Ethnicity, Violence and Democracy

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Introduction

Three issues currently dominate debates about conflicts in Kenya: ethnicity, violence and democracy. Each of these issues represents a vast area of research characterised by intense internal debates. The area where these three concentric circles of interest overlap is a mesh of complex relationships, contradictions and confusion. This study will attempt to highlight some of these relationships and contradictions by examining the unfolding levels of conflict, ethnicity and democracy in Kenya's volatile and violence-prone region of the Rift Valley over the last decade. A certain degree of generality, assumptions and bias is inevitable in a study of this nature. History has shown that insecurity in the region has been largely State-sponsored and can therefore be induced or curbed by the State (Byamukama 1995). Governments of countries in the region, such as Uganda, Sudan, Ethiopia, Somalia, Tanzania and Kenya know that there is mutual co-existence even across borders and that what affects one State may spill over into others. The collapse of the Somali State had consequences in Kenya, into which many refugees crossed the border and where weapons were acquired easily. Banditry has become more prevalent in north-eastern Kenya because of the problems of Southern Sudan and the collapsed Somali State. Leaders of a country must be aware that insecurity in a neighbouring country can affect theirs. When people feel completely alienated, they may

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resort to armed insurgency, if their States refuse or fail to settle conflicts and guarantee security for their people (Byamukama 1995). Collective security is therefore a more complex subject than it may seem. Political observers have recognised that whatever they do, governments organise violence and monopolise it where possible.

Textbook examples of this trend can be found in Rwanda, Burundi, Congo Brazzaville, Liberia, Sierra Leone, Democratic Republic of Congo (DRC), Somalia, Niger, Chad, Nigeria and Burkina Faso. Violence has recently been rife in Kenya. In most of Africa, the transition to democracy has been abrupt. Rulers are not adequately prepared to handle any wider popular political participation. Social violence therefore becomes politicised (Barry 1991). Political repression and massive coercion have turned pluralist politics in Africa into warfare (Ake 1990). The last decade of the 20th century in Kenya will be remembered for the armed conflicts, massacres, displacements, uprisings, riots and demonstrations, whose repercussions will continue to be felt in the next century.

In January 1998, the world was shocked by the massacre of Kenyan men, women and children over a few days in the valley of death, officially known as the Rift Valley. Its conscience was shaken by systematic reports of rape and *'ethnic cleansing'*. While such horrors are not new in the annals of human cruelty, they are systematically hidden and trivialised by the autocratic State authorities. Most weak States in Africa are highly personalised. For instance, in his arguments about States, Reno (1998) cited countries such as Chad, Guinea-Conakry, Guinea-Bissau and Congo-Brazzaville, and said that unless the leader controlled insurgencies by using his own henchmen, it would be difficult for him to control disorganised and decentralised internal guerrillas.

The atrocities experienced in these countries would not have been so horrendous if the States concerned had respected international laws applicable in conflict situations. The law says that

persons who do not or can no longer take part in hostilities are entitled to respect for their lives and for their physical and mental integrity. Such persons must in all circumstances be protected and treated with humanity, without any unfavourable discrimination whatsoever. It is forbidden to kill or wound an adversary who surrenders or who can no longer take part in the fighting. In most of Africa, these provisions do not appear to be respected. In African wars, the wounded and the sick are not provided with treatment by those who have the power to do so.

Captured combatants and civilians who find themselves under the authority of the opposing side are entitled to respect for their lives, their dignity, their personal rights and their political, religious and other convictions. They must be protected against all acts of violence or reprisal. They are entitled to exchange news with their families and to receive aid.

Everyone must enjoy basic judicial guarantees and no one should be held responsible for an act he or she has not committed. No one may be subjected to physical or mental torture or to cruel or degrading corporal punishment or other treatment.

Neither the parties to the conflict nor members of their armed forces have an unlimited right to choose methods and means of warfare. It is forbidden to use weapons or methods of warfare that are likely to cause unnecessary or excessive suffering. It is therefore forbidden to poison wells or reservoirs, to burn houses or to use poisoned arrows.

The parties to a conflict must at all times distinguish between the civilian population and combatants, in order to spare civilian life and property. Most States in Africa have ratified the 1949 Geneva Conventions and are, therefore, bound by the Common Article III in the four Geneva Conventions, as strengthened by the two Additional

Protocols of 1997. The study proposes to establish the reasons why States party to these Conventions do not adhere to such rules.

This is why it is worth undertaking a thorough study on the causes and the extent of this internal violence. Whenever possible, my analysis of conflict will be sustained by an awareness of the diverse settings in which conflicts are waged by many parties. What many African leaders forget is that the evolution of political authority is a universal process from which many post-colonial African rulers stray at considerable cost. The legal provisions are usually sufficient to deter acts of lawlessness in a country like Kenya, but what is lacking is perhaps the political will to do so. More people have died at the hands of State authorities in Africa over the last thirty years than have been killed by natural disasters and road accidents. From South Africa to Algeria, from Eritrea to Liberia, and also in Kenya, the brutal fact is that citizens cannot and do not always rely on governments for protection.

In recent times, the opening of the political spectrum in Africa has led to far-reaching social, political, cultural and economic changes. Political transformations and economic liberalisation have increased competitive politics and economic globalisation (Anyang' Nyong'o 1990). This has created the need to exploit ethnicity for the sake of political survival. Those who hold political power tend to perceive opposing views as treacherous and treasonable (Ake 1990). To maintain their rule, the rulers terrorise, harass and intimidate the powerless. Leaders in a few countries in this region have eliminated real or suspect political enemies in order to reduce political rivalry. Typical examples are Samuel Doe of Liberia, Sadat of Egypt, Thomas Sankara of Burkina Faso and Nguema of Equatorial Guinea, among others. Those overthrown by popular revolts include Mobutu of Zaire, Dawda Jawara of The Gambia, Bokassa of C.A.R, Barre of Somalia, Mengistu of Ethiopia, etc.

The aim of this study is to analyse the conflicts that plagued Kenya's Rift Valley province in early 1998. I shall argue that these conflicts were not based on clear-cut issues such as foreign oppressors against suffering locals. It is at least as urgent to demilitarise the politics of civilian regimes as it is to deal with the policies of military dictatorships. In recent ethnic or political violence in Kenya, children were orphaned, Kenyans were widowed, women were raped, people were displaced, turned into internal refugees and reduced to beggary and abject poverty. Security agents demonised citizens instead of protecting them. Skirmishes were deliberately designed for systematic destruction of social cohesion (Hutchful 1992). A systematic demonisation underlay the conflicts. These are what Hutchful (1992) calls 'intimate hatreds' where neighbours fight neighbours. Many months after the episodes of violence, people still lived in fear of their neighbours, of nightfall, of shadows and of thickets within the same neighbourhood.

Such abuse of power in conflicts of a non-international nature has not been addressed by the rules of international humanitarian law. Perhaps this explains its escalation. A non-international armed conflict refers to a fight within the territory of a State between regular armed forces and identifiable armed groups, or between armed groups fighting one another. The conflicts in the Rift Valley may be categorised as internal disturbances involving a serious disruption of internal order through acts of violence, which nevertheless do not represent an actual armed conflict.

Background to the Violence

The 1991/92 and 1997/98 ethnic violence in Kenya predominantly affected the Rift Valley Province, Kenya's most fertile, productive and diverse region. In the 1991/93 ethnic clashes, some parts of Western Kenya were slightly affected, but even these were areas neighbouring the Rift Valley. During the 1997/98 violence, some parts of Nyanza, namely

Gucha, Migori and Kisii, which border on the Rift Valley, were affected. As a very unusual phenomenon, clashes erupted in the Coast Province, far away from the violence–prone Valley. These clashes particularly affected the Likoni area of Kwale District. Except for these few isolated but intensive skirmishes outside the Valley, most of the ethnic violence was concentrated in the Rift Valley. This Province is one of the eight administrative regions of Kenya. The others are Coast, Eastern, North-eastern, Nyanza, Central and Nairobi Provinces.

