

Sporadic Ethnic Violence

Why Has Kenya Not Experienced a Full-Blown Civil War?

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Extreme poverty and the collapse of law and order can become mutually reinforcing, producing a conflict trap (Blomberg et al. 2000; Elbadawi, Ndung'u, and Njuguna 2001). In Sub-Saharan Africa, many countries are caught in such a conflict trap and one out of every five people is directly affected by civil wars (Elbadawi et al. 2001). In Kenya, poverty levels almost doubled in the 1990s, a decade marred by ethnic violence, but the country has avoided the conflict trap. This chapter analyzes civil conflict in Kenya and asks why the cycles of ethnic conflict have not escalated into a full-blown civil war.

A civil war can be said to occur when a trigger factor, or a combination of factors, results in what may be referred to as a “tipping point,” when factions in a society engage in an all-out armed conflict. Before that tipping point is reached, a country may be characterized by tensions but not by widespread conflict. For many countries, the triggers for a civil war are not strong enough to result in a tipping point; hence such countries are characterized by relative peace, although there may be tensions within the society among different factions. In a number of studies, Paul Collier and his colleagues have sought to explain the determinants of civil wars. They provide a systematic analysis of the causal factors of civil war initiation, duration, and recurrence. Collier and Hoeffler (1998, 2001; henceforth CH) find strong empirical support for their “opportunity cost” explanation of civil war onset. In this chapter, we refer to the CH model and discuss why the availability of significant opportunity for war in Kenya did not reach the tipping point that would turn ethnic violence into civil war.

Postindependence Kenya has been marked by a state of relative political stability and peace. In many respects, Kenya resembles other countries in Africa that have had prolonged civil wars. However, unlike most of the countries in Sub-Saharan Africa, Kenya has neither been under military dictatorship nor experienced any major internal strife that could be classified as a civil war. In fact, before the early 1990s, internal conflict was virtually nonexistent, except for banditry in the Northeastern

province and near the Somali border. However, during the 1990s, Kenya experienced a number of “ethnic clashes.” These clashes neither translated into civil wars nor lasted long. To a large extent, ethnic clashes have been localized in limited geographical areas and have not affected life in other parts of the country. Furthermore, the clashes have not involved rebel groups fighting to dislodge the government and therefore did not result in casualties on the government side. By all measures then, Kenya has not had a civil war during the postindependence era.

Kenya is often cited as an example of peace and stability in a chaotic region. Peace and stability have often been attributed to the quality of leadership or the “peace-loving” nature of Kenyans. Another argument is that the presence of the middle class is strong, and that class would stand to lose a lot in a civil war, so it supports the peace. But the fact that Kenya has not had a civil war may be consistent with the predictions of the CH model and may have little to do with either Kenyan leadership or the nature of Kenyan people. The CH model does not place Kenya in the high-risk cluster of countries during the period we study (the risk of civil war in 1990 was around 1 percent). We explain why sporadic ethnic violence has not resulted in widespread civil war and argue that this case supports the CH model. Some of the key civil war “triggers” have not been strong enough in Kenya to cause a tipping point to civil war.

This chapter discusses some of the relevant literature on the causes of civil wars to place the CH model in a broader context, focuses on ethnic conflicts in Kenya and provides some general explanations of their causes, and explains why the sporadic ethnic violence in Kenya has not resulted in large-scale civil war.

Explaining Civil Wars

In addition to the CH model (see chapter 1), earlier contributions to the literature by public choice scholars had advanced theories of conflict that are worth considering here briefly. Gordon Tullock (1974) offered a model that was quite similar to the CH framework. Focusing on rebellions and revolutions, Tullock suggested that the decision by an individual to engage in such activities was the outcome of a rational choice whereby the individual evaluates the costs and benefits of getting involved in armed conflict. A central contribution by Tullock, which underlies the distinction between civil wars and criminal violence, is that the participation by an individual in civil wars generates a public good while participation in crime generates a private good. That is, an individual who engages in armed conflict incurs high private costs (including the risk of death), but the result of a civil war is often a change in government that benefits many. The “public good” nature of civil wars explains why individuals are reluctant to participate in them (because of the well-known collective action problems associated with the production of public goods). Another important factor in the Tullock model is that the cost of organizing violence limits the formation of viable rebel groups. For example, rural communities may incur much higher transaction costs for organizing a political action than urban communities. In a related perspective, Kimenyi (1989) analyzed ethnicity and its

impact on institution building in Africa. He treated ethnic groups as “permanent interest groups” that compete in the market for wealth transfers and seek to maximize “group welfare” through the transfer of resources from other groups. The most efficient way to accomplish this is to control the instrument of wealth transfers—the government. Ethnic groups will use violence to take control of the government to redistribute benefits to their members. Civil war may be the result of such efforts.

Along the same lines, Kimenyi and Mbaku (1993) argued that institutional instability is the result of coups and civil wars that disrupt corrupt and “rent-seeking” interest groups that compete for transfers of wealth. They showed that the availability of easily extractable resources from poorly organized groups (farmers) and growth in income help maintain stability. By contrast, economic reforms that limit the government’s ability to broker wealth transfers can trigger instability. Likewise, the presence of many ethno-religious groups complicates the rent-seeking competition. Ethnic identity is essential for the formation of a special interest group that has the size and capacity to compete politically in Africa. The number and size of ethnic groups affect political competition in Africa. Kenya is ethnically diverse and the various groups compete for political control, which could raise the risk of civil war in Kenya.

Ethnic Violence in Kenya

As previously noted, conflicts are a recent phenomenon in Kenya, which is considered one of the few stable and peaceful African nations. Nevertheless, during the last decade, and coinciding with the introduction of competitive politics, sporadic incidences of violence have been experienced that have targeted certain ethnic groups. Starting in September 1991, organized bands of arsonists calling themselves “Kalenjin warriors” unleashed terror on Luo, Luhya, Kikuyu, and Kisii in the Rift Valley region. They targeted farms populated by these ethnic communities, looted and destroyed homes, drove away the occupants, and killed indiscriminately. The attackers were often dressed in informal uniforms, their faces marked with clay in the manner of initiation candidates, and were armed with traditional bows, arrows, and machetes (even though the arrows were reportedly imported from Korea). The violence resulted in displacement of thousands of people from their farms.

Similar incidents erupted in Mombasa and Kwale districts in the Coastal region in August 1997. In these clashes, the Digo, who are one of the local Mijikenda tribes, targeted members of tribes from outside the Coast province, mainly the Kikuyus and Luos. By the time the clashes subsided after about two weeks, 65 people—including 13 police officers—had been killed, property worth millions of shillings destroyed, and more than 10,000 people displaced. The tourism industry, which is the lifeline of the coastal area, bore the brunt of the “collateral damage,” suffering a fall of nearly 70 percent and a loss of more than 5,000 jobs (Mazrui 1997).

In 2001, 62 people died and scores were injured in clashes pitting the Kisii and Maasai along the Gucha Transmara border; more than 50 people died in a single week of fighting between the Pokomo and Wardei tribes in Tana River district; and

in Nairobi's Kibera slums, three days of clashes left 12 people dead and more than 50 houses razed to the ground in fights between tenants and landlords. Although the Kibera clashes were basically over rent, some observers have linked them to ethnic factions because the majority of the landlords are Nubians and Kikuyus, whereas the tenants are mainly Luos. In February 2002, another new form of political violence emerged in Nairobi where different political "private armies" aligned to individuals in different political parties clashed and killed more than 20 people in one night.

The violence in the Rift Valley and Coastal region is of particular significance because it was widely viewed as constituting a serious threat to the existence of a united Kenyan nation, the rule of law, and the institutions of private property, contract, and the market economy. The violence appeared senseless. People who had lived together for decades were suddenly killing each other. The true objectives of the attackers largely remain a matter of speculation. Even the identity of the attackers is puzzling. The label "ethnic clashes" is itself somewhat paradoxical because the clashes did not involve significant numbers of any ethnic community up in arms against another ethnic community. Instead, most reports give the numbers of raiders in the hundreds, sometimes in the dozens. While the victims are from specific ethnic communities, the aggressors hardly qualify as an ethnic group. In many ways, the raids resemble Mueller's description of opportunistic depredation waged by small bands of criminals and thugs, often scarcely differentiable from ordinary crime (Mueller 2001).

