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**Author**

Murunga, Godwin R.

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## Ethnicity, Community Relations and Civil Society in Contemporary Kenya: Trends and Field Experiences

Godwin R. Murunga

### Abstract

*Taking the conflicts that engulfed Kenya in the 1990s as key indicators of relations within the wider sphere of human social interaction, this essay tries to re-emphasize the centrality of the notion of community as a neutral location where identities ought, under normal circumstances, to harmoniously interact. By emphasizing this centrality of harmony, the essay proceeds to examine those aspects of the process of democratization in Kenya that may have easily lent themselves to political abuse, at times generating conflict between ethnic groups. The study offers a general reflection on the pitfalls of democratization in Kenya with specific reference to five key areas that could constitute points of intervention. They include the role of the ethnicity of the occupant of the presidency; land, resource allocation and ethnicity, intra-ethnic histories and democratization, personality worship and democracy, and the role of civil society in conflict resolution. Each of these key areas reflects tendencies associated with either one or more of four ethnic groups purposely targeted for this study. The baseline connection of these five elements rest on how each one or a combination of them facilitated or inhibited the process of democratization in Kenya.*

## Introduction

Ethnicity and civil society are key associational groupings in every society. While each of these reflects the identities of specific groupings in society, they collectively make up part of the overall sphere of human social interaction referred to as community. Community is therefore a more neutral domain where many groupings and identities find accommodation and co-exist depending on the relations between their different identity groups. The political history of Kenya shows the above argument to be largely true. However, during the process of democratization that began and intensified in the 1980s and 1990s, the harmony between ethnic groupings in Kenya was upset beyond previous normalcy. Kenya was engulfed in conflicts that largely pitted ethnic communities in the Rift Valley and neighboring provinces against each other. The conflicts have in turn polarized opinion in Kenya as to exactly who or what is responsible for their occurrence. Depending on who is apportioning the blame, ethnicity, civil society and the state have been blamed in one way or another as being partly or fully responsible for the conflicts.

Taking the conflicts that engulfed Kenya in the 1990s as key indicators of relations within the wider sphere of human social interaction, this essay tries to re-emphasize the centrality of community as a neutral location where identities ought, under normal circumstances, to harmoniously interact. By emphasizing the centrality of harmony, the essay proceeds to examine those aspects of the process of democratization that may have easily lent themselves to political abuse, at times generating conflict between ethnic groups. This is not a study of the ethnic conflicts of the 1990s in Kenya.<sup>1</sup> Rather, it is a general reflection on the pitfalls of democratization in Kenya with specific reference to five key areas that could, in our estimation, also constitute

points of intervention. They include the role of the ethnicity of the occupant of the presidency in democratization; land, resource allocation and ethnicity; intra-ethnic histories and democratization; personality worship and democracy and the role of civil society in conflict resolution. Each of these key areas reflects tendencies associated with either one or more of four ethnic groups purposely targeted for this study. The baseline connection of these five elements rest on how each one, or a combination of them, facilitated or inhibited the process of democratization in Kenya.

### **Conceptual Background**

The notions of ethnicity, community and civil society have gained remarkable prominence in African scholarship. Concern with ethnicity has a longer history in African studies than that on civil society. This is understandable since ethnic groupings have been an undeniable reality of African social and political, even economic organization and development since time immemorial. Civil society has a specific contextual origin, being largely a concept that originated in the west and has been extensively used in relation to the history of specific western societies. The research challenge lies in the fact that while civil society is of specific origin and has been shaped by specific history resulting from the modernization of society, the overwhelming power of the west and the overriding influence of their concepts has forced its adoption in our context. Dominant global forces impacting on our societies have, as a consequence, indiscriminately thrown out the notion of civil society and in some cases indirectly forced its adoption in local contexts with little clarification of its contextual applicability and relevance. The western Africanist community and donors have played a significant role in this process (see Mamdani, 1989, 1995). While, so far, the notion of ethnicity has been adopted as a replacement to that of tribe which has a very demeaning

and pejorative history in Africa, it remains an imprecise term to define. The studies in this project did not seek to define ethnicity though they grappled with its manifestations. Almost all the studies used the ethnic formation as the unit of study but sought to extend the horizons of understanding its manifestation by recognizing that it is an identity category within a larger sphere of human social interaction called community. It was emphasized in the study that there are no limits to the extent of ethnicity since there is no abrupt line demarcating where an ethnic community begins and ends. As such, the notion of community helps us to better understand ethnicity by recognizing that overlaps exist between it and other identities. Indeed, ethnic communities always interact with groups and identities that are not necessarily of the same identity. The basis of this argument was that all ethnic groups are communities but all communities are not necessarily ethnic. As such, the reason for paying attention to ethnic groups exclusive of the wider sphere of human social interaction was implicitly questioned because it telescopes a broader understanding of African societies.

The interest in community as a notion that links diverse identities (including ethnic identities) was validated by the fact that there is something in ethnicity that goes beyond the mere "us" versus "them" binary logic. Identity is crucial, in fact, indispensable when we talk about ethnicity. Ethnic identity is much more important to communities in Africa than civil society is. The sense of belonging, attachment and commitment to ethnicity is stronger than it is to civil society in Africa. Civil society in the west has developed to levels where associational interests define and override commitment to ethnic origins and identity. That makes ethnicity in parts of the west less important than the associational interests that characterize civil society. By throwing out the concept of civil society, the forces behind the recent second wave of democratization 'introduced' another identity category

that appears to compete rather than co-exist with primary identities like ethnicity in Kenya. The question of which identity is more suited for the democratization process has therefore occasionally sprung up. The ongoing process of democratization has tended to favor civil society as a realm of democracy while ethnicity has been naturally construed as a problem that the democratic process has to overcome. While, indeed, negative ethnicity or politicised ethnicity constitutes a problem to be dealt with, this conceptualization raises some problems. For instance, civil society is yet to transcend politicised ethnicity as a problem within its womb. Civil society, as presently constituted, also reproduces tendencies that are themselves a threat to democracy. Constituted around amorphous organization calling themselves non-governmental organizations (NGOs), the civil society tag has been associated more with these organizations. In Kenya, Anyang Nyong'o has cynically dismissed the NGOs as mere 'entrepreneurial groups' (Weekly Review, March, 12<sup>th</sup> 1999: 12). By pointing to the co-extensive and coterminous nature of identities, we seek to open space for a perception of identity that invites pluralism and co-existence. This should help avoid the mechanical embrace of civil society and simultaneous demonization of ethnicity. This calls for a locally responsive and viable balance between identities as they operate in the wider sphere of human social interaction. For instance, in most of Africa, what has been described as civil society is yet to transcend ethnicity as an important identity category. In fact, many of the so-called civil society groups in Kenya appear more of entrepreneurial associations conglomerating around largely ethnic associates and seeking recognition, even from the same state against which they posture. They nurture some forms of ethnic exclusivism and reproduce within them dictatorial and corrupt tendencies. When a diversity table is drawn on the composition, leadership and sites of operation of many NGO's in Kenya, chances are high that the leadership, composition and areas of

operation may reflect the ethnicity of its founders and their leading figures. Yet it is these same groups that claim a civil society tag, condemn ethnicity, and that seek to promote the development of democracy and accountability in Kenya. On the contrary "when their [civil society] activities carry exclusively ethnic or regional overtones, *as they do in Kenya*, they can, quite obviously, totally undermine the delicate fabric of civil society *and the democratization process itself*" (Chazam, 1992: 290; my emphasis in italics).

But to validate their position, many NGOs posture themselves essentially as a buffer zone against the ever-oppressive state. They push a perception of an ever-oppressive state not essentially because they seek to transform it and achieve democracy but, in some cases for self-serving interests that have little to do with democratization. Some challenge the state for the simple reason of gaining co-optation. As Chabal and Daloz (1999: 26) correctly argue, it is questionable whether sections of the opposition (civil and political society) in Africa "have a programme of political reform capable of changing the existing political logic or whether they merely want to gain power so as to employ it instrumentally according to the self-same political logic." The oppressive state therefore provides the reason, rather, the excuse and opportunity, to pander on the problems the very state inflicts on its citizenry. Which is why Aina has correctly recognized that,

The enemies of democracy are not only in governments. They are in churches, mosques, temples and shrines, and also in homesteads, kraals, shantytowns, high-income estates, communities and in civil society. These enemies are everywhere that intolerance, exclusion, injustice, domination and unmitigated exploitation and victimization of others are. They not only use the resources of governments, but also use weapons such as



guns, knives, clubs, "pangas", petrol and other bombs, "necklaces" and lynching to pursue their goals (2000).

In addition, evidence suggests that "Ethnic heterogeneity in leadership and staffing is as relevant to maintaining legitimacy in civic organizations as in the African State itself" (Bratton, 1989: 427). In the final section of this paper, we address the issue of how ethnic homogeneity affects NGOs attempt to push for democracy in Kenya and arbitrate in conflict situations.

