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| TO ACHIEVE VISION 2030,KENYAN’S NEED TO UNITE AND FIGHT A COMMON ‘ENEMY’ CALLED  --TRIBALISM--    Charity Weru Supervisor: Osman Farah  Master Thesis:  Development and International Relations  Aalborg University  02/06/2014    Source : Gado Cartoon |

# Abstract

General elections of 2013 in Kenya were relatively peaceful, compared to 2007/2008 where violence erupted and people killed one another and property worth millions of money destroyed. The violence left 1,200 people dead and more than 600,000 people displaced. In 2013 though, violence took a different shape and form. This time, people turned to social media to express their dissatisfaction with the election results, spreading hateful and abuseful messages to different ethnic groups. The mediums that were mostly used were blogs, facebook and twitter. This was an indication that despite the lack of demonstrations and people rioting on the street, ethnicity or tribalism is still entrenched in the Kenyan society. Land has been identified as a cause of conflict in that, some historical land injustices that dates back to colonization have not been addressed and ethnic violence related to land has been reoccurring. To put an end to this, land reforms were proposed after post-election violence of 2007/2008 and they were to address among other things historical injustices that cause ethnic conflict every so often. This study focus to what extent the ongoing land reforms will address this problem of ethnic conflict.

To be in a position to understand the issue of ethnic conflict in Kenya, i decided to be guided by these objectives (i) To gain a deeper understanding on the concept of ethnicity in the Kenyan (ii) To establish the link between ethnic conflict, land and politics and (iii) Look at the proposed reforms and how they will address the issue. To help me achieve these objectives were three research questions that I tried to answer in this paper which are :- (i) what is the interrelationship between ethnicity, land and conflict? (ii) What role has political landscape played in shaping the conflict? (iii) Will the proposed land reforms address the problem? Patterns derived from the data analysis led me to theoretical frameworks that could explain ethnic conflict in Kenya i.e. Primordial theory and Elite manipulation theory. I have also tried to identify the aspects of ethnic conflict in Kenya that have not been addressed in an in-depth manner or it has been overlooked completely by these two theories.

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# List of Acronyms

ADC Agriculture Development Cooperation

CIPEV Commission of Inquiry into Post-Election Violence

ICC International Criminal Court

MP Member of Parliament

KADU Kenya African Democratic Union

KANU Kenya African National Union

KARI Kenya Agriculture Research Institute

KAU Kenya African Union

KCA Kikuyu Central Association

KNDR Kenya National Dialogue & Reconciliation

KPU Kenya People’s Union

TJRC Truth Justice and Reconciliation Commission

TNA The National Alliance

USIP United States Institute of Peace

ICG International Crisis Group

INADEV Institute for African Development

URP United Republic Party

LDP Liberal Democratic Party

MOU Memorandum of Association

ODM Orange Democratic Movement

OHCHR Office of the High Commissioner for Human Rights

KNCHR Kenya National Commission on Human Rights

NLC National Land Commission

UNHCR United Nations High Commissioner for Refugees

GOK Government of Kenya

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# INTRODUCTION

Kenya like many African countries is a home to many ethnic groups who have different cultures, customs, believes and speak different languages. Sometimes, conflicts between these groups are inevitable and they are caused by many factors which could be political, economic, cultural and historical or a combination of these issues. The latest ethnic conflicts in the region are in Southern Sudan and Central Africa Republic, where many have been killed and others rendered homeless. In Southern Sudan for instance, the United Nation (UN) reports that more than 1000 people have been killed and over 230,000 have been displaced since the conflict started in December 2013 (UN 2014).In Central Africa Republic on the other hand ,United Nations High Commissioner for Refugees (UNHCR) reports that about 2,000 people have been killed and 637,000 people have been internally displaced (UNHCR 2014).According to Truth , Justice and Reconciliation Commission (TJRC) , Kenya have had several ethnic violence’s related cases for example in in1992 and 1997 but the worst was in 2007/2008 due to its magnitude and expansiveness, where over 1,200 people were killed, while 600,000 displaced. Properties which included houses, business, animals and farm produces were also destroyed (TJRC 2013 Vol. IV).

Despite peaceful general election held in March 2013, Kenyans are still divided along tribal lines. This has been observed by various organizations and authors, like The International Crisis Group (ICG) which indicates; “though the 2013 general elections were relatively calm, Kenya is still deeply divided and ethnically polarized” (ICG 2013). Panelist at an event on “why Kenya’s 2013 Elections were Peaceful “at United States Institute of Peace (USIP), argue that the peaceful election in 2013 should not be mistaken for peace within the different communities (USIP 2013). Benesch (2014) further contends that, there were a lot of peaceful messages before and during the elections coming from various stakeholders. However, after Uhuru Kenyatta was declared the president, angry and bitter messages more so towards the kikuyu tribe were circulating in the social media. This implies that despite lack of violence between different tribes in 2013, the issue of negative ethnicity in Kenya is still real and need to be addressed for sustainable peace to prevail.

