavor was the colonial administration that did it for purposes of facilitating their imperial rule. Through various policies, they categorized people into regional 'tribes' to simplify the management task ahead of them. He further argues that to some extent Africans themselves found it to their benefit to fit into these more concrete blocs of ethnic affiliation.<sup>13</sup> Thomson's work notes the important role that administrators having a significant role in the deliberate construction of ethnic identity to serve a specific purpose. While he does give some agency to those being categorized in various ethnicities as being able to accept it as they perceive some benefit, he does not consider the extent of power imbalance that would exist between a European colonial administrator and the Africans under his control. Nevertheless, Thomson does put forward that ethnic construction was instrumental to the colonial powers as a way in which to administer their territories.

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<sup>12</sup> Howard, Rhoda E. (1995/1996). "Civil Conflict in Sub-Saharan Africa: Internally Generated Causes," *International Journal*, Vol. 51, No. 1, Africa's Prospects, Winter edition, pp 27-53.

<sup>13</sup> Thomson, Alex. (2000). *An Introduction to African Politics*, New York: Routledge.



Jean-Paul Azam in his article, “The Redistributive State and Conflicts in Africa,” argues that civil conflict in African states is due to the failure of African governments to deliver the type of public expenditure that the people want which is the provision of social goods such as education and healthcare, which results in their reliance on ethnic elites to redistribute state resources on their behalf.<sup>14</sup> This view places the ethnic elite as the necessary intervening agents between the weak state government and the people under its rule. However, Azam does not elaborate on how that structure contributes directly to political violence.

Bethwel Ogot, in the chapter “Transition From Single Party to Multiparty Political System 1989-1993,” argues that the underlying causes of the ethnic conflicts in Kenya have not been comprehensively explained. He asserts that people hoping to get political mileage by dominating the debate have hijacked even the discourse on ethnic conflict in Africa. He argues that most discussions of ethnic conflict have failed to capture the complexity and dynamic nature of political violence in Africa but have instead labeled Africans as perpetual victims or perpetrators. He calls for additional scholarly research on the occurrence and persistence of the ethnic conflicts so as to capture the nuances.<sup>15</sup> This study aspires answer the call to examine those nuances of ethnic conflicts. The examination of literature on these nuances necessitated examining literature that focused distinctly on identity politics, ethnic conflict as a general topic and discussions on politics in Africa. While the studies on ethnic-

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<sup>14</sup> Azam, Jean-Paul, (2011). “The Redistributive State and Conflicts in Africa.” *Journal of Peace Research*, Vol. 38, No. 4, July 2011, pp 429-444.

<sup>15</sup> Ogot, Bethwel., (2000). “Transition From Single Party to Multiparty Political System 1989-1993,” Bethwel Ogot and William Ochieng (eds.), in *Decolonization in Kenya 1940-1993*, Nairobi: East African Educational Publishers Limited.

based political violence have focused on establishing the causes for the occurrence, this study seeks to examine the nuances around the recurrences of ethnicized political violence.

### **2.3 Theoretical Framework**

There are several theories that speak to the nature of ethnicity with particular concern to their emergence and sustenance. The theories tend to fall within three main schools of thought: Primordialism, Constructivism, and Instrumentalism. The three adopt different emphasis on the question of the nature of ethnicity: ethnic identification, ethnic solidarity and ethnic mobilization. This study will rely largely on the instrumentalist theory. However, it is useful to define the other schools of thought as a point of comparison. To further clarify the intersection between ethnic mobilization and political violence, the study will employ the concept of “cross-cutting loyalties” established by Martin Seymour Lipset.

The primordial theory asserts that ethnicity is ascribed or assigned status - something inherited from one’s ancestors. The ascribed identity has a fixed boundary and therefore ethnicity is static. As it derives its root from the common ancestry, this theory asserts that it is the common bonds that give rise to and sustain ethnicity. The Constructivist theory argues that ‘ethnicity’ consists of flexible categories, which a society seeks to organize itself around in light of structural challenges such as an adversary or limited resources. Therefore, history and structural forces create and sustain ethnicity.<sup>16</sup>

While the primordial and constructivist theories offer explanations on an ethnic groups’ sense of identification and the level of group solidarity within them, it offers little explanation in terms of mobilization – an important consideration in the understanding of

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<sup>16</sup> Yang, P. (2000). *Ethnic Studies: Issues and Approaches*, New York: State University of New York Press, pp 40-2.

ethnic conflict. The instrumentalist theory, in its strictest sense, views ethnicity as a strategic tool for gaining resources. In more broad terms, instrumentalists view ethnicity as a type of identity that is organized as a means to a particular end. This theory states that people become and remain ethnic when their ethnicity either yields significant returns to them or if it helps them defend their interests. Ethnicity is a means of political mobilization for advancing group interests. Therefore, ethnic groups, or more specifically ethnic elites, are viewed as interest groups.<sup>17</sup>

Martin Seymour Lipset examines factors that contribute to stability/instability in political systems. He proposes that societies are more stable when cleavages/competition occurs within ethnic groups rather than between ethnic groups. Thus, the establishment of cross-cutting loyalties is the means by which to reduce the prevalence of conflict.<sup>18</sup> He argues that when people's loyalties are vested in an ethnic group for instance, then if a loss of political office is viewed as a serious loss of power or loss of equitable share of public goods for that particular ethnic group then they would be willing to use violence to retain or secure their positions at the top.<sup>19</sup> Lipset's concept brings together the concepts of ethnic affiliation and mobilization and their link to political violence as a means to secure the interests of the ethnic group, elites or affiliates.

As this study's primary objective is to understand the intersection between political violence and ethnicity, the instrumental theory will be more critical as an explanation of ethnic mobilization that is required during times of political competition. The instrumental theory will explain the ways in which ethnicity is exploited for political gain. Further,

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<sup>17</sup>Ibid.

<sup>18</sup> Seymour, Martin Lipset. (1960). *Political Man*, New York: Anchors Books. Pp 71-99.

<sup>19</sup> Ibid, pp. 29.

Lipset's concept of cross-cutting loyalties will provide the framework for understanding the resort to violence to ensure political gains by ethnic groups.

## **2.4 Hypothesis**

This study is guided by one broad hypothesis based on the theoretical framework.

1. The recurrent political violence in Kenya has resulted from the ethnic-based mobilization that has taken place before and during the elections.

## **2.5 Operationalization of variables**

### 2.5.1 Dependent Variable - Recurrent Political Violence

The study's dependent variable is recurrent political violence in Kenya. The indicator for recurrent political violence is evidence of loss of life and property before, during and after elections in Kenya.

### 2.5.2 Independent Variable - ethnic-based political mobilization

The study's independent variable is the existence of ethnic-based mobilization that has taken place before and during the elections. The indicators are the presence/absence of ethnically exclusive political zones, the overwhelming support of a party leader by an ethnic group and the formations of political alliances on the basis of ethnic elites.

