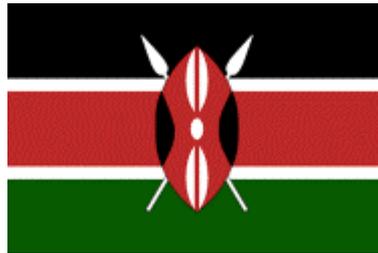


The Republic of Kenya



Conflict in Kenya: A Periodic Phenomenon

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1. *Introduction*

The experience that Kenya has gone through, and especially since independence, suggests that Kenya has been through most of the types of intra-state conflicts that are identified in the aide memoir for this conference. For instance, barely one year into independence, what would have been the trappings of conflict arising from the politics of cold war would emerge and influence the nature of political relations in the country throughout the first decade of independence. I am referring to the ideological polarization within the body politic of the period between the left and the right of the ruling party _ the Kenya African National Union (KANU) _ which saw the left receiving support from communists and the right receiving theirs from the West. This support heightened political tension and reached a climax with the split of the ruling party in 1966 giving birth to the opposition Kenya People's Union (KPU) in the same year.

And earlier on, conflict based on secessionist tendencies had emerged on the eve of independence with the Somali of Northern Kenya demanding independence for their district (i.e. the Northern Frontier District _ NFD) as a prelude to unification with the Republic of Somalia, the latter having become independent in 1960. This conflict, which assumed a political character in its formative years, developed into open warfare between the Somali community and the new (Kenya) republic. Efforts to find a lasting solution have eluded the protagonists up to now. We shall return to this conflict later for a more detailed analysis.

And in the rural and urban areas, the country has experienced intermittent conflicts arising, in the case of the former, out of the struggle over grazing land by neighbouring communities whose life is based on livestock rearing. The conflict between the Maasai and her neighbours is a case in point. So is the conflict in northwestern Kenya where there has been intermittent conflicts between the Marakwet and the Pokot on the one hand, and the Pokot and Karamojong on the other. In the latter case, urban violence has become a permanent feature in most of the major urban areas, notably Nairobi, Kisumu and Mombasa, between especially the hawkers and the civic authorities and also between slum dwellers and the so-called developers who instigate their eviction following "acquisition" of land.

Indeed, the country has not even been spared the experience of rebellions and attempted *coup d'état*. A major rebellion was experienced during the colonial period in the form of the *Mau Mau* movement. This was, in a way, protest by the Kikuyu of central Kenya against the massive grabbing of their land by the white settlers. However, no rebellion of similar magnitude has been experienced again. As to *coup d'état*, the first plot in 1971 was nipped in the bud. But in 1982, it required the fighting of the various components of the armed forces before the coup was finally suppressed. Since that time, there has been no evidence to suggest restlessness among the armed forces that would indicate that coup making has become a major source of conflicts in Kenya.

But to understand the forces behind some of the major conflicts in Kenya, one has to critically examine the problem inherent in the politicization of ethnicity, which has become the single most intractable problem in Kenya, especially since independence. Three cases are presented to highlight the problem. These are:

- The Somali irredentist tendencies;

- The manipulation of ethnic ideology for political survival in the advent of multipartyism as experienced in the Rift Valley province during the run up to the 1992 multi-party general elections;
- And more recently, the Mombasa clashes on the eve of the 1997 general elections.

2. *The Crisis of Ethnic Nationalism*

Historically, the Somali speaking peoples of the Horn of Africa have always regarded themselves as one people and have therefore never excused the colonial powers for the Balkanization of the Somali nation into separate entities. This factor became a source of friction and tension between the new Republic of Somalia - created in 1960 after the amalgamation of the former British Somaliland and Italian Somaliland - and her neighbours Kenya and Ethiopia which had large populations of Somali in the Northern Frontier District (NFD) and the Ogaden regions respectively. Upon assuming the reigns of power in 1960, the leaders of the new Somalia Republic made it abundantly clear that the reunification of all Somali speaking peoples would be a major goal of their country's foreign policy. Indeed the new Somalia Republic demanded that the British government should grant the district political autonomy which would enable it to rejoin Somalia before Kenya could be granted independence. At the same time the Somalia-based government resorted to a strategy of encouraging the Kenyan-based Somalis to assume greater responsibility for the agitation for reunion with Somalia. It was towards this end that the Somali Youth League established a branch in the Kenyan capital (Nairobi) purposely to be close to the seat of government where they could propagate their ideology. Meanwhile, in the District itself, a political organization was born that would claim legitimacy over the leadership of the movement for the reunion and the mobilization of Somalis all over Kenya behind their cause. This organization was known as the Northern Province Progressive People's Party (NPPPP). It was this organization, like the leaders in Mogadishu, that would push, at the Lancaster House Conference for the British government to grant the district autonomy as a territory wholly independent of Kenya before any further constitutional changes affecting Kenya were made so that it could join in an act of union with the Somalia Republic when Kenya became independent (Drysdale 1964).