During the post elections violence of 2007/2008, a panel of African leaders mandated to mediate between the two opposing presidential candidates, under the umbrella of a committee called Kenya National Dialogue & Reconciliation (KNDR) came up with four agenda’s which were:-

1. Agenda 1:- Measures to address humanitarian crisis that the country was facing.
2. Agenda 2:- Immediate action to stop violence and restore rights and liberties.
3. Agenda 3:- How to overcome the political crisis.
4. Agenda 4:- Long-Outstanding issues and solutions.

Agenda 1 to 3 were to address the crisis that had hit the country, and the issues that needed urgent attention in order to stop the violence that was still being experienced in different parts of the country. Agenda 4 was to deal with long outstanding unresolved issues which the committee highlighted as having have contributed to the violence (KNDR 2012).Outstanding issues that the KNDR identified as contributing to instability and violence were: poverty, inequalities in distribution of resources and perceptions of historical injustices. The areas worst hit by such violence’s were Rift Valley, Nyanza and Coastal provinces where victims were expelled from these regions, since they were considered not to be their “ancestral” homes. Previous committees that had investigated post-election violence of 1991 and 1997 Kiliku and Akiwumi respectively, had cited historical land injustices to have had triggered the violence and the same land issues seems to have been at play in 2007. This was later confirmed by Commission of Inquiry on Post-Election Violence (CIPEV) also called the Waki Commission , which among its findings indicated that there was perceived inequalities between different communities on how land was allocated in Kenya and this dated back to the colonial days (Waki Report 2008).

Recommendations that KNDR gave under agenda 4: Land reforms, tackling unemployment & inequality, constitutional reforms, legal & institutional reforms and consolidating national cohesion & unity. The two principal Mwai Kibaki and Raila Odinga signed an agreement to form a coalition government in February 2008.Together they championed several reforms which includes promulgation of a new constitution in 2010 that had been outstanding for a long time and these reforms have increased and restored people’s faith on institutions(USIP 2013).As Benesch (2014) argues, in 2013 people had faith on the electoral process and they waited patiently, despite the delay in the tallying and announcements of the results. He also states that people had faith in the judicial process and that’s why despite the opposition party having had not been satisfied with the final results, opted to seek justice in the court procedures as required by the constitution ,instead of protesting and causing chaos. Even though these reforms contributed in a way to peaceful elections in 2013, Kenyans are still not united and thus this thesis seeks to find out, to what extent the proposed land reforms will address this issue.

## 1.1 Why Kenya

Kenya is considered a business hub in East Africa and so its peace and stability is important not just to Kenyans but also to foreign investors. Kenya has an edge over its neighboring countries due to its strategic location, natural assets and human resource. Through the Northern Corridor Transport Agreement and its port in Mombasa, it is able to serve its neighboring land-locked countries like Uganda, Burundi, Rwanda and Sudan (United States of America Embassy 2014). During the post-election violence of 2007/2008, these countries that rely on its port were affected as transport in and out of the country was disrupted. As Kimani notes, Kenya handles almost 80% of Uganda’s import and almost all of Rwanda’s export. Humanitarian aid to Congo and Southern Sudan passes through this port and so transport interruption in Kenya during the violence period caused a lot of problems in these countries (Kimani 2008). Being a Kenyan, i would also want to understand causes of negative ethnicity from a theoretical perspective and get to know the role I could play in contributing to harmonious existence between the various tribes in Kenya.

### 1.1.1 Types of Conflict

As Wakhungu et al. (2008) indicates, they are four types of conflict experienced in Kenya:-

* **Ethnic conflicts: -** they are related to elections, ethnicity and land. This is what the thesis concentrates on. Others includes
* **Pastoralist conflicts** which are common in Northern Kenya and they involves cattle rustling and banditry.
* **Gang-related violence**: - They are more common in the urban areas and they are involved with informal economic networks. For example an illegal group like Mungiki’s trying to control transport industry.
* Occasional violence over access to government protected areas for example forests.

## 1.2 Objective:-

1. To gain an understanding to the concept of ethnicity in Kenya.
2. To establish the link between land ,ethnicity and conflict
3. Look at the proposed reforms and how they will address the issue

### 1.2.1 Research Questions

1. What is the interrelationship between ethnicity, land and conflict?
2. What role has political landscape played in shaping the conflict?
3. Could the proposed reforms address the problem?

## 1.3 Motivation behind the research

Two reasons guided me in wanting to find out why ethnicity is so entrenched in the Kenyan society.

