Violence and the Dynamics of Transition: State, Ethnicity and Governance in Kenya

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Introduction and Background

Although democracy made a historic leap forward in Africa in the last few years, many daunting challenges and obstacles are still threatening its consolidation. These impediments include, *inter alia*, violence and ethnic conflicts. Hence, ethnic conflicts and the encompassing civil wars are among Africa's most serious societal crises.

Since the 1990s, violence and conflict have become endemic in Africa. This fact is evident in the recent massacres in Rwanda, Burundi, the Democratic Republic of Congo, Sierra Leone, Liberia, Somalia and Algeria, among others. In Kenya, the government's unwillingness to expand the democratic space for political participation is being challenged by several pro-democracy movements through political actions and citizens' campaigns at various levels.

The wave of democratic political change appears to have led to the identification of democracy in terms of multi-party politics. This drive towards Western liberal democracy has engendered the polarisation of particularistic groupings, as parties crystallise, mostly on the basis of ethnic and regional interests rather than common ideology or political principles (Dayton 1995; Nzongola-Ntalaja 1997). This tendency does not augur well for the unity and stability

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of African States. Moreover, State policies of non-accommodation and recalcitrance provide strong push factors for ethnic conflict.

Issues concerning security, violence and ethnicity are very important in understanding the democratic governance of a nation. What is the new conception and content of the role and position of the State? It is against this background that this study addresses the problem of violence and democratic transition in Kenya. It argues that conflicts and violence cannot stimulate the much-sought-after democratic governance so vital for political pluralism.

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

Political conflicts generally radiate around the imperative of accumulation and the problem of legitimisation (Anyang-Nyongo 1993). This study shows the correlation between governance, politics, ethnicity and violence in Kenya. There has been an upsurge in cases of conflict and violence in Kenya since the re-introduction of political pluralism in 1991. These have taken the form of student protests, labour unrest, ethnic violence, banditry and cattle rustling. Such violence has caused deaths, destruction of property, dislocation of populations and has added lawlessness to a state of insecurity.

This study argues that violence and conflicts are fallouts of the unresolved problems of citizenship and statehood in Kenya. Such violence poses a threat to the proper resolution of the conflict between citizenship and statehood, and among the diverse ethnic groups in the country. The study re-assesses the presupposition of violence, ethnicity and governance, and is guided by the assumption that for violence to be political, there must be an intention to change

the political process. Thus, when the State feels threatened and resorts to aggression to protect itself, this amounts to State violence, which is a variant of political violence (Anyang-Nyongo 1993; Nzongola-Ntalaja 1997; Diouf 1995).

The study focuses on the prevailing trends and tendencies in the country's democratisation process to identify and analyse the interplay of factors impinging on ethnic relations, the nexus between State and citizenry and the chances of suitable democratic transition. It notes that the need for the State to assert its constitutional authority and citizen's resistance to this may create a dynamic of violence, which in many instances leads to human rights violation.

Ethnicity and its dynamics must be understood in the light of the democratisation process. The ruling elite often manipulates this process in order to further its own political objectives. When ethnic contradictions are not adequately addressed, they tend to have adverse consequences on inter-ethnic relations in society (Oyugi 1997; Bayart 1993; Ochieng and Ojuka 1975). The entire social formation in Kenya is characterised by violent struggle, which is increasingly assuming explosive ethno-centric dimensions. The result has been extensive economic destruction and antagonistic inter-ethnic relations.

Since the re-introduction of political pluralism in Kenya, ethnic suspicions, hostility and witch-hunting have culminated in massacres, destruction of property, socio-economic uncertainty and insecurity (The Jurist 1996). The new democratic openings on the governance front have generated a vicious struggle for political power, capital accumulation and unforeseen cutthroat rivalry for domination and control of strategic resources across the nation (Human Rights Watch / Africa 1993).

This study is a contribution to the understanding of the challenge posed by democratisation and governance in Africa in general and Kenya in particular. The Kenyan polity now requires

peace and order for a successful transition from the current regime to the next one.

The situation in Kenya shows that there is much more to ethnic conflict than the re-introduction of political pluralism and democratic governance. This calls for the adoption of a new theoretical paradigm to re-conceptualise the Kenyan political scenario. This study systematically analyses the diverse experiences and impact of political pluralism on Kenyans and how it stimulates political actions, including the propensity to use violence as a political tool.