What synchronizes the notion of ethnicity into that of community is the fact that identity, other than being about how we see and perceive ourselves as an ethnic group, also has something to do with how others see and perceive us. Ethnicity is not just about how we define ourselves but also how others define us. Ethnic groups are not self-contained entities in the old anthropological sense; rather, they are a part of the wider social sphere where they have to respond to perceptions and interests of others. Thus, Barth is correct in arguing that cultural forms "also reflect the external circumstances to which actors must accommodate themselves" (Barth, 1969: 12). As long as this is accepted, ethnic exclusivism will always remain a danger to be harnessed and nurtured. This goes with the realization that there is no society that is predicated on eternal consensus (Aseka, 1996: 21). Minimizing the negative aspect of ethnicity will remain an important part of the democratic process.

### **A Note on Methodology**

It is important at this point to briefly justify our methodology especially the choices we made in the process of research. This will make some of the arbitrary decisions we took look less so. First, the study was motivated by an attempt to avoid the rigid or orthodox university methodologies that junior scholars, especially those



working on their graduate studies, are always subjected to. Rather, it allowed for a flexible methodological approach that was found attuned to the demands of the regions under investigation. The research allowed for innovation by individual researchers in the search for data and its analysis as long as valued social science canons of research and 'objectivity' were rigorously maintained. This was essential because from its inception, the project aimed at avoiding the rigid methods of research so common in our institutions of higher learning that begin with a strictly structured proposal and end with a predetermined layout of the research report. Rather than come up with a specific sampling method for each researcher, for instance, the sociologist in the research tried out sampling procedures normally common to historians. That is how the purposive method of sampling was adopted, though not to the exclusion of other relevant procedures.

The procedure involved drafting a questionnaire that was used *as a guide* in field interviews and not as the document with the totality of questions to be administered. Such a questionnaire design allowed for the respondents to tell the story and for the researchers to listen and record carefully. Further, the search for informants was designed in a manner as to allow for the field informants to guide our search. In some cases, this method led to targeted informants while in other cases the researcher used his/her discretion to identify respondents. This was another sampling procedure that became helpful. The consequence was that there was more of listening on the part of the researcher and more of talking by the informants. Group interviews were also conducted in areas where the information sought after was considered so sensitive for one informant to divulge. This was a strategy used to avoid unnecessary harassment from the local administration. On the overall however, a number of research methods were used to derive our information.

The study covered selected regions in Kenya chosen on the basis of ethnicity. The interest in the Kikuyu, Luyia, Luo and Kalenjin led us into Central, Western, Nyanza and Rift Valley provinces<sup>2</sup>. This choice was made on the assumption that the findings will help launch follow-up research among other communities and regions. The Kikuyu, Luyia, Luo and Kalenjin were also chosen because of their numerical strength in Kenya which often translates into political strength.<sup>3</sup> These four communities also inhabit adjoining areas that were places of intense ethnic conflict in the early 1990. Since the Rift valley was the center of this intense ethnic rivalry and conflict, the provincial focus on these communities significantly allowed an investigation that was supra-ethnic because provinces and districts are multi-ethnic in composition. It seems clear enough why more attention was paid to Rift Valley with a researcher concentrating on Nakuru District alone.

However, it is important to add that due to financial constraints, it was not possible to have a researcher of Kalenjin birth to join the only one (a Kikuyu) used to research in Nakuru district. That would have helped counter-balance the views derived from the district. This district was the area of intense settler settlement in colonial times and with the onset of independence, ethnic tensions, suspicions and misunderstanding have been more intense here than anywhere else in Kenya. It would have helped to get both the Kikuyu and Kalenjin view of ethnicity in Nakuru District. Some research was also done in Nairobi, but the focus was conceptual for the whole study since, we thought, this background is best studied from the vantage point of the urban.

Since the overall choice of these research regions was limited, it has to be recognized that the nature of ethnic sentiment and conflicts in Kenya differ remarkably from region to region. Thus, valid generalizations cannot be made on this diversity. It was borne out by the study

that research needs to be extended to other regions like North Eastern and Coast Provinces of Kenya where the manifestations of tensions and conflict follow different lines and causative factors. The nature of conflict in North Eastern province especially among the nomadic peoples of Somali ethnicity does not necessarily follow the ethnic line. Rather, the clan divisions have become identities along which tensions emerge and conflicts are fanned. The scarcity of resources, especially grazing land during drought sessions, catalyzes the move from tensions to actual conflicts. On the other hand, access to coastal resources has become an important rallying point for conflict at the Kenya coast. The coastal inhabitants rightly feel dispossessed of their resources by upcountry immigrants to the coast (see Mazrui, 1997; Kanyinga, 2000). However, the constraint imposed by finance, the harsh climate, its remoteness and insecurity did not allow this study to focus on this region. What is important to know is that the dynamics of these conflicts cannot be generalized from the case studies presented here and they need their own independent and in-depth analysis.

Six researchers were initially selected for this study. By the end of the project, they had increased to seven. Each researcher was selected on the consideration of discipline, gender and ethnicity. In allocating the themes and regions, each community had to be researched by one of its own. Although there are disadvantages associated with this, the idea was to introduce a dialogue in the project itself. Each researcher was to examine his/her own ethnic community, document their strengths and weaknesses in the process of ethnic interaction and suggest possible areas of inter-ethnic interaction and relations with the neighboring community. It was not feared that researchers would adopt a defensive attitude since defensiveness is part of the stock of knowledge we need to have and understand about ethnicity in Kenya. This way, the project itself turned out to be an expression of inter-ethnic co-operation.

This approach was with some remarkable results. For long, the Kalenjin have been constructed along with their leadership as being too inward looking. The failures of President Moi and his cronies have in some cases been seen as Kalenjin failures. Indeed, along with the Kikuyu, both having produced Kenya's respective presidents so far, these communities have been seen as having disproportionately gained at the expense of others in Kenya. As the clashes demonstrated, Kikuyu-Kalenjin rivalry has also intensified by, among other things, this very fact of having produced Kenya's respective presidents. But in all this, evidence that the Kikuyu have had their say and consequently offered their defense against such accusations abound through the numerous publications both internationally and locally. As Gibbon argues, the Kikuyu are able to express feelings of illegitimacy "more concertedly, since [they] tended to have a stronger presence in the political and administrative classes and the free professions" (Gibbon, 1995: 10). They also control a large proportion of the media, both print and electronic. The same cannot be said of the Kalenjin. This study provided a rare opportunity to a Kalenjin scholar to discuss the Kalenjin position in these matters. It is indeed the strength, some would say failure, of our methodology that it provided, without compromising 'objectivity', a chance for selected communities to dialogue and express themselves through the eyes of selected researchers. The tensions that the project report carries and the issues that these explicitly or implicitly raise are part of the stock of data that Kenya so dearly needs to handle the ethnic question in the context of current attempts at democratization.

### **Ethnicity and the Democratization Context in Kenya**

Democracy is increasingly becoming the rallying word in African politics. This is because, for long, Africans were

subjected to harsh realities of dictatorial rule characterized by denial of basic freedoms and basic rights including food, shelter and education on the one hand and freedom of speech, movement and expression on the other. That basic freedoms and rights go together is one issue that does not seem to be equally emphasized in the current discourse on democratic renewal in Africa. Both local activists and international donors pay lip service attention to this close intertwining, a fact which explains why democratization as a process has not been easy to sustain amidst hunger and deprivation. As Ihonvbere has cautioned,

Politics has to be much more than an elite affair and the people must become true objects of participation rather than objects of manipulation in the socio-economic and political process. Democratization must be our watchword. By this I mean a steady and systematic empowerment of the people, their communities and constituencies in a direction that empowers them to dictate and determine the content and context of politics with emphasis on pro-people issues (1998).

Unless empowerment for democratic participation is made a priority issue, the basic freedoms and rights that are so closely important to sustained democracy will remain elusive in Kenya.

The Kenyatta and Moi regimes in Kenya were built around a negation of these basic principles that define any democratic dispensation. These were/are regimes characterized by extreme centralization of power in the executive presidency. This has over the years enabled the creation of a Kenyan state whose pivot is the presidency and whose other arms of government have been subjugated to the wishes and whims of the occupant of the institution of the presidency. The essential continuity between the Kenyatta and Moi regimes is

undeniable. Most analysts of Kenyan politics have sought to draw a false distinction between the democratic credentials of Kenyatta and Moi. Some have even overtly overlooked the former and concentrated on the latter in terms of analyzing their democratic achievements. Barkan (1992, 1993), and Chege (1996) are perhaps the greatest culprits of this form of analysis that promoted what has been described elsewhere as the 'politics of selective blame' (Murunga, 1999; see the excellent critique by Ajulu, 2000).