1. Election of 2013 happened while here in Denmark and i only followed the progress on media. Being active on social media, i read a lot of hate and abusive language between people from different ethnic groups. The highest percentages of people using social media in Kenya today are the young people and their active contribution in the negative ethnicity only demonstrate this vice is being passed on from generation to generation.
2. I also had an experience in Denmark, where I attended a party organized by Kenyans living here. I introduced myself to one person and he asked me what part of Kenya I come from. I innocently said central but my friend did not take that kindly, he started calling me names and telling me we are the people who have been stealing from election to land. He told me they will teach us (Kikuyu ) a lesson and they will not accept the current president as their president .This worried me in that I thought being far from home and getting to meet my fellow Kenyans ought to have given me a sense of belonging but I was all wrong.

With this in mind ,could the ongoing land reforms that have promised to deal with historical land injustices address the issue of negative ethnicity that continue to tear our country apart.

## 1.4 Relevance

Sustainable peace is important to development of any country and it is very crucial to promote it at global, nation and at ethnic level. Ethnic conflict hinders development in that it leads to loss of lives, properties, reduces chances of unity due to created levels of distrust and it also reduces investors’ confidence of investing in a country. Ethnic conflicts do not only affect the communities or the country where they happen but also neighboring countries since they become homes to displaced people. The world has become a global village and countries depend on one another for example in terms of trade and labor. A conflict in one country affects other countries in different ways and hence the need to promote peace all over the world.

## 1.5 Problem Formulation

Kenya’s general election of 2013 was not marked by violence compared to the previous one of 2007.This peaceful elections as indicated above, was a contribution of the various ongoing constitutional, judicial and institutional reforms. The Jubilee Alliance which won the election was a coalition between The National Alliance (TNA) the political party that the current president Uhuru Kenyatta belonged to and United Republic Party (URP) the party that his deputy William Ruto belonged to. The two are from different ethnic tribes Kikuyu and Kalenjin respectively and these tribes have engaged in ethnic violence before due to land related issues. As Halakhe argues, the coalition between the two reduced the ethnic tension that has always been there between the two tribes around the election period (Halakhe 2013).

The two Uhuru and Ruto, are standing trial at the International Criminal Courts (ICC) for crimes against humanity due to their role in post-election violence of 2007/2008.As the “norm” in Kenya, there coalition may have been one of convenience to get them to power and it may not last until next general elections in 2017.This means they may join different parties and kind of unity they brought between the two tribes may not be there and the two tribes may turn to one other again. Proposed land reforms in Kenya are meant to address historical land injustices that have been attributed to lead to such ethnic conflicts. Based on this, the research sets out to investigate **to what extent the ongoing land reforms will address the issue negative ethnicity in Kenya.**

## 1.6 Concepts Definition

They study of ethnicity and ethnic conflict is too broad and hence the need to define and clarify some of the concepts i will use in this research work.

Antony Smith in Jesse& Williams (2011) define **ethnie** where ethnic community is derived from as “having a proper name, common myths or ancestry, shared memories, shared culture and a connection to a homeland. By extension **ethnic groups** “is a group of people bound together by belief of common kinship and group distinctiveness often reinforced by religion, language and history. Ethnicity is “that part of a person’s identity which is drawn from one of more ‘markers ‘like race, religion, shared history, region, social symbols or language

Barth in Stack et al. also adds that the continuity of the group depends on the boundary they maintain in relations to their identity .For ethnicity to be used in political arena, Rothschild in Stack & Hebron argues that, ethnic groups can be identified in either on the following ways: Regionalism, language, kingship, religion, race or customary mode of livelihood. Looking at the different ethnic groups in Kenya they could be identified under one or more of these characteristics. In its own nature, ethnicity is good because it gives a sense of belonging but when used in a negative way to exclude others from access their rights or causing them pain and loss it’s not acceptable.

**Violence** is defined as “behavior involving physical force intended to hurt, damage, of kill someone or something” (Oxford dictionary 2014) **Conflict** on the other hand is “The struggles over value or claims to statues, power and scarce resources, in which the aim of the group or individuals involved are to neutralize, injure or eliminate rivals “Coser 1956 in Relief web (2014).

For the purpose of this project I will use the word ethnic group and tribe interchangeably since in Kenya the word that is widely used is tribe but the word ethnicity have been used widely in a lot of materials I have been reading. I will also use ethnic violence or ethnic conflict to mean scenarios where different ethnic groups attach one another over fight for resources causing injury, killing or wanting to eliminate their rivals.

Indigenous people is defined as ‘the word that is a blanket term for aboriginal inhabitants of a territory, who are politically relatively powerless and who are only partly integrated into the dominant nation state’ by Guibernau & Rex. I have used this word interchangeably with native people to refer to Kenyan who used to live in their farms during the colonial days and their lands were taken away from them by the British.

## 1.7 Summary of chapter One

This chapter has given an introduction to the topic of study which is ethnic conflict in Kenya, the objective of the research, the rationale behind the study and at the end I have provided a concept definition of various terms as used in the research. The proceeding chapter gives the background of the problem by highlighting the issues of colonization, ethnic groups in Kenya, land ownership & distribution and it also gives an introduction to the land reforms.