The Genesis and Causes of Violence

The first acts of violence erupted in October 1991 at a settlement farm on the border of the Rift Valley, Nyanza and Western Provinces. Within a few days, the fighting escalated and took on an ethnic dimension. Skirmishes later spread to several districts in the region, an area with about 51% of Kenya's population (The Kiliku Report 1992).

The motives for the violence were manifold: to prove the government's often stated assertion that political pluralism was synonymous with ethnic chaos, to punish ethnic groups allegedly supporting the political opposition, to terrorise and intimidate non-indigenous people to vacate the Rift Valley Province, Kenya's most fertile region, and to allow the Kalenjin (loyal ethnic group) to possess and occupy the land through intimidation and violence (Africa Watch 1993). In addition, such violence was the outcome of renewed calls by Rift Valley KANU politicians for the introduction of a federal system of government based on ethnicity.

These leaders also called for the expulsion of all non-indigenous ethnic groups from the Rift Valley. Under this ethnic cleansing policy, the Province was supposed to be the preserve of the Kalenjin, Masai, Turkana and Samburu (KAMATUSA).

It is worth noting that authoritarian rule is often the embodiment of injustice and inequality, especially when tackling the twin issues of governance and interethnic relation (Bangura 1991; Nnoli 1989; Diouf 1995).

Since the 1992 General Elections, ethnic violence has continued in several parts of the Rift Valley. In some areas, acts of intimidation and violence are targeted at supporters of opposition parties who return to their land.

Ethnicity and Politics: An Overview

African leaders have a propensity to use State power and institutions to promote their own interests or those of their ethnic groups (Anyang-Nyongo 1993; Nzongola-Ntalaja 1997). This is achieved through intimidation, violence and other forms of terror against both real and imagined enemies. The violence in Kenya must be seen in that light. Building a new democratic society does not seem to be the major concern of African leaders, whose primary inspiration is to capture and retain State power at all costs (Hyden and Bratton 1997; Ochieng and Ojuka 1975).

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

During the clamour for political pluralism, spearheaded by the church and civil society, the Government warned that multipartism would breed inter-ethnic conflicts, since the people were not yet cohesive enough. However, due to pressure from foreign donors and the international community, who had cut off economic assistance to

Kenya, the government relented and repealed Section 2A of the Kenya Constitution. This action legalised the formation of other political parties to compete with the then sole party, the Kenya African National Union (KANU).

Kenya is made up of over 40 different ethnic groups. The principal groups are the Kikuyu, the Luo, the Luhya and the Kalenjin. During the struggle for independence in the 1960s, two major national parties sprang up. These were the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU). The large and more advanced Kikuyu and Luo ethnic communities dominated KANU, while KADU was a party of the small and marginalised ethnic groups, such as the Kalenjin, the Luhya and the Mijikenda.

KADU pursued a political philosophy dubbed 'majimboism' (regionalism), which advocated substantial decision-making powers for semi-autonomous regions based on ethnicity, and a limited but well-defined federal role for the central government. On the other hand, KANU favoured a strong unitary government. During the independence negotiations at the Lancaster House Conference in 1962 in London, KANU accepted the KADU-fronted 'majimbo' Constitution in order not to delay the country's independence. Kenya thus achieved independence in December 1963. The country was divided into eight autonomous regions, each with its own Legislative Assembly. However, soon after independence, the new African government dismantled the federal structures, thereby turning Kenya into a one-party dictatorship.

In historical development in Kenya, 'majimboism', regionalism and federalism have all been used interchangeably in defining a political structure based on ethnicity (Kibwana 1994). By all accounts, KANU's rule under Kenya's first President, Jomo Kenyatta (a Kikuyu), was dominated by Kikuyu nationalism along with the political and economic control of all spheres of life (Leys 1975). For

example, with government · support, the Kikuyu managed to appropriate, either individually or through land-buying companies, nearly all the former white settler-owned plantations in the Rift Valley. A small number of the Luo, Luhya and Kisii also purchased some lands: When President Moi (a Kalenjin) took over the mantle of State leadership, following the demise of Kenyatta in 1978, he adopted policies that tended to promote disproportionately the privileges of the Kalenjin elite (Kibwana 1994; Oyugi 1997). As Bayart (1990) put it, 'politics of the belly' or the culture of eating became more pronounced.