Table 5.1 provides a detailed analysis of ethnic conflicts in Kenya. The table lists the locations where conflict took place, their time and duration, the groups involved, the causes given for the conflicts, the resulting damage, and the manner in which they were resolved. Notable is the fact that most ethnic clashes occurred around the first and second multiparty elections in 1992 and 1997. Also, most of the conflicts were in the Rift Valley province. Finally, the majority of the clashes relate to party politics and land ownership. In the following section, we focus on some of the credible explanations for the causes of the clashes.

Causes of the Violence

Three main factors have been associated with ethnic violence in Kenya: deep ethnic cleavages, conflict over land distribution, and political competition.

Ethnicity

The most commonly cited cause of the violence in Kenya is ethnic cleavage. The country is ethnically diverse, with at least 42 distinct tribal groups, and it has been established that ethnic identification in Africa is very strong (Kimenyi 1997). Collier (2001), for example, observes that the tribe and kin groups are the most powerful levels of social identity. Tribal identification has been shown to be an important way of solving collective action problems (Kimenyi 1998), but it can

also have negative implications for nonmembers. Because violence has been organized along ethnic lines, the inference is that ethnic clashes in Kenya have been purely the result of "ethnic hatred." But this hatred must be qualified. It is linked to electoral politics and competition among new arrivals in a region, groups with large land ownership, and native groups who feel threatened by the others.

At one extreme, there is the view that ethnic violence was the resurgence of pre-colonial barbarism. But it is hard to explain how the relationship between tribes can suddenly turn from cordial to unreasoned hostility and violence. Another view is that democratic transition in 1991 inflamed latent tribal hatreds. Murungi (1995), for example, argues that there has been a reservoir of resentment and mistrust of the Kikuyu (the ethnic group most affected by violence) arising from the Kikuyu's expansionism.

Some aspects of the violence have a historical dimension. Bates (1989) argues that the Kikuyu were forced to migrate out of their traditional areas as a result of displacement by the white settlers and settled in the Rift Valley. After independence, the Kikuyus remained in the Rift Valley settling there permanently. Of Kenya's tribes, the Kikuyu were the first to embrace capitalism and were able to exploit the opportunities created by the independence government. They were, for example, the leading beneficiaries of small holder credit schemes and held the majority of senior civil service jobs as a result of their education opportunities (Leys 1975). Tribal animosities were heightened by the policy of returning land to Africans after independence, when the Kikuyu are said to have benefited disproportionately. Thus, a government minister is reported to have justified the recent bloody eviction of the Kikuyu from Maasai land as a correction of historical wrongs.

This pattern of ethnic conflict in Kenya seems to agree with some large-*N* empirical studies that have found evidence of a positive correlation between ethnic diversity and the incidence of civil war (Ellingsen 2000; Hegre et al. 2001; Sambanis 2001). This contrasts with the CH model.

We will now look more closely at the relationship between violence and ethnic heterogeneity in the various regions of Kenya. As of 1991, Kenya was subdivided into 8 provinces and 41 districts. We measure the ethnic heterogeneity of each district by $(1 - s^2)$, where s is the share of the population that belongs to the largest ethnic group. We then rank districts in descending order of ethnic heterogeneity as shown in table 5.2 (on p. 140). The results show that of the 13 most ethnically diverse districts in Kenya, 12 (or 92 percent) have had violent conflicts of one type or another. Additionally, of the 8 most ethnically homogeneous districts, only one (Kisii) has experienced violent conflicts. Moreover, the violence in Kisii is confined to its border with Transmara. From this we can infer that conflicts do have an ethnic dimension.

Land

Conflict over land rights is often seen as being at the center of ethnic conflict in Kenya. In fact, violence was directed at members of minority ethnic groups in

(text continues on page 138)

Table 5.1 Ethnic Violence in Kenya

<i>Province</i>	<i>Location</i>	<i>Duration (estimate)</i>	<i>Date</i>	<i>Tribes</i>
Rift Valley				
Elgeyo Marakwet	Various (e.g., Kapsawar, Chebyego Hills, Kamalakon, Kapcherop)	>10 years		Pokot vs. Marakwet
Kericho	Belgut division/ Muhoroni border, Sondu	2 months or less	March 6, 1992	Kalenjin vs. Kisii, Luo
	Ainamoi division, Buru farm/ Thessalia Holdings ground	5 months	Nov. 5, 1992	Kipsigis vs. Luo
	Chilchila division, Kiptenden farm, Kunyak scheme	4 months	Nov. 3, 1991– March 1992	Kalenjin vs. Luo, Kikuyu, Kisii, Luhya, Teso, Turkana
	Londiani		1992	
	Thesalia	1 month	Jan. 1996	
	Kericho	1 day	March 1999	Luo vs. Kalenji
Laikipia	Ol-Moran division and Ng'arua	3 weeks	Jan. 12, 1998	Kikuyu, Samburu, Pokot

<i>Cause</i>	<i>Damage</i>	<i>Resolution</i>
Cattle rustling	Theft of livestock, deaths	NA
<p>The Kalenjin burned down homes of Luos, triggering retaliatory attacks.</p> <p>Political dimension because Luos were associated with FORD, an opposition party while Kipsigis were KANU supporters.</p>	<p>People injured, food stores burned down, 24 people died</p>	<p>The clashes were stopped after the attackers achieved their objective of forcing Luos out of the region.</p>
<p>An attempt by Kipsigis and the provincial administration to evict Luos from Buru farm.</p> <p>Luos were alleged to be supporters of opposition parties.</p>	<p>Destruction of 150 houses and property, people injured and 250 families displaced</p>	<p>Calm returned after Luos were displaced from the area. Attack also succeeded in bringing in confusion to voters as they were threatened to vote in a predetermined manner.</p>
Political incitement	People displaced	
	6 killed, 40 houses burned	
	One dead, 200 evicted	
<p>Burning down of Kikuyu houses by Pokots and Samburus.</p> <p>Theft of livestock of Kikuyus by armed gangs.</p> <p>Political differences as the Kikuyu largely supported opposition parties while Pokots and Samburu supported KANU. Kikuyus were either to support KANU or face expulsion from the area.</p> <p>Illegal occupation of Kikuyu-owned land by pastoralists.</p>	<p>Injuries, deaths and destruction of property.</p> <p>At least 3 people dead, 50 houses burned.</p>	

(continued)

Table 5.1 Ethnic Violence in Kenya (Continued)

<i>Province</i>	<i>Location</i>	<i>Duration (estimate)</i>	<i>Date</i>	<i>Tribes</i>
Nakuru	Highlands-Molo, Njoro Olenguruone	About 3 years (not continuous)	1991, 1992, 1996, 1997	Kalenjin community vs. immigrants mainly Kikuyu, Luo, and Kisii
Nandi	Songor location, Tinderet division, Cheboigony and Kapenguria farms	3 months	Oct. 1991, Nov. 1991, March 1992	Nandis attacked non- Kalenjin tribes, mainly Kisii
	Kamasia subloca- tion, Kipkelion division, Cheplaskei village	1 month	Dec. 12, 1991	Nandis vs. Luhya and Teso
	Mitetei location, Tinderet divi- sion (Mitetei farm, scene of first arsonist attack)	5 months	Oct. 29, 1991	Nandi warriors attacken non- Nandi's (Luhya, Kikuyu, Kisii) living on Mitetei farm
Narok	Gucha/ Trans-mara district along Kisii-Maasai- Kikuyu borderlands	3 months	1991, 1993, Oct. 14, 1997 Feb., May, and June 2001	Maasai vs. Kisii