# BACKGROUND TO THE PROBLEM

To understand the issue of ethnic violence in Kenya, i decided to look at historical aspect of the problem which dates back to colonization, various ethnic groups in Kenya, how land is owned & distributed, an introduction to land reforms and also previous conflict in Kenya. Ethnic conflict cannot be detached from colonial history due to the role the British played in land alienation and division of the ethnic groups through divide and rule form of government. To start with, i looked at the colonial history then later on focused on other aspects of ethnicity and land.

## 2.1 Land and Ethnic Groups at: Pre-colonization, Colonization and Post Colonization

This section is divided into three parts pre-colonization, colonization and post-colonization. This will help in picking up where the problem of land and negative ethnicity started and how it has evolved.

## 2.1.1 Pre-colonization:

Before colonization, land was owned by the community and its administration and management was done under the customary law. Land allocation was done by the elders of the community groups on a need basis. Incase of a land disputes, the elders used to sort it out to everyone’s satisfaction (TJRC 2013 Vol.IIB:168).

## 2.1.2 Colonization

Kenya was colonized by the British, under the Imperial British East Africa Company that had been given charge to run the East Africa Protectorate. The company was supposed to raise income to help the British administer its protectorate and help with the construction of Kenya-Uganda railways. To this end, the company attracted British settlers to Kenya to carryout agriculture activities in the hope that this would generate the funds required by the British. The Imperial East Africa Company had first taken over the coastal part of Kenya and in the process of progressing its coverage to the mainland, the cost become so high and it could not cope. The British government took over from the company and declared Kenya a protectorate in 1895 (TJRC 2013 Vol.IIB:177).

As TJRC indicates, the British came up with different policies to be in a position to acquire for the settlers and also manage land in Kenya. These policies included lands Acquisition Act of 1894 which gave power to the Commissioner to acquire and control all unoccupied land and all lands situated within one mile on either side of the Kenya-Uganda Railways. African Land Regulations 1897, East African Order in Council in 1901 among others. Initially, the settlers could be allocated land for a period of only a period of 21 years but the Regulation of 1897 changed the period to 99 years. Although this regulation had allowed for the land which the native had occupied not to be alienated, Crown Lands Ordinances of 1902 changed it and gave the commissioner the authority to acquire the land the native were living in and he could sell it to the settlers (TJRC 2013 Vol.IIB :179).This way, many Kenyans lost their land and as Syagaa further argues, by 1914, almost 5 million acres of land had been taken away from Kenyans. The most affected ethnic communities were Kikuyu, Maasai and Kalenjin. This was because the British preferred to occupy the highlands part of Kenya due to the fact that land was fertile, good rainfall patterns, the area was also considered to be free from diseases and due to its proximity to the railway. The Crown Land Ordinance of 1902 was replaced by a new ordinance of 1915, that declared all land in the protectorate as Crown land and what this meant was that the indigenous people had only temporary rights of using the land and their land could be taken anytime to be given to the settlers. The lease period was also changed to 999 years and Kenya became a British colony in 1920 (Syagaa 2011).

The British further classified the land into white highland and native land and they also introduced divide and rule system of administration. This way, Kenyans were divided into small manageable administrative blocks and as Mungai & Gona argues, the divisions were done along the various different languages within the communities and they were put to live in reserve and their movement was confined there, while the settlers lived on the white highland (most productive land). The groups were called “tribes” with a chief as their leader. This new form of administration came with new rules for example growing of coffee was banned among the indigenous people, introduction of taxes, and introduction of identity document (Kipande).The indigenous people had to work for the settlers to be in a position to pay taxes (Mungai & Gona 2010).The division of the native was also on the kind of job they did on the settlers farms. As Wangari Mathaai quoted in Mungai & Gona indicates, Kikuyu were working in the field and Luo’s were domestic workers and they were not also allowed to live near one another. This heightened and increased the level of ethnic identities among communities (Mungai & Gona 2010:37-38). Stereotypes were also developed depending on what job people were doing. As TJRC argues ,the colonialist gave praises to the communities that were royals to them for example Kamba as they worked as soldiers while Kikuyu could not be trusted and that’s why they had to work in the field (TJRC 2013 Vol III:7).

Although the ethnic conscious among the Kenyans was enhanced by the above, Kenyans still wanted to fight the colonial rule. As Institute for African Development (INADEV) argues, during the colonial period, opposing groups emerged to protest against the policies implemented by the colonial government. The first party to be formed was East African Association (EAA) in 1919 and the members had been drawn from various regions but following riots in Nairobi led by this party it was banned .The European wanted associations formed along tribal lines so as to reduce the chances of all the communities uniting against them. Some of these associations were: - Kikuyu Central Association, Ukamba Members Association, Kavirondo Tax Payers Associations among other (INADEV 2014).Kenyans once again tried to unite under Kenya African Union (KAU) in 1944 but their unity did not last long. Ajulu (2002) argues that, KAU was formed to try and bring Kenyans together again but the upraising of Mau Mau led to KAU being abolished and Kenyatta the leader arrested. Kenyatta was set free in 1961 and he became the leader of the newly formed Kenyan African National Union (KANU) which was a collation of different ethnic based associations and more so of the majority tribes (Kikuyu and Luo). KANU won the elections of 1963 against Kenya African Democratic Union (KADU) which had been formed by associations of smaller ethnic groups. Kenya became independent and Kenyatta became the first president in 1963.

