

Kenya

Population: 30.3 million

Life expectancy: 48 years

National capital: Nairobi

Independence from UK: 12 December 1963



Abstract

Kenya has suffered from militarized disputes both between ethnic/political/class fragments of society and between the opposition and the police. On the level of political elite groups, the motivation for violence has been the land and privileges afforded by state power. Mobilized masses have been motivated by traditional animosity between groups. There still seems to be a general reluctance to resort to violence among the population, outside the peripheries, where the state order has more or less collapsed. This has so far made violent mobilization of the masses by elite groups difficult. The international effort to tackle these disputes has emphasized the establishment of democratic non-violent channels of protest, and in this respect conditionality of aid has played a significant role in the transformation of conflict structures.

Kenya, Still on the Edge of Collapse?

Timo Kivimäki

According to some definitions of ethnic conflict, Kenya has in many instances in the 1990s just qualified for inclusion in the category of conflict states (see for example, Leger Sivaard 1996). Yet the organization of violent fronts has not been clearly fixed, and their violence has been less systematic and less planned than all other agents of conflict, with the exception of the state and the police force. The fact that there have been indications of a gradual state failure/collapse (Njunga 1998) and that there is no consensus among the opposition of the Daniel Arap Moi Regime¹ suggests, however, that the potential exists for an extensive humanitarian emergency if the conflict begins seriously to threaten the social order. Also the ethnic mobilization of political forces and problems of food security suggest that whatever might be the probability of a real civil war, its severity could be comparable to that experienced by Somalia.

Recent violence has been related to conflicts between radical students and the police, between pastoralists and agriculturists over land issues, between pastoralists and the government, between different ethnic and religious (Christian-Muslim) groups (with different political agendas and different class bases) especially in the Rift Valley area)² as well as between supporters of different parties in the context of elections or other political competition. The most severe violence, however, in terms of casualties, has occurred due to the inefficient, poorly regulated, and inappropriate means used by the repressive state forces, mainly the police, to address problems of order, especially in the Somali-inhabited Northern areas that have been considered as secessionist (World Directory of Minorities 1998).³ The police are believed to have been party to the highly

¹ For a description of the fragmentation of the opposition, see *Africa Confidential* (March 14, 1997, 4).

² Fighting has mainly taken place between the police and the Kikuyu community, most recently in January 1997, February 1998, and May 1998.

³ In 1963 inhabitants of the northern Somali areas voted to secede from Kenya in a referendum, the results of which were subsequently ignored by the government. A three-year secessionist war followed the referendum.

visible murders of several student activists, but according to the Kenyan Human Rights Council (1998), the problem is deeper.

According to KHRC's statistics, the security forces have killed an average of ten people every month, and an equal number of people have been victims of other kinds of police brutality. Even though violence in Kenya has not yet resulted in many casualties, coupled with a lack of good governance it causes distrust towards the state, increases the risk of a violent state collapse. Kenya continues to be unstable, although anticipation of the impending stepping-down of President Moi in 2002 might calm the situation until perhaps 2001. Violence in Kenya has attracted much international attention. At the same time only the repression of the Somali people in Kenya has attracted regional attention (from Somalia). Kenya, on the other hand, has been interested in the ethnic disputes of neighboring countries, offering support to Siyad Barre in Somalia before 1991, as well as more covert support to the Habr Gedir militia of Aydid. In Rwanda, Kenya has supported the Hutu-interest against the Front Patriotique Rwandais, and in Zaire it has supported Mobutu Sese Seko, both of which interests have created friction between Kenya and Uganda. This friction, however, seems to be on the decline (*Africa Confidential*, May 29, 1998, 7).

Agents

The agents in the present disputes are illustrated in the following table:

Name	Representation	Regional base	Status & Key Personalities	Relation with other groups
Kenya African National Union, KANU	Kalenjin, Maasai, Coast. Today ethnic base somewhat unclear. Efforts to win Kikuyu support	Rift Valley, Eastern Coast, Northeastern Province	Ruling party, President Moi, Min of State Gideon Ndambuki	To some extent in control of the police and in control of the harassment of opposition groups and NGOs.
Democratic Party, DP	Luo, Nyanza Province	Nairobi, Nyanza, Central Provinces	Opposition party, Mwai Kibaki (31% of votes in presid elect.)	Kibaki in Opposition Alliance with Ford-K & Ford-A factions.
Ford-Kenya (Ford=Forum for the Restoration of Dem.)	Luhya (second largest ethnic group after Kikuyu)	Western Province, TransNzoa Bungoma	Opposition party, Kijana Wamalwa	Opposition Alliance
National Development Party, NDPK			Political party, Raila Odinga	Alliance with the KANU
Pro-democracy NGOs ⁴	Ethnic representation unclear, more support in opposition ethnic groups, Kikuyu	Nairobi, Nyanza	NGOs, some closely connected with opposition parties.	
The Police	Similar ethnic consistency as the KANU & the govt.	Authority in KANU areas Indep power in some conflict areas.		KANU, Govt, Professional group of the Police.