<i>Cause</i>	<i>Damage</i>	<i>Resolution</i>
Politically instigated as Rift Valley politicians wanted to create a KANU zone (opposition-free area). Cattle rustling, land dispute, differences over pasture.	More than 1,500 people killed. More than 300,000 displaced. Collapse of agricultural sector heightened by the violence.	
Politically instigated after cabinet ministers, 34 councillors and top KANU officials vowed to expel non-KAMATUSA ^a tribes from Rift Valley Province.	20 farms were attacked.	The government did not do much to resolve the conflict. Calm was restored after non-Kalenjins were ejected from the area.
Political incitement following inflammatory statements by KANU leaders to kick out tribes associated with opposition politics.	Deaths, displacement	Peace was restored after raiders, all strangers, stopped their arson attacks.
Differences over ownership of Mitetei farm in Tinderet division. The Kalenjins wanted to expel other tribes (Kikuyu, Luhya, Kisii) from the farm. Politicians exploited the land dispute to wage war against non-Kalenjin for political reasons. Inflammatory statements by politicians during political rallies held in the province in Sept. 1991.	Destruction of property, people injured and displaced	The clashes ended after non-Kalenjin tribes were driven out, and the government legalized the subdivision of the land among the Kalenjin shareholders.
Political instigation as Kisii are believed to have ditched KANU for the opposition. Cattle rustling as Maasai raid Kisii homes for livestock. Land dispute as Maasai alleged that their land had been taken over by Kisii. Likewise, the Kisii alleged that their crops were being illegally harvested by Maasai.	24 people killed, hundreds displaced	Clashes eased after elections (1992, 1997) as they were intended to influence the voting pattern in favor of either KANU or the opposition. The current clashes can be linked to the forthcoming election and are likely to be on and off until after the general elections.

(continued)

Table 5.1 Ethnic Violence in Kenya (*Continued*)

<i>Province</i>	<i>Location</i>	<i>Duration (estimate)</i>	<i>Date</i>	<i>Tribes</i>
	Narok district, Mau–Narok division, Enoosupukia Hills	1 year	Dec. 9–29, 1992, Oct.–Dec. 1993	Maasai vs. Kikuyu
	Naivasha		Early 1994	Maasai vs. Kikuyu
Trans Nzoia	Trans Nzoia, Endebess divi- sion, Endebess location	~3½ months	Dec. 16, 1991– March 1992	Sabaots vs. Bukusu
	Mount Elgon district, Kapsakwony location/Kaptam location, Border between Luhya and Kalenjin areas	6 months	Nov. 26, 1991	Kalenjins vs. Bukusu and Kikuyu Sabaots vs. Bukusu and Teso
Uasin Gishu	Ainabkoi division, Burnt Forest	2 months	Dec. 3, 1992	Kalenjin vs. Kikuyu
	Burnt Forest	1 week	April 1994	Kalenjin vs. Kikuyu

<i>Cause</i>	<i>Damage</i>	<i>Resolution</i>
<p>A land quarrel led to the burning of Kikuyu houses by Maasai.</p> <p>Politically motivated following the introduction of multiparty politics. Maasai supported KANU, Kikuyu predominantly in opposition.</p> <p>Environmental concerns—Maasai claimed the area inhabited by the Kikuyu was a water catchment area.</p>	<p>More than 30 people killed and more than 30,000 displaced.</p> <p>Destruction of houses, crops.</p>	<p>The attacks stopped after the elections in 1992 and a government attempt to resettle displaced families at the Maela refugee camp. The attacks were aimed at influencing the election in KANU's favor.</p>

	10,000 displaced	
<p>Differences over ownership of Sabaots Cooperative Farm in Endebbes location as Sabaots attempted to evict Bukusu.</p> <p>Political differences between Sabaots who were in KANU and Bukusu who supported FORD.</p>	<p>Injuries and displacement</p>	<p>There was calm after Sabaot attackers succeeded to force the Bukusu out of the farm. The Sabaot were better organized, trained, and armed than Bukusu.</p>

<p>The Sabaot attacked Kikuyus, Teso, and Bukusu tribes by burning down houses for political reasons. Bukusu supported KANU while Sabaots supported FORD-Kenya.</p>	<p>About 30 houses of Bukusu burned down at Kapsokwony location</p>	

<p>The Kalenjin burned down Kikuyu houses in all major farms in the area. The aim was to expel Kikuyus who were associated with the opposition.</p> <p>Differences over grazing land.</p>	<p>Destruction/burning of houses; 15,000 displaced</p>	

	12 killed; 65 houses burned	

(continued)

Table 5.1 Ethnic Violence in Kenya (*Continued*)

<i>Province</i>	<i>Location</i>	<i>Duration (estimate)</i>	<i>Date</i>	<i>Tribes</i>
West Pokot		Many years— sporadic	1976 and before to present	Pokot vs. Marakwet, Turkana, Samburu
			May 1998	Pokot vs. Marakwet
Western Province				
Bungoma	Chemichimi, Chwele	4 months	March–July 1992	Kalenjin vs. Luhya
Coast Province				
Kwale	Matuga, Ngombeni location, Msambweni, Shonda, Mtongwe	3 months	August 1997– Nov. 1997	The local KANU politicians sup- ported Majimbo/ federalism, hence planned to attack upcountry tribes. The politicians mainly targeted Kikuyu and Luo who were believed to be allied to the opposition.
Mombasa	Likoni, Kisumu Ndogo, Maweni, Shauri Yako	3 months	August 13– Sept. 1997	Digo vs. Kikuyu, Luo, Luyha, Kamba
Tana River	Tana River	Sporadic	1991, 1992, 1995	Oromo, Pokomo

<i>Cause</i>	<i>Damage</i>	<i>Resolution</i>
<p>Cattle rustling—raids a rite of passage for young men.</p> <p>Land—taken away by colonial government later allocated to influential people from other communities.</p>		
	2,000 displaced; 60 killed	
<p>Clashes erupted after well-trained raiders attacked residents of the area, targeting noncoastal (upcountry) tribes, mainly the Luo and Kikuyus.</p> <p>Fight over resources, Business rivalry.</p> <p>Politically motivated as the local politicians rallied their tribes to support federalism/Majimbo and kick out tribes opposed to federalism. Upcountry tribes had to be ejected from the area to prevent them from voting for opposition candidates.</p>	<p>Thousands displaced</p> <p>About 65 people killed including 13 police officers.</p> <p>Destruction of property, including a police station.</p> <p>Collapse of tourism industry.</p> <p>Loss of jobs for displaced people.</p>	<p>The violence ended after the 1997 general election as the aim was to influence results of this election in a way that favored coastal tribes.</p> <p>The government deployed police to stop the clashes, albeit too late, and arrested some people involved in the attacks.</p>
	62 killed, including 10 police officers; 30 automatic weapons stolen; 100,000 displaced	
Cattle rustling	More than 2,000 cows and goats stolen	Ended after government troops intervened

(continued)

Table 5.1 Ethnic Violence in Kenya (Continued)

<i>Province</i>	<i>Location</i>	<i>Duration (estimate)</i>	<i>Date</i>	<i>Tribes</i>
Eastern Province				
Isiolo	Isiolo	2 weeks	May 1, 2000	Borana and Samburu vs. Somalis of Degodia clan Somali vs. Borana
		Jan., Feb., March 2000	Jan., Feb., March 2000	Borana, Meru, Somali, Turkana, Samburu, Sekuye, Gabra
Kitui	Mwingi district	1 month	1991, 1992	Kamba vs. Shifta
Meru	Tharaka, Meru	1 month	—	Interclan war over land
Nyanza	South Nyanza, Maasai Kisii border	3 months	Nov. 1997	Maasai vs. Kisii
Northeastern Province	Marsabit Moyale–Sololo division		Traced to pre- colonial times Examples, July 1996 throughout 1980s June 1996	Somalis (Shiftas) Boran vs. REGABU (Rendille, Gabbra Burji) 1996—Samburu vs. Boran Somali
	Marsabit and Moyale			