The Rift Valley covers 40% of Kenya's land surface and was the area originally settled by the white settlers in the colonial period. During the pre-colonial era, pastoral communities, such as the Masai, Kalenjin, Samburu, Turkana, Pokot and Turgen, were the area's principal inhabitants. Between 1900 and 1915, the natives who lived in most parts of the fertile White Highlands were restricted to Reserve Lands on the periphery of the region. The fertile lands of Laikipia, Uasin Gishu, Trans Nzoia, Nakuru were reserved for whites. This dislocated the pastoral communities who had settled in this area.

The white settlers introduced large-scale farming and livestock rearing, which needed human labour. The white settlers found the pastoral communities unsuitable for cheap labour in these areas so they recruited cheap African labour from the neighbouring regions of Central, Western and Nyanza Provinces. Thousands of Kikuyu, Kisii, Luhya and Luo squatters were brought into the Rift Valley Province as farm labourers in the early 1900s (*Africa Watch* 1993). The issue of land alienation led to the 1952 Mau Mau rebellion, spearheaded by the Kikuyus in the Central Province and by others in the Diaspora. The land issue remained unsolved after independence in 1963. Those settlers who preferred to migrate back to their countries of origin sold their land to the people on a 'willing-buyer-willing-seller' basis. Because the Kikuyus are traditionally a farming community, they

have a great attachment to land. The government encouraged the Kikuyus to buy farms, because the late President Kenyatta was from that tribe.

Internal Strife

Internal strife frequently presents an aggregate of violent acts and human rights abuses that are interrelated rather than isolated phenomena. A systematic relationship often exists between various types of abuses, so that a given practice will create an environment in which other abuses are almost certain to occur.

The instruments of humanitarian law and human rights law are not applicable to cases of internal strife, which fall below the thresholds of applicability of Article III common to the four Geneva Conventions of 12 August 1949 on the protection of war victims and Article 1 of the Protocol II Additional to the 1949 Geneva Conventions on the Protection of Victims of Non-international Armed Conflicts.

Human rights instruments are either inapplicable, because the States concerned have chosen not to become parties to them, or ineffective because of the frequency of *de facto* and *de jure* derogations from normally applicable rights. This ineffectiveness is heightened by the grave inadequacy of inalienable rights relevant to situations of violent internal strife. The combined effect of derogations from human rights instruments, the inadequacy of those provisions of human rights instruments that are incapable of derogation and the inapplicability of humanitarian law results in a denial of elementary protection to persons caught up in internal strife.

Despite the sensationalising of violence in the media, most violent events only receive on-the-spot coverage. There is hardly any attempt to look for explanations and causes or for links and patterns (Salmi 1993). The act of violence is seldom considered in its

historical, social or economic context. The standard analysis prefers to short-circuit any attempt to undertake meaningful investigations by trivialising the meaning and impact of the event.

One common factor generally encountered in explanations of the Rift Valley massacres is the excessive individualisation of violence This consists in attributing violence solely to individual factors. Time and again, it is always the individual who is at fault, never the State. Conventional presentations of violence and human rights violations often display a high degree of ideological one-sidedness. This bias finds expression in excessive leniency towards political allies, but extreme severity towards people, organisations and countries perceived as political adversaries. It is revealed in the media through the choice of words and expressions used.

It would be wrong to claim that Henry Jean Dunant in *Memory of Solferino* or the adoption of the first Geneva Convention in 1864 marked the starting point of international humanitarian law as we know it today. Just as there is no society of any sort that does not have its own set of rules, there has never been a war without some rules, whether vague or precise, that govern the outbreak and the end of hostilities, as well as how they are conducted.

'Taken as a whole, the war practices of primitive peoples illustrate various types of international rules of war known at the present time, rules distinguishing types of enemies, rules determining the circumstances, formalities and authority for beginning and ending war; rules describing limitations of persons, time, place and methods of its conduct, and even rules outlawing war altogether'. The first laws of war were proclaimed by major civilisations several millennia before our era.

'I establish these laws to prevent the strong from oppressing the weak' (Hammurabi, King of Babylon). Many ancient texts such as the Mahabharata, the Bible and the Koran contain rules advocating respect for the adversary.

The 1864 Convention, in the form of a multilateral treaty, therefore codified and strengthened ancient, fragmentary and scattered laws and war customs protecting the wounded and those caring for them.

Violence: The Common Patterns

There are common patterns to most of the violence that occurred in Kenya during the last decade. First, ethnic violence flares up in areas where previously there was no serious friction between diverse communities. This is usually preceded by persistent cattle-rustling and widespread theft by the actors of violence. Ethnic hatred and suspicion is thus created. Accusations and counter-accusations are made between the diverse ethnic communities. At an unexpected moment, outright attacks are carried out swiftly and simultaneously with precision. Victims of such violence then go on revenge missions. According to this author's personal account, the attackers move in columns — local vigilantes or guides are always in front, mostly from the youth, followed by a frontline of raiders equipped with bows and arrows, while the last platoon comprises attackers with rifles. As the raiders take stock of their previous engagements and wait for nightfall to resume attacks, ordinary communities of different tribes target each other fiercely. A spiral effect is set in motion. Some tribes, burning with vengeance, go on arson sprees, hacking their perceived enemies indiscriminately. Women in the Laikipia plains, who accompanied the raiders, rode on stolen donkeys, which they used to carry away their booty. In areas such as Njoro, tribes waited for each other on the roads, flushed people out of public transport vehicles and then hacked them mercilessly to

death. Others in the Ravine area were thrown into crocodile-infested rivers and reservoirs. In the circumstances, revenge leads to a free-for-all encounter. Many people are displaced and forced to leave for safer destinations, mostly churches. In this initial stage, columns of women and children are the first groups to be evacuated, followed by the transportation of household effects, including livestock. Men stay on, in the hope that the violence will come to an end. When this does not happen, they too leave the area. Reports of attacks are remarkably similar. Mr. Khalif, a founder-member of Safina Political Party, said before the Akiwumi Judicial Commission on Political Clashes in Kenya:

> The attacks are well coordinated and the raiders' ability to acquire weapons raised suspicions. He argued that the security forces' failure to counter the raiders' onslaught was a clear pointer to the government's involvement (*Daily Nation* 29 Sept. 1998).

The independently owned print media, usually the *Nation* newspapers in the first instance, reported the orgy of violence. The Government, through the electronic media, usually the KBC, characteristically denied that violence had occurred and accused the church and the media of blowing the episodes out of proportion. The press continued to report tangible evidence such as photographs, narratives and personal interviews. When reporting persisted, the areas concerned were declared security operation zones in order to prevent the press and international observers from visiting the sites and collecting tangible evidence. This happened in all areas affected by violence. Police reinforcements often came in too late, after the raiders had almost nothing left to attack — with villages already looted and their residents displaced. Once there was nobody left, attackers engaged in an orgy of looting, clearing the possessions out of deserted homes. Even the sight of policemen did not scare raiders away and this confirmed the fear that they were State-sponsored. This happened in

Ndemu Ndune in Laikipia, Stoo Mbili in Njoro area and Kwale in Coast Province.

One respondent, Mrs. Monicah Wambugu, whose nine head of cattle, two donkeys and three goats were stolen, was quoted as saying:

> We informed the police immediately the raiders stole our animals, because the police were patrolling the area in a Mahindra police car, but instead of following the route the raiders had taken, the police went in the opposite direction, despite our protestations. Eventually, they returned to their station 12 kms away. They came after two days to ask for money to buy fuel for the government land rover, for food and for beer. We gave them but they did not go far to pursue the raiders. They came for more money the following day but we did not have any. They left for the station, never to return again (Interviews).

In most episodes of ethnic violence, the mayhem usually lasted only a few days, but the cost in both human and physical terms remained horrendous. Within a week of the Likoni violence in August 1997, 61 deaths were reported and thousands of people were displaced. On 17 January 1998, more than 45 deaths occurred in one day in the Laikipia plains. On 28 January 1998, at least 61 deaths were reported over one weekend in the Njoro area, and thousands of people — men, women and children — were displaced.