## CHAPTER THREE

### 3.0 METHODOLOGY

#### 3.1 Introduction

This chapter covers the methodology employed to obtain data, to interpret it and finally to use it to test the hypothesis that it is ethnic-based mobilization around the election period that gives rise to recurrent political violence in Kenya. Additionally, the chapter provides a description of the site under study.

#### 3.2 Site Description

Kenya is a good case to examine because it has a dynamic ethnic character and it has also experienced recurrent political violence around the times for elections. For the country's forty-two ethnic groups, their conceptualizations of themselves and the boundaries that distinguish one from another have changed over time. For instance, while today there is an ethnic group which is identified as the Kalenjin, it captures within it sub-units such as the Kipsigis, Nandi and Tugen that identify themselves as distinct ethnic groups and who have not always understood themselves to be 'Kalenjin'. Amongst the Mijikenda ethnic group, there are the Chonyi, Giriama, Digo and Duruma who may also identify themselves as distinct ethnic groups. As such, the construction of ethnic groups, the determination of its membership and the purpose for their creation indicates that Kenya is a good case study to examine the intersection between ethnicity and political violence. As some of the indicators for the independent variable include some numerical comparisons of voting patterns, it is important to get a sense of the various ethnic groups and their population in Kenya as depicted in the table below.

**Table 1: Ethnic and Racial affiliations in Kenya and their population**

	TRIBES	POPULATION		TRIBES	POPULATION
1	KIKUYU	6,622,576	27	RENDILE	60,437
2	LUHYA	5,338,666	28	KENYAN ASIANS	46,782
3	KALENJIN	4,967,328	29	KENYAN ARABS	40,760
4	LUO	4,044,440	30	ASIANS	35,009

5	KAMBA	3,893,157	31	ILCHAMUS	27,288
6	KENYAN SOMALI	2,385,572	32	EUROPEANS	27,172
7	KISII	2,205,669	33	SAKUYE	26,784
8	MIJIKENDA	1,960,574	34	BURJI	23,735
9	MERU	1,658,108	35	GOSHA	21,864
10	TURKANA	988,592	36	TAVETA	20,828
11	MASAI	841,622	37	WALWANA	16,803
12	KENYAN <sup>20</sup>	610,122	38	NUBI	15,463
13	TESO	338,833	39	DASENACH	12,530
14	EMBU	324,092	40	GALLA	8,146
15	TAITA	273,519	41	GALJEEL	7,553
16	KURIA	260,401	42	WAAT	6,900
17	OTHER AFRICANS	244,866	43	AMERICANS	6,014
18	SAMBURU	237,179	44	LEYSAN	5,941
19	THARAKA	175,905	45	NJEMPS	5,228
20	MBEERE	168,155	46	KENYAN EUROPEANS	5,166
21	BORANA	161,399	47	ISAAK	3,160
22	BASUBA	139,271	48	KENYAN AMERICANS	2,422
23	SWAHILI	110,614	49	KONSO	1,758
24	GABRA	89,515	50	AUSTRALIANS	719
25	EAST AFRICA	75,073	51	CARRIBEANS	112
26	ORMA	66,275			
	<b>TOTAL POPULATION</b>				<b>38,610,097</b>

Source: Ethnic Affiliation, Population and Housing Census 2009. Kenya National Bureau of Statistics, 2011.

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<sup>20</sup> The inclusion of a “Kenyan” ethnic group is a point of interest and may provide an area of examination for future scholars. Its inclusion may be a reference to people who have multiple ethnic identities for which the survey did not provide a way to capture more than one; or people who have embraced the national identity as more critical to their ethnic identity; or a variety of reasons yet to be uncovered.

### **3.3 Methods of Data Collection**

The researcher relied mostly on secondary data. Secondary data included books, articles, and reports. These secondary sources came from various libraries and databases including but not limited to the Jomo Kenyatta Library of the University of Nairobi, JSTOR, and Google Scholar. The study also made use of the reports of various agencies, organizations and commissions.

### **3.4 Methods of Data Analysis**

The study used qualitative methods of data analysis. This allowed the researcher to place the information obtained through secondary sources within historical context. The method also provided the opportunity to examine the data and derive meaning and understanding in order to answer the research question and to test the hypothesis. Qualitative methods allowed for the researcher to examine a variety of explanations offered in the data to illuminate the construction and use of ethnicity in Kenya and the nature of political competition

## **CHAPTER FOUR**

### **4.0 ETHNICITY AND THE GENERAL ELECTIONS IN KENYA**

#### **4.1 Introduction**

The chapter seeks to provide an overview of the nature of ethnicity in Kenya, the ways in which politics has played out especially after the advent of multi-part politics in which there was open political competition to attain the highest office, and the periods in which Kenya has experience political violence around the election period. This is in a bid to test the hypothesis of the study, i.e., determining the relationship between ethnicity and political violence in Kenya.

#### **4.2 Ethnicity in Kenya**

Kenya is a multi-ethnic society with forty-two ethnic communities that have largely co-existed in relative peace. While the most dominant ethnic communities in this linguistic and ethnic landscape are the Gikuyu, the Luyha, the Luo, the Kalenjin, the Kamba, and the Kisii, there are many other smaller ethnic communities in Kenya. Prior to the mid-twentieth century, ethnicity was a more fluid concept than commonly supposed. While ethnic groups settled in distinct areas of the country in the pre-colonial and colonial times, there has been movement of the respective groups from one area to another for purposes of trade, search for pasture or even expansion. Interactions between the various ethnic groups have often been characterized by trade, inter-marriage, co-existence and general symbiotic relationships. In the interaction, there were also cases of clashes and raids between and among ethnic groups;



however, there has not been a large-scale inter ethnic violence that has reached across a wide swath of the Kenyan territory.<sup>21</sup>

European settlement in the colonial period effectively alienated many of Kenya's communities from their 'traditional' lands.<sup>22</sup> The cumulative effect of laws that facilitated European settlement was the lesson that being in power politically translated directly to one's access to property and the opportunity at prosperity. Furthermore, the power gave license to the exploitation of the populace for the benefit of a few.<sup>23</sup> As such, those in power learned to take any measure to keep their position and those who were not in power were willing to do whatever was necessary to get into positions of power.

In Kenya, as in the rest of Africa, the 1884/85 Berlin Conference set the pace for occupation and the establishment of the boundaries of the state. Kenya's boundaries were demarcated without the consultation of Kenya's people resulting in the bringing together of over forty previously independent communities into one territorial entity. The colonial state, and later the post-colonial state, would find it a daunting task wielding these communities into one nation-state. Indeed, it took the Turkana, the Samburu and other marginalized communities the whole of the colonial period and even later into the post-colonial era to realize they were part of a state named Kenya, let alone part of its national fabric.<sup>24</sup> The established state boundaries also divided some communities who found themselves on two sides of an international boundary. Such communities include the Maasai and the Kuria who

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<sup>21</sup> Lonsdale, John. (1992). "The Conquest State of Kenya 1895-1905". In *Unhappy Valley: Conflict in Kenya and Africa. Book One: State and Class*. Edited by Bruce Berman and John Lonsdale. London: James Currey, p 19.