Most of the violence between political groups is between the KANU and the opposition. This is especially true in the Rift Valley Region where the Kikuyu minority, previously supported by former president Jomo Kenyetta, has been repressed by KANU officials (interviews, March 1997, and May 1998 in Nairobi). The fact that politics is very much structured along ethnic lines makes political divisions more fundamental and serious: identification of a member of a rival political party in a conflict situation is easy if ethnicity is an important factor in the determination of political affiliations. The problem of the roots of ethnic divisions in politics is related to the question of citizenship, the primary component of which was an ethnic group's right to land (Kibwana 1990, 233).

⁴ NGOs that have been most active in the process to reform the constitution include several Christian (Catholic and Protestant, Islamic and some other) NGOs, Legal NGOs (Center for Law and Research International=CLARION, Law Society of Kenya, Federation of Woman Lawyers, International Commission of Jurists/Kenya, Kenya Human Rights Council) and several general civic education and interest group-type of NGOs (Citizens Coalition for Constitutional Change, National Convention Executive Council, Kenya National Student Union, Kenya National Union of Teachers, Institute of Economic Affairs, Civil Resource and Information Centre=CRIC, The Media Institute).

At the same time violence between the opposition activists/NGOs and the police cannot be characterized simply as government vs. opposition violence, since it seems that many past victims of police brutality have been not so much anti-government as they have been anti-police (see KHRC Repression reports, various years). Thus the police are not only motivated by the interests of the government or the KANU, but also by their own professional interests. Professional and KANU interests, however, seem to coincide. In a way, the police, as a professional group, are clients of the KANU, and the political culture of Kenya does not seem to reject or resent the undemocratic implications of the alliance between the KANU and the police. Several high police officials generously and publicly donated money to the presidential campaign of Daniel arap Moi, although normally in democracies the police are regarded as servants of the state rather than as parties or professional interests.

The relationship between the opposition, the KANU, and the police is, however, even more complicated. It seems that among younger police officers, there is growing frustration over the fact that the government is making no attempts to address the economic and political root-causes of the conflict in Kenya, but instead always resorts to violent police intervention. Quite obviously this makes the poorly paid police vulnerable to opposition violence, even if young officers do not support the irresponsible government policies (interviews among police officers in Nairobi, May 1998).

Antagonism between pastoral ethnic groups (Somalis) and clans (Abduwak, Degodia, Aulian etc.), especially in the North Eastern Province, is deeply rooted in the history of competition for pasture, water, and cattle. Furthermore, it is related to the conflict between traditional and modern organization. Imported concepts of political administration have not been well suited to the needs of traditional production, and furthermore, they have not offered a way of modernizing the economic structures (Kivimäki 1998).⁵ Due to the lack of benefits of modern organization on the level of societies, the traditional societal fragmentation has persisted and been mixed with more

⁵ On the problem in a more general African context, see Herbst 1997, 374-5; Bayart 1993, 8-9; Badie & Birnbaum 1979, 181; Coulon 1972, 9.

modern divisions based on party politics: instead of just robbing cattle, violence takes the form of stealing Voters' Cards (Charo 1998).

The international community has reacted very sharply against the repression of the opposition by the government and the police. Donors have organized themselves and begun to coordinate their use of political and diplomatic persuasion in the form of the Democratic Development Group (DDG) of which Finland is a member. Also, development cooperation has been used in the attempts to persuade the government not to use repression, and this cooperation has benefited from Finland's active participation in and contributions to the Donor Group on Governance and Democracy (DGD) (see the analysis of these groups in Lehtinen & Kivimäki 1998). The latter group and the Economic Governance Group⁶ in particular have contributed to the alleviation of ethnic antagonism by modernizing the economic structures of peripheral areas, thus reducing the need for traditional organization.

Motivations

The disputes between ethnic political elite groups have traditionally been related to the question of land ownership (Kibwana 1990). The problems of land ownership became very topical immediately after independence in areas that had formerly belonged to white settlers, as they needed to be redistributed (Ndegwa 1997, 608). Because of this the association between politics and the protection of the interests of ethnic groups was built into national politics right from the beginning of independence. Control over national assets, tax-money, aid, etc. has further aggravated ethnic competition (Charo 1998).

The main reason why the Kenyan conflict has not escalated is probably not related to the motivations of the mobilizing political elite but rather to the motivations of the followers. The threshold for violence in Kenya is still high, especially in areas where political competition is most intense. The level of well-being in Kenya is still quite high and thus

⁶ The World Bank and the European Commission play a major role in this group, the focus of which is in the promotion of good governance. Finland is not a member.

it is difficult for the elite groups to mobilize mobs in the same fashion as in Somalia or many other African countries. Yet in some areas the declining political control of the government (either of the population or the repressive forces) is rapidly changing the situation. In the elections of 1997, some competing political candidates, especially in the North Eastern Province, unleashed militias and bandits on the strongholds of their rivals in order to disenfranchise voters there (Charo 1998, 26).

