

## **Mayhem in Kenya : Kibaki's miscalculations and the vested interests**

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Kenya, which has been hitherto maintained political and economical leadership in Africa encountered suddenly the most serious mayhem of 'ethnic clashes' since her independence triggered by irregularities of the presidential election held on December 27, 2007. The violence between supporters of the ruling party and the opposition party spread rapidly to major cities and densely populated rural regions. It left more than 1,000 dead and 300,000 domestic refugees. The scale of violence implies that this is not a fracas over election disputes, but a serious implosion of accumulated social discontent and discrimination hidden deep under the layer of what seems to be the multiethnic Kenyan society. This short paper attempts to argue that it is not ethnic or 'tribal' conflicts as reported by the media, but conflicts among the groups of the vested interests which are outcomes of the neo-patrimonial and authoritarian regime in Kenya.

### **Disorder over the presidential election**

Since the beginning of this century the Kenyan economy has enjoyed strong growth. The growth rate of 7 % was projected for 2008. Tourism has registered the highest growth in recent years. Exports of horticultural products, coffee and tea have increased both in volume and value buoyed by the bullish global economy. Although the third election under the multiparty system of 2002 realized peaceful transition of power, political and economic grievances were not in short supply. New liberal economic policies stimulated the growth of the private sector and the freedom of media improved substantially compared to the Moi era. Activities of civil organizations were broadened and it seemed that democratization took its firm root in Kenya.

On December 27, the Kenyans held elections for President and the Parliament members. There had been few problems before the election and on the polling day, the proceedings were monitored by the observers of political parties, civil society, and international organizations. Ballot papers were supposed to be counted at each polling station and sent to the Headquarter of the Electoral Commission of Kenya (ECK) in Nairobi. On 28<sup>th</sup> and 29<sup>th</sup>, ECK reported the results of 210 constituencies for parliamentary seats. No serious complains on the results were registered following this process, although the ruling party suffered overwhelming defeats. The Party of National Unity (PNU) retained 43 seats but two-thirds of cabinet ministers lost their seats while the Orange Democratic Movement (ODM), the opposition party led by Raila Odinga, had a landslide victory winning 99 seats.

The polls had forecasted a close match between Kibaki and Odinga, but tilted slightly in favor of Kibaki. Exit polls showed Odinga was ahead of Kibaki. However, the figures of the

Presidential vote count were not made public on 29th. Only unofficial figures collected by the media canvassing voting stations were available. The delay by ECK cast doubts that the government might have manipulated the results. Finally, on the 30<sup>th</sup>, ECK made a much awaited statement that claimed the victory for Kibaki, and he was immediately sworn in to the Office by the High Court Judge only witnessed by a small number of his entourage, unlike the customary fanfare the president usually throws at his inauguration ceremony with many VIP guests. Odinga repeatedly claimed that the election was rigged and his presidency was 'stolen'. The chairman of ECK announced later that he did not know who won the election and that his announcement was made under duress. .

This led to eruptions of violence such as arson, brutal beatings, and looting by groups of young supporters of Odinga against the supporters of Kibaki in Nairobi's slums, which were parts of the Raila Odinga's constituency. The police's attempts to bring them under control by the use of gunfire exacerbated the situation, finally escalating to the ethnic violence between the Luo (Odinga's ethnicity) and the Kalenjin against the Kikuyu (Kibaki's ethnicity). On New Year's Day, a number of Kikuyu people in the Western region who took refuge in a church were burned alive. The government limited live broadcasts of TV stations in an attempt to control inflammatory reporting. Local and international media have reported with a strong accent on 'tribal conflict'.

The international efforts of mediation started without delay by Bishop Desmond Tutu of South Africa and the U.S. Assistant Secretary for the African Bureau, but President Kibaki did not show any intension of giving up his office, saying if there were irregularities in election process, the case should be taken up by the Courts and that he would only accept the re-run of the election if the Courts deemed this necessary. Meanwhile violence spread mainly to the Rift Valley, and a death toll of more than five hundred and refugees of more 250,000 were reported. Kibaki, concerned about the growing violence, called for a national unity government on January 5<sup>th</sup>, but this was rejected down by the opposition party. Instead, the opposition parties called for large protest meetings in Nairobi. The government banned the gatherings, and violent street fighting continued between the police and young protesters followed by looting and arson. No concrete peace deals were made even after the visit of the Secretary General of AU (President of Ghana). Annan, the former-Secretary General of the United Nations, was requested to follow up. As Kibaki proposed a national unity government, he appointed half of the cabinet posts - 17 ministers including important portfolios such as national security, finance, foreign affairs and local government.