As would be expected, the British found themselves in a fix; for Kenya's transitional leaders (i.e. those who at the time were in charge of the government under the internal self government arrangement) were opposed to any scheme that they perceived as threatening the territorial integrity of the would-be nation. The conflictual positions taken by Kenya and the pro-secession groups had the effect of tying the hands of the British and therefore forcing them to opt for the *status quo* in the hope that the two independent states would be able to solve the matter on their own. This was in spite of the fact that the NFD Commission established by the British to ascertain public opinion in the District on the issue of secession reported that an overwhelming majority favoured reunion with Somalia (Drysdale 1964).

Indeed, throughout 1963, the British were looking for a formula that would be acceptable to both Kenya and Somalia. To this end, several meetings were held between the parties in conflict and the British authorities during the year. When the British finally realized that neither side was prepared for a compromise, they decided to create a politico-administrative region to be known as North Eastern region, which would enjoy equal status as the other Kenyan regions that were being created as part of the provisions of the new regional (majimbo) constitution on the eve of independence. This was done notwithstanding its rejection by Somalia and Somali political leaders in Kenya. This action triggered riots in

Mogadishu and NFD and led to a break in diplomatic relations between the Somalia government and the British.

3. *The Search for a Solution*

To Britain, having failed to win support from both parties, what appeared to be a way forward did not present itself until May 1963 when the African Heads of states met in Addis Ababa to discuss the pressing continental problems. It was at this gathering that what is today known as the Organization of African Unity (OAU) was created. The Somalia government agreed to the matter being resolved through conciliation and arbitration. But even after softening its position on the matter as implied by accepting conciliation and arbitration, Somalia still did not relent in pressurizing the British to grant NFD full autonomy.

What appears to have been the last meeting would be held in Rome in August 1963 between Britain and Somalia, but which also included representatives of Kenya. Somalia took the position that the negotiations were between it and the British and not the transition government in Kenya and therefore rejected Britain's argument advanced at the said meeting that it could not make a unilateral decision over the matter without reference to the Kenya government. In other words Britain's strategy was to delay the matter until Kenya became independent in the hope that it would push the burden of negotiation to the new government to be formed soon after.

In spite of the efforts during 1963 to resolve the political conflict, the solution remained elusive and instead the political crisis transformed itself into an open armed conflict. The Somali in the new region would choose to take up arms against the new government in the hope of forcing a military solution to the problem. In this effort, they had hoped to receive full support from the government in Mogadishu. However, the Somali Republic did not aggressively supply the fighters with weapons and the Kenyan army quickly put down the rebellion (Laitin and Samatar 1987). But that was never to be the end of the affair; for, as some observers have put it, sporadic insurrections continued to challenge the Kenyan authorities during the decade that followed (Laitin and Samatar 1987).

The sporadic insurrections continued in spite of the fact that in 1967, President Kenneth Kaunda of Zambia, acting on behalf of OAU, successfully mediated the conflict. These mediation efforts led to the signing of a peace agreement in Arusha between Kenya's President Kenyatta and Somalia's Prime Minister, Ibrahim Egal committing the two countries to a negotiated settlement of their disputes (Orwa 1989). What is more, the Somali never gave up the struggle and the Somali in North Eastern region have continued since then to behave as if there is permanent conflict between them and the Kenyan State. Unfortunately, successive governments have tended, through their actions, to play into the hands of the Somali militants.