After the raid, murders and destruction, a lull or a non-violent period followed. People mourned, prayed, buried the dead and counted the losses. Rhetoric then began. Politicians from both the ruling party and the opposition parties engaged in name-calling, condemned each other and raised the war cry. A surprised international community expressed some concern and appealed to the government to stop the massacres and resettle the displaced. A reluctant government sent a face-saving police force to restore peace with strict instructions not to shoot anybody, including the actors of violence. When the police arrived, some actors of violence were

arrested. Victims of violence who organised revenge or retaliatory attacks were mostly sought. They were arrested and their vehicles were impounded. Members of the KAMATUSA tribes were treated well by the criminal justice system. They were given bonds and their cases were dismissed faster. The other cases draged on for months or years, but were eventually withdrawn for lack of evidence and effective human rights representations. A case of oathing in the Ndurumo village of Laikipia by 47 people took three years to complete and the accused persons were found innocent. The arrests, investigations, prosecution and trial appeared to be stage-managed by the State as public relations exercises for international consumption.

As the international community initiated aid resettlement programmes, the Head of State made a hurried high-profile visit to the area and declared there was no violence. After the Laikipia episodes, he stayed a record 45 minutes, trying to reconcile the communities. The President and those in charge of internal security visited both the Laikipia and Njoro genocide areas a month after the killings, despite the fact that Njoro was 20 kms away from the President's regular home and State House. During those visits, the President usually demonised the victims of violence and castigated the opposition parties. Almost one year after the disturbances, he ordered community-based 'Peace Talks' and chose the peacemakers, who were bent on following the ruling party's philosophy of 'Divide and Rule'. It took the President eight long years to order a judicial commission to inquire into the tribal clashes of 1991/92 and 1997/98.

In retrospect, it can be seen that spontaneous violent reactions occur after a prolonged period of frustration, when an incident sparks off mob hysteria or communal madness. This leads to mass destruction, murder, rapes, maiming and looting. It is my assertion that the Rift Valley violence is a complex web, woven by powerful politicians, who deliberately intend to put an end to peace and to victimise innocent citizenry for their own selfish, short-term political

gains. Given its fragile ethnic and political mix, the Valley is the ideal place for dirty politics. When this issue is raised in Parliament, it is most likely to promote fights. After the 1991/92 clashes, Parliament appointed a Parliamentary Select Committee of Inquiry to investigate the causes and to identify the perpetrators of violence. The report submitted by Hon. Kennedy Kiliku, a former Member of Parliament, was rejected by the same Parliament that recommended it. The report had blamed the government and high-ranking State functionaries for starting and perpetrating violence all over the country. In Parliament, this provoked hostility, walk–outs and condemnations. The Parliamentary Report confirmed earlier reports by the mainstream churches and non-governmental organisations, that the clashes were politically motivated by the government. Many people agreed that the clashes had nothing to do with land but only with politics. In the Likoni and Kwale violence: '*Those who suffered were poor kiosk owners who had no influence to grab land*', said Prof. Alamin Mazrui, Director of Kenya Human Rights Commission (*Daily Nation* 29 Sept. 1998).

The thesis of this study is that whenever violence erupts, a skein of excuses and outright lies cloud the real issues so that what emerges is a tale about co-existing communities who suddenly target each other. On the ground, local leaders peddle land differences as the source of conflicts.

Another thesis that will be proved in this study is that violence usually precedes general elections in Kenya. There are testimonies to the fact that the clashes are meant to influence voting patterns in presidential and parliamentary elections.

> In a large number of cases, elections have merely 'constitutionalised' existing authoritarian regimes, military as well as civil, with former dictators donning a thin mantle of democracy. In formerly single-party States such as Kenya, Côte d'Ivoire, Gabon and Cameroon, the official party has re-emerged as the official dominant party within the framework of political pluralism... (Hutchful 1997:6).

These regimes set the election rules, which they then administer. It is no wonder that they win these elections. This has happened in a number of countries, including Mali, Mauritania and Burkina Faso. Kenya's political scene is full of contradictions and surprises. Sometimes, after intense external pressure, the State concedes liberalisation, freedom of the Press and amnesties, but as soon as the Bretton Woods institutions release the necessary funds, the State regresses to its former autocratic self. It muzzles the Press, detains activists and puts pressure on civil organisations to toe a certain line of thought. This re-awakens more dissatisfaction, which sometimes leads to mass protests that turn violent. Whenever Kenya is in civil strife, the President makes a quick rearrangement of the regime, which temporally cools tempers. When the national mood returns to normal, the President carries on with his old, well-known autocratic rule. Kenya's regime may be likened to a chameleon that changes colour according to the environment, while always remaining a chameleon.

The Akiwumi Commission heard testimony to the effect that the government feared that the emergence of the National Convention Executive Committee (NCES), as a major impetus in the reform process, would pose a threat.

'At this point in time, the government felt threatened by the forces of change and was compelled to act accordingly. It had to come up with a counter-offensive and the outcome was the clashes', Mr. Khalif told the Commission (*Daily Nation* 29/9/1998).

This point will be developed further to show that even though the authorities had foreknowledge, they did little to forestall the massacre. It will also be shown that the wars have never been between Kikuyus and Kalenjins, Kikuyus and Samburus, Masais and Kisiis, Luos and Kisiis, but between politicians. Ordinary people across the ethnic divide found themselves caught up in a trap they never understood. The Government of Kenya is bogged down by

the complexities of securing a peaceful Nation-State. In the first place, it deliberately advocates an unworkable unitary State while setting up effective mechanisms for a federal State. The 'divide–and–rule' tactic is quietly used to polarise ethnicity and to demonise any politics opposed to the ruling party, KANU. This negates the often repeated saying by the late President, 'United We Stand, Divided We Fall'. The KANU constitution contains a unitary system of governance but its leaders openly preach '*Majimboism*' (a form of federalism).

It would seem that, despite its declared commitment to security and development, the State does not have the political will or the skills to conceptualise and operationalise security, '*nor the vision to look beyond economic growth to full or multidimensional development as its priority*' (Schoeman 1998:18). The government's objective on paper to promote security and development is not reflected in its approach to security and development. Another tangible piece of evidence of the government's unwillingness to return peace to the areas that have lost it is the absence of programmes that would ensure peace and development. The idea of a time frame is associated with strategic approaches towards realising goals and objectives. The government has increasingly promised resettlement efforts in aid of the victims of clashes, but nothing ever appears to happen on the ground. Efforts made by the mainstream churches and non-governmental organisations to resettle and rehabilitate the victims of ethnic clashes have often met a hostile attitude on the part of the Government. A UNDP-Government initiative to resettle people was bogged down by tedious administrative bureaucracy, which made it impossible to continue the programme. Cornwell (1998) alluded to another complexity of Kenya as an African State when she said: '... *the African State is weak and tends to put short-term political survival before-long term and sustainable development needs....*'

There is a large gap between the State's stated goals and its actions on the ground.

The Causes of Conflicts

One of the causes of conflict in Kenya, as elsewhere in contemporary Africa, is bad governance and the marginalisation of the citizenry. Political power is used as a means of access to scarce resources. The citizens may resist this, but State power is applied to maintain the status quo. Certain States favour violence.

Most people think of violence in terms of wars, murders, riots and crime. According to Salmi (1993), violence is 'any act that threatens a person's avoidable actions and therefore constitutes violation of a human right'. There are several types of violence. Direct violence refers to deliberate acts resulting in direct attack on a person's physical or psychological integrity. This includes all forms of homicide, including genocide, communicide, ethnocide, war and murder, as well as all types of coercive or brutal actions involving people's physical or psychological integrity. This may include forceful removal of populations, maltreatment, etc. Another type of violence is the indirect type or violence by omission. This is non-assistance to people in danger. Passive behaviour or lack of action to assist clash victims in times of danger is very common in Kenya. Another common type of violence is repressive violence, which concerns fundamental rights such as the right to vote, the right to assembly and the right to fair trial.