On the contrary, we view the transformations in governance between the Kenyatta and Moi regimes as minor transformations within a continuous political system. Kenyatta set the stage for Moi and Moi edited and perfected an act whose script was in place when he assumed the presidency. Ironically, it is Morton's shameless defense of Moi that seems to have captured this continuity better. He noted that "while the country's new leader [Moi] promised to follow in the footsteps of the late President, he implied that there would be change within that continuity" (Morton, 1998: 168). The change was in terms of relocating the realms of 'state legitimacy' to new ethno-regional bases by shifting state forms of patronage and resource allocation to new regions preferred by Moi but neglected by the former regime. As Ajulu puts it, Moi had to loot the looters in order to establish his kleptocracy (Ajulu, 2000: 146). Thus, as expected, shifts occurred in the old challenges to 'state legitimacy' as Moi established his stature within the new government.

The response to this relocation of state power and resources to other regions have led to the rise, and shaped the spread, of calls for democracy to new constituencies hitherto less vocal during the Kenyatta regime.<sup>4</sup> The geography of democratic pressures in Kenya has simultaneously shifted with the relocation of governance base. The Kikuyu have become the greatest opponents of the Moi regime while the Luo have to date shifted alliances depending on the political say of Raila Odinga,



the son to the late Oginga Odinga. The Luyia have, as usual, remained heterogeneous in their democratic participation since various sub-ethnic groups among them vote and support different parties. The Kalenjin, given the presence of President Moi in the presidency, have largely become a Kenya African Nationalist Union (KANU) community though with intermittent bickering amongst the various sub-ethnicities about Moi's leadership and the disproportionate gains each Kalenjin sub-ethnicity derives from his control of state power and resources.

While during Kenyatta's era, the strongest pro-government region was central province, in the Moi era, this province together with Nairobi and parts of Rift Valley, especially Nakuru district have become the strongest anti-government regions. Luo Nyanza, which is part of Nyanza province, has consistently aligned itself against or for the government on the basis of the choices of the late Oginga Odinga and later his son Raila Odinga. When Oginga Odinga was in good working relation with Kenyatta, the Luo supported the Kenyatta government until the fallout in the mid-1960s. Luo Nyanza turned anti-government until 1998 when Raila Odinga began working in alliance with President Moi. For Western province, with the exception of the Bukusu of Bungoma district, their support of the Kenyatta and Moi regimes has been considerable, at least compared to their opposition. With the exception of the Kikuyu settled areas of the Rift Valley, the rise of Moi to the presidency has turned the province into a largely pro-government region. But during the Kenyatta era, the region was generally pro-government because Moi was an important part of Kenyatta's regime. This was despite internal grumbling by the Kalenjin against the Kikuyu takeover of most of the productive land in the province. The case studies in the study detailed the participation of these communities in democratic transitions in Kenya in the midst of real or perceived gains in relation to the control of the state



apparatus. Five sub-themes are identified as the important issues emanating from a study of the mentioned communities. They also constitute important areas of intervention if the democratization process has to gain firmer ground in Kenya. They are discussed here to illuminate their nature and their impact on the process of democratization. These include:

1. The role of the ethnicity of the occupant of the presidency
2. Land, resource allocation and ethnicity
3. Intra-ethnic histories and democratization
4. Personality worship and democracy
5. Civil society in conflict resolution

In the remaining part of this paper, these sub-themes are used to summarize the results of the study and to reflect further their impact on the democratization process.

### **Ethnicity of the Occupant of the Presidency**

The ethnicity of the occupant of the institution of the presidency seems to be an important factor in ethnic relations in Kenya. This is because of the nature of the state in Kenya and how the presidency plays a crucial role in defining and transforming state power. To date, Kenyans have been unable to address that clause in the constitution that puts the president above the law. This clause and many others in the constitution define the presidency as a very important institution in Kenya whose intrusive role in ethnic relations and democratic reform is indispensable. Other than elevating him above the law, the presidency towers above all other institutions that legitimate power in any democracy. Until mid-2000,

parliament in Kenya was subjugated in many ways to the executive which is controlled by the President. The provincial administration has historically remained under presidential directive and control since colonial times. All this means that the president has the legal leeway to exercise his power whimsically.

Mzee Jomo Kenyatta, Kenya's first president initiated the post-colonial moves towards centralization of power in the president. In this, he was supported by a small group of essentially Kikuyu elite from Kiambu District. One consequence of this was to associate the presidency with the ethnicity of its holder and to generate hatred, at least among the elite and politicians, against this ethnic bias. John Lonsdale, referring to Kenyatta's ethnic bias argues that,

"Nobody doubted that he was and, it appeared, had chosen to be the leader of the Kikuyu rather than of black Kenyans as a whole. Non-Kikuyu leaders increasingly mistrusted him. There could be no greater abuse of personal power, nor deeper betrayal of modernizing nationalism." (Lonsdale, 1992: 281)

Most of the powers vested in the presidency during Kenyatta's time were meant essentially for Kenyatta, not for the presidency. At the time, these elite failed to forecast that the presidency was not a lifetime preserve of Kenyatta. When they realized this mistake, they sought to review the constitution to block Moi from taking over. The move failed in the face of opposition from some in parliament. Kenyatta maintained Moi as his vice-president and although tough impediments were put in Moi's way by Kenyatta's inner circle, Moi took over after the death of Kenyatta in 1978. But even as Moi took over, the state apparatus were heavily ethnicised in favour of the Kikuyu of Kiambu District. The presence of Kenyatta in the presidency had introduced a level of

psychological satisfaction among some top Kikuyu of being the holders of the highest seat in the land. Most of them cherished this though very few of them benefited from it. It is this satisfaction that pushed some into oathing after the murder of Tom Mboya and subsequent attacks from aggrieved Luo in 1969. The oathing was meant to cement allegiance to a Kikuyu controlled presidency. This allegiance proceeded on the view that the presidency should remain in the house of *Mumbi*, Mumbi being the woman who, tradition maintains, had originated the ethnic Kikuyu. The oath involved the transportation of ethnic Kikuyu to undisclosed destinations in Gatundu (Kenyatta's home area) and the administration of an oath of allegiance that included drinking of blood (Karimi and Ochieng, 1980: 10-14).

The tensions of the above scenario ably demonstrate the ethnic mood of the country as it relates to the presidency. Oathing was widespread and, in cases where some Kikuyu refused to take the oath, they were forced to take it under duress. Even the radical Bildad Kaggia, under pressure decamped from Kenya Peoples Union, the opposition party formed by Oginga Odinga that was poised to challenge KANU's and Kenyatta's monopoly of power. The ethnic issue was heightened with the stoning of Kenyatta's motorcade in Kisumu in 1969. Since then, Kenyatta never set foot in Kisumu until his death in 1978. The sense of identification with the presidency among the Kikuyu at the time was so high that "most Kikuyu's ...still regarded the presidency as their legitimate inheritance and guarantee to their privileged position" (Tamarkin, 1979: 22). To date, the argument among some Kikuyu politicians has been that they deserve the presidency because they fought for *uhuru* (freedom). This has always been in reference to the central role of the Kikuyu in the Mau Mau war of independence. It should be noted that debate still abounds as to the role of Mau Mau in the decolonization process in Kenya (see Atieno-Adhiambo, 1991).

The personality of Kenyatta that was brought to bear on the presidency has a lot to do with the way the state has been constructed and how the presidency plays an important ethnic role in Kenya. Patronage in the Kenyatta as in Moi regimes followed an ethnic line and marshaled political support ethnically. While political competition may seem to have been greater in the Kenyatta than in the Moi times, the bottom line in both regimes has been that political competition is allowed if it poses no challenge to the person of the president. Kenyatta destroyed the independence of the legislature and made members of parliament insignificant. He warned them that he would crash them "like a hawk among the chickens" if they dissented (Throup and Hornsby, 1998: 20). Indeed, those who persisted in challenging his authority were either detained without trial or murdered in cold blood. Some like Jean-Marie Seroney and Martin Shikuku were arrested in the precepts of parliament to demonstrate that Parliament and its Parliamentary Powers and Privileges Act mattered less before the ideology of order rolled out by the president. The President always destroyed potential foci of organized opposition to his authoritarian rule and therefore defeated democratic processes (see Mueller, 1984).

The executive arm of government technically should have included the president and his cabinet. Yet the president had an unchallenged monopoly in the executive that began with his sole appointment of the ministers. Dissent and principle, which could easily be construed to mean disobedience, were not tolerated. Both in the Kenyatta and Moi regimes, political expression outside its own chosen agenda was seen as a criminal offence rather than a political difference of opinion (Atieno-Odhiambo, 1987: 198). As a result, ministers in the Kenyatta government were instructed to toe the line. Kenyatta threatened them with sacking and instructed that "should any of them become disobedient I will kick them out" (Tamarkin, 1978: 302). Together with other

MPs, they were subdued into silence by Kenyatta. Also, the provincial administration and civil service was instructed into obedience and turned into presidential and party machinery. Civil servants, Kenyatta instructed "are not impartial. They are KANU civil servants" (Tamarkin, 1978: 302). Eventually, the president was accountable to no one in particular, yet "the vital force of democracy is the accountability of the rulers to their subjects" (Atieno-Odhiambo, 1987: 189).