<i>Cause</i>	<i>Damage</i>	<i>Resolution</i>
<p>Fighting over pasture land, cattle rustling.</p> <p>Politics—Somalis came to graze, settled, registered as voters and influenced voting patterns.</p> <p>Local leaders demanded sacking/expulsion of migrant Somali pastoralists from Wajir and Mandera.</p> <p>These tribes had lived peacefully for many years. The problem started with multiparty politics. The local politicians want to expel the Merus who are associated with the opposition.</p>	<p>40 people killed; 2,000 cattle, 500 goats stolen</p>	
Cattle rustling		
Land dispute	<p>Property destroyed, people killed</p> <p>30+ killed</p>	
<p>Began as struggle for land and other economic resources.</p> <p>Cattle rustling.</p> <p>Somalis wanted to secede (1963–68).</p> <p>68—Somali relinquished its claim.</p> <p>Sporadic acts of banditry.</p>	<p>13 killed</p>	
<p>Ethiopian army makes incursions into Kenya, accuses Boran of harboring OLF^b rebels</p>	<p>Torture, abduction, murders, livestock theft (e.g., March 1996 to May), 61 people killed</p>	
Politically instigated		

(continued)

Table 5.1 Ethnic Violence in Kenya (Continued)

Province	Location	Duration (estimate)	Date	Tribes
Nairobi	Kibera slums	1 week	Oct. 1995	Luos vs. Nubians
		3 days	Nov./Dec. 2001	Landlord vs. tenants
	Mukuru slums, South B	3 days		Muslims vs. Christians

Sources: Law Society of Kenya: *Report of the Law Society of Kenya on the Judicial Commission of Inquiry into Ethnic Clashes in Kenya* (unpublished); Nation newspapers (various) ICE Case Studies: *Ethnic Cleansing and the environment in Kenya*; The PEOPLE Newspaper (various); KHRG: *The Forgotten People: Human Rights Violations in Moyale and Marsabit Districts*.

specific regions of the country with the intent of expelling them from those areas. The primary result of these conflicts has been the displacement of people who had settled in parts of the country other than their ancestral land. There is a consensus that Kenya’s “land question” is the primary source of the ethnic clashes. Kanyinga (2000) observes that violence resulted from the elite’s appropriation of the land issue to fight those opposed to them by reactivating demands for territorial land claims in the Rift Valley and on the Coast.

In precolonial times, land was communally owned and traditional rights and obligations ensured direct access to all. Colonialism disrupted these relationships. Colonial authorities assumed that all land to which private ownership could not be established by documentary evidence was ownerless (Okoth Ogendo 1999). The colonial government parceled out more than 7 million acres of land, including some of the most fertile land in Kenya, and earmarked them for cultivation by Europeans. These areas came to be known as the white highlands. Indigenous ethnic communities who had occupied these areas were relegated to marginal reserves and all land not in their occupation was declared crown land. This resulted in overpopulation in the reserves and, as a result, significant numbers of Luo, Kisii, Luhya, and Kikuyu migrated to the Rift Valley province as squatters and to provide labor on settler farms.

The colonial powers, while creating white highlands, limited access to land rights, but indirectly increased access to land. The outcome was to promote migration to the white highlands, radically expanding the range of Kikuyu settlement. Thus the Kikuyu settled outside the Central province. White settlers restricted the possibility of establishing land rights. So, when independence was won, and power was seized by a conservative fraction of Kenya’s rural society, the first order of business was to settle issues of investment and private property, including land rights. Sharp disagreements arose as to who would get reversionary interest in the highlands.

<i>Cause</i>	<i>Damage</i>	<i>Resolution</i>
Political differences, Luo support	5 killed	
Ford Kenya, Nubians support		
KANU	12 killed, 50 houses razed	
Rent		
		Church, mosque, and other property burned

Note: We have no data on violence for a number of regions, so they have been excluded from this table.

These regions are: Samburu, Turkana, Kilifi, Lamu, Taita Taveta, Machakos, and Marsabit.

a. Acronym for Kalenjin, Maasai Turkana and Samburu ethnic groups.

b. OLF = Oromo Liberation Front—a guerrilla movement in Southern Ethiopia fighting against the Ethiopian government.

The contest was quickly ethnicized: The Kalenjin, Maasai, Turkana, and Samburu (KAMATUSA) of the Rift Valley regarded the settler farms as their ancestral land and favored a federal system that would provide guarantees against “land hungry” squatters and migrants. The squatter and migrant communities naturally were keen to protect their territorial gains outside their ancestral land. There were also sharp divisions over land reforms, with a radical faction that advocated seizure of land arguing that the land the settlers held was stolen by the crown and at independence should be returned and freely distributed to the indigenous people. Liberal groups, on the other hand, supported a system that would be less antagonistic to settlers and foreign investors. This broader group also was concerned with land productivity because agriculture was the main economic activity. This emerging class of a national economic development-conscious group may help to explain the pattern of land acquisition in Kenya after independence. It also supports Bates’s (1989) argument that the government of postindependent Kenya favored rural, landed interests at the expense of the country’s urban, industrial interests.

These issues threatened to delay the speedy transfer of political power. In the end, political independence was negotiated without resolving the land issue. At the second 1962 constitutional conference, all Kenyan tribes renounced their claims to the land that had belonged to them in precolonial Kenya but had been alienated to Europeans. It was agreed that the Europeans could part with the land on a willing seller–willing buyer basis. The validity of colonial expropriation was accepted and guaranteed by the independence constitution. Many of the migrants, individually or collectively, subsequently bought land from white settlers and settled in areas outside their ancestral homes, principally in the Rift Valley province.

The land issue was never fully addressed. British settlers’ interests were safeguarded, and no effort was made to sort out the competing claims of those pastoral ethnic groups who had been ousted from the Rift Valley by the British and by squatters.

Table 5.2 Ethnic Composition and Heterogeneity by District

<i>Rank</i>	<i>District</i>	<i>Percent of largest ethnic group</i>	<i>1 - s²</i>
1	Mombasa	27.91	0.922
2	Marsabit	28.2	0.92
3	Nairobi	32	0.898
4	Isiolo	34.16	0.883
5	Tana River	36.95	0.863
6	Lamu	40.35	0.837
7	Narok	47.28	0.776
8	Mandera	48.94	0.76
9	Wajir	51.66	0.733
10	Trans Nzoia	52.03	0.729
11	Uasin Gishu	52.63	0.723
12	Kajiado	56.55	0.68
13	Nakuru	59.65	0.644
14	Embu	60.5	0.634
15	Busia	61.4	0.623
16	Laikipia	67.75	0.541
17	Taita Taveta	71.5	0.489
18	Nandi	73.64	0.458
19	Samburu	74.65	0.443
20	South Nyanza	76.49	0.415
21	Kwale	82.56	0.318
22	Kericho	82.66	0.317
23	Bungoma	82.79	0.315
24	Baringo	83.79	0.298
25	Garissa	84.17	0.292
26	West Pokot	85.15	0.275
27	Kiambu	87.98	0.226
28	Meru	88.96	0.209
29	Kisumu	89.24	0.204
30	Kilifi	90.27	0.185
31	Elgeyo Marakwet	91.32	0.166
32	Turkana	94.5	0.107
33	Kakamega	94.52	0.107
34	Nyandarua	95.66	0.085
35	Siaya	95.77	0.083
36	Muranga	95.86	0.081
37	Nyeri	96.57	0.067
38	Kitui	96.97	0.06
39	Machakos	97.01	0.059
40	Kirinyaga	97.4	0.051
41	Kisii	98.23	0.035

There was further migration into the Rift Valley and Coast provinces from Central, Western, and Eastern provinces in the period immediately after independence. The high net inflows of people in the Rift Valley were attributed to settlement schemes that were initiated by the government soon after independence. In the Coast province, the largest number of immigrants came mainly from Machakos, Kitui, Kisumu, Kakamega, and Siaya. Immigrants in the Rift Valley came mainly from Central province, Kakamega, Bungoma, and all districts in Nyanza (Mbithi and Barnes 1975).