During the last decade, Kenya underwent a series of profound political changes, culminating in multi-party politics in Kenya, which resulted in a serious political power struggle between different political leaders. During this period, power brokers exploited their ethnic backgrounds to drum up support to their own political advantage. Though ethnic violence did not start in 1991 in Kenya, during the introduction of multi-party politics, this period witnessed

widespread ethnic cleansing, which caused thousands of the population to be displaced from their homes. According to Human Rights Watch (1993:91), the motive for violence appears multifold; first, to prove the government's assertion that pluralism would not work in the country and would only lead to tribal animosity. Secondly, to punish ethnic groups that allegedly supported the political opposition, such as the Kikuyu, Luhya and Luo. Thirdly, to terrorise and intimidate non-Kalenjins to leave the Rift Valley Province so as to allow Kalenjins to take over the land through intimidation and violence. The bulk of this ethnic cleansing took place in the prosperous Valley that cuts Kenya into two. At the heart of the matter was the deeply ingrained pattern of social inequality and exclusion typical of the Kenyan society. This refers not only to the problem of widespread poverty but also to the syndrome of systematic exclusion from formal livelihood resources (land, work and wages), from public welfare schemes, from political participation and even from the nation as a collective social and cultural construct. This exclusion is based on various combinations of class and ethnic divisions. It is further complicated by the persistent links that can determine whether one is 'in' or 'out' in terms of effective citizenship. The emergence of a strong civil society and strong opposition political parties rapidly increased people's expectations of a better life. People became more hopeful as the State conceded ground to the various calls for democracy. In periods of rapidly increasing achievement, such aspirations can sometimes outstrip reality. People expected complete democracy, full employment and improvement of income levels. When these were not forthcoming in the newly emerging democracies, there was inevitable discontent, anger and conflict. At any rate, conflict is most likely to occur when there is a slowdown or a reversal after a period of increased achievement. Mass demonstrations took place in Kenya after the 1991 general elections, because the government did not fulfil its stated promises after coming to power.

Ethnicity appears to play a leading role in political conflicts in Kenya. According to Nnoli (1989), ethnicity is a 'social phenomenon associated with interactions among members of different ethnic groups'. Ethnic groups are social formations distinguished by the communal character of their boundaries. The relevant communal factor may be language or culture, or both. In Africa, language has clearly been the most pervasive and crucial variable. As social formations, however, ethnic groups are not necessarily homogenous entities, even linguistically or culturally speaking. Somalia is an example of this phenomenon. Ethnocentrism is also associated with the interaction of ethnic groups. It is therefore often confused with ethnicity. Ethnocentrism is attitudinal in form and perceptual in content. It represents the subjective dimension of ethnic behaviour. Ethnic hostility, even among individuals who have not met face to face, as well as ethnic loyalty and identity, are passed on to successive generations through the process of socialisation. Ethnicity is often manipulated by those who are in control of State power or are aspiring to control it in order to further their political objectives. The fact that the consequences of such manipulation could be detrimental to the population at large may be of very little interest to these politicians (Nnoli 1989). There is usually the mistaken assumption that ethnic diversity brings with it political instability and the likelihood of violence. Some of the world's most ethnically diverse States, such as Indonesia, Malaysia and Pakistan, though not without internal conflict and political repression, have suffered little inter-ethnic violence, while countries with very slight differences in language or culture, such as Somalia and Rwanda, have had the bloodiest of all such conflicts (Browen 1996). In the Kenyan context, the desire for national cohesion was clearly illustrated by the *Harambee* (let us pull together) slogan. Unfortunately, this has now been abused by successive governments. The Kenyan experience shows that unless ethnic contradictions are correctly and quickly resolved, they tend to have adverse consequences for positive

communication, mutual understanding and co-operation within society. Associated with these contradictions are calls for federalism. Where these problems exist, it is difficult for members of the society to work co-operatively in pursuing their interests. Ethnic conflicts have a high potential for causing a breakdown of society into splinter groups and formations. The colonialists propagated ethnicity in order to dampen the revolutionary potential of the African proletariat. They also used it to hamper African nationalism in general. The colonialists employed it as a mechanism to divide the colonised, and, therefore, rule over them. They encouraged communal sentiments among Africans. In Africa, the petty-bourgeois political line of ethnicity is characterised by philistinism, opportunism, narrow-mindedness, prejudice, chauvinism, particularism, discrimination and exclusion (1989). The selfish ambitions of a few are put forward as an ethnic interest. In this way, communities are set one against the other. They are told that their communities are being finished, marginalised, discriminated against and are advised to protect themselves from outsiders. People are made to believe that their problems are due to exploitation by the other tribe. When groups rather than individuals are in the throes of conflicts, several additional mechanisms come into play. Group support can make people more confident of the legitimacy of their aspirations, and this enhances the likelihood of conflict. When several tribes with similar interests begin to talk to one another, they may begin to develop and pursue new aspirations, which can lead to conflict with others whose interests are opposed to their aspirations. Such a result is particularly likely, if they begin to identify themselves as a group apart from other groups. For inter-group conflicts to develop, a sense of group bonding is needed. One of the most important sources of bonding is common group membership such as GEMA or KAMATUSA or political associations. The political exploiters want to bridge only those gaps in government institutions whereby they can advance their own narrow class interests, which they portray as the interest of their

ethnic group. When one parliamentarian's land was invaded by some people in Njoro, he mobilised the people by saying that the community, and not himself, was the target. When the President attained power, he was threatened by the strong ethnic associations that existed and he quickly outlawed them all. Conflict is more common in relations between groups or between individuals who see themselves as sharing a common group membership than it is in relations between individuals, who do not see themselves as sharing a common group membership (Rubin 1994).

Politics of poverty and exclusion jeopardise 'social citizenship'. In the long run, they work against democratic consensus and stability. Relative deprivation has two effects: first, it alerts parties to a conflict to the existence of incompatible interests. Secondly, the frustration and indignation associated with relative deprivation are a source of energy that increases the likelihood and vigour of any reaction. If those victimised feel offended, this energy takes the form of anger, which is particularly likely to produce contentious action (Rubin *et al.* 1994). This is now happening in Kenya. If relative deprivation continues, a sense of hopelessness may develop and give rise to overt conflict. People adjust their life expectations downwards and hope for a miracle. People increasingly turn to religion and escapism for comfort. This has happened in the present-day Nigeria, Sudan and Somalia. The areas that have been affected by most violence are those next to pastoralist regions. At the community level, there is general mistrust and suspicion between pastoralists and agricultural communities. There is a belief that the other is hostile or indifferent to one's own interests. There is also a general belief that pastoral communities are uncivilised, illiterate and uncouth and they live in the style of yesteryear. This is seen as reflected in their houses, clothes and their lack of education. These communities resent such labels and tend to be angry at the implications. This is a source of conflict, even in times of relative peace. Pastoralists in Kenya suffered greatly, particularly when drought was compounded by other

misfortunes, such as insecurity. In these communities, a person stripped of stock is stripped of most active social relationships and therefore of self-respect. It is no wonder then that almost everyor · strives to keep some stock, and that those fortunate few who ha\ e income from elsewhere invest in more livestock. Owing to prolonge l ethnic frustrations and social injustices, a whole range of outbursts or social violence may occur, leading to the erosion of the State's capacity to uphold the principles of justice, rule of law and inclusive citizenship. This dimension of the livelihood and security of a large number of Kenyans casts a shadow over the consolidation of democratic politics. What is worrying is that once these insurgencies erupt, they appear very difficult to control. Conflicts escalate, because each tribe thinks it is more powerful than the other. The Kikuyus of Laikipia had the mistaken belief that their numerical strength reflected their power and that they could overpower the Samburus immediately. The Kalenjin warriors in most of the Valley originally thought it would be very easy to displace the other communities from their homelands. It turned out to be difficult. Experiences in many parts of Africa show that the terrain of insurgency is very complex, and that control by conventional armies is impossible (Hutchful 1993). The cases of Liberia and Sierra Leone attest to this observation. This is even more so in weak States, where control at the centre becomes disjointed. According to Hutchful, (1998), these new conflicts are typically occurring in poor, marginal States lacking in appreciable economic or strategic resources. The insurgencies are disorganised, without a common centre of gravity to which the combatants can appeal. In many cases, it is not clear that the insurgents have any interest in gaining political power or responsibility. The Rift Valley conflicts appear confusing, because they are disjointed and the antagonists have no clear vision in their violent episodes. They are usually led by *an obscure and nihilistic leader, sometimes with no political organisation or political agenda* (Hutchful 1998). Zartman (1995) has described a State as the authoritative political