The Moi regime reconstructed this leadership in new geographical spaces. While the judiciary remained largely free in Kenyatta's era, Moi constricted the jurisdiction of justice further by removing in 1988 the security of tenure of high court judges and by suggesting that lawyers renew their license of practice annually (Mutua, 2001: 102). Like Kenyatta, Moi further constricted the freedom of parliament by subordinating it to KANU, the ruling party. By 1988, a cheering crowd of KANU loyalists had been built that engineered seriously undemocratic rule presided over by Moi at the top. They coalesced around the KANU Disciplinary Committee that became so powerful that it indirectly determined who was to be nominated for parliamentary election through their mechanisms of suspension of errant KANU members. In turn, this created a group of popular leaders but out of parliament because they failed to get nominated to contest on the only available KANU ticket.

Like Kenyatta before him, Moi subordinated the provincial administration and declared it a KANU machinery. Civil servants were also declared servants of the sitting government. Moi changed Kenyatta's *de facto* one party state into *de jure* one party state with the direct and sycophantic help of *inter alia*, Charles Njonjo, Mwai Kibaki (current leader of the opposition) and Paul Muite (prominent pro-democracy activist, opposition parliamentarian and lawyer) (Throup and Hornsby, 1998: 31). He also employed unfair rules like the preventive detention act and chiefs act to constrict

democratic space and further entrench authoritarian tendencies. The special branch spying network was enhanced and spread across the country, a fact that spread fear, suspicion and despondency. Like Kenyatta before him, ministers were ordered to toe the line, sing like parrots and to put a stop when he did. As Moi correctly observed, this is what he did when Kenyatta was the president. Moi also further ethnicised the state apparatus and the Kalenjin became more visible in the political life of Kenya than ever before.

Some Kalenjin began to assert themselves more and roll out patronage resources to their allies. In some state co-operations, the Kalenjin became more visible especially in Kenya Post and Telecommunication Corporation and the agricultural marketing boards across the country. This development led to a sense of envy and hate of the Kalenjin hegemony. Many thought them unqualified for such influence and attributed it to the presence of a Kalenjin in the presidency. As a result, given the wide reality of Kalenjin presence in strategic arms of government, a sense of Kalenjin phobia spread and for historical reasons, the Kikuyu have seemed more disillusioned and alarmed about this than other Kenyans. For one, Moi encouraged and unleashed Indian business as a counter to the largely Kikuyu controlled business sector. In order to have resources to dish out to his new patronage network, Moi decided to loot both the state and private businesses known to have been built around state patronage before his ascension to the presidency. Also, Moi assumed the presidency in a context where state resources for patronage were shrinking and traditional sources of such resources needed to be diversified. It is the subsequent kleptocracy and re-distributive mechanism that has re-shaped the geography of opposition to the Moi controlled state. The Kalenjin responded with new levels of self-assertion that also acted as a means of self-defense. They have since rallied behind President Moi even when they complain about not



benefiting from his leadership. Some Kalenjin MPs continue to complain about Moi but when the crucial hour of casting important votes in parliament comes, their vote has almost always been in favor of Moi. Thus, like the Kikuyu in the Kenyatta era, the Kalenjin have developed a level of association with a Kalenjin controlled presidency that they dread losing.

The spates of suspicion, hate, misunderstanding and even conflict between the Kalenjin and Kikuyu may have something to do with the fact that they are the two communities that have produced Kenya's respective presidents. The presidency has played a role in politicizing their ethnicity. This simply means that there is a relationship between the ethnicity of the president, the greater visibility of their respective communities in politics and the community's struggle to maintain the status quo. The presidency unleashes stakes to be defended. This has fanned suspicion between the contending communities. It was clear from the research that hate and suspicion characterizes relations between the Kalenjin and Kikuyu especially those in clash-ridden areas of Rift Valley where politicized ethnicity led to state-approved ethnic cleansing. While this has a lot to do with resource allocation and the patronage issue that go with it, the psychological attachment that goes with the presidency is a factor given the attachment that each had/has on the presidency and the advantages, material and psychological, real or imagined, that go with it.

We know for sure that many Kikuyu benefited both fairly and unfairly from a Kenyatta controlled presidency. We also have evidence that quite a good number of Kalenjins have benefited from the occupation of state house by Moi. Some other communities may play specific peripheral roles here and there but in the event of the transfer of the presidency from Gatundu (Kenyatta's home in central province) to Kabarak (Moi's home in Rift Valley), the Luo and Luyia in general had little to psychologically miss while the Kikuyu certainly



felt dispossessed. In a nutshell, the presidency in Kenya is a rich community resource both materially and psychologically. It is a live wire to resource accumulation among favored members of the specific community and a psychological safety valve for the rest. In Kenya, power begins and ends in the presidency. As a result, the shift of this power from Gatundu to Kibaki heralded the shift of material and psychological resources from the Kikuyu in favour of the Kalenjin, a fact that bred jealousy and hate and impacted negatively on democratic processes. The material issue goes hand in hand with the psychological one and we must now turn to it.

### **Land, Resource Allocation and Ethnicity**

Land is of crucial importance to all Kenyan communities. It is also a crucial component of ethnicity in Kenya. In fact, it was at the heart of the ethnic clashes in the Rift Valley pitting mainly the Kalenjin versus other communities inhabiting the region like Kikuyu, Kisii, Luyia and Luo. Gecaga's study establishes the importance of land among the Kikuyu. *Tiri* (soil), she argues, is important for the Kikuyu identity because it fuses together the religio-ritual component and the material-productive needs of the Kikuyu. This can hardly be said to be a preserve of the Kikuyu since Rutto establishes the same for the Kalenjin. He notes the customary significance the Kalenjin attached to land. Both researchers note that the respective communities have a religious attachment to land; the Kikuyu expressing this through their oath-taking ceremonies in which *tiri* is used. For the Kalenjin, land is so important that it is believed that no stranger can assume its ownership forever unless s/he gets assimilated among the Kalenjin. Thus, the contact between the Kalenjin and Kikuyu in the Rift Valley was poised to be dangerously conflictual right from the start because of each community's perception of land.

Colonialism led to forceful land alienation especially among the Kikuyu. It is as a result of large-scale land alienation that active anti-colonial struggles were comparatively higher among the Kikuyu than other communities in Kenya. Colonialism was an event over which the Kikuyu, like many other communities, had little control over and was as exploitative as it was repressive. It naturally dispossessed them of the precious possession, land, a fact that rendered many of them landless and poor. The Kalenjin, on the other hand, had large tracts of land. Even when the white settlers alienated large tracts of land from them, they still had some left. However, even when the settlers occupied Kalenjin land, Rutto argues that the Kalenjin believed that they would go leaving their land intact, for like other people, the Europeans were strangers in the eyes of the Kalenjin. However, at independence, many of the land hitherto traditionally owned by the Kalenjin was redistributed to largely well-connected rich people in independent Kenya following the stipulations of the Swynnerton plan in the 1950s.

Maina describes the position of the Kikuyu in Rift Valley and how they have felt let down by the government of President Moi as it sought to enforce new forms of land redistribution in the late 1980s and early 1990s. In particular, there is a consensus between Rutto and Maina that the government has not done all in its power to develop harmony and maintain it between the Kikuyu and the Kalenjin following new acquisitions of traditionally Kalenjin land in the Rift Valley by the Kikuyu. The acquisition of land by white settlers was on the main unprocedural and unfair in terms of the rates of exchange, if exchange ever occurred. It was also forceful. Land redistribution was therefore an essential expectation of decolonization that the Kenyatta regime paid little attention to. It led to ethnic conflicts in the independence period though these were easily thwarted

using state-sanctioned force in favor of Kenyatta's cronies and beneficiaries. In the Kenyatta days, the Kalenjin attributed their poverty to Kenyatta's inequitable redistributive methods in favour of the Kikuyu. The Kikuyu have, in turn, attributed their suffering and poverty to Moi's unjust attempts at redistribution. As a result, the land question has remained a potentially divisive force that easily lends itself to inter-ethnic and intra-ethnic conflict. Land remained a latent source of animosity between the Kalenjin and the other communities inhabiting the Rift Valley waiting for some force to trigger conflicts. During the wave of democratization, the force that triggered conflict was the politicization of ethnicity that took advantage of underlying elements of historical injustice.

Both Jean-Marie Seroney and Moses arap Keino often expressed the Kalenjin feeling during the Kenyatta era. In 1969 following the death of Tom Mboya and the relative instability that abounded, the Kalenjin in Kericho used the opportunity to flash out other communities especially the Kikuyu and the Kisii in Kipkelion town. It will be remembered that Kalenjin of the Orkoik clan had remained squatters since 1928 when the colonial government relocated them following their resistance to colonial rule. They were left as squatters in Kericho and Kipkelion towns after 1962 through to the Kenyatta and Moi regimes (see Sialai: 1997). The land clashes in Kenya in the 1992 were the second instance of ethnic fighting while the 1997 were the third. Undeniable evidence suggests very strongly that politicians orchestrated the clashes. Indeed, as Gibbon has argued, the "ethnic cleansing" in the Rift Valley [was] often little more than an informal state-approved land redistribution (Gibbon, 1995: 21). Many of the existing reports have confirmed the complicity of the KANU government in fanning clashes. But they are hardly revealing when they stop at identifying this sterile fact since they fail to address the gullibility of those galvanized into killing by politicized

ethnicity. The research focused more on why the people who perpetrated the heinous crimes during the clashes were so readily gullible to political maneuvers. This is more fruitful than the mere apportioning of blame that is so rampant in daily talk and in print and electronic media. Evidence seems clear that each side to the clashes had a valid point about their conflicting claims.