The settlement schemes formed the focal point of much of the violence while the “settlers” formed the bulk of the victims. Starting with the schemes initiated by the colonial government in areas such as Makueni, Gedi, Shimba Hills, and Olenguruone, little attempt was made to deal with claims of indigenous groups to lands earmarked for settlement. The case of Olenguruone division of Nakuru district illustrates this. From 1932 to 1933, the Kenya Land Commission established that the Kikuyu needed more land than they had access to; and around 1941, the colonial government purchased 34,700 acres in Olenguruone division to settle more than 4,000 Kikuyu squatters from Central Kenya who had been displaced by white settlers. This area was originally part of Maasai land, and the Kikuyu settlement created deep animosity. Olenguruone witnessed some of the worst atrocities in the 1991 violence and most of the displaced have been unable to return.

The postindependence settlement schemes designed to transfer land from settlers to Africans were similarly controversial. In a program known as the million-acre settlement scheme, the government bought some European farms ostensibly to settle the landless. There is evidence that the Kikuyu ended up being the main beneficiaries of the scheme. As Kanyinga (2000) observes, they were the most land-hungry and, being the ethnic group best placed to raise capital, led the way in land purchase cooperatives. Leys (1975) reports that, in a survey of 162 cooperatives, 120 were exclusively Kikuyu and an additional 38 consisted of Kikuyu with members of other tribes. The Kikuyu could be found participating in faraway schemes in places such as Lamu, Kilifi, Trans Nzoia, and Uasin Gishu, whose intended beneficiaries were from other ethnic communities. The resettlement schemes thus provided fertile ground for ethnic animosities.

Land reform policies in Kenya have been based on free-market models emphasizing individual freeholder rights over customary tenure in the belief that this would encourage investments in farm productivity, and that land markets would emerge that would transfer land to more efficient farmers and provide farmers with collateral for raising credit. There is mounting evidence that the economic and social benefits of such programs are questionable and that they may, in fact, cause conflict. As Toulmin and Quan (2000) observe, latent conflict is awakened by the irrevocable nature of land transfers. Recent conflicts in the Tana River district offer an example. This feud pits the Pokomo against Orma and Wardei neighbors and centers on land and grazing rights. The Orma and Wardei pastoralists accuse the Pokomo farmers of restricting their access to water points and grazing fields, while the Pokomo accuse pastoralists of grazing on their farms and destroying their crops.

An important issue that has not been given adequate attention is the impact of an ongoing land adjudication process. The pastoralists are opposed to the process; however, the government has insisted that it will go on.

To elaborate further on the dynamics of land ownership in Kenya, we investigate a theory of conflict based on grievance arising from land alienation. Kenya's land is categorized as government land, freehold land, or trust land. Government land refers to all land that was vested in the crown during the colonial period. On independence, the land became vested in the government of Kenya. The Government of Kenya Land Act Cap 280 (Cap refers to chapter) empowers the president to make grants of unalienated government land to any person. The act spells out how the government can dispose of this land. One of the three ways to do so is to offer land for agricultural purposes. The act says that the commissioner of lands may, on direction of the president, divide land into farms and that the leases on such farms can be auctioned. Local communities are often disadvantaged by such sales because most cannot afford the lease or purchase price. This process therefore dispossesses some communities of land that was previously under their use.

Trust lands (called reserves before June 1, 1963) constitute the single largest category of land. The Northeastern province is an exception: It was classified as crown land before independence, but it is now classified as trust land. All trust land vests in the county council of the area in which it is situated. The land tenure system in trust lands is communal and the council holds the land in trust for the benefit of the persons ordinarily resident on that land. County councils have wide-ranging powers in regard to trust land and may, through an act of parliament, set apart an area of trust land for use and occupation by individuals. There are reports of councils having irregularly alienated such land. Additionally, the provisions of the trust land act vests the management of trust lands in the commissioner of lands. Again, reports exist in which the commissioner allocated trust land to individuals for whom it was not meant, thereby causing resentment among the local communities (Wanjala 2001). In the 1990s, this pattern of land allocation accelerated and focused on all urban land especially set aside for public utilities and forests.

We would expect a positive correlation between violence and the amount of government and trust land that has been alienated. We investigate this relationship by comparing alienated land to total land area in each district in table 5.3. The data indicate a higher than average percentage of alienated land in all of the districts affected by political violence except Mombasa. The districts with the highest percentage of alienated land are Kajiado, Laikipia, Trans Nzoia, Uasin Gishu, and Nakuru. All are in the Rift Valley and all have been affected by the violence. Most of the ethnic violence during or before the general elections took place in these districts. This would seem to be consistent with the "grievance" component of the CH model.

We also investigate the "greed" perspective. The Rift Valley province is an expansive area covering about 40 percent of Kenya's land mass, including some of Kenya's most productive land (see table 5.4). Land can be considered a "lootable resource." However, the problem is that there are no quick gains associated with

Table 5.3 Alienated Land by District

<i>District</i>	<i>Land area (km²)</i>	<i>Alienated land (govt. & trust) (km²)</i>	<i>Percent of total</i>
Laikipia	9,718	8,343	85.85
Kajiado	20,963	15,460	73.75
Trans Nzoia	2,468	1,754	71.07
Uasin Gishu	3,784	2,535	66.99
Nakuru	7,024	4,145	59.01
Kwale	8,257	3,303	40
Kilifi	12,414	4,955	39.91
Narok	18,513	7,227	39.04
Nairobi	684	225	32.89
West Pokot	5,076	1,236	24.35
Nandi	2,745	656	23.9
Taita Taveta	16,959	3,868	22.81
Lamu	6,506	1,472	22.63
Samburu	20,809	4,613	22.17
Muranga	2,476	534	21.57
Machakos	14,178	2,745	19.36
Kiambu	2,448	438	17.89
Kericho	4,890	771	15.77
Tana River	38,694	5,485	14.18
Nyeri	3,284	313	9.53
Kirinyaga	1,437	100	6.96
Nyandarua	3,528	222	6.29
Kisumu	2,093	128	6.12
Meru	9,922	533	5.37
South Nyanza	5,714	121	2.12
Kitui	29,389	499	1.7
Siaya	2,523	41	1.63
Mandera	26,470	202	0.76
Embu	2,714	18	0.66
Bungoma	3,074	1	0.03
Busia	1,629	0	0
Kakamega	3,520	0	0
Kisii	2,196	0	0
Isiolo	25,605	0	0
Marsabit	73,952	0	0
Baringo	10,627	0	0
Elgeyo Marakwet	2,722	0	0
Turkana	61,769	0	0
Garissa	43,931	0	0
Wajir	56,501	0	0
Mombasa	210	0	0
<i>Average</i>			<i>18.4</i>

taking control of that land; profit requires time, effort, and the investment of resources. Nonetheless, one of the objectives of the violence was to redistribute agricultural land by expropriating one ethnic group's land and giving it to another. There is considerable anecdotal evidence to support this conclusion. It was common, in political rallies that preceded the clashes, to hear the calls for the eviction of "outsiders" from the Rift Valley.

Studies conducted after the initial incidences of violence support the view that land appropriation was indeed a motivating factor behind the clashes. Many found widespread occupation of abandoned farms by the Kalenjin. For example, the Sababots were reported to have occupied the farms and houses of victims who fled from some of the settlement schemes. After its entire population relocated to Central province as a result of the violence, Rironi farm in Burnt Forest was reported to have been taken over by Kalenjin farmers who proceeded to rename it Kaplalech. Other reports in Molo indicate similar occupation of abandoned farms by Kalenjins; for example, a large-scale farm that borders one of President Moi's farms is now occupied by Kalenjin teachers from the Kericho district. At Mitetei farm, the scene of the first attacks thought to be a land dispute between Kalenjin and Luo shareholders, land was subdivided and title deeds conferred exclusively to Kalenjin shareholders after the others were evicted. Evidence given to a judicial commission of inquiry into the clashes indicated that a cabinet minister from the Kalenjin ethnic group occupies and grows sugarcane on land in Buru farm from which the Luo were evicted (Law Society of Kenya 1998).

Areas with high proportions of high- and medium-potential land can be found in both conflict and nonconflict zones (see table 5.4). However, if we focus on the Rift Valley, we find that, except for the Laikipia district, all the regions that are well endowed agriculturally experienced political violence. The districts that were least affected by violence—Samburu, Turkana, Baringo, and West Pokot—all have low-potential land. This is consistent with the CH "greed" theory.