institution with sovereign power over a recognised territory. It is an institution that makes decisions. It is a guarantor of security for a populated territory. A State collapses when it cannot perform its basic functions, when laws are not made, order is not preserved and societal cohesion is not enhanced. When this happens, there is no legitimacy to govern. The State is a social contract entity where individuals give up their entities for the mutual existence of all. They bestow power to some other body of persons. When these cannot effectively rule, they are and should be replaced with others. State collapse involves the breakdown not only of government superstructures but also that of the societal infrastructure. A point to note is that the collapse of a State is not a short-term phenomenon. It is not a crisis with a few early warnings or simply a matter of a coup or riot. State collapse is a long-term degenerative disease (Zartman 1995). Its outcome is not inevitable. Cure and remission is possible. Many countries that almost collapsed, eventually regained their balance and began the process of development. Uganda provides a classic example. It is possible to predict with some certainty that a State will move towards collapse unless certain elements of proper management of its institutions are in place. An independent regime, which stays in power for a long time, wears out its ability to satisfy the demands of the various social groups. Resources dry up, either through internal waste or corruption. Social and ethnic groups feel alienated, excluded and marginalised, and such a situation breeds dissatisfaction and opposition. In turn, there is an increased degree of repression and the use of police and the military to keep order. State collapse is marked by loss of control over the political and economic spectra. When a country is nearing collapse, other neighbouring countries take advantage of the weakening structures and involve themselves directly in its politics by hosting dissident movements, who play politics from neighbouring sanctuaries. The currencies of the stable neighbours are used extensively. For instance, the Somalis are

using the Kenya Shilling or the US dollar during the present collapse of the Somalian State.

A State on the point of collapse goes through several stages. First, the power base at the centre is ethnicised and the smallest clique at the centre takes over, forgetting the broader community. There is intense infighting by the inner power brokers and a lot of witch-hunting. At this stage, only defensive policies are pursued. Elections are postponed and the leader occupies his time attacking those who are opposed to his policies. The rulers are afraid of losing power. They become paranoid and intimidate people to coerce them into submission.

The prevalence of highly centralised governments, rule by single men surrounded by cliques of courtiers, constitutions reduced to paper documents, cowed judiciaries, easily disposable laws, ubiquitous and intimidating security services, large and inefficient State bureaucracies, restricted freedoms of thought, assembly and organisation and widespread corruption, are just some of the characteristics that many African systems share with the fallen regimes of Eastern Europe (Johnson 1990:17). The existence of sharp fault lines of potential civil conflicts in many third world countries renders it important that political changes be introduced systematically rather than precipitously.

Kenya is made up of over 40 different ethnic groups, ranging in size from a few hundred to more than a million members (Human Rights Watch 1993). The major tribes include the Kikuyu, who comprise about 21% of the country's population, the Luhya 14%, the Luo 13%, Kamba 11%, and the Kalenjins 11%. When Kenya became independent in 1963, the first President was a Kikuyu who led the KANU political party. The other parties, KADU and the APP, were not so strong. APP was a Kamba Party led by Mr. Paul Ngei, while the main opposition party, KADU, was a conglomeration of the smaller tribes that advocated a federal form of government. This was meant to avoid a situation where the bigger tribes assumed total

control of governance. After a brief period of independence, the other political parties decided to merge with KANU to make Kenya a de-facto one party. President Kenyatta solidified his rule by appointing his tribesmen in all the major government ministries, including the Military, Defence, Finance, Police, the Education sector, Land and all the important sectors of the civil service. Obviously, the Kikuyu benefited from Kenyatta's rule. In fact, ethnicity started before the attainment of independence (Babu 1991). When Mr. Moi assumed power, he systematically dismantled what the late President had done for over 15 years. He concentrated his development efforts on promoting the Kalenjin tribe. He supplemented this by giving some favours to the small tribes. President Moi's cabinet is dominated by the Kalenjins and KAMATUSA tribes. Kalenjins dominate the provincial administration, despite their small numbers. Political observers at this stage in Africa's political development have said that:

> We no longer see the rise of a bourgeois dictatorship, but a tribal dictatorship. Ministers, members of the cabinet, ambassadors and local commissioners are chosen from the same ethnological group as the leader, sometimes directly from his own family... This tribalising of the central authority, it is certain, encourages regionalist ideas and separatism. All the decentralising tendencies spring up again and triumph, and the nation falls to pieces, broken in bits (Fanon 1968:183-84).

It appears that leaders in the Third World deliberately refuse to learn from history or from the experience of neighbouring States. They live in day-to-day compartments without any thought for the future. Regimes of minority ethnic domination which are maintained by violence can only be radically changed by violence. The laws in these societies are maintained to keep the status quo and cannot be reformed voluntarily. Leo Kuper (1980) has said that a privileged group will not voluntarily renounce its privileges. Hence, reforms will only be introduced under pressure, and the response of the ruling group is to resist such pressure for as long as possible, and concede

the very minimum. In consequence, if reforms are introduced, they are invariably too late to be acceptable, and too modest to be significant. Contradictions are inherent in minority or ethnic domination and they heighten the antagonism between different groups, thereby rendering inevitable the resort to violence. The deprivation caused by economic exploitation fosters the chances of a revolutionary challenge, while social exclusion and inferior status create bonds of solidarity among the subordinates and cultural repression and denigration stimulate cultural renaissance *(ibid)*. There is a high probability that societies long dominated by a minority will resist reforms, sabotage reform processes and only change partly and that they may reverse the changes at an opportune moment. That is what has been happening in Kenya. Agents of change must be aware that rulers will not make significant concessions from their own initiative.

The experience of other countries shows that those who ignore their populace are likely to fall from power sooner or later. Siad Barre concentrated power in the 1990s within his clan and this prompted his overthrow. Samuel Doe of Liberia concentrated power in the hands of his ethnic group and this too prompted his downfall. Mobutu Sese Seko of the former Zaire became an autocrat who fell by the wayside when the wind of change could not sustain his rule any more.

By 1990, when Kenya's movement towards democracy had intensified, the ruling party decided to extract political mileage from ethnicity. Many Kenyans now thought, perhaps wrongly, that under democracy, there should be competitive politics, that parties should be free to take their messages to voters, and that at least some independent media and associations should be allowed. When Kenya moved from one-party to multi-party democracy, ethnic patterns developed along party lines. The ruling party, KANU, led by Mr. Moi, became a party of Kalenjins and the minority tribes. Mr. Oginga

Odinga dominated the FORD Kenya party, which was mainly associated with the Luo–Nyanza tribesmen. The more populous Kikuyu dominated two political parties — the Democratic Party (DP) and the FORD Asili Party — led by Mwai Kibaki and Kenneth Matiba respectively. There were other small parties that did not affect the voting patterns significantly. As a result of the fragmentation of political parties and the flawed nature of the 1992 elections, KANU won by a minority vote of 36%.