<sup>22</sup> Ogendo, O. (1991). *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya*, African Centre for Technology Studies, Nairobi, pp 11.

<sup>23</sup> Simiyu, V.G. (1971). *Land and Politics in Ukambani, 1895-1937*, M.A. Dissertation, University of Toulouse, France.

<sup>24</sup> Ogot, Bethuel A. (2000) "Boundary Changes and the Invention of "Tribes", Ogot, B. A. and Ochieng, W. R. (Eds.) *Kenya: The Making of a Nation*, Maseno: Institute of Research and Postgraduate Studies, pp 16-31.

were now split between Kenya and Tanganyika (later, Tanzania); the Somali community now found itself in Kenya, Somalia, Ethiopia and Djibouti; the Luo also got split with some living in Kenya, Uganda and Tanzania; and the Teso and the Samia communities found themselves citizens of either Kenya or Uganda.<sup>25</sup> While the conference set the boundaries of the Kenyan state, the establishment of the boundaries of the Kenyan nation proved a more complex undertaking.

Within the colonial state, the administrative and ethnic boundaries were often coterminous. For example, the Luo ethnic community was based in Nyanza Province (though it is also the home to the Kisii); the Luhya in Western Province; the Kikuyu in Central Province; the Somali in North-Eastern Province; and the Mijikenda in the Coastal Province.<sup>26</sup> This established the perception that governing an administrative territory was not completely distinct from governing of a particular ethnic community.

Inter-ethnic competition for access to state resources and power would characterize the post-1945 nationalist struggles and post-colonial politics. Examples include attempts by so-called minority Luhya, Kalenjin and coastal communities to establish quasi-federalism as a counter to perceived Kikuyu-Luo domination in independent Kenya and Somali secessionist attempts by the Kenya Somali in their bid to join their kin and kith in the neighboring Somalia. The colonial state, in response, employed authoritarian force to hold

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<sup>25</sup> Zeleza, T. (1992) "The Colonial Labour System in Kenya", Ochieng, W. R. and Maxon, R. M. (Eds.) (1992) *An Economic History of Kenya*, Nairobi: East Africa Educational Publishers.

<sup>26</sup> Ogot, B. A. (2000) "Boundary Changes and the Invention of "Tribes", *Kenya: The Making of a Nation*, Maseno: Institute of Research and Postgraduate Studies: pp 13. While the various ethnic communities had been linked to Provinces, it is important to note that the current administrative areas are now Counties. However, as the Provincial administrative boundaries are still understood, they have been used in reflection of the time in which the work cited was written. For clarity, the are referred to as Nyanza Province for instance is currently captured by the following counties: Siaya, Kisumu, Homa Bay, Migori, Kisii and Nyamira

Kenya's diverse communities together.<sup>27</sup> This established the view that if the nation-building project would not be pushed forward by incentives, then the use of force was a legitimate tool to employ to keep the country together or at the very least to defeat any dissent.

Immediately after independence, efforts were made to subordinate ethnicity to nationalism.<sup>28</sup> Nationhood was cultivated in the hope that it would undermine and ultimately replace ethnic attachment because ethnic attachments were perceived as divisive and contrary to the nationbuilding project. Jomo Kenyatta, the first president of the republic of Kenya, publicly condemned 'ukabila' [ethnicity in Kiswahili] as the greatest obstacle to national unity and national development. As such, a social engineering project was started to imbue the citizens of the newly independent Kenyan state with patriotism, a sense of national belonging and a sense of duty towards the nation. The Kenyatta regime deemed that a multi-party system was increasingly taking an ethnic dimension. In the name of ensuring national unity by avoiding anything that promoted or encouraged 'ukabila', the Kenyatta regime established a single party system.<sup>29</sup> Nationalism in Kenya was also promoted through the establishment of Kiswahili as the national language, national celebrations of public holiday celebrations, and standardized civic education in schools among other efforts.<sup>30</sup> This view indicated the clear recognition of ethnic mobilization as a powerful tool to be checked if it threatened the national integrity.

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<sup>27</sup> Zeleza, T. (1992) "The Colonial Labour System in Kenya", Ochieng, W. R. and Maxon, R. M. (Eds.) (1992) *An Economic History of Kenya*, Nairobi: East Africa Educational Publishers.

<sup>28</sup> Ochieng, William. (1989). "Independent Kenya (1963 – 1986)". In *A Modern History of Kenya 1895 -1980*. Edited by W. R. Ochieng. Nairobi: Evans Brothers, pp. 202-218.

<sup>29</sup> Soysal Yasemin. (2000). "Citizenship and Identity: Living in Diasporas in Post-War Europe?" *Ethnic and Racial Studies*, Vol 23(1), pp 1-15

<sup>30</sup> Mazrui, Ali. (1994). "Development in a Multi-cultural Context: Trends and Tensions". In *Culture and Development*. Edited by Ismail Serageldin and June Taboroff. Washington DC: World Bank. pp 27-136.

Despite calls for the end of ethnicity, Jomo Kenyatta's rule was such that it exploited ethnicity to garner and maintain power in Kenya. Daniel Toroitich Arap Moi, the second President, also used the same ethnic divisions as a tool for securing the requisite amount of votes to ensure his continued stay in power. In addition, people still saw themselves as members of an ethnic community with distinct cultural practices, language, customs, history and coming from specific geographical locations. Although they sang the national anthem at public holiday celebrations, they spoke their 'mother tongue' at home. Although at the market they traded with multiple communities in Kiswahili, their rites of passage or marriage were done with the upmost respect for their ethnic customs.<sup>31</sup> The strong ties around which ethnic affiliations are based proved difficult to change.

The social engineering project of nationalism did not end up eradicating the notion of ethnicity amongst the people; rather, it created another layer of identification for the people. A person became both a member of the Kenyan nation in addition to being a member of a certain ethnic community. The primacy of either identity depended on the utility necessary- whether to garner votes within a particular locality or to be favored for job - and could be activated not just by the leaders, but also by the community members themselves. As such, ethnicity became instrumental - able to be used to achieve a certain goal.

### **4.3 General Elections in Kenya**

Kenya became independent on December 12, 1963, and Jomo Kenyatta, an ethnic Kikuyu and head of the Kenya African National Union (KANU), became Kenya's first Prime Minister. The minority party, Kenya African Democratic Union (KADU), representing a coalition of small ethnic groups that had feared dominance by larger ones, dissolved itself in

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<sup>31</sup> Smith, Anthony (2001). *Nationalism: Theory, Ideology, History*. Cambridge: Polity. pp. 54–55.