For a start, focus was on the historical origins of the clashes, which are firmly entrenched in the politics of independence in Kenya and in the constitutional order adopted at independence that privileged individual over collective ownership of land. As David Ndiu argued in a now neglected newspaper article (*Sunday Nation*, July 23<sup>rd</sup>, 1995: 7), the current constitutional order in Kenya in so far as land rights are concerned carries with it a historical injustice. Ndiu argued for addressing the problem beyond the mere instance of pinpointing the sterile fact that the ethnic clashes were fanned by politicians for their own selfish interests. It is true that those pinpointed were guilty in almost all these cases "but this does not explain why, in the absence of a perceived historical injustice for the politicians to exploit, the hordes of young men who perpetrate these heinous crimes are so readily gullible to every other opportunistic politician's ploys." We need to underscore that the sensational approaches that seek to blame the politician and label other communities as essentially blood-thirsty and the warriors as murderous hoodlums serves no constructive purpose other than ingraining more hatred that a politician will take advantage of again. In any case, most of the warriors, whether Maasai, Samburu, Pokot or Turkana have little time for newspapers or television. These are people who are perpetually on the move. For many of the so-called warriors, newspapers hardly get to their areas and if they do, they get there very late and in selected urban areas. This is because the districts inhabited by these groups of people are extremely inaccessible, remote and poorly endowed such that buying newspapers is a luxury very

few can afford.

Secondly, the sensational approach casts the clashes as a consequence of caprice, a thoughtless act that spontaneously arose out of the need to kill and nothing else. This approach refuses to examine the historical element of injustice and the subsequent social relations among communities settled together. Social and economic relations among groups living together determine if co-existence and political pluralism can succeed in a multi-ethnic situation. In the absence of respect for each others heritage and way of life coupled with the attempt to denigrate and caricature a hosts' culture, pluralism is doomed to fail in the event of any catalyst for conflict. It seems that the Rift Valley region was poised for conflict given the suspicion, hatred and injustice prevailing there since colonial times.

Evidence from the historical records show the unjust manner in which the acquisition of land in the Rift Valley took place during the early colonial days and the land transfers of the Kenyatta era with the complicity of Moi (see Leys, 1975 and Morton, 1998: 111-117). These were couched in the modernist argument of willing buyer and willing seller but in many cases willingness was state-enforced. In others, clear compulsion rather than consent was used. Further, in the context of the levels of ignorance about such transactions apparent then, the logic of willing seller willing buyer is defeated by the relative value of what was in actual fact exchanged. Be that as it may, "By 1971 more than half of the acreage under cultivation by individual large-scale farmers in Nakuru District was in the hands of Kikuyu owners. At the same time the World Bank estimated that nearly half the migrants from Central Province and Western Province- approximately 260, 000 people- settled in the Rift Valley during the 1960s" (Morton, 1998: 135-136). This massive influx must have caused a lot of strain on the land and especially in the context of the unjust manner in which the land was

acquired leading to its very inequitable distribution.

Also, the social relations between the new immigrants and the indigenous inhabitants in the areas inhabited need closer attention than has hitherto been the case. Suspicion, mistrust and tensions predominate between the Kikuyu and Kalenjin communities in the Rift Valley. Instances have been observed where social activities including education and religious activities in the Rift Valley are conducted along parallel lines between the Kalenjin and Kikuyu neighbours. This reality further nurtured suspicion, hatred and misunderstanding between the two communities as each got estranged from the cultures and mannerisms of the other. Institutions like marriages between a Kikuyu and Kalenjin have succumbed to these parallel social activities such that women, for instance, no longer count as an avenue to contact and biological relations. Ethnic miscegenation as a means of developing inter-ethnic communication among the Rift Valley communities are blocked since the Kalenjin have a stereotypical perception of Kikuyu women as potentially dangerous women who seek to dominate their husbands and who will eventually leave with the children. This is in apparent reference to the lingering but strong matriarchal tendency among the Kikuyu who consider children to belong to the mother not the father. The Kikuyu on the other hand views the Kalenjin as lazy and inward looking. This inhibits inter-ethnic contacts since the social distance between these communities overwhelms physical closeness.

It is consequently true that when the clashes came in 1992 and 1997 the Kikuyu had the largest casualty, followed by the Kisii and the Luo while Luyia had relatively fewer casualties. A kind of Kikuyu phenomenon is ingrained in the minds of the Kalenjin who consider the Kikuyu as *Kimoriok* (one who rushes or dashes around particularly in a violent way and with criminal intentions). This image of *kimoriok* translated easily into extreme violence and ruthlessness because the Kalenjin



believed that they were dealing with untrustworthy and inherent criminals who were capable of retaliating unexpectedly and disappearing into the bush. While the Kikuyu were generally at a disadvantage because in the event of open intervention in the clashes, even in self-defense, this could and actually did invite police intervention in defense of the Kalenjin, the Kikuyu did not always sit and wait to be killed. In many cases, they fought back and found means of fighting effectively. The Kikuyu responded because the government simply watched the clashes intensify and did nothing to stop them and enforce the law. This confirms Gibbon's argument quoted above that an element of state approval was involved in the clashes. The Kikuyu felt unprotected and took the most obvious alternative of responding to the violence meted against them.

Interviews with unsuspecting informants revealed that some prominent Kikuyu politicians organized and dispensed violence in retaliation through their own networks. For instance, one prominent politician was known to actualize any open threat from Kalenjin politicians to kill Kikuyus. This was done by torching Kikuyu houses and blaming it on the said threat by a Kalenjin politician. Since the threats were done in the full glare of the press, it was in turn easy to blame the torching of Kikuyu houses on these Kalenjin threats. This means that the political maneuvers involved in the clashes were more complex than we have so far appreciated and such rare incidences caution us against the generalities that purvey in official reports. Consequently, the casualties from the clashes included Kikuyu, Kisii, Luo, Luyia and not to forget the Kalenjin themselves. Research has tended to concentrate on the Kikuyu and to a lesser extent the Kisii, Luo, Luyia victims and hardly the Kalenjin victims. Many Kalenjin were caught up in the circumstances, just like many Kikuyus were caught up in the 1969 oath-taking that was mainly orchestrated by their political elite. This should remind us that the political uses of the clashes were confined to an elite group and not to



the ethnic community as a whole.

Caution ought to be noted that mechanisms of creating harmony between the communities in the Rift Valley do exist but the government and related organizations have not exploited them. There is need to create social conditions where those concerned share, in a meaningful way, mutual understanding, mutual respect and mutual recognition so as to bridge the social distance between the communities. Further, if democratization is the baseline aim, research must go into the political uses to which the clashes were put by different categories of society including the state, opposition and civil society. What is clear so far is that any attempt at building a democratic dispensation in Kenya is likely to be defeated by forces feeding from genuine Kalenjin and Kikuyu complaints of injustice. Social bridges are therefore needed to allow for mutual co-existence and healthy pluralism to take root if political ploys like the ones deployed in the early 1990s to defeat the struggle for pluralism are to be avoided.

### **Intra-Ethnic Histories and Democratization**

Of all the major ethnic communities in Kenya, the Luyia have not demonstrated the often-decried ethnic bloc voting behavior in the past two general elections (1992 and 1997). Indeed, since independence, the Luyia voting patterns do not show them to be strict followers of their ethnic politicians in terms of voting in elections. This pushed Koigi Wa Wamwere, a presidential aspirant in 1997 to brand them democrats in the past elections when it turned out that even though they had one of their own as an aspirant for the presidency, the Luyia voted almost equally for President Moi, a Kalenjin and Kijana Wamalwa, a Luyia then leader of FORD-Kenya party. Wamalwa got 48% of the vote while Moi had 44.67% in the Luyia dominated Western Province. In terms of parliamentary seats, Moi's KANU had 16 seats in the province compared to 9 seats for Wamalwa's FORD-

Kenya. The Kikuyu, Kalenjin and Luo adopted the ethnic bloc voting in their respective regions with the Kikuyu of Central Province voting mainly for Mwai Kibaki of the Democratic Party of Kenya (88.6% of the vote in the province), the Luo of Nyanza voting Raila Odinga of the National Development Party of Kenya (NDP) (56.6% of the vote in the province) while the Kalenjin voted for Moi of KANU with 69.4% of the vote (Hartmann, 1999: 490). One would easily, perhaps wrongly, conclude that the Luyia are democrats if the voting pattern is anything to go by. But democracy is not just about the number of votes cast in a ballot box. It has to do with a culture of political tolerance, constructive criticism and fair and just competition for political office.