This scenario was repeated in the 1997 General Elections, when the ruling party, KANU, once again retained power by a narrow margin. This time, there were five main political parties and a host of smaller ones. Moi's ruling party, KANU, managed to secure 113 representatives in the House against a combined opposition vote of 108 Members of Parliament. The runners-up were the Mwai Kibaki-led DP, Charity Ngilu's Social Democratic Party (SDP), Kijana Wamalwa's FORD Kenya and Raila Odinga's National Democratic Party (NDP). What is remarkable about these political parties is that they are all tribally based. Since Moi has only a small democratic margin in Parliament, he now depends on co-operation pacts with other opposition parties to remain in power. These patterns breed suspicion, animosity and hatred (Anyang' Nyong'o 1991, Samir 1990). The phenomenon of violence within tribes and regions is of serious concern in the country. All this is attributed to politics of ethnicity. Hutchful (1998) calls it 'Ethnicisation' of political parties in countries. Ethnic conflicts have been used by African leaders as a pretext to limit or avoid political liberalisation, and once again power-sharing has used ethnic conflict. Mr. Daniel Moi has created an ethnic electoral base excluding most Kikuyus and upholding the relevance of ethnicity in politics and therefore increasing inter-group tensions (Bowen 1996). What the myth of ethnic conflict would describe as ever-present tensions are in fact the products of political choice.

One of the major causes of conflict in Africa is the contradiction in the way the African State was constructed. There was no original consensus on State formation. This meant structural contradictions in terms of language, culture and even religion. The Third World countries were often left with totally artificial borders, which the colonial powers had drawn up without regard for any previous delineation or for any ethnic, cultural, geographical or economic logic. The new borders simply served the colonial needs for administrative control and economic exploitation. It is widely believed that the root problem facing the African State is the artificial nature of its boundaries, arbitrarily drawn up at the Berlin Conference of 1884/85 and then imposed on the continent from outside. Many of the States, as they exist today, with exceptions like Ethiopia, are a legacy of colonisation. The colonial State was, above all, a military entity. The colonised people were cowed into submission, and when this was relaxed, the British coloniser used indirect rule that imposed traditional colonial chiefs to rule over their subjects. They were highly despotic and continue to be so even today, thus alienating the citizenry from their rulers, even at local village levels. This leads to conflict. Because one of the main objects of colonial conquest was the control of primary resources, the colonial State was organised to ensure the conditions required for economic exploitation. In Kenya, the colonial State allocated the best lands in the Highlands to white settlers and excluded the indigenous tribes who roamed the area as pastoralists and hunters. This appears to have brought about the present-day conflicts.

The Impact of Violence in Kenya

The re-introduction of pluralist politics in Kenya led to some problems that could not have been foreseen. To sound a warning, the President had predicted that Kenya was not ready for pluralism and said that the people 'will fry themselves in their own fat'.

Immediately after this statement, ethnicity, mistrust and suspicion slowly emerged and eventually led to violence.

Violence affected the whole of the political landscape in Kenya. Democratic infrastructures were deliberately obstructed throughout the country. Political rallies were disrupted by the police and by KANU youth-wingers. People who settled in the great Valley were displaced and could not, therefore, register for voting in forthcoming elections. The violent episodes mostly affected areas perceived to be firm opposition strongholds. President Moi apparently wanted to punish those who did not vote for him. This habit is practised by weak States, under the control of warlords and tyrants. Experience has shown that weak States eventually create the phenomenon of warlordism, as in the case of Somalia, Uganda, Liberia, Sierra Leone, etc. It is easier to lead by warlordism than by democratic leadership. This is because the basis for patronage eludes democracy. The rulers of weak States tend to commercialise politics. The process of privatisation is used to strengthen the ruler's power and he loots the national economy for his own gains. He uses State finances to fortify and discipline his own forces. He uses liberalisation as an excuse to marginalise economies and broaden social forces. He and those close to him buy the State corporations that are mostly profitable. On the other hand, Structural Adjustment Programmes deliberately marginalise whole populations. This is usually a political strategy designed to benefit a few politically correct tribes or communities. According to Reno (1998), this puts resources in the hands of weak men. A weak ruler becomes a warlord himself without knowing it. From 1991 to 1998, President Moi presided over a weak State. The Structural Adjustment Programmes, which eventually led to pluralism, had good intentions and advocated less government. The World Bank and the International Monetary Fund called for the trimming of government institutions, such as the civil service and State corporations, and called for cost-sharing economics in public welfare services, such as health, education, social services, etc. Unfortunately,

the effect of these adjustments contributed to less government in the form of exclusion, nepotism and ethnicisation of power. Those who are retrenched in Kenya's civil service belong to the 'wrong' tribe or opposition – dominated areas of the country. State corporations are sold to the politically correct foreign firms advancing the ruler's political base. In Kenya, the majority shareholding in Kenya Airways, oil companies, newspapers and airwaves are owned by foreign firms related to power brokers in KANU. The *East African Standard* Newspaper owned by Lonrho and the son of the President is a case in point. In the farming sector, the mainstay of the country, the Coffee Board of Kenya, the Kenya Tea Development Authority, the Kenya Farmers Association, the Kenya Creameries Co-operatives, the National Cereals and Produce Board are dominated by State functionaries, to the extent that they are deliberately mismanaged in favour of KANU.

The effect of re-introducing pluralism and violence has therefore been a broad marginalisation of people in weak States such as Kenya. This is usually a deliberate means of staying in power. It shows that there are warlords in civil societies. Violence has benefited the government politically. The government has been able to polarise ethnic sentiments to ensure that the KAMATUSA communities have no choice but to support the Moi regime. Rift Valley has 44 seats in Parliament and this is important for Majimbo advocates.

Secondly, many people left their farmlands and homes because of the violence. The Valley massacres led to the displacement of various communities. People hate and fear the government and they suspect and evade it in any undertaking. Citizens formed community vigilante groups for their own protection, and rediscovered kinship lineage, clannism, ethnicity and a 'return to the village' idea as ways of solving their everyday problems. People live in a state of preparedness for any eventuality, and do not expect any government assistance in times of trouble.

Many Kenyans have been unable to engage in food production or to continue with their daily economic activities. Food rotted on farms and stored food was stolen. Houses were burnt. This led to widespread poverty throughout the region. People who had businesses migrated to urban areas, thus depriving the rural areas of much needed business activity. Those who had wanted to start businesses hesitated. Motivation was at rock bottom. Once an area is affected by violence, the inhabitants' lives are indefinitely disrupted. Continuing attacks prevent a return to the land (*Africa Watch* 1993). Insecurity affects development. Conflicts take time and energy away from other pursuits. A group or country can become so embroiled in controversy that it is unable to cope with basic development issues. The link between security and development has not been studied enough (Solomon and Shoeman, 1998). This statement is as true for Africa as it is for the rest of the world. Development here means economic growth. This is the ability of a society to generate and sustain an annual increase in its gross national product in real terms. Development is measured in this way without any regard to equity or to the distribution of wealth. In the Rift Valley concept, development also refers to the visible physical infrastructure (roads, schools, hospitals, cattle dips, houses, etc.) provided as society moves from one state of development to another. In terms of development, an area may lag behind during a period of violence and for a long time thereafter. In the Rift Valley Region, many schools were affected by the clashes and some children left school altogether, never to go back. Considering the abject poverty and often extreme levels of deprivation suffered by the majority of small-scale farmers in the Rift Valley, and the fact that much of this deprivation was due to political mismanagement of the national domestic product and internal conflicts, the need for stability and peace-building mechanisms became all the more important. It is often suggested that security is a prerequisite for development (Schoeman 1998). Obviously, there can be no development without security and there can be no peace

without development. If there is peace (absence of conflict), there is likely to be development, or positive social change. It is noted that social systems operate best in peacetime. In situations of conflict, schools close down. Under the circumstances, children are predominant in the rural areas and in war situations as victims. In refugee camps, children outnumber adults by six to one. In the Laikipia and Njoro clash areas, the violence has traumatised children. Some were witnesses to the death of their parents and the destruction of their farms. The education of the displaced children is inconsistent, expensive and eventually leads to truancy or their leaving school altogether. Many children leave school to go into child labour. Competition with stable children inside normal schools has led to displaced children performing badly, thus encouraging them to play truant and to eventually indulge in delinquent behaviour, which leads to poor personal growth.