1964 and joined KANU. To instill competition and maintain government checks and balances, a small but significant leftist opposition party, the Kenya People's Union (KPU), was formed in 1966, led by Jaramogi Oginga Odinga, a former Vice President and Luo elder. The KPU was banned shortly thereafter and its leader detained. KANU became Kenya's sole political party.<sup>32</sup> In June 1982, the National Assembly amended the constitution and added section 2A that made Kenya officially a one-party state.<sup>33</sup>

By 1990, the demand for democracy amongst the citizens reached fever pitch with public calls for a multi-party system. After a year and a half of detentions, protests, and finally a full-scale aid cutoff, the regime capitulated and allowed competing parties to exist but otherwise clung to the full authority and power of the one-party state. The first multiparty elections were held in December 1992. Kenya became a paradigmatic case of Richard Joseph's concept of a "virtual democracy" where the regime allowed opposition but continuously harassed and intimidated it in order to maintain power. At the time, the Moi regime presided over elections, which it was sure would not be lost, to appease the West in exchange for aid resumption.<sup>34</sup>

In 1991, section 2A was repealed and Kenya became a multi-party state. Numerous parties aimed at dislodging KANU from power emerged. Many of the parties were based on regional or ethnic considerations. The party with the largest national representation was the Forum for the Restoration of Democracy (FORD), which drew support from many ethnic groups. However, FORD's national appeal was short-lived due to leadership wrangles

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<sup>32</sup> Cowen, M., And Kanyinga, K., (2002), "The 1997 Elections In Kenya: The Politics Of Community And Locality", In Cowen, M., And Laakso, L., *Multi-Party Elections In Africa*. Oxford: James Currey.

<sup>33</sup> Lynch, G. (2006). 'Negotiating Ethnicity: Identity Politics In Contemporary Kenya', *Review Of African Political Economy* 33 (107): 49-65

<sup>34</sup> Bratton, M., & Van De Walle, N., (1997) *Democratic Experiments In Africa: Regime Transitions In Comparative Perspectives*. Cambridge: Cambridge University Press.

between Kenneth Matiba and Oginga Odinga, allegedly engineered by Moi's divide and rule tactics. FORD split into two parties-FORD-Asili and FORD-Kenya, before the 1992 elections. FORD-Asili drew most of its support from the Kikuyu tribe while most supporters for FORD-K hailed from the Luo and Luhya tribes<sup>35</sup>. The Democratic Party (DP), led by Emilio Mwai Kibaki - a Kikuyu, came up as another opposition party but one that split the 'Kikuyu' electorate further between it and Ford Asili, leading to further erosion of the original FORD's support base.<sup>36</sup> Without a coalition amongst the different ethnic groups and/or parties, the chance of wresting power from KANU dissipated.

The combination of a lack of a strong opposition party, gerrymandered electoral districts, continuous state harassment of the opposition and significant electoral violence to ensure displacement of 'opposition tribes' allowed Moi and KANU to win. Moi retained the presidency with only 36 percent of the vote, but gained the constitutionally mandated 25 percent in five of the eight provinces.<sup>37</sup> The lesson was to get the numbers right in the basic ethnic political calculus in order to guarantee a win.

The opposition continued to fragment during the next five years (1992-1996) leading to the 1997 election. Failure to gain power left many followers demoralized and opposition politicians with few resources to use as patronage. Oginga Odinga's death and Matiba's withdrawal from active politics as a result of ill health split the two FORDs. Most Luo followed Odinga's son, Raila Odinga, into the National Democratic Party (NDP) but a rump holding three parliamentary seats stayed in FORD-Kenya, which came to be dominated by

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<sup>35</sup> Kanyinga, K., (1998) *The Land Question In Kenya: Struggles, Accumulation And Changing Politics*. Unpublished Ph. D Dissertation, Roskilde University, Denmark.

<sup>36</sup> Mamdani, M., (2000) "Indirect Rule And The Struggle For Democracy: A Response To Bridget O'Laughlin" In *African Affairs*, Vol. 99, No. 394.

<sup>37</sup> Mutunga, W., (2002) "The Unfolding Political Alliances And Their Implications For Kenya's Transition." In Mute, L.M., *Et Al.* (Ed) *Building An Open Society: The Politics of Transition In Kenya*. Nairobi: Claripress.

the northern Luhya leader, Kijana Wamalwa. Matiba's southern Kikuyu supporters searched out various party homes. Kibaki's DP gained some of these followers, but was unable to unite the Kikuyu fully under its banner<sup>38</sup>. Several new parties emerged, the most significant of which came to be the Social Democratic Party (SDP), led by several university intellectuals and Charity Ngilu, a Kamba leader from the political battleground of Eastern province.<sup>39</sup> These party formations, splits and leadership indicate that the leadership of the party and the electoral base from which they gain their support is based on ethnic affiliation.

The 1997 elections was largely a replay of one held in 1992, but perhaps with greater opposition fragmentation. Failing to negotiate an agreement on a joint candidate, the opposition decided to run as many locally popular presidential candidates as possible, in a failed attempt to deny Moi the required twenty five percent (25%) in five provinces. The result was an election with five major candidates and numerous minor ones.<sup>40</sup> Moi won again, increasing his vote total to forty percent (40%), and KANU hung on to a razor-thin majority in Parliament. The opposition entered the new Parliament with a bigger share of the seats but far more divided than in the previous Parliament. Although the major ethnic groups were more divided than in 1992, in most constituencies locally dominant candidates still emerged. Only in about ten percent (10%) of all parliamentary elections did the winner have a vote margin of less than ten percent (10%).<sup>41</sup>

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<sup>38</sup> Ndung'u, P. (2004). *Report Of The Commission Of Inquiry Into The Illegal/Irregular Allocation Of Public Land*. Nairobi: Government Printer.

<sup>39</sup> Mutunga, W., (1999) *Constitution-Making From The Middle: Civil Society And Transition Politics In Kenya, 1992-1997*. Nairobi: Sareat/Mwengo.

<sup>40</sup> Mamdani, M., (2000) "Indirect Rule And The Struggle For Democracy: A Response To Bridget O'Laughlin" In *African Affairs*, Vol. 99, No. 394.

<sup>41</sup> Widner, J. (1992). *From "Harambee" To "Nyayo!"*. *The Rise Of A Party State In Kenya*. Berkeley: University Of California Press.