The intra-ethnic histories of the Luyia sub-ethnicities predispose them to vote diversely. Kakai shows that the history of the Luyia is as diverse as is the number of sub-ethnicities within the community. In some cases, the clan divisions sharpen intra-ethnic rivalries and become crucial to the process of democratization as the case of the Wanga illustrates (Mulaa, 1981). All these have caused internal divisions among the Luyia and rivalries that influence them to vote in diverse ways. As such, it is inaccurate to conclude, as Koigi wa Wamwere did that the Luyia are democrats. Rather, an explanation of the Luyia voting behavior lies in the intra-ethnic makeup. While this makeup is the same for other communities, the manifestation of these on the voting patterns differs depending on the community. The Luyia do not vote as an ethnic bloc because they are the most sensitized about democracy but because their history does not give them that tradition of closeness and a central father-figure that would enable them to vote as a bloc. Democracy and political competition is therefore a beneficiary of the intra-ethnic divisions among the Luyia. Among other communities like the Kikuyu, Kalenjin and Luo, the presence of a father-figure has altered this pattern considerably to the extent that specific individuals within the community retain an overriding influence on

the voting pattern.

Intra-ethnic suspicion and division is best evident among the Luyia during election time. Comparatively, this is more overt among the Luyia, a fact that explains why they never vote as a bloc compared to the Kikuyu, Luo and Kalenjin. The history of the sub-ethnic groups among the Luyia demonstrates clear intra-community divisions springing mainly from their different eponymous founders and subsequent histories. Using the case of the Maragoli, Wanga and Bukusu sub-ethnicities of the Luyia to illustrate this contention, we established the range of factors that militate against the Luyia need to bargain within the Kenyan political unit as a block. Their history has opened them to internal suspicion, rivalry and occasional disagreements. The Luyia have also never had a leader able to legitimize him/herself across the community and galvanize support from across the sub-ethnicities.

The suspicions between the Wanga and the Bukusu seem the greatest. The British colonialists used the Wanga to subjugate the Bukusu at a heavy cost to the latter. Again, in most of Luyialand, the Wanga have been identified with colonial sub-imperialism, a fact that creates suspicion between them and other Luyia communities. Disagreements between the Wanga and the Bukusu predate colonialism because by the time the British arrived in Western Kenya in the late 19<sup>th</sup> Century, the Wanga were under threat from the Bukusu and Luo neighbours (see Aseka, 1989). In their attempt to combat the impending challenge from the neighbours, Nabongo Mumia, then reigning leader of the Wanga, employed the British to fight his known enemies even though the British, as it turned out, were to be his worst enemies. While he thought he was employing the British as allies, just like the Wanga had always done using the Maasai and later the Arab-Swahili traders on the eve of colonial intrusion, the British turned out to have used Mumia to the displeasure of most neighbouring Luyia communities

(Sakwa M'sake, 1971).

Thus, the suspicions among Luyia communities have predisposed them to vote differently and to put their political weight differently. Even in the 1997 elections, when opposition leaders flouted the idea that each region should field a presidential candidate so that Moi fails to garner the required 25% in at least five provinces, the Luyia largely voted for President Moi leaving Wamalwa to get most of his votes in his native Bungoma district of Western Province that is inhabited largely by his Bukusu sub-ethnic community. The Maragoli seem to be largely a KANU community while the Bukusu are a FORD-Kenya community, at one point supporting the Luo in FORD-Kenya before the Luo decamped to join NDP. The major sub-ethnic communities of Busia district just like the Wang'a have been largely pro-KANU in their voting patterns while the Isukha, Idakho, Marama and Kisa have oscillated from KANU to opposition. It is in this sense that the ethnicity of Baluyia is not uniform behind any political grouping. That is why the research concluded that the Luyia do not vote ethnically because they are the most sensitized about ethnicity but because their history does not give them that tradition of closeness that would enable them bargain as a block. This is a debatable argument and should in the future allow enough space to dialogue about ethnicity and democracy among the Luyia. But the evidence from the previous two elections suggest that democracy, that is, pluralism politics has benefited from the intra-ethnic divisions among the Luyia. It has also showed that it is possible for people in Kenya to vote across ethnic considerations or to make choices beyond their narrow ethnic confines.

### **Personality 'Worship' and Democratization**

Personality worship arises from the identification of specific persons within a community as very important persons deserving unwavering ethnic support. In Kenya, the Luo have been steadfast behind specific personalities

as their torchlight in Kenyan politics. For them, it has not mattered whether that personality is located within or out of government. It has also not mattered whether that person contradicts himself in different political contexts. Beginning with Jaramogi Oginga Odinga and now his son Raila Odinga, the Luo have consistently moved with them in different political persuasions, a fact that raises questions about the Luo ability to exercise control over their leaders. As Wamba-dia-Wamba noted, transition to multi-party politics should have ushered in emancipatory politics. In its broadest sense, this would entail the development of a people's capacity for self-control and control of their leaders (Wamba-dia-Wamba, 1993: 98-99). This supports a previous quotation from Ihonvbere that urges that the people have to be true objects of democracy. By this is meant a "steady and systematic empowerment of the people, their communities and constituencies in a direction that empowers them to dictate and determine the content and context of politics with emphasis on pro-people issues." It is this democratic approach to participation that the instance of personality worship, if wrongly grounded, seems inimical to.

The research sought to explain why the Luo have followed the footsteps of Odinga all long. This is unlike the Luyia who have no identifiable figure like Odinga. A cultural explanation to this question was given by noting the critical importance of the *Ker* (teacher) and *Jaramogi* among the Luo. *Ker* was the ultimate moral or spiritual leader. He had a different role from the other leaders in the Luo society. A *Ker* was also *japaro* (thinker) who had been elevated to the status of *Ramogi* (the Moses of the Luo). The name Jaramogi means the disciple of *Ramogi*, the name given to Oginga Odinga not by himself but by the consensus of the community in 1954. This fact alone underlined and continues to legitimate his leadership of the Luo. As Oruka explained,

... From time to time in history a person of great moral insight and courage comes to the

scene and by communal consensus assumes the role of *Ker*. Once one is declared a *Ker* it is considered to attract a curse if anybody is at war with him or her. A *Ker* is hardly ever formally elected. There can be a hierarchy of *Ker* and there are generally persons who play the role of *Ker* in their particular clans or districts. But usually there is the ultimate *Ker* who is seen as the torchbearer of Ramogi, the dominant ancestor of the Luo. Odinga as Jaramogi has played this role since the early 1950s (Oruka, 1992: 28).

Before installation of Odinga as *Ker* in 1954, those who preceded him included *Ker* Omer, *Ker* Ouko and *Ker* Mboya. This installation emphasized the importance of *Ker* and Jaramogi to the Luo and why they have considered Odinga worth their support. The excellent leadership of Odinga in business and politics and his figure as the leading Luo politician all provide reasons why the Luo installed faith in him. It should be remembered that Raila was not just Odinga's favored son but also he was active alongside his father in the politics of dissent against the authoritarian regimes of both Kenyatta and Moi. For this and many other reasons, he unofficially took over the leadership of the Luo after the death of his father, though not in the status of *ker* this time.

A few critical questions that emerge deserve mention. It has been argued that the Luo, unlike the Luyia, have been groomed around the person of Oginga Odinga, the Jaramogi. As Nasong'o and Ayugi argue, the importance of the Jaramogi title among the Luo seems to be one of the remaining factors in the importance of Oginga Odinga and his family. What is intriguing today is the reason why a majority of the Luo voters rallied behind Raila Odinga, Oginga Odinga's son and not any of the remaining Ramogi's like Ochieng Oneko, for instance, after the death of Odinga? Further, the importance of Raila Odinga is made more complicated by



the fact that he is not the eldest of the late Odinga's children, though he was certainly the favored one.<sup>5</sup> Does this mean that the Luo are in fact adjusting with modern changes in our society?

What is notable is that the Odinga family remains politically the most popular in Luoland. Despite the existence of other popular Luo leaders, it is the Raila-led National Development Party that got most votes in Luo Nyanza in the 1997 elections. Even in the Lang'ata constituency of Nairobi, inhabited mainly by the Luo, it has been shown that ethnicity counted in the elections of councillors and this was, in part, due to the Member of Parliament (Murunga, 2000). It was revealed that in Nairobi, voters of Luo ethnicity traveled across the city, some even from outside the city, to register in Lang'ata constituency where Raila vied for the parliamentary seat. While a popular view has spread that Raila has the support of only the common Luo person while the elite do not support him, research revealed that this is only partly true. Elite Luo defended, rationalized and explained away Raila's political escapades including his 1998 decision to co-operate with KANU, a party that many of them had hitherto vowed never to support. Further, some confirmed that they traveled all the way from Juja constituency to register and vote in Lang'ata.