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

Oyugi (1997) correctly argues that tribalism is often used as an ideological tool in economic competition and political conflicts. This assertion seems to confirm what happened during the 1992 elections, when the Kalenjin and their kinsmen opted to defend the *status quo* of privileges, against the possibility of deprivation by potential challengers. This marked the genesis of ethnic violence in Kenya. On the other hand, Magubane (1969) and Nzongola-Ntalaja (1997) point out that the condition for ethnic conflicts in Africa was created historically through colonial and post-colonial government policies. The key cause of disagreement in most of African ethnic conflicts is control of the State apparatus and the national resources to which

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

Similar views are held by Ibrahim and Pereira (1993), and Mafeje (1971), who argue that under colonial rule, linguistic groups were categorised as tribes and the differences between them were emphasised. Stronger and more rigid ethnic relations thus became manifest. However, with the multi-ethnic States of Africa, ethnic-based political mobilisation constitutes a major threat to the national political stability. It is worth noting that, a responsible government is duty bound to respond to inter-ethnic conflicts, because how it does so is likely to determine the longevity or intensity of the conflict itself. Managing a conflict at its formative stage is more cost-effective than allowing it to escalate. The latter can have many debilitating effects: blockage of governing processes; a widening gap in the State-society relationship, the outbreak of violence, and finally State collapse (Hyden and Bratton 1997; Tardoff 1993; Bayart 1993). Somalia, Congo, DRC and Sierra Leone are classic examples of collapsed States.

The State and Violence

In many African countries, the ruling authorities' public acknowledgement of the need for good governance, transparency and accountability has not been accompanied by an equal commitment to encourage or promote the freedom on which democracy hinges (Hyden and Bratton 1997; Shivji 1990). The prospect for peace and stability is thus strewn with obstacles. Since the 1990s, it has been assumed that democratisation would not only build an order that provided political freedom and economic opportunity but would also accelerate economic growth (Ibrahim1993; Diouf 1995; Nzongola-Ntalaja and Lee 1997). However, most of these expectations have not been realised. This shows that liberal democracy *per se* may not be the panacea for Africa's problems.

The State stands accused of complicity in one way or another in ethnic violence in Kenya. This is due to its acts of omission or commission. From the very beginning, the State's response to violence was lukewarm. The Government and the local administration attempted to play down the conflict by blaming the Opposition and the mass media for sensational reporting (*Kiliku Report* 1992). The Government wanted to gain political mileage out of the clashes by using violence as a political tool.

In general, the local administration and security personnel were largely Kalenjin, who could be expected to side with their tribesmen. This seems to support Kumar's contention that the State security organs frequently exacerbate rather than resolve conflict in multi-ethnic societies (Kumar 1990,4). The violence, therefore, can be seen as strong-arm tactics used by the State to intimidate recalcitrant opposition supporters. In addition, ethnic polarisation and violence were used to destabilise areas from which the opposition parties were expected to garner massive support during the 1992 General Elections in the country. They were also used to punish ethnic groups that supported the Opposition. The fact that lawlessness in the country continued for a long time was a clear indication of the State's unwillingness to contain the situation as a political expediency.

Although the Government portrayed the violence as purely ethnic or tribal, its basis was clearly political. The Government and the ruling party stood to benefit economically and politically from the mayhem (*Kiliku Report* 1992). The violence appears to have been used as strategy to retain power. This was aimed at circumventing the rule of law and undermining the process of political pluralism (*Human Rights Watch* 1993). Bayart points out that in contemporary African States, ethnicity exists mainly as a mechanism for accumulating wealth and political power (Bayart 1993:55).

The Kenyan Government's action (or inaction) therefore promoted ethnic consciousness and in some instances the explosion

of ethnic contradiction into aggression. According to the members of the opposition parties in Kenya, led by the Forum for the Restoration of Democracy (FORD), the State hatched up violence to prove its contention that multi-partism would not work in Kenya and would rather breed ethnic violence. It was argued that had the Government lost the 1992 election, the violence would have been elevated to full-scale civil war to prove the point further, and possibly to ensure continued power for the ruling clique (*Kiliku Report* 1992; *The Jurist*). This argument seems to support Hannah Arendt's assertion that 'violence appears where power is in jeopardy but while power without violence is conceivable, violence without power is impossible' (cited in Frey 1991, 253).

In Africa, access to State power is regarded as an excellent opportunity for various groups because the State controls almost all aspects of economic and political life. That explains why each ethnic group tries to mobilise itself to ensure or safeguard that access. This in turn inevitably heightens ethnicity and ethnic consciousness. Nnoli (1989) notes that once a group takes over State power, it organises itself and society in such a way as to perpetuate its control of power and use it to pursue the group's interests. To a large extent, ethnic sentiments and identity were manipulated for political ends in the ethnic violence in Kenya.