4. *Has there been Post Conflict Reconstruction in North Eastern Region?*

Over the years, North Eastern region/ province has remained one of the most insecure regions in the country _ a region where both government and civilian vehicles cannot move without armed escort. It has remained a region where, especially since the collapse of the Somali State, lawlessness, banditry and inter-clan fighting have been prevalent as the assailants commit crimes and then cross over to the neighbouring state where some have built up special relations with the warlords. In the meantime, the government has responded by running the region as if it is an occupation zone as evident by the militarization of the administration of

the region. Indeed, like the British before them, the present government runs the region virtually as a closed region. Under the British, one required a special permit to enter the region. This is true today in many respects. And the militarization that we have referred to is a continuation of the system of colonial administration of the region.

These sorts of policies have made it difficult for moderate elements among the Somali people to mobilize the population behind the state. And even the effort under the Moi regime to extend patronage to the region through the appointment of Somalis into the cabinet and into strategic positions in the public service (see e.g. Nasong'o 2000) has not succeeded in mollifying the community as a majority of them seem not to have benefited from that kind of patronage.

Put differently, there has been virtually no post-conflict reconstruction because in many respects, the conflict has not been eliminated. It is its nature, pattern and tempo that have changed. The problem is traceable to the failure in the first decade of independence for both countries to reach an agreement that took into account "the main demands of the parties in conflict". This was to be expected, considering that the Somali demand constituted a claim on an independent Kenyan territory, which made it very easy for Kenya to counter the move by invoking the OAU Charter which from 1963 had recognized the inherited territorial boundaries. And of course OAU was influenced by the existence of a plethora of territorial claims and counter-claims in many African countries and hoped that the provision of inviolability of territorial integrity of Member States would preempt any such claims. Thus the problem which started more than a century ago remains unresolved because of a combination of factors, the most pertinent being the uncompromising conflictual policies pursued by both Somalia and Kenya.

5. *Ethnic Conflict in the Rift-valley Province*

A lot has been written about ethnicity as a source of conflict in Africa. It is suggested here that ethnicity *per se*, in the absence of its politicization, does not cause conflict. There is evidence to suggest that where ethnic conflict has emerged in Africa, there has always been political machinations behind it (see e.g. various studies in Nnoli 1998). Politicization of ethnicity often takes place in a situation characterized by an inequitable structure of access. Such a structure gives rise to the emergence of the "in group" and the "out group" with the latter trying to break the structure of inequality as the former responds by building barriers to access that ensure the continuation of its privileged position. At the centre of this scenario are the elites who, feeling excluded or threatened with exclusion, begin to invoke ethnic ideology in the hope of establishing a "reliable" base of support to fight what is purely personal and/ or elite interests. (For an excellent exposition of ethnicity vs. class interests, see various works by Nnoli and A. Mafeje).

The problem of ethnicity, having emerged during the colonial period, has been progressively accentuated since independence with the emergence of ethnicity as a factor in national politics. Ethnicity in Kenya became a national concern as early as during the colonial period but was accentuated in the post-independence period during the implementation of the policy of Africanization. Ethnic tensions developed especially around the structure of access to economic opportunities and redistribution of some of the land formerly owned by the white settlers. Most of the land in question was in the Rift Valley province and was historically settled by the Kalenjin and the Maasai. The other area that was affected by colonial settlement was the Central province. But the crisis was aggravated during the mid-1950s when forced

land consolidation took place during the emergency period, which benefited mainly the pro-government group that had not joined the *Mau Mau* revolt. And when the state of emergency was lifted at the end of the 1950s, most of the detainees returned home to find that they had lost their land to the loyalists. As some moved to the urban centres in search of wage and self employment, a large wave of this group moved to the Rift Valley in anticipation of what was expected to be land redistribution after independence. A number of them joined relatives and kinsmen who had moved to the Rift Valley many decades earlier and were staying in some of the settler owned land as squatters. Therefore, when the redistribution of some of the land formerly owned by the white settlers began, it is these squatters that became the instant beneficiaries of the allocations.