Nevertheless, violence and looting against the Kikuyu people in Nairobi slums, Kisumu and Eldoret did not stop and the street fights spread into the cities of Nakuru and Naivasha. Youngsters of the Kikuyu retaliated against the Luo and the Kalenjin. It became more like a large scale civil disorder than fights among agitated youngsters. "This is a serious ethnic

conflict beyond the dispute over the election”, Annan commented after his visit to Nakuru. Kibaki’s side denounced it as ODM’s organized ethnic cleansing, while Odinga criticized the lack of control and responsibility of the government that could maintain the civil order and security only by the use of the police force and the military. So far the majority of insurgents were unemployed youths from poor areas, but following the funeral of the MP who was killed on January 28 in Nairobi, middle-class white-collar workers began to participate in violent protest against the police. It seemed it was a significant development indicating the involvement of wider spectrum of people.

Economic losses which hit at once the tourism sector would reach a substantial amount affecting the economy as a whole. The forced lay-offs and vacation have begun among local companies and insolvency and unemployment would come as a natural course. Then, the middle-class workers would be adversely affected, and hence the stability of the Kenyan society and economy. Harm is not limited to Kenya. The Ugandan and Rwandan economies have also been affected due to the paucity of fuel supplies from the port of Mombasa. The Rwandan president mentioned a forced intervention, and Odinga himself mentioned the military intervention of the foreign armed forces.

### **‘Tribes’ and Ethnic Groups in Kenya**

The media uses routinely the word ‘tribe’, but I refrain from using it for two reasons. Firstly, because it always has a negative connotation of ‘primitive people’, and using the word may entail misunderstanding of African people. It is never used in such a way as, the Afrikaner tribe in South Africa, or the White tribe in Australia. Secondly, (now I am stepping into a mine field.) there seems to be neither the concept nor the word ‘tribe’ in African vernaculars. Any word close to ‘tribe’ seems to describe family group, clan, lineage, community, people, or nation. The concept and term were introduced by colonial powers who used often ethnic groups as basic units for the ‘homeland’ administration. Smaller ethnic groups were sometimes wrongly but deliberately combined together if their languages were similar, and a synthetic ‘tribe’ was created. At least, the Kalenjin and the Luhya in Kenya had to follow such a fate. Also, even within the six million Kikuyu people, there is much diversity in tradition and culture. It is hardly appropriate to think that they are one ironclad monolithic group. Large ethnic groups in Nigeria, for example, have large populations than that of small European countries. It is obvious that an ethnic group does not or could not work as a ‘tribe’ as often assumed.

On the other hand ‘ethnic group’ constitutes significant historical and social aspects of African people and one of the most important African identities, although historically inter-ethnic mobility is observed widely. It is impossible to separate an individual from his or her ethnic group politically, economically, and socially. Especially, in the agricultural Kenyan society, family, clans, and ethnic group are the important factors for their political expression. Under the colonial rule, many ethnic groups were classified into 42 ‘tribes’ and

Kenya was born with no social, political and economic inevitability to be united. The colonial rule created frictions among ethnic groups by establishing homelands and boundaries for white settlers to take away fertile agricultural land from African farmers. By the use of various measures of oppression and appeasement, discontent and frictions among ethnic groups were controlled and that legacy of the colonial rule has been inherited to date.

Ethnic groups do not fight against each other just because they are different. Despite the reported historical conflicts that loom between the Kikuyu and the Luo, they are not traditional adversaries. The Kikuyu resided in the central province around the Mount Kenya, and the Luo traditionally stayed around the currently-called Nyanza province in the west of Kenya. The Rift Valley stretches out between them, in which the Masai and the Kalenjin led a nomadic life. Traditionally, there would have been little reason for the Kikuyu and the Luo to cross the Rift Valley and fight each other. Apart from a few exceptions, the differences between the ethnic groups are not as crucial as the differences in Christianity, Judaism, and Islamism. It is not uncommon to see inter-group marriages. The parliamentarian murdered in Nairobi on January 28 was a Luhya, and his wife was a Kikuyu. Another example was that a Kikuyu wife of a Luo politician asked his body to be cremated in Nairobi, but the Luo community took it to the court that his body rest in his birth place. Even after his death, he belongs to his ethnic group. Ethnicity is that significant.