The selfish ambition of the ruling elite and the petty bourgeois is often presented as ethnic interests and as a general struggle for the survival and well-being of the community. The struggle for political power was interpreted in ethnic terms (Nnoli 1989:4). As Nnoli correctly points out: 'as ethnic consciousness thus increases in scope and intensity, the socio-economic and political atmosphere becomes charged with tension' (*ibid.*66).

For example, six months after the onset of the first phase of violence, the President of Kenya allegedly described the clashes as 'mere acts of pure political thuggery' and warned that 'the Government

would not condone the use of force as a political weapon' (*Daily Nation* March 21, 1991:1). Despite this warning, the violence continued unabated. This seems to support Harry Ekstein's contention that 'the State is neither an arbiter nor neutral: - it is itself a focal point of competition, an actor in the conflict' (cited in Kumar 1989:3)

The Kenyan State therefore appeared unwilling to quell the ethnic conflagration. It seemed to have allowed acts of lawlessness to flourish for the sake of political expediency. When a State is unable to provide for its citizens' security and safety, it loses its credibility and legitimacy (*The Jurist* 1996). The State is the determinant in the production and distribution of material and social resources. Consequently, there is strong competition for political power, since access to the State apparatus is the key to the acquisition of material and political resources (Markakis 1994:220). Those who control the State would not hesitate to use State power to defend their privileged position. Kenya is no exception to this rule.

According to Jonathan Glover, the actors using violence for political purposes are those in power or their agents (cited in Frey 1991:257). State-instigated violence is aimed at preventing changes in the status quo. The strategy of instigators of State-sponsored violence is to inspire the target population with terror by means of random acts of violence. Moreover, a government that lacks a popular mandate tends to resort to violence in an attempt to bolster support.

Effects of the Violence

The political violence that rocked Kenya in 1991 and thereafter has had far-reaching consequences. It has greatly altered Kenya's political and economic landscape. The violence has created deep fear among the non-KAMATUSA communities in the Rift Valley, because it contributed to a situation of lawlessness that put the lives of many people in jeopardy. By 1999, the violence had claimed the lives of at least 2,500 people, brutally murdered in cold blood.

It led to the displacement of many people from their farms. It is estimated that 400,000 people were displaced during the violence. Although some people have returned to their farms, about 200,000 are yet to be re-settled. However, some farms have been illegally occupied by Kalenjin, some of whom allegedly bought land at low prices from destitute non-Kalenjin who could not re-occupy their farms. The Kalenjin are capitalising on the current state of insecurity for their own political and economic advantages.

The violence has therefore engendered a growing atmosphere of hatred and suspicion among communities that hitherto lived peacefully together and even intermarried.

Consequently, the peoples' self-reliance approach to life has been shattered and they have been reduced to destitution and helplessness.

The clashes caused deaths and injuries, internal displacement, destitution and extensive destruction of resources in the affected areas. Serious damage was inflicted on agriculture and on economic and social infrastructure, including education and health care services.

The destruction of farms and displacement of populations from a rich agricultural area resulted in serious food shortages in 1993. The Kenyan Government therefore had to appeal to the international community for food aid (*Daily Nation* May 14, 1993:6). Even today, agricultural production is yet to recover.

The displaced persons have been compelled to live under harsh and squalid conditions in unhygienic camps, churches and trading centres without proper sanitation and shelter. The health of the victims is pathetic, especially that of children suffering from malnutrition. Women and children constitute the bulk of victims that bore the brunt of the mayhem. They have little or no resources at all against these acts of violence (Ayot 1995:4). Local children have been psychologically traumatised after witnessing the killing of relatives, the burning of houses and the wanton destruction of property.

Education for most of the displaced children has been disrupted or terminated.

The destruction and destabilisation worked, to a large extent, to the political and economic advantage of the KANU Government. For example, the violence disrupted the 1992 voter registration in communities that whole-heartedly supported the Opposition (*Kiliku Report* 1992). Thousands of Kenyans were thus unable to register as voters or cast their ballots as a result of the displacement and destruction caused by the violence.