But the policy that gave rise to large scale land acquisition by "outsiders" in Rift Valley was the policy of 'willing buyer willing seller' that the government assumed for land transfers after the initial political settlement on about one million acres. Using the economic and political leverage available to them during the Kenyatta regime, the Kikuyu, Meru and Embu groups, but especially the Kikuyu, took advantage of the situation and formed many land-buying companies. These companies would, throughout the 1960s and 70s, facilitate the settlement of hundreds of thousands of Kikuyu in the Rift Valley, especially in the districts with arable land – notably Nakuru, Uasin Gishu, Nandi, Trans Nzoia and Narok. The land in the said districts historically belonged to the Kalenjin, Maasai and kindred groups such as the Samburu. But the Kikuyu, Embu and Meru were not the only ones to acquire land in the Rift Valley after independence. The new entrants in the post independence period included the Kisii, Luo and Luhya, who moved into and bought land that bordered these districts.

This new settlement continued in spite of opposition by the indigenous ethnic groups of the Rift Valley. In fact the Nandi, in particular protested in a more dramatic manner when in 1969 at a meeting in Nandi Hills, what became known as the "Nandi Declaration" was made after a gathering of radical political leaders in Nandi met to protest what they regarded as an invasion of their ancestral land by outsiders. Aware of these protests even before the "Nandi Declaration" the Kenyatta regime relied on the senior Kalenjin in the government to neutralize the political opposition to the settlers. And none other than the then Vice-President (a Kalenjin) would play a leading role in this strategy. But as fate would have it, it was this same Vice-President, finding himself as the country's President, who would have to deal with the most exclusive ethnic conflict arising from a policy that he had personally contributed to implementing.

However, during the first decade of his rule, Moi by and large managed to contain the situation helped largely by the politico-administrative culture that had been fostered during the one party era. But he at the same time put in place a mechanism that weakened the capacity of the Kikuyu to continue acquiring more land in the Rift Valley province. It is in the above context that the problem in Rift Valley province that is the subject of analysis here is to be seen.

The ethnic conflict in the Rift Valley took place against a background of an impending general election. This was to be the first time since independence when a truly multi-party election was to be held in post-independent Kenya. This is because this time round, the ruling party was seriously threatened with the probability of being removed from power by the combined political opposition, which had in the first place mobilized public opinion that ultimately forced the government to change the constitution to allow the operation of

multipartyism. Playing a major role in the emergent opposition movement were the Kikuyu and the Luo communities.

It should be recalled that Moi had worked very closely with the Kikuyu people, both during the Kenyatta years and during the first few years of his presidency. However, he had slowly fallen out with them through his policy of rectifying the structure of access to benefit his Kalenjin community at the expense of the Kikuyu – the former in-group. By the late 80s, therefore, the Kikuyu were a bitter group looking for any opportunity to regain the ground lost during the Moi era. The Luo, on the other hand had been the leading outsiders since the mid-60s when they fell out with the Kikuyu. Therefore in the run up to the multiparty elections, the two groups had formed an alliance of convenience and out of necessity to dislodge the Moi regime. Radicalized politicians from Gusii and Luhya later joined them.

By coincidence, all these communities had benefited from land settlement in and around Rift Valley and therefore became the target of "revenge" by the KAMATUSA* coalition that control led political power at the time. Expecting at the time to be humiliated at the forthcoming elections, the KAMATUSA group in KANU got together and decided that those ethnic groups that were betraying them should be taught a lesson. The lesson in question involved their expulsion from especially the "Kalenjin-Maasai lands" in the Rift Valley. Such an expulsion would also rid the province of anti-KANU, anti-Moi voters; thereby denying the opposition critical votes needed to attain the 25% requirement.* The ethnic ideology was at once invoked and politicized in order to mobilize the KAMATUSA group throughout the Rift Valley to evict the "outsiders" from their ancestral land.

The mobilization campaign was spearheaded by some very senior cabinet ministers who addressed rallies in major towns in the Rift Valley and exhorted their kinsmen to protect their "own" government. As has been documented elsewhere by the writer (Oyugi 1997), most of these statements were very inflammatory, and in normal circumstances would have earned a sack for a minister. As the elections drew closer, war-like speeches increased in intensity. Cases of ethnic clashes erupted towards the end of 1991 directed practically against all non-KAMATUSA Rift Valley inhabitants. Cases of people being killed here and there begun to appear frequently in the local press. But the most effective strategy employed was the destruction of homes and property of the victims in the hope that they would flee to their "ancestral lands". Those who sought refuge in mission centres became targets of ruthless attacks. (For more on this see e.g. ICJ 2000; Kiliku Report; NEMU Report, etc).