In the case of the 1997 compared to 1992 elections, there was a large voter turnout because the electorate was determined to vote out the KANU regime, which they blamed for the worsening economy and poor governance. Furthermore, the constitutional amendments on the conduct of elections that had been successfully negotiated by the Inter-Parties Parliamentary Group (IPPG) in that year assured the electorate that the elections would be free and fair.<sup>42</sup>

The agitation against laws governing elections reached their peak when in 1996 Kenya's civil society resorted to mass action to force the government to reform the constitution as a condition for supporting the 1997 elections. The government yielded by establishing the IPPG after persuading some members of the opposition to work with their KANU counterparts to institute minimum constitutional reforms. The reforms focused mainly on the provisions affecting elections. Despite these reforms KANU retained power in the 1997 elections albeit with a much smaller margin than was the case in 1992.<sup>43</sup>

In the 2002 general elections, KANU, which had ruled Kenya since independence in December 1963, suffered defeat and won less than one-third of the seats in the new National Assembly. The National Alliance Rainbow Coalition (NARC), which brought together the former ethnically based opposition parties with dissidents from KANU only in October, emerged with a secure overall majority, winning 126 seats and 61.7% of the total vote, while KANU won 63 seats and 31.2% of the total vote. Emilio Mwai Kibaki, leader of the Democratic Party (DP) and of the NARC opposition coalition, was sworn in as Kenya's third

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<sup>42</sup> Anderson, D.M. (2005). 'Yours In The Struggle For Majimbo'. Nationalism And The Party Politics Of Decolonization In Kenya, 1995–1964', *Journal Of Contemporary History* 40 (3): 547–564.

<sup>43</sup> Ibid.



president on December 30.<sup>44</sup> For the first time since the reintroduction of multiparty democracy in 1991, a Kenyan President was elected with an absolute majority<sup>45</sup>.

In 1992, divisions in the opposition had resulted in a narrow KANU victory. In 1997, a larger selection of opposition parties touting a good number of popular opposition personalities resulted in another victory for KANU. Some political analysts have argued that in 2002, most KANU leaders decided that they could live with a Kibaki presidency. As a result, while KANU did bribe, rig and intimidate voters, it did so in a spasmodic, half-hearted manner that was insufficient to guarantee a win.<sup>46</sup> Others may note that perhaps a KANU defeat was inevitable considering its declining popularity. Nevertheless, the opposition had to change its strategy to secure a victory in the 2002 election. To achieve this, various opposition parties rallied their support base, typically along ethnic lines, to create a coalition that would have a vote sum necessary for the ethnic calculus needed to win executive power in Kenya.

One of the key pillars of the NARC programme was a Memorandum of Understanding (MoU) signed before the elections by the main leaders, in which they agreed to conclude the constitutional reform process that started in 2001. This included reintroducing the position of Prime Minister with executive powers and limiting presidential powers. Fractures in the coalition started to appear with President Kibaki failing to honour

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<sup>44</sup> Brown, S. (2004). 'Theorising Kenya's Protracted Transition To Democracy', *Journal Of Contemporary African Studies* 22 (3): 332–333.

<sup>45</sup> Maupeu, H. (2005). 'Religion And The Elections', In H. Maupeu, M. Katumanga, W. Mitullah (Eds.). *The Moi Succession. Elections 2002*. Nairobi: Transafrica Press.

<sup>46</sup> Mutahi, P. (2005). 'Political Violence In The Elections', In H. Maupeu, M. Katumanga, W. Mitullah (Eds.). *The Moi Succession. Elections 2002*. Nairobi: Transafrica Press, pp. 69–95.

the MoU and instead continuing to resort to the centralised system of government inherited from the previous government.<sup>47</sup>

While a large majority of stakeholders from the political parties and civil society organizations agreed on the reintroduction of the position of Prime Minister and the devolution of powers during the Constitutional Conferences in 2003 and 2004, the Kibaki government dissented and presented a draft constitution for a national referendum in 2005. The government draft excluded key elements of devolution. The position of Prime Minister was foreseen, but he or she would be appointed by the President and would not wield any executive powers. Many of the wide-ranging presidential powers were left in place and to some extent even strengthened as the provision of a vote of no confidence in the cabinet were left out despite their inclusion to strengthen the legislative branch as a check against the executive.

A broad based opposition against the government draft constitution developed under the umbrella of the Orange Democratic Movement (ODM), led by Raila Odinga, Kalonzo Musyoka and Uhuru Kenyatta. The government lost the referendum with forty-three (43%) of the vote against fifty-seven (57%) against the constitutional draft which lead Kibaki to dismiss his entire cabinet. The referendum was a harbinger for further splintering of the NARC coalition and the growth of an opposition that had previously been part of the NARC government.<sup>48</sup>

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<sup>47</sup> Maupeu, H. (2001). 'The Churches And The Polls', In M. Rutten, A. Mazrui, F. Grignon (Eds.). *Out Of The Count: The 1997 General Elections And Prospects Of Democracy In Kenya*. Kampala: Fountain Publishers, pp. 50–71.

<sup>48</sup> Oloo, A. (2005). 'The Raila Factor In Luoland' In H. Maupeu, M. Katumanga, W. Mitullah (Eds.), *The Moi Succession. Elections 2002*. Nairobi: Transafrica Press.

After its success in defeating the government constitutional draft in 2005, ODM eventually transformed itself into a political party. In early September 2007, ODM selected Raila Odinga from the Luo region of Nyanza Province as its presidential candidate. The main opposition party opted for a broad leadership structure, the so-called Pentagon, to accommodate senior members in elevated positions. The Pentagon consisted initially – apart from Odinga – of Musalia Mudavadi representing the Luhya community of Western Province, William Ruto from the Kalenjin groups in the Rift Valley, Najib Balala for the Coast region and Norman Nyagah from the Meru area in Eastern Province to represent the Kikuyu, Embu and Meru of the ‘Mount Kenya’ region. In October 2007 the Pentagon was expanded to incorporate the NARC leader Charity Ngilu, Musyoka’s long-standing competitor for leadership of the Kamba people of Eastern Province.<sup>49</sup>

With the partners in ODM failing to agree on a nomination process for a joint presidential candidate for the 2007 elections, first Kenyatta and then Musyoka left the new party. Kenyatta realigned with President Kibaki, but insisted on maintaining KANU as an independent party. Musyoka took over ODM Kenya (ODM-K) and became its presidential candidate.<sup>50</sup> The majority of these political parties are personality driven and arranged on ethnic lines with political ideologies playing no determining role. The political parties were characterized by a lack of continuity in the political party structures, no consolidated party membership and the fleeting nature of allegiances. The majority of political parties contesting the 2007 general elections, including the parties of the major presidential

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<sup>49</sup> Kimenyi, M., Shugart, W., (March 2008). *The Political Economy of Constitutional Choice: a Study of the 2005 Kenyan Constitutional Referendum*. Department of Economics Working Paper Series. University of Connecticut.