By and large, the victims of the violence have been conditioned to live in a state of insecurity. They are apprehensive of possible further attacks. Ethnicity was generally manipulated in the violence for political and economic gains. People who had ostensibly lived peacefully and with a degree of interdependence became arch-enemies. The Rift Valley used to be the epitome and melting-pot of multi-ethnic co-existence but this has now been 'fatally' shattered by the ethnic violence.

From the foregoing account, it can rightly be asserted that building a new democratic society does not seem to be the major concern of politicians, whose primary concern is to capture and retain political power.

Recommendations

The underlying causes of violence in Kenya should be identified and addressed in an honest manner, instead of merely focusing on the symptoms. In this regard, the State should come up with a land policy or establish a land commission to look into the issue of land tenure. Kenyans have a strong attachment to land. Conflicts over land can often occur, especially with the increase in population. In Kenya, there are millions of landless people and squatters. Yet a few

tycoons own thousands of acres of land, most of which is not put to use. This practice often creates resentment.

There is an urgent need for civic education, to encourage the people to respect the civil liberties of individuals and the need for co-existence. The Government, churches and other non-governmental organisations should spearhead this education, so that people can understand the nature of political pluralism and other attendant changes in the country.

The culture of intolerance should be eradicated so that the people can comprehend the need for unity in diversity. Each ethnic group has the right to exist and should be treated equally with all others. Security of life and property should be guaranteed for all individuals.

There should also be equal opportunities for citizens, with respect to sharing the country's natural and political resources. This can be achieved by adopting a democratic style of government that accommodates everybody, and by expanding the country's economic base to meet the aspirations of the various social groups. This would in turn create harmony through the recognition of the legitimacy of diversity and cultivation of the spirit of tolerance. Only social justice and equality can bring about a just peace.

Reconciliatory efforts should be emphasised to stem the wholesale condemnation of specific ethnic groups.

There is an urgent need to build institutional capacity for conflict resolution through indigenous approaches. This will ensure that conflicts are settled at the nascent stages before they engulf the whole community.

The State should make provision for compensation or some form of restitution in aid of victims of violence.

Conclusion

The violence that has characterised the Kenya's political and social scene appears to have been the result of a deliberate manipulation and instigation by the State. The immediate causes of the violence were political rather than ethnic. The other causes advanced, such as land disputes or cattle rustling, appear to be far-fetched, for they merely served as a camouflage to sustain the conflict.

The study contends that the upsurge of violence has been a big challenge to the process of democratisation and governance in Kenya. Ethnic consciousness seems to have become more pronounced since the advent of political pluralism. Kenyan politics hinges primarily on ethnicity and not on ideology. This tends to support Bayart's argument about the so-called 'politics of the belly'. In Kenya, people tend to vote along ethnic lines, hoping that if one of their members won the elections then it would be their 'turn to eat'.

This study therefore demonstrates the nexus between politics, violence and ethnicity. It notes that people who co-existed peacefully for may years have now become arch-rivals, ready to use lethal weapons against each other, with dire results.

Violence has had far-reaching implications for the Kenyan body politic. There is strong evidence that the State was partisan in its intervention in ethnic violence. The State cannot escape censure and blame for the mayhem. This is because it is the duty of the State to ensure the safety of its citizens.

The study concludes that the forces of political violence have impeded the democratisation process in Kenya. The institutionalisation of violence has adversely hindered the achievement of democratic co-existence that is consistent with the new global political order. Violence is often used by an authoritarian State to justify policies, which call into question the establishment of civil and political norms, promotion of healthy citizenship and nation building. Citizens

should not only foster democratic changes; they should also experience such changes. All Kenyans must start embracing the 'democratic culture'. They hold the ace to becoming the liberating force that will swing the pendulum from authoritarianism to genuine democracy.

Violence and conflicts have become endemic in Kenya because the Government has remained obstinately unreasonable, unrealistic and unresponsive to the currents of historical change, and to the need for genuine political reforms. It is necessary to develop workable (home-grown) democratic institutions in African States. This entails discerning and popularising relevant aspects of the traditional political culture, mobilising the masses and promoting their effective involvement in national affairs. It is also necessary to identify and prescribe proper remedies for the political problems plaguing Africa in general and Kenya in particular.

There is an urgent need to redefine for Kenya, a prescriptive strategy based on historical reality, material conditions, demographic trends and the status of ethnic relationships. This should encompass the promotion of enlightened political democratic cultures, through recognition of ethnic and political differences and the discovery of equitable ways to accommodate them. Political tolerance is vital to the consolidation of democratic governance in transitional societies.

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