In some areas, whole communities were dislocated on flimsy grounds. A case in point is in Narok where the then Minister for Local Government declared a settlement scheme at Enosupukia trust land on the grounds that it was a catchment area. This was intended to weaken the voting power of outsiders in the area. The same was the case with the Luo in Kericho who were removed from an area they had settled for over sixty years. In the meantime, the non-KAMATUSA who had reached majority age were denied identity cards and thereby registration as voters in the hope that they would go back to their ancestral land.

The Parliamentary Commission appointed to investigate these clashes established the magnitude and extent of the clashes and reported that by the time of compiling their report, a total of over 700 people had been killed. Many others had fled their homes while others had been forcefully evicted and dumped in areas claimed to be their places of origin. Another report by the US State Department put the toll as at December 1993 at 1000 dead and between 150 000 – 250 000 displaced. (Cited in Amisi, undated but written in the late 1990s). In the

meantime efforts were being made on the ground to acquire the lands that had been abandoned out of fear of attacks.

6. *Efforts to Resolve the Conflict*

Ethnic clashes in the Rift Valley in the early 90s became a matter of concern at both the international and local level as humanitarian organizations began to look for ways and means of resolving the conflict. Some of the organizations that were principally involved include the Robert Kennedy Memorial Centre for Human Rights, the Commonwealth Observer Group, Human Rights Watch (Africa), the Kenya Human Rights Commission, the National Elections Monitoring Unit, the Catholic Justice and Peace Commission, the National Council of Churches of Kenya (NCCCK), etc. (see Amisi undated). Their intervention included, among other things, fact-finding missions to conflict-hit areas as well as peace building initiatives. At the local scene, the Church in particular played a significant role of speaking on behalf of the victims, even when the government did not tolerate criticism. Through their Pastoral Letters, the Catholic bishops, for example, pointed out the political nature of the clashes, the selective protection of certain ethnic groups, especially the Kalenjin, and the reluctance of the government to act decisively to put a stop to the violence. The church organizations also provided material support to the displaced victims.

Meanwhile some locally based donor organizations and diplomats applied pressure on the government by linking the continued flow of aid to the country to meaningful efforts to restore peace and search for a solution to the ethnic violence. It should be recalled, in this connection, that aid conditionality had played a significant role in influencing the government's decision to legalize multipartyism in December 1991. Therefore Kenyans were always hoping that donor influence could be brought to bear on the government to end the ethnic violence and possibly facilitate the search for a lasting solution to the problem. Notable pressure came from the USA, Germany and Denmark. And as would be expected, not all foreign donor organizations and missions felt comfortable to be associated with open pressure on the government, preferring perhaps to use the normal diplomatic channels! For example, the British government, which usually has a lot of influence on the Kenyan government, was conspicuously silent during the height of the clashes. (See also Amisi undated).

While all these were underway, the State on its part remained quite lukewarm, if not openly hostile to some of the suggested solutions to the problems. In fact, the general reaction by most observers in the country at the time was that the state's reluctance to find a meaningful solution suggested that it was a beneficiary of the situation, considering that the crisis had been in the first place sparked off by inflammatory statements attributed to senior cabinet ministers and other government officials. Indeed the government remained silent on such inflammatory remarks, instead choosing to point an accusing finger at opposition politicians and the institution of multipartyism. The president, for example, was quoted in the local press on many occasions as having linked the clashes with the resurrection of multipartyism, contending that it was proof enough of how multiparty politics had a destabilizing effect on multi-ethnic societies such as Kenya.

However, at some point during the clashes, the state seemed to have had a change of heart when the government began to mobilize the provincial administration and security forces to prevent further attacks. In practice, however, the response by the state was generally ineffective. There were reports of attacks being planned and carried out, as the local administrators and the security forces remained disinterested or simply inactive. In other

instances the security forces were inadequate and thereby helpless in the face of armed attackers. Oftentimes security reinforcements were sent late and succeeded more in arresting those who retaliated or were prepared to defend themselves than in preventing further attacks and arresting the aggressors. (See Amisi; ICJ Report and various newspaper reports).