Thirdly, in a situation of social conflict, there is a breakdown of law and order. Genocide or ethnicide, rape and physical abuse of the victims of violence make people mistrust the State, the police and the institutions of power. A general militarisation of youths takes place. The young people are encouraged to disobey, take up arms and protect their communities. Globally, it has been noted that youths are predominant in the sphere of violence. This is particularly noticeable in warlordism and liberation movements. The textbook examples of this phenomenon include Uganda, Somalia, Liberia, Zaire, Sudan, Sierra Leone and the insurgency in Kenya. Why are youths so crucial in the nationalist movement? For one thing, youths are more available in terms of radicalism, idealism and lack of attachments. They are ready for mobilisation. Unemployment and idleness are also contributory factors. The youth population is over 50% in any society and they are central to the crisis of social reproduction in Africa. They are marginalised and there is usually a generation crisis. Youth militarism in urban areas has been fostered by the group's cultural and social upbringing and by the disintegration

of the extended family systems. Access to higher education, with the resultant frustration thereafter, due to unemployment, alienation and exclusion, leads the youth into militarism. The Rift Valley experience shows that youth violence is attributed to the fact that the young people are easily manipulated, they are radical, intelligent and excluded. Exclusion and alienation refer to denial of social participation or opportunities to enjoy anything other than deviant behaviour, drugs, alcohol and other forms of vice. In Rift Valley, the Kalenjin 'warriors' and the Masai 'morans' are made up of young males aged between 16 and 35 years. They are the ones charged with responsibility for cattle raids. Their victims who go on revenge missions are in the same age range. Youths' contribution to violence cannot be underestimated. Warlords derive some advantages in recruiting youths for armed conflicts. The child soldiers' sense of fear is low. War is an adventure for them. They are proud to take part in it. Children learn very quickly. In times of war, children are less suspect. In democratic transition societies, leaders use young people as political activists. The long-term effect of the involvement of youths in violence is a setback in any efforts that may be undertaken to reduce conflict. Indoctrination and psychological warfare are deeply implanted in young minds and may take a long time to remove. The genius of violence is that it disempowers in such fundamental ways that its effects cascade in many directions and for a long time. Violence reduces human prospects systematically in every conceivable way. The pitiful aspect of violence is that it weakens the very thread needed to weave our social fabric as individuals, communities and cultures.

The widespread poverty prevailing in the areas of clashes is another social impact of violence. Those who migrate to urban centres live in squalid, unhygienic camps, without proper food, water, employment, privacy or proper sanitation. They become internal refugees in their own country. Their abandoned lands are occupied by invading raiders. A compromised government does little to assist

such displaced persons. When some of them eventually returned to their farms, they found their property looted. They were repeatedly chased away by the raiders after their farms had been destroyed, their houses burned and their materials stolen.

The government's response to the violence has been characterised by inaction towards its perpetrators and the demonising of the victims of violence. Those who attempted to assist the victims were castigated by the State (*Africa Watch* 1993). For instance, the Catholic Churches at Sipili, Ol-Moran and Njoro were castigated for allowing their compounds to be used as refugee camps for the victims of violence. The non-governmental organisations that wanted to help were asked to channel their assistance through the same government that had encouraged the attacks. Eye witnesses reported that, in many cases, the police and the provincial administration stood by as people were massacred. When asked why they could not arrest the perpetrators of violence, they claimed that they were under strict instructions not to shoot anyone. The few junior officers who attempted to prevent violence were reprimanded and threatened with being transferred. Once the first round of violence was over, the senior police officers and the provincial administrative personnel were transferred to safer regions that had not experienced any violence.

There are many reasons why governments must try to contain conflicts in societies. Whenever problems occur, people regard themselves as belonging to micro-entities for their own comfort and security. This re-introduces ethnicity, clanism and fanaticism. Some countries and people are sinking backwards into the conditions of the last century, as a result of paternalism, mismanagement of State power and ethnicity. Internal wars arise from intensely parochial issues as a result of multiple cracks in the system of power.

'Although many African leaders talk about development, it is not in their political agenda' (Ake 1990).

When violence occurred in Coast Province, many tourists cancelled their trips and this affected the tourist industry in the country. Many people also left their businesses as a result of the clashes. Political repression and massive coercion have turned politics in Africa into warfare. Leaders are besieged by a host of hostile forces, which they unleashed through their use of coercion.

Peace-building and Conflict Transformation

Countries divided by ethnic and religious cleavages may need more specific policies to address the general crisis associated with current patterns of development. The main issue here is usually equity. Many ethnic conflicts or grievances can be traced to the ways in which different groups in the social economy find opportunities or encounter discrimination and/or inequalities in jobs, income, asset holdings and social services.

One of the major redistributive efforts can be made through the concept of proportionality in governance and other advantages. Another one is affirmative action for the marginalised groups. Proportionality ensures that jobs, political appointments, educational opportunities and public investment programmes are distributed in ways that reflect population ratios. This involves the use of quotas, subsidies and special funds for disadvantaged groups since the new forms of violence can be traced to structural problems, such as high levels of unemployment, poverty, exclusion and the generational crisis. Kenyan youths are turning to mass riots and crime almost as a subsistence hobby, because of the diminishing opportunities for employment, education and self-fulfilment. These problems are heightened by the failure to address fundamental governance issues such as police brutality, human rights abuses, tyranny, etc.

Even if similar to proportionality, affirmative action seeks primarily to redress imbalances created by discriminatory practices, often of an historical nature. Affirmative action policies have

encountered a number of difficulties in many countries. Redistributive policies also involve additional problems of entitlement. Favoured groups may come to believe that this favour should be permanent. Its withdrawal leads to opposition and resentment. This is what has now happened to the KAMATUSA ethnic groupings. In parts of Laikipia, the land is being given out to members of the Turgen tribe. This has created passive conflicts, which may later turn dangerous. Redistributive policies are essential for reconciliation, for a sense of national belonging and for political stability in unequal plural societies, but they need to be carefully formulated and monitored if they are not to fuel the conflicts they seek to prevent. The idea of Nation-State is a recent concept. In the past, people tended to identify with the smaller units of a village, a town or a clan type.

Other ways of bringing harmony to Nation-States include:

1.   The devolution of power, through power-sharing arrangements, based on electoral systems that reflect pluralism. Representation should be transparent and acceptable to plural societies.

2.   Power-sharing arrangements, in which all groups are represented in government. This has the advantage of ensuring stability and bringing together the parties that would otherwise be locked in conflict. A recent power-sharing model is the five-year government of national unity in South Africa, in which cabinet posts are distributed on a proportional basis to parties that gained at least 5% of the popular vote. A government of national unity spreads out the structures of governance, making it an inclusive, instead of exclusive, process. It limits partisanship and the allegiance of those in government to a particular political party. Hence, there is the added security that those who are effective and efficient at their jobs will not be victims of political intrigue. Experiences in the Kenyan administrative structures show that those patriots who abhor corruption and inefficiency are the ones

who lose out in power structures, and are demonised and sacked. Those who appear to be less straight continue to occupy positions of power. Ironically, in Africa,

> those who use their positions within the State apparatus to become rich tend to be admired and envied, and are criticised when they fail to distribute their gains to their families, entourage and networks. People who have access to high-ranking State functions are expected to enrich themselves. If they fail to do so, they become objects of sarcasm, criticism, and pressure from the people around them' (Drame 1996:204).

In a State where the Judiciary is independent and separate from the domineering Executive, respect for laws is upheld and lawbreakers are punished. Justice is not only done; it is also enforced. The contradiction in Kenya's administration of justice promotes conflicts. If the Judiciary and the civil service were free to work without political interference, peace-building structures could be established. The current Judicial Commission on Political Clashes should be seen as one of the major pillars for bringing about a healing process in the country. This body has the power of law and is headed by some of the most respected judges on the Kenyan bench. The Truth and Reconciliation Commission in South Africa was headed by churchmen, and the Kenyan Commission has a lot to borrow from it.