Raila's political experience in detention under President Moi may be an additional factor to his popularity among Luo and Lang'ata voters. That may also explain why his name features prominently compared to his elder brother Dr. Oburu Odinga. Indeed, Oburu's ascension to the leadership of his father's constituency can be explained largely by the influence of his father and indeed his brother. Even in the co-operation experience, Raila has moved with a sizeable Luo following from FORD-Kenya leaving the Wamalwa-led Bukusu following alone in FORD-Kenya. Raila's following has of late been effective in support of Parliamentary Select Committee (PSC) for the review of Kenya's constitution



which he leads. This following has been able to thwart attempts to interfere in Raila's new political clout in alliance with KANU during street demonstrations and attacks in the city. As such, during the city violence in May 2000 arising out of disagreement between PSC and the opposing faith-led Ufungamano Group over the constitution review process, the PSC was defended by sections of the city crowds against attempts by the opposing group to disrupt their proceedings. Indeed, even in the University of Nairobi, there were clashes pitting students supporting the PSC against those opposed to it. Apart from indicating the hollowness of the argument that Raila does not have elite backing in Luoland, it also demonstrates that personality 'worship' can generate violent tendencies that are counter-productive to democratization.

The unrestrained Luo following of the Odingas though with a valid historical and cultural logic seems to contain some anachronistic lingering that inhibit democratic reform. It is not just enough to argue in the present democratic dispensation that "once one is declared a *Ker* it is considered to attract a curse if anybody is at war with him or her." The current democratic dispensation has opened up numerous hitherto 'sacred' institutions to questioning. People now question the importance of the queen of Britain not only in Australia and Canada but even in Britain itself. The powers of some Muslim despots are also being questioned in Saudi Arabia, Iran and Iraq. All this is because the world is moving into an era where each institution has to renew and legitimate itself rather than assume that age-old historical importance will do. It is in this sense that the Luo ethnocentric following of Jaramogi is inimical not only to democratization but also to inter-ethnic mobilization for democratic renewal.

The almost wholesale Luo community's transfer of its faith and trust to the person of Odinga does not augur well for inter-ethnic mobilization. This transfer, as inimical as it is to democracy, is evident in the manner in which the Luo move with Raila from party to party

and from policy to policy. The same story is evident among the Bukusu of FORD-Kenya who allowed the position and stature of Muliro to influence a lot of their decision. Thus, Kakai and Nasong'o and Ayugi extensively discuss the notions of *Odingaism* and *Muliroism* with a cautionary slant. While *Odingaism* is used to refer to the unrelenting faith the Luo have in Odinga, *Muliroism* refers to the unrelenting faith the Bukusu have installed in Masinde Muliro or any one politicians perceived to be aligned with him. *Odingaism* and *Muliroism* are unlike any other ideologies in Kenyan politics because they rotate around personalities whose stature in their society gives them the unreserved trust of the followers. *Odingaism* and *Muliroism* are unlike any ideology in Kenya because the cultural logic of their origin has fused with the personality of the two (Odinga and Muliro) to produce a form of authority hardly possessed by many other leaders in Kenya, including Kenyatta and Moi. What distinguishes *Odingaism* and *Muliroism* from others is that their authority is real; it is not crafted around a hawkish evocation of a carefully orchestrated personality cult (Schatzberg, 2001: 23). Such personality cults are what both Kenyatta and Moi build but *Odingaism* and *Muliroism* are hardly seriously questioned. Their legacies have a long-standing basis that even with the death of Odinga and Muliro, their successors continue to marshal and get unreserved ethnic following on the basis of the *isms* associated with Odinga among the Luo and Muliro among the Bukusu. The idea of *Odingaism* and *Muliroism* illustrate the sense in which ethnic bossmen control popular voice and community decisions. The effect of these works well if the bossman is tolerant and is able to direct the energies of his following to constructive end like Odinga did for Luo Thrift and Trading Corporation. Unfortunately, this has not always been the case in Kenya. As a result the impact on democracy is negative especially in a context where transparency and accountability remain crucial components of establishing legitimacy and maintaining it (see Atieno-Odhimabo, 1976 and Odinga, 1967).

## Civil Society in Conflict Resolution

The notion of civil society has a complex history in Africa. The study did not effectively attempt to define it. Neither did it thoroughly engage at a theoretical level the implications of the notion in Kenya. Rather it sought to engage claims by sections of the NGO sector in Kenya to civil society status by critically noting the historical context in which the civil society notion arises and develops, especially in terms of the interests and identities it constitutes and confronts. In Kenya, the civil society identity is greatly impacted upon by the various identity categories like ethnicity and religion that are a prominent feature of Kenyan identity. Ethnic identity is seen in Kenyan discourse as a primordial identity that interferes with that of the modern nation-state and its modern, essentially western, variant of civil society. This approach is too modernist to be tenable. Ethnicity is a valid identity and at times plays the role assigned to civil society elsewhere. In other cases, noble civil society claims are channeled through the ethnic formation. Thus, ethnicity does not have to be desiccated and give way to the central political unit called Kenya. The nation-state and ethnicity ought to find a common ground so that each of them compromises its requirement in mutual respect of each other for both of them to develop. Kenya cannot be Kenya without the socio-cultural identities constituted in ethnic terms.

The modern nation-state is therefore important in the discussion of civil society. It is the formation around which the notion of civil society has found expression in contemporary Africa. Civil society in the discourse of democratization has been seen as a buffer against the oppressive state and its thickening a precondition for democratic reform. In Africa, political civil society prefers to present itself as the buffer against the state.<sup>6</sup> This

thinking found easy adoption because it came with structural adjustments and the Africanists pronouncement that rode on this bandwagon of donor conditionality. It also arrived at a time when Africa was at its most vulnerable in terms of economic performance. It is this vulnerability that occasioned the forceful implementation of structural adjustment programmes and adoption of prophylactic that worsened rather than improved the economic malaise. One of the recommendations of the donors was that because of the serious crisis in Africa, donor aid should be directed more towards the non-state institutions. This was based on the questionable assumption that the state in Africa had failed. Donors also emphasized, alongside this new investment in non-state institutions, the rolling back of the state in order to deny it the patronage resources it had used to defeat democracy on the continent. The donor thinking dovetailed with the rise in anti-state thinking in the U.S., Britain, Canada and Germany. This was a time when Keynesian economics of the post-war period had given way to believe in less state intervention in the running of public affairs (Mkandawire and Soludo, 1999: 41). State intervention was replaced with new faith in the market as an important regulator of prices and resource allocation.

Non-state institutions were identified in the rising civil society realm and especially the NGOs. In Kenya, civil society has been uncritically equated to NGOs (Mutunga, 1999: 18). This identification of civil society with NGO has infuriated, among others, the eminent political scientist Peter Anyang Nyong'o who sees NGOs as mere entrepreneurial groups. It may be added that such organizations have a diversity of stakes in the political process. Like political society, civil society in whichever form it expresses itself has political interests at stake and as such cannot be assumed to be impartial arbiters in a conflict situation. At times, they also pander on the plight of Kenyans as they seek to make maximum

gain following repressive instances from the very state they oppose. Civil society is therefore not the bastion of democracy that it is made out to be (Olukoshi, 1998: 15). Their proliferation in Kenya, as in the rest of Africa, has been construed in donor circles to imply growth of democracy. But anecdotal evidence would seem to point in two directions.

First, some NGOs are extremely undemocratic and biased in their procedure. They easily succumb to corruption, negative ethnicity, and nepotism and, indeed, depend on the same state for rents and survival. The truth of this claim can be gleaned from newspaper reports of those NGOs that have been accused by major donor agencies for fraud and corruption. Other NGOs are individual or family enterprises run from private residences and employing, as paid workers, sons, daughters, nephews and nieces. The biased and corrupt nature of NGOs can also be seen in the charges filed by clients against prominent lawyers to organizations like the Law Society of Kenya and the partiality with which such complains are treated depending on who is accused. Commenting on a specific corrupt sub-culture of NGOs, Momoh (1999: 39) demonstrates how donor evaluation reports are faked through a number of NGO tactics. For instance, some NGOs will "in very short time divert the evaluator's attention to such social activities as a welcome party" or "overwhelm evaluators with warmth and reception including financial bribes, etc." In other cases, "some evaluators are often personal friends or acquaintances of the NGO operator and may not want to write a final report that will prevent donor funding."