## 2.1.3 Post-colonization

After colonization, KANU advocated for a centralized government while KADU was for equal distribution of resources. As Ajulu argues, although regional form of government was adopted, the government frustrated the federal governments and KADU ended up joining KANU. KANU distributed land among other resources along the communities that were supporting it at the expense of communities that were opposed to its ideology (Ajulu 2002). As Branch indicates, after the European left indigenous people who had lost their lands to the settlers were meant to buy it back and most Kenyans could not afford, so the elite who could afford benefited more. The government also obtained loans from the British to buy land and resettle the landless but instead the land was allocated to the elite who did not deserve it. Branch further argues that land that was recovered in Rift Valley was used to resettle the Kikuyu and that’s why the natives of this region who are Kalenjin and Maasai feel marginalized .They feel that the land they once owned has been allocated to “outsiders” (Branch 2011).

The two presidents that followed Kenyatta - Moi and Kibaki did very little to redistribute land fairly or deal with these historical injustices. Instead, their governments were seen to favor their ethnic elite through corruption, political appointments and land grabbing. Whereas colonization seems to have contributed to the beginning of negative ethnicity, land problem and hence the conflicts between different tribes in Kenya, subsequent governments after independence have also contributed to the problem and done very little to improve it the situation. As TJRC report argues, in order to get a long lasting solutions to conflict there is need to understand root causes of injustices that were caused by the British from a historical perspective and rectify the problem (TJRC 2013 Vol. 2B:181).

# 2.2 Ethnic Groups in Kenya

According to population census of 2009, Kenya population was approximately 41 million. This population is from close to 44 different ethnic groups and is broadly classified linguistically with Kikuyu as the majority followed by Luhya. The smaller communities consist of Redile and Orma. These ethnic groups have different cultures, values, lifestyles and religious believes. Traditionally, they were involved in different ways of making a living for example Kikuyus were good at farming and gathering, while the Kalenjin were farmers and pastoralists and most Luo were traders and artisans. Different tribes interacted and mingled through trade and intermarriages and this way, their cultures were assimilated. TJRC further argues that after colonization ethnic groups were separated and their movement restricted to a certain locality and through this their group consciousness was enhanced (TJRC 2013 Vol. 3:5).

Modernization has also led to some of the cultural practices that used to be identified with a group to die out. As Robertson argues, through education and civilization, some cultural practices have been eroded away and modernity have forbidden some of these practices for example female genital mutilation practiced by communities like the Maasai and Kisii.Through urbanization, major cities in Kenya are home to different communities and Kiswahili and English are the common languages used although people try to maintain their native ethnic languages. Most people in urban areas have taken up a more western like cultures and have lost most of their traditional customs (Robertson 2008).

# 2.3. Land Ownership and Distribution.

Kenya is approximately 581,751 square kilometers of land which is about 44.6 million hectares. More than 95% of this is on land surface and the rest is water surface. Only 20% of the land surface is classified as medium to high potential land, meaning it can be used for agriculture and the rest 80% is either arid or semi-arid area. According to the population census of 2009, with a population of close to 40 million people all depending on the only 20% of the potential land, the land is put under so much pressure. Kenya is agrarian country meaning, it depends on land to carry out agriculture for subsistence and commercial purposes and other economic activities. Therefore, land is the most important economic resource that people depend on to earn a livelihood (Government of Kenya 2009:4).Different ethnic groups attach a lot of values to land. As Syagga argues, access, ownership and the ability to control land in Kenya gives you a position at the social, economic and political level.Different communities in Kenya also have different social, cultural and spiritual relations with land and this gives them a sense of togetherness and belonging. Land was also the basis for Kenya’s independence and that’s why the land issues are so entrenched in the Kenya’s politics (Syagga 2011:4).

After independence, not all Kenyans were able to recover their land that had been taken away from them. As Branch argues, people’s needs for land were never realized since President Kenyatta adopted the same land policies as they were during colonization and Kenyans were meant to purchase land that the settlers were leaving behind on a willing buyer willing seller bases (Branch 2011:10).Some individuals were able to buy land and got a title to it and other could not afford. The government resettlement program that followed after independence benefited some communities more than others. As TJRC indicate, although resettlement programs increased agricultural production in Kenya and the economy grew, this did not benefit the majority of the landless Kenyans .Settlement Fund Trustee had the mandate of controlling and managing the resettlement program but the actual implementation was done by District Plot Allocation Committee. This committee allocated lands to prominent people like members of parliament their relatives and even councilors. TJRC gives an example of a case in Kiambu where the original list with 1,427 allottees disappeared from the District Commissioners office and it was replaced by another list with 3,503 allottees .These kind of irregularities were witnessed in other settlement programs and that’s why some people have never been allocated land up to date, while some people who own huge chunks of land. These are the kind of historical land injustices that people complain about and sometimes cause conflict (TJRC 2013 Vol.2B:285).