As part of the state efforts to contain the violence, in September 1993, two years after the violence began; President Moi invoked the Preservation of Public Security Act and declared Molo, Elburgon, Londiani and Burnt Forest areas "Security Zones". This had numerous implications including a ban on possession of all kinds of weapons, ban on livestock movement during the night and publication of information on conflict without state permission. Opposition MPs, journalists and human rights activists were subsequently prevented from visiting the said areas. This action was made at a time when a number of opposition politicians were making frequent visits to these areas for the sole purpose of giving material assistance (clothes, food, etc.) to the affected people. The government never kept secret its distaste for these kinds of visits, which is why cynics perceived the state action as largely meant to prevent opposition elements from gaining political mileage out of the situation.

The President also made a number of tours to clash torn areas. Most of these were characterized by attacks on the political opposition for being behind the clashes. During one such tour in March 1992, he declared war against "rumour peddlers" whom he accused of fanning the animosities and directed police to round up and charge such kind of people. He stopped short of declaring a ban on all political rallies. (W.R. 27.3.92: 11,12). On a number of occasions, the provincial administration, following a presidential directive, organized meetings between the elders of the affected ethnic groups in attempts at achieving peace and reconciliation.

With the passage of time there seemed to have been some fresh impetus on the part of the government and especially the president to have the situation normalized. Although open conflicts became more infrequent with the passage of time, tension remained high between the KAMATUSA communities and the so-called outsiders in the Rift Valley province.

The problems (such as loss of property and forceful eviction of "outsiders" from their farms) which were supposed to be addressed soon after the elections remain unresolved in a majority of cases. And although many people have since gone back to their lands, there are still many families who are living in areas where they sought refuge. Efforts by UNDP beginning early 1994 to resettle the clash victims did not receive enthusiastic support from the government. A UNDP Report (UNDP 1994) covering most of the affected districts reported that about 250,000 people were affected by the clashes, with between 10 000 and 20 000 moving over to camps, and that by August 1994, only 30% of those displaced in camps had been resettled.

In summary, the land situation in Rift Valley province has remained as volatile as it has always been during the second half of the last century. It is some kind of volcano waiting to erupt. And the politicians know about this, which is why they exploited the situation in the run up to the 1992 general elections. It is the one problem that is not capable of being resolved in the short run to the satisfaction of the two parties in conflict, i.e. the indigenous communities and the "outsiders". In the meantime, what is required is the building of an attitude of mind that sees Kenya as a common house where every member of the family has a right to live, regardless of other characteristics that they may possess as individuals. Of course, ethnicity is a latent force, and it can remain so as long as it is not politicized. That is

what we meant at the beginning of this essay, when we said that ethnicity *per se* is not a source of conflict. The second case presented below goes a long way in demonstrating that there are a number of tension areas in the country which can explode if ethnic ideology is resorted to as an instrument that serves a political end.

7. *The 1997 Clashes in Mombasa*

Ethnonationalist sentiments have characterized relations between the indigenous ethnic groups and the immigrant groups, mainly the Luo, Kikuyu and Akamba at the coastal town of Mombasa. The indigenous groups have long complained of domination by "upcountry" communities in terms of economic opportunities. Indeed such sentiments have often taken the form of calls for a majimbo (neo-federal) system of government by leading politicians from the Coast province, notably Cabinet Minister Shariff Nassir. It should be recalled that on the eve of independence, a Leading Coast politician _ Ronald Ngala _ led the pro-majimbo group.

With the revival of multipartyism, the indigenous communities formed various parties through which they hoped to have their interests well catered for. These parties were however denied registration by the government, which practised selective licensing of opposition parties. The main Coast-based movement was the Islamic Party of Kenya, which sought to galvanize the support of the significant number of coastal Moslems. Another locally-based party which was denied registration was the National Democratic Union (NADU). But much later, one party _ Shirikisho Party which strongly advocates for majimboism _ was registered and contested the 1997 elections, winning a seat in one of the constituencies in Mombasa.

Thus, against the above background, the politically motivated ethnic character of the conflict was occasionally camouflaged in the majimbo rhetoric. This was a deliberate strategy intended by those who planned the clashes to give the impression that it was an ideological clash between the Coast people who wished to see the upcountry people removed from Mombasa so that they could benefit from the economic opportunities available in the district.