Secondly, and as Chabal and Daloz correctly argued, some of the NGOs have developed as a "consequence of the very pragmatic realization that resources are now largely channelled through NGOs" (Chabal and Daloz, 1999: 22). Clearly, the donors are in a way to blame for actively promoting the funding of NGOs and imagining that channeling funds through NGO

was an antidote to corruption. As such, NGOs reflect in their own microcosms what the state in Africa reflects. To be sure, NGOs are not always against the state. On the contrary, sections of NGOs use state structures like the police or prominent government officials in an almost similar manner as the state, the only difference being of scale. When they are against the state, they exaggerate the image of the bad state leading, in some instances, to unqualified criminalization of the state and its constituent parts. They delegitimize the state by blaming it for all evils of society and act to demonize the state in a worse manner than even the donors themselves. In Kenya, for example, the mere uttering of statements against the Moi regime has been elevated into the perfect criteria of isolating democrats from non-democrats (Murunga, 2000: 113). This has caused confusion in the ranks of the opposition and civil society for it is willing to embrace anyone who hauls one abuse at Moi, even if this person is a previous minister in the Moi government and is associated with previous ills affecting the country. Many examples abound but the recent one where former minister Kipakalia Kones was embraced by the Ufungamano constitution review initiative is telling in many ways. In March 1992, Kones declared Kericho District a KANU zone and stated that Kalenjin youth in the area had declared war on the Luo community. Of course part of the 1992 violence can be traced to such utterances.

The NGO lobby in Kenya is formidable and well connected internationally. This may be due to the nature of the state which, at one point, was characterized by gross violations of human rights and extreme forms of illegitimacy before its own citizenry. It is true as this study found out that violations of rights and corruption are not new with President Moi. But they have acquired new prominence recently and with the rise in vocality of civil society groupings, they have been brought into the open with vigor and alacrity previously missing. Further, such



vocalism has attracted international attention and censor further ensuring that the Moi regime is under the required constant scrutiny. Such international connection has, however, not translated into major gains internally that make significant difference in the lives of the majority of Kenyans. One explanation for this is that democratic reform was not driven essentially by a need to democratize but narrowly by a need to get rid of Moi. In many cases, civil society groups including law, religious groups and opposition parties together with their international supporters have narrowed democracy in Kenya to 'Moi Must Go'. This abnormal fixation on the incumbent president is driven by the search for inclusion in the present government or the struggle for raw power. The resolve to destroy the undemocratic structures crippling the state is wanting and one would be excused in arguing that access to the selfsame political structures is primary to many so-called pro-reform groups (see Ihonybere, 1996, 1997). Thus, the issue is mainly about exclusion from rather than reform of the state. Civil society turns out to be largely a partial participant in the democratization process in favour of specific class, ethnic and religious interests and constituencies in Kenya.

In view of this, what role, then, can civil society play in conflict situations? The study argues that local NGOs in Kenya have not been effective arbitrators in the conflict situation that was occasioned by the clashes in 1992 and 1997. As interested groupings in the political process, it seems important not only to study the clashes and point out who was to blame, but also to understand how the effects of the clashes have been appropriated and used by different forces involved in Kenyan politics. Many of the civil society groups benefited from the clash situation by soliciting resources in the name of seeking harmony and creating peace in the clash areas. Excepting some international NGOs and some local church organizations, Rutto and Maina found out that these were largely partial in favour of those whom they could identify

with their plight. Thus the idea of a clash victim did not command the outmost significance, it was about those victims whose identity and experience could be associated with the intervening actor. In western Kenya, for instance, credible strides in building peace are associated with women whom Juma (2000) refers to as "pillars of peace." Although she tries to emphasize the work of NGOs, none of those mentioned are locally owned or run. Those she identifies as having played a significant role were built around a coalition of state and non-state initiatives. Juma shows that the administrators did not always act in support of the state-sponsored clashes and that inclusion of government administrators helped in the success of the peace-building initiatives (2000: 44). Thus, it is wrong to condemn wholesale the whole system of provincial administration for complicity when some had to respond in favor of people otherwise targeted by the same perpetrator of clashes. In clash areas where Kalenjin administrators dominated, Kikuyu suffered the most while in areas where Kikuyu administrators held sway, Kalenjin victims were noted. Consequently, any civil society response that fails to note the ethnic diversity of clash victims remains captive to the forces that drove the clashes in the first place. It is necessary to emphasize that in a conflict situation, casualties are casualties and their ethnicity in the face of an arbitrator ought to be secondary. What limited the success of some NGOs in establishing peace was not only state intransigence (important as this was) but also NGO partiality. This further caused intolerance and suspicion within the ethnic groups that were left unattended. This, it seems, has compounded rather than helped ease the suspicions and tensions. It also raises the other question of whether successful intervention in conflict situation ought always to rely on external humanitarian groups?

## Conclusion

The baseline aim of this paper has been to summarize the findings of research on ethnicity, community relations and civil society in Kenya and offer further reflections on these findings. This brief summary has attempted to contextualize the notion of ethnicity within the broader sphere of human social interaction and to argue that the former is co-extensive and coterminous with the later. Thus, there is no acceptable justification of paying too much attention to ethnicity without equal attention to the fact that ethnicity is one among the very many identities within a historically dynamic community. The paper showed that despite this caution, ethnicity still exercises more influence in the Kenyan, indeed, African context compared to civil society. Civil society, it was suggested, is born of a specific history in the modernization of society. Thus, the very notion of civil society ought to be approached with caution for the good reason that in the African context, it has been used 'programmatically' as an agenda for change, not in a realistic attempt to understand its local nature and potential (Mamdani, 1999).

Consequently, five themes were identified as important to the understanding of the interactions between ethnicity, civil society and community in Kenya. Each of these themes was discussed with a view of locating its impact on the democratization process in Kenya. The aim was to understand; i). aspects of the institution of the presidency that have impacted on democratization, ii). aspects of land and resource allocation as they have influenced community interactions, co-existence, and pluralism, iii). intra-community histories as they relate to participation in the democratization process, iv). personality worship, its basis and its impact on inter-ethnic mobilization for the common democratic good, and, v). lastly, of the role of ethnicised civil society groups in conflict generated by the state in the context of democratic

reform. Hopefully, the paper has demonstrated that these factors impacted and continue to impact on each other and on democratic processes in Kenya in diverse ways. Only a program that seeks to appreciate this diversity can adequately understand the nature of political processes in the country.

## Notes

<sup>1</sup> There are numerous reports and studies of ethnic clashes to refer to. See, for instance, Alamin M. Mazrui, *Kayas of Deprivation, Kayas of Blood: Violence, Ethnicity, and the State in Coastal Kenya*, Nairobi: Kenya Human Rights Commission, 1997; Mwangi Kagwanja, *Killing the Vote: State Sponsored Violence and Flawed Elections in Kenya*, Nairobi: Kenya Human Rights Commission, 1998; Africa Watch, *Divide and Rule: State-Sponsored Ethnic Violence in Kenya* (Washington, D. C. : Africa Watch, 1993) and John Rogge, "The Internally Displaced Population in Kenya, Western and Rift Valley Provinces: A Need Assessment and a Program Proposal for Rehabilitation," (Nairobi: UNDP October 1993)

<sup>2</sup> Though several changes have occurred in the ethnic distribution of these in Kenya, non-specialist in Kenya can benefit from Ojany and Ogendo, (1973: 5-17).

<sup>3</sup> Figure 1, below, indicates the population of the five major ethnic communities in Kenya in 1989. The 1999 census did not give the numbers according to ethnicity because of the alleged political implications of the numbers, though this data was collected. Instead the closest it came to this was by provincial categorization.

<sup>4</sup> Of course there were and still are exceptions to this. But overall, the bases of support for the Kenyatta regime were overwhelmingly in Central Kenya while those for the Moi regime have been in his Kalenjin backyard in the Rift Valley.

<sup>5</sup> According to Anyang' Nyong'o (in Murungi, 2000: x-xi), one of Oginga Odinga's wish during the struggle for political pluralism was to secure the release of his son Amolo (Raila).

<sup>6</sup> The difference between political and development civil society are discussed by Stephen N. Ndegwa, *The Two Faces of Civil Society: NGOs and Politics in Africa*, (West Hartford, Conn.: Kumarian Press, 1996).

**FIGURE 1**

**Kenyan Population by Ethnicity in 1989 Census**

<b>Ethnicity</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
Kikuyu	2,205,640	2,250,225	4,455,865
Kamba	1,212,635	1,235,667	2,448,302
Luyia	1,518,851	1,564,422	3,083,273
Luo	1,306,323	1,347,609	2,653,932
Kalenjin	1,223,037	1,235,089	2,458,126

Source: Republic of Kenya, Kenya Population Census, 1989, Nairobi, Government Printers, 1989, p. 62

**Kenyan Population Census by Province  
between 1969-1999**

<b>Province</b>	<b>1969</b>	<b>1979</b>	<b>1989</b>
Nairobi	509,286	827,775	1,324,570
Central	1,675,647	2,345,833	3,111,255
Coast	944,082	1,342,794	1,825,761
Eastern	1,907,301	2,719,851	3,768,689
Northeastern	245,757	373,789	371,391
Nyanza	2,122,045	2,643,956	3,507,160
Rift Valley	2,210,289	3,240,402	4,917,551
Western	1,328,298	1,832,663	2,622,397
<b>Total</b>	<b>10,942,705</b>	<b>15,327,063</b>	<b>21,448,774</b>

Source: Republic of Kenya, Kenya Population Census, 1999, Nairobi, Government Printers, 1999, p. xxvii

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