Today, land in Kenya is administered under customary and statutory land tenure systems. Land is classified into: - **Private land** was introduced by the British and in order to claim ownership you must have a title. **Crown land became Government land and now it is called public land**: - This is all alienated land, any land occupied by the state, all forest and minerals etc. As National Land Policy indicates this is the land that have been poorly administered by previous governments as it has been grabbed or allocation done illegally. **Community land: -** land owned communally by clans, ethnic groups or cultural groups (Government of Kenya 2009).

# 2.4 Land Reforms under Historical Injustices.

Proposed land reforms after post-election of 2007 were broadly along 3 areas: having land agenda on the constitution, adoption of land policy and addressing historical land injustices. The first two goals i.e. land agenda in the constitution and the adoption of land policy have been achieved and a land commission formed as recommended by the constitution of 2010.It is mandated to manage all the public land on behalf of the government and a land policy whose role is to direct on efficient, sustainable and equitable use of land. Part of land reforms that have not yet taken effect is the issues to do with historical land injustices and this have been a source of conflict in Kenya for a long time. The National Land Policy has proposed **redistribution**, **restitution** and **resettlements** as ways of addressing these historical problems. Although it’s difficult to measure exactly how far these issues will be addressed under the ongoing reforms, based on the link that exist between ethnicity ,land and conflict which will be established in the analysis section , I will able to illuminate to what extent the reforms will address the issue of negative ethnicity (TJRC 2013 Vol IIB :171)

# 2.5 Previous Ethnic Conflicts

At independence, Kenya was a multiparty state but President Kenyatta frustrated the opposition they later joined the joined KANU and Kenya became a unitary state until 1991 when multiparty was reintroduced again. Since then, every general election has been marked by ethnic violence. As Waki report indicates, since multiparty politics was re-introduced, “pre and post-election has rocked various parts of the country despite official inquires and identification of the root causes” (Waki Report 2008: 444).This is further noted by Office of the High Commissioner for Human Rights (OHCHR) report after post-election violence of 2007/2008 and which indicated that “ever since restoration of multiparty democracy in December 1991, violence has been common in Kenya’s elections” (OHCHR 2008:6).

## 2.5.1 Election of 1992

Before the elections of 1992, the debate on Majimboism was introduced and this more of a regional government as opposed to centralized government. The politicians used this debated during the campaign to reach to their ethnic group and what this meant was that people who had acquired land outside their ancestral home were supposed to go back. As Human Right Watch/Africa Watch and Akiwumi in Kagwanga & Southall (2010:55) indicate, pre-election violence in 1992 had targeted the “outsiders” the non Kalenjin and non Maasai in the Rift Valley province. Although some of these “outsiders” had legally acquired land there and they had title document to it, they were affected anyway.

They further notes that the violence started in Tinderet Division, where houses were burned and they people were forced to live their farms before it spread to other districts. After the election, another happened attach in Narok district, where 20 people were killed and 30,000 people displaced. As Waki Report indicates, the violence looked to have been planned although it has started and ended quickly. This is because the attackers could appear at night and if they were to raid during the day, they had smeared their faces with clay so that their identity would not be revealed. They also knew who their target was very well and they would directly go to house of a non Kalenjin. Land was not seen as the sole reason behind the violence, there could have been a political reason behind it.As Moi and the KANU team was opposed to multiparty, they were seen to use violence to silence the opposition and disrupt the election process since those non Kalenjin in Rift Valley would vote for the opposition and this was a threat to Moi and the rest around him getting to their positions of power.Waki Report further notes that there was “political and ethnic loyalty” behind this violence as much as it looked tribal (Waki Report 2008).Moi and those around at the time managed to use violence to remain in power and hinder democracy.

## 2.5.2 Election of 1997

As election of 1992 was marked by a wave of violence 1997 was no difference. The violences were severe in the Coastal Region and in Rift Valley again. As Article 19 argues, the violence in Rift Valley happened more after the elections. Mwai Kibaki who was the running opposing KANU on a Democratic Party ticket challenged the result high court after election arguing that they were malpractices during the election process. This did not go down very well with the KANU team and several raids were done in Rift Valley where Kikuyu people were attacked and their homes destroyed, since they were seen to have voted for Kibaki. The areas worse affected were Njoro, Laikipia and Samburu.It was feared that 34 Kikuyu and 48 Kalenjins were killed and more than 200 houses were burned down (Article19 1998:5).