Could land have been the primary motivation behind the violence? There are several arguments that considerably weaken the case for land hunger and related grievance as the root cause of conflict. First, there exist large tracts of prime land in the violence-torn areas owned by individuals and corporations. Rational land predators would be expected to have targeted these farms. Surprisingly, the raiders targeted none of them. Instead the violence occurred in settlement schemes with small-scale farms but large populations, suggesting an objective of displacing large numbers of people.

Second, grievances related to the alienation of land date back to colonial times and are not confined either to the Kalenjin or Coastal ethnic groups. For example, under the colonial government, the Kikuyu lost much of their land to the white settlers. European settlement began in the southern districts of Kikuyu land. By 1933, 109.5 square miles of valuable Kikuyu land had been alienated for European settlement. In the Kiambu–Limuru area alone, about 60,000 acres of land were alienated between 1903 and 1906 and thousands of people were rendered homeless (Kanogo 1987). Subsequent land reform programs, such as the Swynerton Plan, are credited

Table 5.4 Land Potential in Kenya

<i>Province/District</i>	<i>High potential^a</i>	<i>Medium potential^a</i>	<i>Total ^a</i>	<i>Percent of total land area</i>
Central Province				
Kiambu & Muranga	386	5	391	48
Kirinyaga	98	10	108	75
Nyandarua	265	0	265	75
Nyeri	160	0	160	49
Western Province				
Bungoma	253	0	253	92
Busia	163	0	163	100
Kakamega	325	0	325	92
Nyanza Province				
Kisii	220	0	220	100
Kisumu and Siaya	432	29	461	100
South Nyanza	566	5	571	99
Eastern Province				
Embu	66	186	252	93
Isiolo	0	0		0
Kitui	67	1,137	1,204	41
Machakos	125	771	896	63
Marsabit	4	0	4	0.05
Meru	241	95	336	34
Rift Valley Province				
Baringo	166	84	250	24
Elgeyo Marakwet	104	0	104	
Kajiado	22	0	22	85
Kericho	380	0	380	78
Laikipia	130	0	130	13
Nakuru	291	39	330	47
Nandi	234	0	234	85
Narok	908	0	908	49
Samburu	140	0	140	7
Trans Nzoia	208	0	208	84
Turkana	12	0	12	1
Uasin Gishu	327	0	327	87
West Pokot	103	0	103	20
Northeastern Province				
Garissa	0	0	0	0
Mandera	0	0	0	0
Wajir	0	0	0	0

(continued)

Table 5.4 Land Potential in Kenya (Continued)

<i>Province/District</i>	<i>High potential^a</i>	<i>Medium potential^a</i>	<i>Total^a</i>	<i>Percent of total land area</i>
Coast Province				
Kilifi	104	247	351	28
Kwale	126	162	288	35
Lamu	7	319	326	50
Mombasa	21	0	21	0
Taita Taveta	42	10	52	3
Tana River	73	58	131	3

a. Numbers are in thousands of hectares.

with generating more disputes than they resolved. The resulting land distribution in Central province was skewed in favor of chiefs, loyalists, and the wealthy. The reforms were undertaken at a time when many who participated in the freedom struggle were in detention and thus lost their rights in former communal land.

One, therefore, has to look elsewhere for the primary trigger factor. Given the importance and depth of land grievances, a widely held view is that they were used by political entrepreneurs for political mobilization. We turn to political contest as a cause for the conflicts in the next section.

Politics: The Control of the State

It is doubtful that land and interethnic hostilities, singularly or together, could have led to the kind of atrocities in the Rift Valley. The central rationale of the violence appears to have been to maintain the political and economic status quo in the region during the run up to the general elections in 1992 and 1997. The main motivation behind the violence was to influence voting in favor of the incumbent.

Public choice scholars have attributed ethnic conflicts in Africa to the failure of political institutions to accommodate diverse interests. They argue that the lack of political models to deal effectively with diversity in centralized states where competition for resources and power is prevalent leads to conflicts. Until 1991, postindependence Kenya was characterized by one-party rule and excessive centralization of power. In such a scenario, the leader and group who capture the state have control of an enormous amount of resources and thus can reward supporters, provide for group members, and create barriers to entry into political and economic markets. Violence in the Rift Valley was part of such a strategy.

At the onset of the violence, Kenya was on the verge of a political transition to a multiparty system. Kenyans had long sought the abolition of the one-party state because the ruling party, Kenya Africa National Union (KANU), had been responsible for widespread repression and corruption. By mid-1991, scores of people had died in violent confrontations between reformists and state security. International

pressure was also intense. It became clear that the government could only resist the pressure for change at the cost of massive bloodshed. In December 1991, the KANU government reluctantly repealed section 2A (which allowed only for a one-political-party system) of the constitution, paving the way for the formation of other political parties. With the introduction of multiple parties, the ruling elite faced its biggest real challenge to monolithic power and access to state resources since the failed coup in August 1982.

This perspective of the violence in Kenya is therefore consistent with the research findings of an inverted U-shaped curve defining the relationship between democracy and domestic violence (Hegre et al. 2001; Sambanis 2001). The research found that semidemocracies exhibit a higher propensity for conflict than either autocratic regimes or established democracies. Additionally, the research found a high correlation between domestic violence and political change. That is, states in political transition experience more violence. Consistent with this view is Mueller's argument that political entrepreneurs take advantage of the opportunity provided by the weakening of state authority that is occasioned by political transition (Mueller 2001, 22).

The elite's response was to target for violence ethnic groups associated with the opposition. The government capitalized on unresolved land ownership issues and ethnic mistrusts to provoke the displacement and expulsion of certain ethnic groups en masse from their longtime homes for political and economic gain. The government secretly employed surrogate agencies, such as ethnic or religious militias, to attack supporters of opposition political parties or government critics. Evidence suggests that in the areas where violence occurred, constraints on violence were typically weak. The reports of various committees investigating the clashes are replete with incidences pointing to state complicity (National Council of Churches of Kenya [NCCK] 1992, 2001; National Elections Monitoring Unit [NEMU] 1993a, 1993b).

It took the government eight years to launch any sort of inquiry into the root causes of the violence and even when the inquiry was completed, no action was taken to dispense justice. Skeptics wonder whether the stakes in the struggle for the control of the state were so high as to call for such radical measures. As some political economists have argued, in Kenya, as in many Sub-Saharan African countries, the state control over the economy is so entrenched and the premium for controlling political power is so high that political parties and ethnic groups are willing to pay whatever it costs to acquire or have meaningful access to the state (ICJ 2000).

Those in the ruling coalition clearly had comparative advantage in the competition for resources. This advantage was threatened by the introduction of democracy. In addition, defeat would have an impact on their financial fortunes. Press reports also indicate that opposition activists and lawyers are keen on prosecuting members of the Moi government for crimes ranging from murder and crimes against humanity to corruption (see *People Daily*, September 3, 2001, for example). A report by the Law Society of Kenya on the clashes recommended that a number of people, among them senior politicians, several ministers in the current cab-

inet, senior civil servants, and members of the judiciary (including the attorney general), be investigated and, if adequate evidence is found, prosecuted for conspiracy to commit mass murder; inciting the public to commit mass murder, arson, and rape; and other offenses related to clashes.

Given such expectations, it would appear rational for political entrepreneurs to resort to extreme measures to maintain the status quo. The question is, faced with the prospect of loss of political power, was violence a viable strategy for the government?

Some studies have found that KANU acquired a political advantage through the physical displacement of a hostile community vote and that the progovernment elite emerged as the ultimate beneficiaries of the violence (see Kenya Human Rights Commission 1997 on the coastal violence, for example). Analysis also supports the view that the pre-election violence was aimed at altering the political demography and thus at predetermining the pattern and outcome of the elections. The fears of the incumbent losing power were real. As table 5.5 demonstrates, a coalition of tribes perceived to be opposed to the ruling regime would win in an electoral contest.