<sup>50</sup> Oloo, A., (2008). *Party Mobilization and Membership: Old and New Identities in Kenyan Politics*. Paper Presented on September 25, 2008 at Society for International Development Conference on 2007 Elections Study, Nairobi.

candidates Party of National Unity (PNU) - Mwai Kibaki, ODM - Raila Odinga and ODM-K - Kalonzo Musyoka, were founded only shortly before the election campaign period or within the election year.<sup>51</sup>

While there was sporadic violence leading up to the 2007 general elections in Kenya, it was generally accepted that voting occurred without incident. Prior to Election Day, Odinga led in polls and the ODM was expecting victory. Suspicion of fraud spread quickly when presidential election results were delayed and a statewide media blackout cut access to live reporting. Two days after the votes were cast, Kibaki was announced as the winner and promptly sworn in to begin his second term. On December 28, 2008, violence broke out in different parts of the country that lasted two months. The violence would end up claiming over 1,133 lives and leave over 600,000 Kenyans displaced from their homes, and more than 110,000 private properties destroyed.<sup>52</sup>

The 2007 election took on ethnic undertones as the basis of inequality in the distribution of resources and power. ODM identified Kibaki's PNU with elite Kikuyu interests, particularly those of the so-called "Mount Kenya mafia" of successful businessmen and technocrats from the Central Province's Kikuyu, Embu and Meru peoples. The PNU in turn accused the ODM of advocating a foolishly populist economic platform that would bring financial ruin to a country that had experienced 5-6% growth during Kibaki's term and of having a devolution (*majimbo*) agenda that would inevitably spark ethnic clashes over land in

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<sup>51</sup> Logan, C., Sentamu, R. and Wolf, T. (2007). "Kenyans and Democracy: What Do They Really Want from it, Anyway?" *Afrobarometer Working Paper* No. 70.

<sup>52</sup> "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance." *Human Rights Watch*. Vol 20:1, March 2008.

the Rift Valley.<sup>53</sup> On the ground, this translated to neighbors turning against on another based on a person's ethnic affiliation as an indicator of their political standing.

It was not until 28<sup>th</sup> February 2008 that negotiations to bring an end to the violence led by Kofi Annan resulted in the signing of an agreement to set up a coalition government in which Kibaki would be the President and Raila would be the Prime Minister that some semblance of peace returned to Kenya. The agreement also included constitutional and institutional reforms to address the state and societal level structures that would mitigate election-based conflict in the future.<sup>54</sup>

Kenya's 2013 general elections were the first under the new constitution, which was passed after the referendum in 2010. On 9 March 2013, following a tense but relatively peaceful election, the Independent Electoral and Boundaries Commission (IEBC) declared Jubilee Coalition's Uhuru Kenyatta president-elect. The leader of jubilee garnered 50.07 percent of the vote barely passing the threshold for a first round victory<sup>55</sup>. His closest opponent, former Prime Minister Raila Odinga, challenged his victory in court, but despite allegations of irregularities and technical failures, the Supreme Court validated the election. Although Raila accepted the ruling, his party and several civil society organizations questioned the election's shortcomings and its impact on democracy.

Since 1993, political violence in Kenya has resulted in the death of at least 4,433 Kenyans, displacement of over 1.8 million people, the destruction of property and a generally negative impact on economic development. Of the periods of political competition that

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<sup>53</sup> "Kenya in Crisis." (2008). *International Crisis Group*. Africa Report No 137, February 21, 2008.

<sup>54</sup> Commission of Inquiry into Post-Election Violence, (2008). "Report of the Commission of Inquiry into Post-Election Violence," 'Waki Report' or 'Waki Commission', Nairobi.

<sup>55</sup> Jaindi, Kiseru, (2013) "Clash between national and county governments with onset of devolution", *The East African*, 30 March 2013.

resulted in violence, the scale and intensity of the 2007/8 post-election violence was especially shocking to the national conscience.<sup>56</sup> That experience has shaped the character of political competition with a strong drive by the government, civil society groups and even private individuals to promote peaceful elections and to strengthen the institutions of conflict management.

#### 4.4 Political Competition and Ethnicity in General Elections

Since the first Presidential Elections under multi-party rule in 1992, Kenyans have typically voted along ethnic lines. In addition, the candidates have often hailed from distinct ethnic communities with the exception of the 2002 Presidential Elections when the top two candidates were from the same ethnic group (Mwai Kibaki of NARC defeated Uhuru Kenyatta of KANU with 62% of the national vote). Practically, ethnic communities are viewed in politics as established voting blocs from which one can draw their support. In the absence of the repression and state intervention in electoral process, candidates have become alive to the reality that a coalition is necessary and that the members of the coalition and the clout that they hold in their ethnic communities makes the difference between a win and a loss.

**Table 2: Major opposition parties and their leadership in 1992 and 1997**

<b>1992</b>	<b>Party Leader</b>	<b>Ethnic group</b>	<b>1997</b>	<b>Party Leader</b>	<b>Ethnic group</b>
FORD-Kenya	Oginga Odinga	Luo	FORD-Kenya	Kijana Wamalwa	Luhya
FORD-Asili	Kenneth Matiba	Kikuyu			
DP	Mwai Kibaki	Kikuyu	DP	Mwai Kibaki	Kikuyu
			NDP	Raila Odinga	Luo
			SDP	Charity Ngilu	Kamba

<sup>56</sup> “The Kenya election and the militarization of ‘peace’.” *The East African*, 9 March 2013.

KANU	Daniel Arap Moi	Kalenjin	KANU	Daniel Arap Moi	Kalenjin
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Source: Musau, Berita. (2008). *Ethnic Conflict and Transition to Democracy in Africa: Recurrence of Ethnic Conflicts in Kenya (1991-2008)*. Master Thesis: University of Vienna. Pp 78.

One can argue that the results of any Presidential election in Kenya will be largely determined by the votes of the top seven Ethnic groups: Kikuyu (6.2 m), Luhya (5.3 m), Kalenjin (4.9 m), Luo (4 m), Kamba (3.8 m), Kisii (2.2 m) and Meru (1.6 m), who account for about 74% (28 million) of Kenya’s population of 38 million as per the 2009 census. Although the Somali ethnic group was ranked 6th largest in the 2009 census with 2.3 million, this figure has been disputed and having only registered 347,457 voters in 2012, which is only 15% of the region’s asserted population, it doesn’t present as predictable a voting bloc compared to other large ethnic groups.<sup>57</sup>

Mutahi Ngunyi made the following prediction about the 2013 general election: Uhuru Kenyatta’s victory as president was inevitable due to Jubilee Coalition’s “bankable” ethnic vote of 6.2 million (or 43.2% of the total vote). This number is basically a total of the registered GEMA (Gikuyu, Embu and Meru) and the Kalenjin voters. On that same ethnic logic, Mutahi reckoned that CORD Coalition started off with about 19.2% of the vote or 2.74 million votes. The close competition then required targeting smaller communities and those who were in mixed-areas that were more cosmopolitan.<sup>58</sup> The concept of the “tyranny of numbers” used to determine the votes based on ethnicity that determined the presidential votes in the 2013 general elections in Kenya indicates that Kenyan voters base their support along ethnic lines.

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<sup>57</sup> Kerrow, Billow (2011) “Ethnicity is a Cancer in Public Service Recruitment.” Article in the *East African Standard*, 9 April 2011.