During the 1992 general elections, KANU had carried the day in Coast province except in Mombasa area. Likoni constituency, which was the epicentre of the violence, was at the time being represented in parliament by an opposition (FORD-Kenya) MP. Support from the immigrant pro-opposition communities, especially the Luo, played a major role in the 1992 electoral victory. It is against that background that some observers have drawn a parallel between the 1997 violence, and the 1992 clashes in Rift Valley province, seeing both as meant to get rid of opposition supporters in predominantly pro-KANU regions. The fear in 1997 was that the seat might again go to the opposition, although this time round to the National Democratic Party _ a predominantly Luo opposition party formed following the split within FORD-Kenya in the run up to the elections. Thus, like the Rift Valley clashes, their prime objective was to frighten off the ethnic groups perceived to be in the opposition out of Mombasa, especially in constituencies which were perceived to be leaning towards the opposition.

The Likoni violence took place on the eve of the December 1997 multi-party elections. In the run up to the elections, the opposition and civil society organs had been pushing the ruling party KANU and the government to effect constitutional reforms that would facilitate free and fair electoral competition. The activities of the opposition and the civil society groups found institutional expression in the National Convention Assembly (NCA) and its executive arm _ the National Convention Executive Council (NCEC). This movement presented the ruling

party with a formidable challenge and many maneuvers were employed to get the ruling party back into the driver's seat in the reform agenda. Some observers have therefore seen the Likoni violence as a crisis precipitated by KANU hawks in an attempt to distract the pro-reform group and thereby regain control of the political arena ahead of the general election. (See for example KHRC 1997).

Whereas the first wave of violence broke out in August 1997, there are reports that indicate that the upcountry people received threats as early as May the same year. Police were allegedly informed of the suspect activities of gangs in the neighbourhood but they did not take up the matter further. Ironically, they fell victim to the first round of attacks as the Likoni police station and neighbouring homes were raided on the night of 13 August 1997, leaving at least 13 people dead, including 6 policemen (DN. 15.8.97; 16.8.97; 17.8.97, etc.). Many people took refuge at a local church for fear of being attacked by the ruthless gangs.

The violence spread to other parts of the Coast, specifically Kongowea in the North mainland and Ukunda at the south coast as many more people were killed and homes and property destroyed. Its targets were not just the Luo in Likoni but all immigrant ethnic groups perceived to be pro-opposition, notably the Kikuyu and, to a large extent, the Akamba. The raiders were reported to have found a hiding place at nearby Kaya Bombo forest and Similani caves from where they carried out repeated attacks including a raid on the Likoni Catholic church where victims of previous attacks had sought refuge. (DN. 20.8.97). Reportedly, leaflets appeared in the area signed by the "Association of Pwani Peoples" asking coast people to cooperate in a bid to rid the area of non-coast people. (DN. 18.8.97). But cynics dismissed these as the work of the invisible political instigators of the clashes.

Following the violent attacks, the government sent a combined contingent of the General Service Unit, the army and navy, in addition to the regular police to pursue the raiders. However, the navy and army were soon withdrawn. The security forces reportedly avoided going into the raiders hiding places and were accused of harassing especially the local people and of arriving late to scenes of attacks (see, e.g. KHRC 1997). There were also allegations that police officers had instructions "from above" not to interfere with the activities of the raiders. (DN. Sep 10, 97). In the wake of the violence, the government reshuffled senior police officers at both the provincial and district levels leading to further suspicion of state complicity in the violence.

Several Coast politicians were accused of being behind the violence. A leading Coast politician accused a local tycoon cum politician and a Mombasa KANU activist of involvement in funding and organizing the violence (DN. 20.8.97). And in December 1997 a Mombasa MP claimed during an interview with the Kenya Human Rights Commission that a senior politician from Rift Valley together with a prominent Coast politician cum businessman were responsible for planning and funding the clashes in cohort with State House operatives. (The People Daily, 18.8.00: 2).

The casual manner with which the police handled the matter left a lot to be desired. Evidence has since surfaced that those who publicly confessed to having vital information about the activities of the raiders did not even have their statements recorded. One such case relates to the person who revealed that the training of raiders took place on his farm. (The People Daily, 18.8.00). It is these sorts of lapses in the administration of justice that have made many people suspect, if not believe that the Mombasa clashes, like the Rift Valley one, were instigated by

the State, or atleast certain powerful elements in the regime who dreaded the possibility, as in 1992, of a defeat of the ruling party KANU.