This electoral outcome assumes that voting would proceed along ethnic lines. The empirical work of public choice scholars argues that ethnic identification in politics is alive and well in Africa (Kimenyi 1997), which results in ethnicity being perhaps the single most effective predictor of political preferences (ICJ 2000). This has been demonstrated by the limited Kenyan experience with political party competition. Political parties are by and large tribal factions—they display a clear ethnic character, with the ruling KANU being the party of the Kalenjins and the minority tribes, the National Development Party (NDP) being the party for the Luo, and the Democratic Party (DP) and FORD Asili Party being largely Kikuyu parties.

Table 5.5 Tribes Perceived to Be in the Opposition

<i>Tribe name</i>	<i>Population (1989)</i>	<i>Percent of total</i>
Kamba	2,448,302	11.4
Kikuyu	4,455,865	20.8
Kisii	1,318,409	6.2
Luhya	3,083,273	14.4
Luo	2,653,932	12.4
<i>Total</i>	13,959,781	65.1
Kamatusa tribes (ruling coalition)		
Kalenjin	2,458,123	11.5
Maasai	377,089	1.8
Samburu	106,897	0.5
Turkana	283,750	1.3
<i>Total</i>	3,225,859	15.0

Violence was aimed at disrupting the registration of voters before the elections, preventing thousands of those opposed to the ruling elite in the conflict areas from voting and thus ensuring a favorable outcome for KANU. We suggest that the violence was designed to instill such anxiety as to cause a sufficient number of people to abandon their homes, thereby giving the ruling elite a head start in elections.

Analysis of 1989 census and 1992 election data suggests this to be a plausible strategy. First, the Rift Valley province accounts for the largest number of seats in parliament with a total of 44 out of 188 constituencies in 1992 (or about 23 percent). The president further had the power to nominate 12 members of parliament. Taken together, this implies that evicting opposition sympathizers from the province would assure KANU victory in close to 30 percent of the parliamentary seats even before the elections began. Table 5.6 provides an indication of the likely impact of evicting the tribes targeted by the violence from the Rift Valley. It can be seen from this table that the intensity of the conflict was also in places where the KAMATUSA coalition was outnumbered. For example, in the Nakuru district about 60 percent were Kikuyus with about 16 percent of the KAMATUSA. The fear of numbers in politics was thus terrifying for the KAMATUSA.

Clearly, the non-Kalenjin vote in Laikipia, Nakuru, and Trans Nzoia was and would have been decisive. In Kajiado, Nandi, Kericho, Nandi, Narok, and Uasin Gishu the proportions of the non-Kalenjins, although not constituting a majority, are significant. In an election with narrow margins of victory, for example, these ethnic groups could determine the outcome of an election. In sum, the diaspora's support had the potential to affect electoral outcomes in 9 of the 12 districts in the

**Table 5.6 Ethnic Composition in the Rift Valley, 1989
(Percent of Total Population)**

<i>District</i>								<i>KAMATUSA</i>
	<i>Kamba</i>	<i>Kikuyu</i>	<i>Meru</i>	<i>Kisii</i>	<i>Luhya</i>	<i>Luo</i>	<i>Subtotal</i>	<i>tribes</i>
Baringo	0.21	7.2	0.05	0.59	1.46	1.41	10.92	83.88
E. Marakwet	0.21	2.98	0.04	0.34	2.42	0.74	6.73	91.41
Kajiado	8.02	23.76	0.41	0.7	2.09	3.13	38.11	57.07
Kericho	0.19	3.6	0.03	4.62	1.82	5.96	16.22	82.7
Laikipia	1	67.75	3.93	0.56	1.13	1.04	75.41	12.71
Nakuru	1.34	59.65	0.29	3.5	7.42	7.26	79.46	15.72
Nandi	0.1	1.67	0.01	0.02	17.52	3.89	23.21	73.7
Narok	0.42	11.32	0.12	5.05	0.99	1.56	19.46	77.69
Samburu	0.18	2.82	0.54	0.17	0.51	0.45	4.67	76.59
Trans Nzoia	0.53	9.58	0.1	2.77	52.03	2.53	67.54	22.42
Turkana	0.12	0.72	0.24	0.14	1.49	0.62	3.33	95.05
Uasin Gishu	0.66	16.90	0.13	1.35	18.46	5.02	42.52	52.94
West Pokot	0.31	2.72	0.07	0.53	5.05	1.34	10.02	85.22

Source: Adapted from Government of Kenya Population Census 1989.

province. Table 5.7 provides estimates of the numbers of voters from the ethnic groups targeted for eviction in the two areas affected by the clashes. The numbers suggest that disenfranchising the diaspora results in a definite advantage to the ruling elite in the presidential election. In the 1992 presidential election, the difference between president Moi and his closest rival was 392,516 votes, less than half of the estimated votes from the diaspora.

In addition, the constitution was amended in August 1992 to the effect that the winning presidential candidate needed to garner at least 25 percent of the votes cast in the presidential election in at least five of the eight provinces. The rule, widely viewed as diluting the one-person one-vote principle, ensured that a presidential candidate supported by the major tribes could still be stopped from ascending to the presidency, even after gaining a majority of the votes, if more than three provinces controlled by the minority tribes did not support such a candidate. The data show that the majority tribes in the Rift Valley consisted of 36 percent of the population. An opposition candidate backed by the major tribes would have easily met the requirement. There was, therefore, an incentive on the part of the KANU regime to reduce this population to below the 25 percent requirement. Thus political competition is a credible explanation of ethnic violence.

Why Has Kenya Not Experienced Civil War?

We have argued that civil wars occur when a combination of factors result in a tipping point. The fact that the clashes in Kenya did not escalate to civil war suggests that the underlying factors have not been strong enough. There are several factors that could raise the probability of civil war in Kenya. Kenya is a low-income country with relatively high dependence on primary commodity production. During the

Table 5.7 Estimated Voter Population of Selected Tribes in Clash Areas

Tribe name	Total population by province		Total
	Rift Valley	Coast	
Kamba	45,877	126,949	172,826
Kikuyu	962,341	58,456	1,020,797
Kisii	123,692	6,748	130,440
Luhya	484,547	55,498	540,045
Luo	193,862	83,128	276,990
Total	1,810,319	330,779	2,141,098
Estimated voters ^a	778,437	142,235	920,672

a. 43% of the total being the percentage of the national population over 19 years as per census data.

1990s, the larger ethnic groups were excluded from the government, a situation that could have triggered an uprising. The country has been governed poorly by one of the most corrupt regimes in the world. Since the mid-1990s, economic conditions have declined, recording negative growth rate for the first time since independence. Poverty has also increased and recent estimates show that by 2002, 56 percent of the population was below the poverty line.

Yet, Kenya is not another African nightmare. The limited scope of violent conflict in Kenya should not be surprising. First, as far as ethnic heterogeneity is concerned, it is true that conflicts have been between different ethnic groups. But the idea that the violence was motivated by ethnic hatred lacks support. Most of these groups live side by side in urban areas with no ethnic violence. Ethnic divides are not large enough to trigger an all-out war. Second, whereas most regions of Kenya are relatively ethnically homogeneous with a few being polarized, Kenya as a nation is highly fractionalized (table 5.8). It should be noted that most ethnic groups are not culturally homogeneous. The Luhya, for example, are a collection of several smaller groups, including Bukusu, Dakho, Kabras, Khayo, Kisa, Marachi, Maragoli, Marama, Nyala, Nyole, Samia, Tachoni, Tiriki, Tsotso, and Wanga. The existence of such subtribes implies that the country is in fact much more ethnically fractionalized than the data available indicate. This ethnic diversity contributes to relative stability. As discussed earlier, there is safety in societies that are highly fractionalized arising from the high transaction costs of collective action. None of the ethnic communities

Table 5.8 Population of the Largest Tribes in Kenya (1989)

<i>Tribe name</i>	<i>Total</i>	<i>Percent of total</i>
1. Kikuyu	4,455,865	20.78
2. Luhya	3,083,273	14.38
3. Luo	2,653,932	12.38
4. Kalenjin	2,458,123	11.46
5. Kamba	2,448,302	11.42
6. Kisii	1,318,409	6.15
7. Meru	1,087,778	5.07
8. Mijikenda	1,007,371	4.70
9. Masai	377,089	1.76
10. Turkana	283,750	1.32
11. Embu	256,623	1.20
12. Taita	203,389	0.95
13. Teso	178,455	0.83
14. Ogaden	139,597	0.65
15. Kuria	112,236	0.52

Source: Adapted from Kenya Population Census 1989.

is large enough or even homogeneous enough to have a realistic probability of victory and the coordination costs across ethnic communities may be too high.