<sup>58</sup> Wachira, Maina (2013) “Inside Mutahi Ngunyi’s numerology, What tyranny of numbers?” An analysis was produced for the Africa centre for open governance (africog) [www.africog.org](http://www.africog.org)

Jubilee managed to register 5.1 million (93%) out of their 5.5 million potential voters in their strongholds (Kikuyu, Kalenjin, Meru, Embu, Tharaka and Mbeere), CORD managed to register 5.1 million (71%) out of 7.2 million potential voters (Luhya, Luo/Basuba, Kamba, Kisii, Mijikenda, Teso and Taita). Statistics also indicated that those ethnic groups where support for both Coalitions was mixed or fifty/fifty had total potential voters at 4.3 million and registered voters approximately 3.7 million.<sup>59</sup> The factor of dividing a vote also came into play with what was referred to as the “Mudavadi factor” that was seen as taking away the Luhya votes from Raila.<sup>60</sup>

By 2013, it became clear that ethnic communities were for political competitors viable voting blocs whose support could be garnered and guaranteed by having alliances amongst the ‘ethnic kingpins’. These ethnic leaders are very vocal about the dangers of “splitting the vote” with strong encouragement to their people to “vote together” in support of “our man”. By Uhuru Kenyatta securing his running mate, William Ruto, he effectively guaranteed that the Kalenjin vote would be his.

Similarly, when Raila Odinga selected Kalonzo Musyoka as his running mate, he secured the Kamba vote. Other than the position of Deputy President, other high-level government positions are bargained over to sway ethnic votes one way or another. The early years of Kenya’s multi-party politics taught politicians that a general elections win is only possible through the formation of a coalition; but not just any coalition, but the one whose numbers are sufficient to propel one to victory.

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<sup>59</sup> Ibid.

<sup>60</sup> Ngunyi, Mutahi. (2013). “*Politics Is About Numbers: Tyranny of Numbers*”



#### **4.5 Conclusion**

It is clear from the foregoing analysis that in elections in Kenya, a high premium is placed by political leaders and their support base on obtaining the presidency at any cost leading to the likelihood of recurrent election-related violence. This is in line with Lipset's theory of cross-cutting loyalties in which Kenya has demonstrated that the likelihood of instability is high due to the continued vested loyalties in the ethnic group. As he argued, the loss of a presidency in Kenya, by identity or affiliation, is seen as a loss that can be confronted by violence so as to secure a position at the top. The electoral history in Kenya has demonstrated that a win required the establishment of alliances of various ethnic/political leaders to garner a sufficient support base to achieve the requisite majority vote. As these alliances are not based on ideology, they have proven feeble.

## **CHAPTER FIVE**

### **5.0 SUMMARY, CONCLUSION AND POLICY RECOMMENDATION**

#### **5.1 Summary**

Kenya has experienced recurrent ethnicized political violence. As the vulnerability of ethnicized political violence in Kenya increases during election periods, the study sought to examine those periods with a view of understanding the relationship between ethnicity and political violence as well as the factors contributing to its recurrence. Along with the above stated objectives, chapter one established the background of the study as the increased prevalence of inter-state conflict in the post-Cold War era, which in Africa have been characterized as ethnic conflicts with negative impact to development. The study was limited to examining Kenya only and the circumstances around election periods. While the academic justification of the study is to contribute to the existing body of knowledge on ethnic-based political violence, the policy justification is to understand the factors around the political violence with the hopes of establishing the most appropriate measures to mitigate the detrimental costs on development.

Chapter two of the study reviews literature on ethnicity as a concept, ethnic conflicts and the nature of political in Africa particularly in relation to governance and ethnicity. This study seeks to supplement existing literature by trying to draw out the nuances in the relationship between ethnicity and political violence that contributes to its recurrence. The study employs the instrumentalist theory which views ethnicity as a means to an end by elites, which is further enriched by Lipset's theory of cross-cutting loyalties which indicates that instability is more likely when people's loyalties are vested in an ethnic group. As such,

the study tests the hypothesis that recurrent political violence in Kenya has resulted from ethnic mobilization around the elections.

Chapter three determines that Kenya constitutes a good case study because it has a multitude of distinct ethnic groups, the existence of more than one incident of political violence around elections and evidence that the political violence had an ethnic dimension. The study is informed primarily by secondary data and analyzed through the qualitative method.

Chapter four examines the ways in which ethnicity has been constructed in Kenya particularly in relation to the governance systems from the pre-colonial period to the present. The chapter also looks at the general elections since the advent of multi-party elections examining the character of the parties that competed and the factors that contributed to a win or a loss. The chapter examines the role of ethnicity in political competition in terms of the ethnicity of candidates, the perceived ethnic-based voting blocs and the mobilization of the ethnic groups to establish alliances. The study concludes that the attainment of the presidency in Kenya is seen as of great importance to ethnic communities, including that of the specific candidate and the ethnic communities with whom alliances have been formed, to the extent that ethnic groups are willing to resort to violence to ensure a win. The analysis proves the hypothesis that ethnic-based mobilization before and during elections contributes significantly to the recurrence of political violence in Kenya.

## **5.2 Conclusion**

Ethnic identity in many African countries influences political and social behavior. Ethnic identity plays a part in determining whom to trust, whom to do business with, whom

to marry or whom to vote for.<sup>61</sup> The reasons why ethnic identities play such a strong role in African's lives is still debated. Some argue that ethnicity is hard-wired within the socio-economic system, it is the way people have learned to live and there are no incentives to change.

Others argue that the salience of ethnic identities is purely a political construct. Some countries with high ethnic diversity such as Tanzania have used the education system and redistribution of resources to develop a sense of national as opposed to ethnic identity. However, in other ethnically diverse countries, like Kenya, political parties have used ethnic identity to mobilize voters and to establish political alliances, leading in some cases to violent ethnic conflicts.<sup>62</sup> In Kenya, the issue is not so much a matter of ethnic identification, but rather a matter of ethnic affiliation and ethnic mobilization that shapes the way in which the society operates.

One of the factors that have contributed to the ways in which ethnicity is mobilized as well as the way in which the political environment is shaped in Kenya is attributed to the colonial legacy, which continues to have ramifications in the post independence era. The indirect rule administered by the British colonialists set up a situation where ethnic elites were elevated to leadership position to control on behalf of the central government an ethnic community and administrative units that were established to be nearly interchangeable. The power held at the 'center' was so great that it determined the public goods and opportunities for any given community - as such, it became an extremely coveted position. Even after

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<sup>61</sup> Bates, Robert H. (2000). "Ethnicity and Development in Africa: A Reappraisal." *American Economic Review*, Vol 90(2): 131-34.