In the coastal regions, the targeted people were those who had migrated there from other parts of the country. Human Right Watch indicates that, violence was arranged within ethnic lines as it had been done in the Rift Valley. The Digo community who are the natives of the region and the majority are poor were incited with of Majimbo debate. They were made to believe that their poor state of life was due to the immigrants from other part of the country who were thriving in the tourism industry.This resonated so well with the locals and they were promised if they drove out the people from “inland” they would acquire the land that will be left behind. Human Right Watch also argues that there was a political angle to it in that in 1992, KANU had lost parliamentary seats in this region and the “outsiders “were blames for this. To recapture these seats, these “outsiders” had to be driven out (Human Right Watch 2002).

**Summary of Chapter 2**

In this chapter, I have given as aspect of land and ethnic groups at pre-colonization, colonization and post-colonial period. I have also discussed in short about ethnic groups in Kenya, Land ownership & Distribution, Land reform and previous ethnic conflicts.

# METHODOLOGY

This chapter outlines the structure and the methodological framework used in this research work. I have started by an introduction, where i have highlighted issues related to ethnic violence and how the need for land reforms came to be. Additionally, I have identified the various types of conflicts in Kenya, stated the research objective and the research questions that will guide me in answering my problem formulation. Furthermore i have indicated the motivation behind the study; how relevance it is to my Master’s Program and at the end i have defined the various concepts as I have used them in this paper.

On the second chapter, i have given an in-depth background to the problem starting with colonization and the post-colonial governments and their contribution to the problem. Besides that I have given a short introduction to ethnic groups in Kenya, land ownership & distribution and also proposed land reforms to address historical injustices. Towards the end of that chapter, i have highlighted on other ethnic conflicts that were of similar nature with post-election of 2001/2008.

In this section, i have started with my choice of research design which is a case study; I have also indicated its strengths and limitation. Thereafter, i have outlined the kind of data which i have used which is secondary and primary. Towards the end i have given the relationship between research and theory, which in this case is an inductive approach. This is whereby observing patterns and trends emerging from the empirical and analysis section guided me towards theories that were relevant to this study. In this case, they are Primordial and Elite Manipulation theories. I have also tried to identify the knowledge gap between my case study and the two theories. At the end to of this chapter, i have given different approaches that can be used in the study of ethnicity. I have not used any of them since am using an inductive approach. The final chapter is the conclusion where i have tried to answer the research questions in formulated at the beginning.

# 3.1 Research Design

According to Bryman a research design is assists in providing a framework on which you are able to gather, collect and analyze your data framework for the data collection and analysis” The research design i have used in this work is a case study, which gives an in-depth inquiry into a particular situation in this case is the ethnic violence in Kenya. As Stake in Bryman indicates, a case study gives deals with a multifaceted and one specific case (Bryman 2012). I have decided to look at post-election violence in Kenya that has continued to hit the country at every election period since 1991 after introduction of multi-party politics.

A case study have some advantages as a research design in that the data is analyzed within the context of its use and data collected helps in describing an environment of real-life experience. These real life experiences could be complex and other research design for example experiment cannot explore them. Despite these advantages a case study, it has limitations in that the researcher could be biased on the data collected and this could affect the finding and the conclusion arrived at. Another disadvantage is that a case study may lead to generalization since it realize on a single subject or case as a representation of a general phenomenon (Tellis & Yin in Zainal 2007).

# 3.2 Sources of Data

This research has relied to greater extent on secondary data which is cheaper & easier to collect and it is also less time consuming. I also conducted interviews to two (2) with Kenyans living in Denmark and I had a lot of discussion with Kenyan here in Denmark and back home on the issue of ethnicity. I also had a discussion with the Minister of Lands and the Chairman for National Land Commission (NLC) that shed more light on land reforms, although i was not able to record this discussion. Furthermore being a Kenyan and having have witnessed what happened during post-election violence of 2007 and even now following discussions on media on the issue of tribalism, have had an influence on my analysis of the data used. My sources of secondary data are from organizations like Afrobarometer, TJRC, Kenya National Commission of Human Rights (KNCHR) and Civil Society Organization,

Although this research has used some both qualitative and quantitative data, it is more of a qualitative research. As Bryman differentiates the two, he refers to qualitative research as one that uses more words than statistics, it employs an inductive strategy and the research background is more of constructivist and interpretive. Quantitative research on the other hand, he argues that there is need for quantification in the process of data collection and analysis. This kind of research also uses a deductive strategy and its more positivists in nature (Bryman 2012:714).

## 3.2.1 Challenges in Collecting Data

I had a big challenge in trying to obtain data on conflicts in Kenya. It seems there is no organization that is recording data on deaths related to conflicts and the number of people displaced. The only institution I found working on conflict is Uppassa University but their datas are not up to data. For example the latest data they have on conflict in Kenya is dated 1989.With the cost of conflict, I think there is need to have up to date information on where conflict is active because without this it is not easy to tell ,how many people are suffering and to what extent out here because of conflict.