As white settlers moved into fertile lands in the central province and the Rift Valley, the forced migration into parts of the Rift Valley by Kikuyu farmers and other groups took place. The Masai and the Kalenjin, the nomads indigenous to the Valley were then in a sense forced to share the land with the migrants. Moreover, after independence, the Kenyan government purchased back the lands owned by the whites and sold to the farmers. With an eager interest in individual land ownership, the Kikuyu got better deals than the Kalenjin and the Luo who were more for the group use of the land. Then and there seemed to develop the strong resentment and perception of being cheated or their land being stolen, against Kikuyu farmers by Kalenjin, Masai and other ethnic groups. Traditionally, Kenyans have a strong craving for land ownership, and ethnic conflicts in Kenya have the land issue at the bottom. I will not go anymore into the land issue, but to mention that this historic land issue could easily become a trigger for 'ethnic cleansing'.

### **The authoritarian presidency and vested interests**

The liberation movement was a united front of all ethnic groups, but there were also struggles for power underneath with the eyes for the post-independent era. Upon independence, Jomo Kenyatta from the Kikuyu became the first president of Kenya and Oginga Odinga, the Luo's hero and the father of Raila Odinga, became the vice –president and later lost in his political fight. Since then, the story of the discrimination against the

Luo and conflict between the Luo and the Kikuyu has been circulated. As one can see, the animosity is by any means not traditional.

Kenyatta and his successor Moi have established an authoritarian regime under one party system and power has been concentrated in the presidency. Power was exercised by 'the rule of personal authority' rather than 'the rule of law'. The legislature and the judiciary were made subservient to the presidency. Such political system is observed in many African countries after their independence. It is the neo-patrimonial system based on the patronage, which controlled and distributed the resources of the nation among its clients. Terms such as 'politics of belly' or 'politics of eating' are used and Kenya was not an exception. Corruption is often pointed out as one of the major problems under such political system, however, the term corruption does not seem to be appropriate to describe distribution of resource by patronage, but it is an act of protection and maintenance of the vested interests. In other words, those who control power under the authoritarian political system, constitute in fact the vested interests. It is alleged that the Kikuyu under Kenyatta and the Kalenjin under Moi have took advantage and obtained disproportional wealth. But both governments had many influential insiders of other ethnic groups who gained substantial benefits. Moi called himself as the professor of politics and was a skilled operator in the balancing ethnic groups. In his government, various ethnic leaders joined the chorus line and shared the national wealth. Neither all Kikuyu nor all Kalenjin gained benefits from those governments. Both governments were controlled by the groups of the vested interests, rather than ethnic groups, granted that they were Kikuyu centered or Kelenjin centered groups, but not ethnic groups as such. Naturally those who were outside of the groups of the vested interests held strong grievances against governments, but the powerful police and a close knitted intelligence network kept any resentment under control and maintained the security.

Such oppression and discrimination often found the Kikuyu and the Kalenjin as an outlet of frustration. At the time of elections since 1992, violence against Kikuyu inhabitants in the Rift Valley and even in the coast areas were repeated. I would like to make it clear that the resentment against those two ethnic groups was generated in a large part from the 'generalization' or 'perception' that all member of those ethnic groups were beneficiaries. That is obviously not true, but is a conceptual trap producing serious results. It is often said that the Luo have been discriminated against, but there is a study reporting no statistical proof found of such perception being the fact. However, unfortunately many documents and speeches that incite misunderstandings and wrong perceptions are rife at the time of elections.

Under the authoritarian government the vested interests enjoyed the benefit accrued from exercising power in controlling and distributing national resources. It could be combined as the result of weak awareness of the nation state and the protection of their interests by

political elites in newly independent countries. They abused the ethnic, regional and religious identities. I would conclude at this juncture that 'tribal' conflicts as quoted often in the media are struggles for the control of power and national resources among the groups of the vested interests and violence and conflict were often incited by historical misperception of ethnic, religious or regional identities.

### **Kibaki's miscalculations and beyond**

In previous presidential elections, irregularities provoked violence but it was limited to certain localities and the government was able to control them. At this election, Kibaki and his entourage clearly underestimated the extent of the social unrest and the depth of accumulated political and economic discontent especially among the poor and unemployed youth, and overestimated their ability to control over the rebellious people. There was a series of big and small miscalculations on the part of the Kibaki's side. The recent prosperous Kenyan economy is in reality only for the privileged, and there is a widening social and economic disparity between the haves and the have-nots, the root causes of which are perceived in the arbitrary use of power and the vested interests. In short, it is the authoritarian regime itself.