<sup>62</sup> Alesina, Alberto and Eliana La Ferrara. (2005). "Ethnic Diversity and Economic Performance." *Journal of Economic Literature*, Vol XLIII (September), pp 762-800.

independence, the Kenyan state continued to employ similar strategies to maintain and assert their power.<sup>63</sup>

In Africa, ethnicity remains a strong force that binds a group of people together because other bases of alignment such as religion, class, nationalism are often regarded as recent phenomena or lacking the strong pull found in blood-ties. While one would imagine that wealth and education would subjugate the depth of ethnic affiliation, this study of political competition amongst the elite members of Kenyan society indicate that ethnic affiliation is exploited to garner victory and the associated spoils.<sup>64</sup> Many political parties have on many occasions appealed to a particular ethnic group to defend “their man in State House” or reached out for ethnic leaders to capture regional support. The reality that is often overlooked is that this does not directly translate to the realization of the interests of a particular group but rather to a few well-placed individuals that are guaranteed the vote.<sup>65</sup>

While Africa has embraced democracy in name - the application of democratic principles have been uneven. Democracy is in many cases understood merely as the process of elections with the results indicating the ruler for a designated period. However, other critical aspects of democracy such as the establishment of political parties are often overlooked. In the 2007 Kenyan general elections, most of the parties that fielded candidates were created in that same year. While they had well written manifestos indicating the ideals for which they stood, they were built around an individuals’ or a group of individuals’ aspirations of power.

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<sup>63</sup> Alesina, Alberto, Reza Baqir, and Caroline Hoxby. 2004. “Political Jurisdictions in Heterogeneous Communities.” *Journal of Political Economy*, 112 (2): 348-96.

<sup>64</sup> Biggs, Tyler, Mayank Raturi, and Pradeep Srivastava. 2002. “Ethnic Networks and Access to Credit: Evidence from the Manufacturing Sector in Kenya.” *Journal of Economic Behavior and Organization*, 49(4): 473-86.

<sup>65</sup> Collier, Paul. 2000. “Ethnicity, Politics, and Economic Performance.” *Economics and Politics*, 12(3): 225-45.

In Kenya, as well as many African states that are ‘democratic’, there are not many parties that have stood the test of time; as such, it is nearly impossible for a voter to determine their support of any party on the basis of their ideals. Rather, voters look at the cast of characters that have been put forward by ethnic kingpins. Multiparty politics in Africa is largely between political parties that are individual-oriented, ethnically-based and disconnected with the citizenry they claim to represent, while at the same time exploiting ethnic sentiment and affiliation for political expediency.<sup>66</sup> The potential consequence of this method of political competition is the resultant ethnic-based violence that pits citizens against each other.

The cost of this conflict is not only in the lives and health of the people; conflict causes displacement and loss of property that adversely affects development. The efforts to restore peace also place a significant burden on the prosperity of a state with resources dedicated to physical security rather than economic development that would raise the standard of living of its citizens. Furthermore, the consequences of such political violence are not neatly contained within the state in which political competition is occurring as is seen in the cases of Rwanda, Burundi, Democratic Republic of Congo, Somalia and others. Ethnic-based political violence can easily spill over the national borders lowering regional stability and the growth and prosperity of the region generally.<sup>67</sup>

The study concludes that political competitors deliberately use ethnic mobilization as a deliberate political strategy to gain and maintain power, which is in line with the instrumental theory. In some instances when the margin of victory is small, ethno-political

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<sup>66</sup> Brubaker, Rogers et al. (2003). “Ethnicity as Cognition”. *Theory and Society*, Vol 33, pp 31-64.

<sup>67</sup> Fafchamps, Marcel. (2000). “Ethnicity and Credit in African Manufacturing.” *Journal of Development Economics*, Vol 61 (1), pp 205-35.

violence can also be deliberately employed to disenfranchise the competitor's support base and attain victory. The exploitation of ethnic affiliation is possible largely because of the prevailing circumstances in which the people are desperate for a share of the public resources that they believe can only be secured if 'their' leader wins. The exploitation of inequalities and access to opportunities by ethnic leaders indicates the absence of cross-cutting loyalties that would promote greater stability. Instead, people seek their solutions from ethnic affiliations rather than people with similar ideas on how to move forward development and prosperity in the country.

Even though election after election prove that the gains to the majority of the citizenry is marginal due to the president being from the same ethnic community; that belief propels repeated cries of putting 'our man' in power. The failure to address the structural problems leading to inequitable distribution of resources keeps the people in desperation. When promised that it will be "our turn to eat" the scramble to claim a place at the table is so intense that the risk of violence is high. The inability to go beyond the ethnic framework has intensified the climate of political crisis.<sup>68</sup> While the study has shown that ethnic mobilization around election period does contribute to recurrent political violence in Kenya, it would appear that the only reason it persists is due to the failure to resolve the structural problems of inequitable distribution of resources and access to opportunity.

### **5.3 Policy Recommendations**

Unless there are structural changes within Kenya regarding the deepening of democracy and more equitable distribution of resources irrespective of one's ethnic

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<sup>68</sup> Fearon, J. D. (2006). Ethnic Mobilization and Ethnic Violence. In B. R. Weingast, & D. Wittman, *Oxford Handbook of Political Economy*. Oxford: Oxford University Press.

affiliation, it is highly likely that ethnic-based political parties or coalitions will be the determinant for political victory in future generations. With that, comes the continued high risk of political violence along ethnic lines whose costs continue to cut into the potential for growth and development in Kenya.

One of the ways in which Kenya can address this problem is through the re-energization of the nation-building project. While there is nothing inherently wrong with having an ethnic identity or feeling an affiliation to people of your ethnic community, it should not be the greatest determinant of a person's access to public goods or opportunity. Encouraging the affiliation to each other on the basis of citizenship is one type of cross-cutting loyalty that can be promoted. The goal would be to have any Kenyan feel that they have as much a right as any other Kenyan to live, work and access public goods anywhere in the country. For instance, Kenya can promote "national qualities" that all Kenyans can identify with and feel proud to be a part of - this can be achieved by as simple an act as singing the national anthem together more often.

Another cross-cutting loyalty that can be established can be party membership. These ought to be parties whose birth and death is not a matter of expediency, but rather they uphold a set of beliefs that guide policy decisions that have the country's development at heart. At the citizen level, parties should be judged more on the basis of their ideology rather than the ethnic group of the party leader or his/her lieutenants. Citizens of Kenya should also create space for people within their ethnic group to have differing political views and to provide support to the party that suits their interests without fear of persecution. The goal would be to have every part of the country fit into the category of 'mixed-areas' where the



inhabitants of the place have such divergent views that it is the strength of a candidate's ideas rather than his/her ethnicity that propels them to leadership.

The legal and institutional structures to deepen democracy through the establishment of stronger and more representative political parties already exist as outlined in the Political Parties Act of 2011. Perhaps the greatest challenge faced is in the change of attitude and an adjustment of expectations that the people have for these parties. Since the adoption of the new Constitution in 2010, Kenyans have shown greater respect for institutions that have also grown to meet the needs articulated.

While the hope is that Kenya's political competition need not end in recurrent violence during periods of election, it is unlikely that political candidates will not reach out to ethnic elites to ensure that they have the ethnic formula necessary to win executive office. One might even argue that their approach is perfectly logical given the ability to tap into what would be considered established voting blocs. This realization indicates that resistance to any change to the status quo is expected. While selling ideas to voters is harder work, it is more likely to result in a more stable Kenya.

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