The land issue is certainly a source of grievance and intensifies ethnic conflict. Nevertheless, only a small part of the country and a few ethnic groups are affected by these grievances. Thus, it is unlikely that intergroup conflicts over land will spread. In essence, involvement of other communities outside the affected regions would have no significant payoff. In this regard, grievance directed to people on settlements outside their ancestral lands can be expected to result only in isolated conflicts. Furthermore, the grievance has not been directed at government. We therefore tend to hold the view that if all the victims of land clashes had organized themselves to retaliate, this retaliation would have been directed at the government and its administrative centers in those areas and could have given rise to a full-blown civil strife. The inability to organize a counter to these ethnic clashes may be an important factor that explains their duration and their sporadic nature. Thus, ethnic clashes have not taken the form of a rebellion.

Probably a key factor explaining the limited scope of the ethnic clashes has to do with the uncertainty about the expected economic gains. While it is the case that successful displacement of outsiders would make land available to members of the ethnic group initiating the conflict, there are no guarantees that those involved in the conflict would benefit themselves. Thus, the clashes involve serious collective action problems. One of the lessons learned painfully by those who fought for independence in Kenya is that those who do the fighting incur the costs, but the benefits are spread widely among members of the group. Moreover, there are no assurances that the property rights of the original owners would be revoked by the government following displacements. Thus, it does appear that individuals who engaged in violence did so for short-term gains and were directly incited and supported by the government, as suggested by several reports (Human Rights Watch 1997).

The most compelling argument for the ethnic clashes is political expediency. The ruling party sought to create instability in some regions primarily to win the presidency. But once this goal was achieved, it was in the best interest of the government to restore law and order. Continued instability would have had negative implications on production, therefore potentially harming the same people who instigated the crisis. We are therefore compelled to conclude that the same government that played a role in initiating the violence also had the means to stop the violence after elections, which explains the short duration of the conflicts.

The literature on civil wars also identifies several other trigger factors, including the role of the diasporas. Diasporas can have an impact on civil war by providing financial and materials support. The presence of large diasporas, outside the country or in the same country but outside the conflict area, could therefore influence the direction of the civil war. It appears that the role of the diasporas from Nairobi and Central province who were willing to help those who were being evicted was a factor in explaining the short durations. In 1997, for example, Nairobi and Central province residents who are Kikuyus started championing the idea that the groups had a right to defend themselves. They are also said to have provided

massive financial support. The retaliation that followed in Nakuru, Baringo, and Laikipia quickly led to the end of the ethnic conflict in 1997. This suggests that once the diaspora support strength was feasible and plausible, the organizers feared a broadened agenda of a civil war—and this was not their original agenda. This may partly explain the sporadic nature of this ethnic conflict.

Another factor that explains the sporadic nature of clashes in Kenya is the absence of lootable resources. Most clashes were associated with competition for land, and, even though land is lootable, it does not provide quick and continuous income to support a rebel group. Thus, clashes could not be sustained for long periods. Hence the clashes served only to displace some people.

Some of the recent literature on civil war suggests a generalized increase in war aversion in developed countries. Mueller (2001, 5) writes that war “has increasingly become discredited and has progressively fallen from fashion.” Similar sentiments have been reported among some communities in Kenya. The Kikuyu, for example, are reported to dread the prospect of war primarily because they are not strangers to war. During the Mau Mau uprising against colonial rule, it is estimated that 13,000 of their tribesmen were killed and more than 100,000 relocated. Thousands were tortured and detained. Faced with the possibility of another war, the elders are reported to have counseled restraint (Finance Magazine 1996). This attitude perhaps explains why the ethnic conflict did not spread to other regions and also why localized retaliation was restrained. In addition to this, the political establishment took advantage of the fact that the Kikuyus would be the biggest losers since they are the most resourceful accumulators. Thus, restraint from within and a reminder by the ruling elite perhaps explain why violence did not spread to other regions.

It should also be noted that, besides being at the forefront of the independence struggle, the ethnic communities targeted in the violence were the ones most involved in the market economy. The opportunity cost of a rebellion would therefore have been higher for them.

Empirical studies have found a positive relationship between risk of civil war and regime change in the short run. Perhaps another major reason why Kenya has not disintegrated is the fact that there was no regime change in over two decades between 1978 and 2002, during which time President Moi ruled Kenya. In the 1992 elections, his party KANU emerged victorious, with a majority of 82 parliamentary seats. The victory was repeated in the 1997 elections, but this time the majority was much slimmer. Incidences of violence abated after 1993. Observers have attributed the abatement not just to the election victories but also to the fact that the ruling elite succeeded in achieving what it set out to do. Thousands remain displaced and dispossessed. One report estimates that in the Uasin Gishu, Nandi, Trans Nzoia, Kericho, and Nakuru districts, 20 percent of the displaced people would probably never return to their land without “circumspect and realistic political intervention” (Kenya Human Rights Commission 1996).

Others attribute the stability to the international community, pointing to lulls in the violence at times when international observers were present in the country.

A lull in March 1993, for example, was attributed to the presence of officials from the International Monetary Fund (IMF) and the World Bank who were in the country to assess the implementation of political and economic reforms on which western donors insisted when they suspended quick disbursement aid in November 1991. Thus, the donor community coordinated by the IMF and the World Bank may have pushed for restraint. If this view were correct, it would seem to consolidate the foregoing arguments that the sporadic ethnic violence was primarily being engineered by the incumbent government to influence the voting patterns in key and strategic areas. Once the government achieved its goals, the conflict was no longer necessary.

Conclusion

Kenya possesses many of the risk factors that can lead to civil war, but the CH model does not place Kenya in the high-risk category. Thus, the fact that Kenya has not experienced a full-blown civil war is not totally unexpected and is consistent with the CH model. Nevertheless, the country has had sporadic ethnic clashes, particularly during the 1990s. The fact that these clashes have not escalated into civil war cannot be fully explained by the CH model. We have reviewed some plausible explanations, going beyond the CH model and exploring both grievance factors (such as land disputes) and electoral politics, which are outside the scope of the CH model.

Our analysis reveals that ethnic clashes have been caused by a number of factors, including political expediency. Most ethnic violence has occurred in areas into which the dominant tribes moved to acquire land and engage in commerce. Violence was aimed at displacing members of tribes that were perceived to be opposed to the regime. Displacements were intended to secure a favorable electoral outcome during the country's transition to multiparty rule in the early 1990s. This motive explains why the conflicts were sporadic and of short duration.

The limited scope of the conflicts can also be explained by the organizational structure of the groups involved. In civil wars, citizens identify themselves with the rebel groups or the state such that strong identities are formed and groups have well-defined goals. In Kenya, those involved in the clashes have had neither a well-defined group identity nor well-defined long-term goals. The multiethnic ruling elite did not break ranks, so we did not see a strong elite movement to forge an ethnically based rebel group. If this had happened, the ethnic conflict would have been more persistent and would have spread to other areas of the country. Finally, diasporas here served to contain the conflict by offering support to those being evicted, and the lack of easily lootable resources (such as minerals) also limited the scope of the conflicts.

This chapter examines the CH model and discusses why, contrary to the common expectation that Kenya should be characterized by civil war like other countries in that region of Africa, there has been no civil war. The occurrence of ethnic clashes during the 1990s, however, proves that the country is not completely

immune to a civil war and such clashes could escalate into a full-blown war should some of the factors reach critical levels resulting in a tipping point.

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