Such behaviour is understandable if one considers that some of the people whose names have featured in the press since the Likoni clashes three years ago are among the politicians who are believed to have lots of skeletons in their cupboards and hence have every reason to fear the loss of power by the ruling party KANU. It is also noteworthy that like the clashes in the Rift Valley during the 1992 election period, the Likoni clashes, too, evaporated as soon as the elections were over, again suggesting that they were politically instigated to influence the outcome of the elections.

8. *Conclusion: Weaving the Threads Together*

Evidence has been presented in the three cases discussed in this paper to show that where there has been open clashes either between the local people and the State, as in the North Eastern province, or between potentially antagonistic ethnic groups, as in the case of the Rift Valley and Mombasa clashes, an accusing finger has largely been pointed at the political authorities.

The problem in North Eastern province was a creation of British colonial authorities that pursued policies in that part of the country, deliberately designed to curtail the integration of the Somali people with the rest of the Kenyan people. This explains why, on the eve of independence, instead of considering themselves as brothers and sisters of other Kenyans, they looked across the border for that kind of association. The policies pursued by the new Kenyan leaders merely perpetuated the colonial ones and have since accounted for the continued antagonism between the Somali people and the Kenyan State.

At the more partisan political level, the ethnic clashes, wherever they have taken place in Kenya, as evidenced by the discussions above, have been instigated by the fear of loss of political power and the consequences that might accompany such an eventuality such as loss of privilege and the patronage that goes with it. In this regard it has been noted elsewhere that the only distinct pattern that emerges from the ethnic clashes is that they appear to be connected to political tension in the body politic (W.R. February 6, 98: 8). This is informed by the fact that the Rift Valley clashes took place when the political atmosphere in the country was highly charged due to external and internal pressure for political pluralism. On the other hand, the 1997 Mombasa violence occurred at the height of opposition and civil society agitation for constitutional reform that preceded the second election under the new multi-party system. And immediately after the 1997 elections, violence erupted again in Kikuyu strongholds in Rift Valley province, i.e. Laikipia and Nakuru districts that were seen as a means to counter the legal challenge mounted against the election of Moi by opposition leader Mwai Kibaki.

The use of the state as an instrument of material acquisition has meant that those who have benefited over the years from the structure of access have used every trick available, including mobilizing ethnic support as happened in Rift Valley in particular, to sustain the regime in power. The ethnic clashes in Mombasa were a further manifestation of the strategy. But here a new dimension was being introduced, namely, the invocation of an ideology that Kenyans once rejected, i.e. the balkanization of Kenya into autonomous regions as a way of keeping each region's wealth in the hands of the locals. Some of the coastal communities, notably the Digo, unwittingly became part of these machinations without understanding the wider import.

If indeed the State through some of its key actors were responsible for the initiation and manipulation of the clashes for selfish ends, then the whole question of finding a lasting solution to the problems becomes a remote proposition. This is because it would not be in the interest of the instigators of such violence that a solution be found. One cannot help but reach such a conclusion especially considering how the government has handled the findings of the Akiwumi Commission _ a judicial commission which was set up in 1998 to inquire into the causes of the ethnic clashes in various parts of the country and recommend actions to be taken against the perpetrators.

During its hearings, key witnesses who at the time of the clashes were senior government officers in the clash areas adduced a lot of evidence. Being on oath to tell the truth, these witnesses began to do so only for the government to drop the lead counsel assisting the Commission apparently out of disgust at his having allowed such evidence to be adduced. His replacement was the Director of Public Prosecutions under whose counsel a deliberate effort was made to influence the direction that the evidence presented would take. Again after this change, the kind of witnesses that begun to appear were those whose names had not come out publicly as being associated with the clashes. Attempts to have senior politicians implicated in the violence to present themselves before the Commission were openly frustrated. As a result, no notable political figure appeared before the Commission. And a year after the finalization of the proceedings of the Commission, the government is yet to release its findings to the public. These sorts of action suggest that the State has been more a part of the problem rather than the solution.

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