Since the late 1980s, the donor countries imposed democratic political reforms, economic reforms following the liberalized market principles, and good governance as conditions for their assistance to Kenya. In response, Kenya revised its Constitutions in 1991 and conducted the presidential election under the multi-party system. Nevertheless, in both 1992 and 1997, Moi was re-elected, due to the inability of the oppositions to consolidate themselves and Moi's skilful manipulation of ethnic groups. Election under the multiparty system in Africa is regarded as a major indicator of democratization but there are disparaging views by political observers that it is illiberal democracy or Africanized democracy to appease the donor countries. It would be unfair not to recognize genuine progress made on media liberalization, civil education and awareness of privileges and duties by the people. However, politically and economically, it is still a country of neo-patrimonial system underneath of which overtly and covertly the rival groups of the vested interests engage in perilous struggle for power, since the winner can take all. Politicians may not agree with me but the mayhem this time is a manifestation of this conflict

In the presidential election of 2002, Moi had chosen Uhuru Kenyatta, the son of Jomo Kenyatta as his successor and lost to Kibaki who received the support of the majority of the Kikuyu. Odinga was in Kibaki's election team, but left after two and half years on the account of Kibaki's failure to keep agreements made with him before the election. While Kibaki displaced many senior Kalenjin from the important positions in his administration, he nevertheless did not intrude with the business sector, and is said to be contributed to

the recovery of the economy. However, his administration was not free from corruption and abuse of power.

In the election of 2007, Kibaki had Uhuru Kenyatta' and Moi on his side, and the opposition, Odinga's side had a number of Moi.'s protégés. Policy wise ,the focal points in the election were the reduction of power of the presidency by revising the Constitution and devolution of power to regional governments. But ironically it also seems to me that it may be a re-organisation of vested interests. Not all the Kenyan leaders are driven by patronage and greed, and there are many political leaders from the time of liberation movement who have the vision beyond the confine of ethnicity and authoritative use of power. But unless management of government and the people's expectation for the patronage system have to be severed , the vested interests and the patron-client relation will never disappear from political scene. This is not confined to Kenya alone, but any country under the sun. This neo-patrimonial system is a combined outcome of the pre-colonial traditions, the legacies of the colonial era, and the post-independent political system. Unless both people and political leaders are willing to change, there would be little progress. In short, the political regime must be changed. Rivalry among vested interests can be observed in any country, but factors such as ethnicity, land ownership, large scale unemployment set higher hurdles to resolve in the case of Kenya.

### **Implications for donor countries**

Kenya has been a major recipient of ODA. My question is what the donors have been doing last thirty to forty years. Income gap is wide and unemployment is more prevalent. It did not take more than three days in December 2007 to destroy the confidence in governance in Kenya. There are many successful aid projects. But what did aid contribute as a whole in national building of Kenya? The question does not apply only to Kenya, but a large number of Sub-Saharan countries. I would speculate that if the number of employed youth in poor areas were half of what it is, this mayhem would not happen or could be contained in small areas. This is not the place to review aid but two priority areas of aid could be emphasized – one for employment creation and another for improvement of governance, i.e. a framework for a democratic political regime.

Firstly, this is going to be a controversial proposal. At this juncture, we cannot wait for economic growth to provide adequate employment opportunities. By the use of the public and aid fund, employment opportunities have to be created. An action plan should be designed in such a way that employment opportunities induce growth, and not vice versa. We need to tackle unemployment issues in Kenya rather than poverty reduction and MDGs, as advocated by the donors. If a family has an income, it is possible to buy water and medicine, and to send children to school. According to the 'Afrobarometer', an African public opinion research institute, employment opportunity comes as the top issue which the African public asks for governments to address. Other important issues such as AIDS

treatment, infant mortality, safe drinking water and other social issues follow employment. It is jobs they want.

What would be the answer to unemployment? Africans have the answer, not donors. Unemployed people have a sharp awareness of the issue, which, I believe, is the reversed side of solution. It is then our job to draw out their own solutions, which may not be focused at first, and to enhance their potential. And how can we do that? By genuine dialogue we can only develop practical solutions and plans. The true meaning of the word 'partnership' and 'ownership' must be realized. I would hasten to add that I do not underestimate the importance of creating favorable environments by the government and donors to resolve unemployment issue. If vocational training program does not result employment, the program should be revised. It is a job to create, not trained unemployment.

Secondly, we need to improve the large disparity of income and the system that supports it. While the donor countries have assisted governance, democratization, social services, and economic liberalization, but it seems to me that they are all superficial and flaked off in mere three days. Am I exaggerating? As far as governance is concerned, the oversight functions of the parliament and local councils have the institutional prerogative to control the patronage system and the vested interests. But they are not functioning effectively, because of the limited capacity of parliament, local council and political parties. In other words, no effective checks and balances are functioning. Donors should give the utmost focus on the capacity building of parliament, local councils and other institutions which have the role of oversight of the management of government. Donors have always maintained in assisting in nation building and billions of dollars have been spent as aid, but how can we evaluate ourselves faced with the mayhem? This is not a story of Kenya alone, but many countries in the region..

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