This seems to take place primarily in areas where “the government is only spoken about in the past tense, mocking its claim to be in charge.”⁷ In these areas of lawlessness people do not take up arms to become rebels, but instead, due to the lack of a national security structure, they have to mobilize and arm themselves in order to defend themselves against looting. This gives rise to a security dilemma: the more one group mobilizes, the more another has to prepare for its defense against the first group. This structure of “auto-defense” is often seen as a motivation for violence in Africa (Pouton & Youssouf 1998; Kivimäki, Lehtinen & Laakso 1998; Sahara-Sahel Advisory Mission Report 1995; Brown 1997, 6; Kaufman 1997, 276-277).

It should be noted that the international donors’ efforts in general have made a significant contribution to keeping the general threshold of violence in the Kenyan political culture relatively high. Also, the conditionality that has been practiced has probably reduced expressions of antagonism on the part of the government against the opposition and the opposing areas/ethnic groups. Yet the present tendency in the policies of conditionality against channeling aid through the government has probably also partially contributed to state failure in Kenya. The economic weakness of the state has not only lessened the government’s control over the people of peripheral areas, but also its control over the police and military forces in this same periphery. This has probably contributed to the lawlessness in some areas of Kenya, in which the police are just one more gainful group among other parties to the conflict.

⁷ Statement made in reference to the Turkana District, by Njunguna 1998, 4.

Instruments

Since in Kenya the organization of violence has not reached an advanced stage, there is no clear political interest for any external powers to arm any of the rebelling groups. The only motivation to assist certain groups is related to ethnicity and clan affiliations. A large proportion of the rebel arms in the Northern Areas have come either from veterans of the secessionist war of Somali in 1960s or after 1991, from refugees escaping wars in neighboring countries, especially Somalia and Ethiopia (Charo 1998; KHRC 1997). The fact that the biggest share of rebel arms today is bought from refugees poses a special challenge to international assistance for refugees.

The main challenge to the elimination of the instruments of conflict, however, is probably related to the question of ethnic mobilization. As long as modern bureaucratic governance does not offer a viable alternative to traditional clan and ethnically based organization, ethnicity will continue to be an asset in political campaigning, and political predators will be able to take advantage of traditional ethnic animosity (Muse wa Nakhalia 1998). Some important steps have already been taken towards solving the problem of ethnic mobilization. On the one hand, the constitutional rule governing presidential campaigns that stipulates that the winner needs to win at least 25 per cent of votes in at least five provinces has provided an incentive to the candidates to expand their community of accountability beyond a narrow ethnic basis (as suggested by Horowitz 1991 and 1994), although temporary ethnic coalitions have made this incentive less effective than one would have hoped (Ndegwa 1997, 613). Another improvement has been the progress made towards pluralization in the wake of the legalization of opposition parties in 1991. The strength of the modern civil sector has provided frustrated people alternative ways of non-violent mobilization and has given expression to their grievances. According to most analysts and activists in Kenya, this has had a genuine influence on the pressures of violence (interviews in 1997-1998). The challenge for the international community in Kenya is how to encourage non-violent channels of civil protest and also how to punish the government for being the bottleneck of democratization without sponsoring a state collapse.

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Chronology

- **1975:** Period of unrest: anti-government demonstrations and rebel bombings. Disappearances and killings of prominent radical opposition figures.
- **1978:** First president Jomo Kenyatta (supported by the Luo-Kikuyu coalition) dies, vice-president Daniel arap Moi becomes president (supported by a coalition of smaller ethnic groups, Kalenji, Maasai etc.), general elections in 1979.
- **1980:** Criticism against Moi among the parliamentary Assembly and the students increases sharply, land-issues become a source of tension.
- **August 1, 1982:** Abortive Air Force coup in Nairobi: officially 159 dead, unofficial estimates substantially higher. 3000 detained, 12 sentenced to death.

- **1984-1988:** Union of Nationalists to Liberate Kenya, Mwakenya-movement fights against the Moi Regime. Harsh suppression of the Mwakenya opposition awakens an international response against Moi's human rights policies.
- **1988:** Year following the KANU-controlled general elections, laws in support of KANU-power introduced: The political independence of the judiciary is removed, police emergency legislation.
- **1989:** Moi releases political prisoners.
- **1990:** Demands for multi-party rule intensify. Political murders. Intensive harassment of the democratic opposition.
- **November 1991:** 12 international donors make aid conditional on human rights reforms and multi-party rule. Progress is expected within 6 months. Moi yields at the end of 1992. Ethnic clashes and clashes between the government and the opposition persist until 1995, and continue in 1997.
- **1997:** Presidential elections. Moi re-elected by a close margin.
- **1998:** Under pressure from the international donor community, Moi agrees to establish an inter-parliamentary Committee to review the Constitution.