Power-sharing arrangements need sound electoral systems, so that people can choose representatives to reflect the plural character of society. A healthy system of ethnic relations also needs a sound policy for public education and culture. Many conflicts in Kenya are sustained by stereotypes, myths or prejudices that have been fed to groups at household, neighbourhood or national levels. Such myths may be based on feelings of superiority or on the belief that ethnic groups are fundamentally different and cannot therefore resolve their differences through peaceful means. They may also be based on the assumption that some groups are lazy, unreliable, parasitic or

distrustful of outsiders. Stereotypes generate feelings of fear and hatred, which may entrench ethnic boundaries and weaken the forces of moderation when conflicts break out. A lot can be achieved in ethnic relations through policies that seek to deconstruct myths, stereotypes and prejudices, and through the creative use of public discourse, humour and education.

The principle of majoritarianism in its undiluted form — rule by the winning political party, without any accommodation with the others — is simply unsuitable for governing deeply divided societies (Adekanye 1998). This is the principle of 'winner–take-all' or the 'rule of majoritarianism'. To produce civil peace in deeply divided multi-ethnic political settings, democracy must adopt non-majoritarian principles of power-sharing.

In deeply divided societies such as Kenya, power-sharing is preferable as a strategy for conflict reduction and as a principle of governance. Power-sharing has several basic characteristics:

♦ Executive power-sharing among representatives of all significant groups.

♦ Proportional representation and proportional allocation of civil service positions and public funds.

♦ The possibility of a veto by a minority on vital questions.

States that have experimented with the power-sharing strategy include South Africa, Uganda, Mozambique, Ethiopia/Eritrea, Angola and Niger.

Deutsch (1957) proposed a paradigm for a secure community based on the following criteria :

♦ Mutual compatibility of values. Dependence is by no means a one-way street. Mutual dependence is quite common and can encourage either mutual yielding or mutual problem solving. People embroiled in escalating conflicts often lose awareness of the

future. They concentrate so hard on winning in the present that they lose track of the importance of maintaining good relations.

♦ Strong economic ties and the expectations that these will broaden and deepen.

♦ A multiplicity of social, political and cultural contracts.

♦ Capacity to develop institutionalised relationships.

♦ Mutual responsiveness and

♦ Mutual predictability of behaviour.

The above criteria seem to point to education and to an emphasis on the responsiveness of communities. There is need for a shared history of co-operation, inter-marriage and infrastructures, etc., which brings about mutual dependence. This would lead to the development of mutual sensitivity and the desire to work towards a common, peaceful future. For a peaceful transformation to take place, the Government should place emphasis on human security rather than on State security. This should be 'an all-encompassing condition in which individual citizens live in freedom, peace and safety, participate fully in the process of governance, enjoy the protection of fundamental rights, have access to resources and the basic necessities of life and inhabit an environment which is not detrimental to their health and well-being' (Hutchful 1998).

International instruments that are already in place and have been ratified by many countries provide an important element of conflict resolution, which is often ignored. In a situation where conflicts are inevitable, the best way forward is for States to respect international conventions that provide comprehensive ways of improving situations of armed conflict and protecting civilians and their property in times of war. In the 18th Century, Jean-Jacques Rousseau

made a major contribution by formulating the following principle about the development of war between States:

> War is in no way a relationship with man but a relationship between States, in which individuals are enemies only by accident; not as men, nor even as citizens, but soldiers (...) Since the object of war is to destroy the enemy stated, it is legitimate to kill the latter's defenders as long as they are carrying arms; but as soon as they lay them down and surrender, they cease to be enemies or agents of the enemy and again become mere men and it is no longer legitimate to take their lives.

The 1949 Geneva Conventions and the 1977 Additional Protocols 1 and 11 should be respected in situations of war. The First Geneva Convention addresses the problems of combatants fighting on land, while the Second Geneva Convention addresses the problems of armed conflicts at sea. The other two Conventions deal with the problems of combatants who have surrendered and laid down their arms and are therefore treated as prisoners of war, while the last one covers civilian populations in situations of armed conflicts. These treaties try to civilise conflicts, so that the minimum unnecessary damage is inflicted when conflicts become inevitable.

Other international instruments that try to address the issues of conflict between nations are the United Nations Convention on Human Rights (1948) and the United Nations Convention on Human Rights (Teheran 1968), which recognise the importance of having civilised wars when war becomes inevitable. Moreover, all States party to Article 6 of the International Convention on Civil and Political Rights are obliged to respect the human rights provisions that prohibit torture, arbitrary arrest and deprivation of life. This Convention guarantees equality before the law and protection for all persons without regard to race, sex, colour, religion, class, nationality, political affiliation or any form of discrimination. States have a duty to observe this and have recourse to justice in the event of violations.

If this is done uniformly and transparently, people's confidence in the administration of justice will be enhanced. This will promote respect for the rule of law and foster peace. In a period of relative peace, democracy will be consolidated along with the achievement of social justice, economic development, safe environment and a substantial reduction in the level of violence and political instability.

From the religious perspective, when people attempt peacemaking and conflict resolution in diverse societies, efforts should be made to apply the Buddhist view of resolving conflicts. The Buddhists believe that conflicts have a co-dependent origination and mutual cohesion and, therefore, there are no single actors. To resolve conflicts, there has to be shared responsibility for the causation of conflict so a joint problem-solving mechanism should be applied. Sir Isaac Newton observed that for each action there is an equal and opposite reaction. The political clashes in Kenya are a multi-faced problem with many actors. Blame should not be laid on one particular group. Fighting groups must have a reason for fighting and it is the origin of the quarrel that should be discovered and redressed. The argument between the minority tribes who feel oppressively excluded from the Valley, which they regard as their native land, and others who argue that property ownership should be free, has to be addressed according to the country's Constitution.

Judaism has a more advanced conflict resolution mechanism based on the philosophy that dialogue is continuous and that it has no beginning and no end. Even in situations of relative peace, dialogue must continue at all levels at all times. It appears that conflict managers have a lot to borrow from religion. The Islamic view is that there should be responsible well-being for all.

The Christian faith insists on forgiveness and love of one's neighbour. If all people followed the Ten Commandments, peace would prevail in the world. From a traditional perspective, the Department of Culture within the government should promote

'peace culture' among the different ethnic communities, in order to prevent conflicts. Some tribes have traditional symbols of peacemaking tools such as honey, milk, beer, grass, feathers, doves and green twigs, and ceremonies to promote love, peace and unity. In situations of conflict, all these aspects should be given more attention. The present forms and types of violence prevailing across the globe are not determined by the past forces of the Cold War. The insecurity prevailing in most of the Third World exists within States.

'No longer are conflicts and threats to security confined to the international arena and to military aspects' (Schoean 1998). In present-day Kenya, the Nation-State has been so centralised that everybody's life evolves around it. Village-based conflict resolution mechanisms should be encouraged, with the active participation of respectable community leaders. The present arrangements whereby the village chief has to lead any community initiative may not be the best solution. Within communities, an additional conflict resolution mechanism to be promoted is compensation for stolen or destroyed properties.

Another lasting solution to the problem of mistrust of power consists in democratising the office of local chiefs. The solution adopted by Uganda's National Resistance Army in the Luwero Triangle was to democratise the local State by dismantling the system of chieftaincy, by turning the chief into an administrative officer supervised by an elected village assembly of adults in the village, whether indigenous or not.

ACRONYMS

APP	Africa People's Party
KANU	Kenya African National Union
KADU	Kenya African Democratic Union
DP	Democratic Party of Kenya
SDP	Social Democratic Party
NDP	National Democratic Party
FORD – K	Forum for Restoration of Democracy – Kenya
FORD – ASILI	(Original)
FORD – People	
GEMA	Gikuyu, Embu and Meru Association
KAMATUSA	Kalenjin, Masai, Turkana and Samburu Association
NCEC	National Convention Executive Council
Majimbo	Federalism
Harambee	Let's Pull Together in Unity

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