# 3.3 Reliability, Replicability and Validity

Reliability as Bryman (2004) indicates, it deals with the idea of if the results from a certain research can be repeated. As he further argues that this is important in research so as to ensure consistent on social science concepts. Replicability on the other hand deals with the question of whether the research being carried out can be a replication of any kind of research. Inorder for a concept to be reliable, the process of arriving to its results, must be replicable by somebody else. In addition, Bryman further indicates that validity deals with the integrity of research. This means that the research is able to measure that which it was intended to measure (Bryman 2012:46).To ensure reliability and viability of this research, I have used a different sources of data and information that ensures replication and data that is also very relevant to the topic in question.

# 3.3 Relationship between Research and Theory

In this research i have used an inductive approach, to demonstrate the relationship between theory and research. By reviewing various sources of data, reading research materials on land and ethnicity in Kenya, listening to media reports and also following social media on this topic and more importantly being a Kenya, helped me in drawing general trends and patterns that helped me in arriving at the theories used in this work. As Bryman argues, “The process of induction involves drawing generalizable inferences out of observations” (Bryman 2012:26).I drew from specific observation of relations between various tribes in Kenya to a broader form of theorizing of these trends.

# 3.4 Paradigms in Study of Ethnicity

Broadly, the study of ethnicity is drawn from two perspectives for example: - Intrinsic and constructive approach, but under constructive approach other model are developed. Esman notes there is no single approach on its own account that have been able to explain the complex and multidimensional relationship interms of cooperation or conflict between ethnic groups (Esman 2004:35).Although this is the case, the different approaches that have contributed to a great deal in understanding why different ethnic groups may turn to one another in a violent way. To be in a position to understand conflicts between ethnic groups it is important to try and get an understanding of origin of ethnicity and then why conflict may arise.

**3.4.1 Intrinsic perspective:** From this approach, ethnicity is demonstrated as fixed and entrenched to the human history and biological setting. As Rupesinghe argues, human beings have an inborn historical element of ethnic identification and hostility. Naturally, they tend to be attracted to people who belong to their ethnic group and to be confrontational to people who belong to other group (Rupesinghe 1994:17). Tong on her account adds that members of these groups develop a way of identifying themselves from other groups. She further indicates that, identities are ascribed, ranked, written and fixed and they cannot be changed .Ethnic ties are brought about by common history or heritage, culture and language, and this gives people some sense of identity that cannot be broken. People belonging to a certain member group tend to protect one another and they respond with aggression to any threat to the existence of the group. Ethnic violence comes in a way of every group trying to protect and guard their “own”. This union runs from generation to generation, as long you are associated with a certain ethnic group you will always defend their interest (Tong 2009).

## 3.4.2 Constructivist Approach: This is the opposite of inherent approach as it argues that ethnic identities are not fixed, they evolve and they are constructed by people. As Jesse and Williams notes “identities are molded, refabricated and mobilized in accord with reigning cultural scripts and centers of power” (Jesse& Williams 2011). As individual interact in a society, values and behavior change and this reconstructs the existing identity and it acquire a different form and shape. To them ethnic identities are not historically conflictual by nature but when there is tension in a social system, and negative ethnicity have been constructed on a social ground, then conflict is inevitable. Esman argues that ethnic communities are meant to meet changing needs and they are also passing and new ones are born as people’s needs and aspirations changes. He further argues that individuals can belong to more than one ethnic group and they can easily move from one group to another (Esman 2004).

People have different needs and wants and this shapes what identity they take and with time, when their needs are met they can easily move and take up another identity if not then conflict may occur. As Varshney (2007) indicates, current ethnic identity has been shaped my modernization since people have been exposed to a whole different environment of consciousness and meanings. Modernization gives the ethnic identity a different meaning. This has been brought about by technology, different policies and practices that make people change their conceived ideas about ethnicity. He further argues that conflict occur when political elite introduces minor arguments to an already existing cleavage in the society.

## 3.4.3 Instrumentalism Approach:

From this approach, ethnic identity is seen as a device that some individual use for personal gain. Politicians and people in power exploit the existing difference between different ethnic groups and they do this in most cases to their advantage. As Esman argues, the world is made up of individual who make calculated steps inorder to be in a position to gain or maintain their positions of power, economic welfare social positions and security over others.

Esman adds that, Marxist scholars indicate that bourgeois use ethnic attitudes to misguide the working class and in the process the latter suffers and the former benefits. The case of colonization is given here where the European exercised ethnic division along among the communities with the divide and rule strategy. By division along ethnic lines, the individual ethnic identity was enhanced and they are meant to see the other ethnic groups as their competitors while the colonizer was exploiting them. The elite ensure that unity between ethnic groups is not possible and even it is achieved it’s temporary and it is to their convenience (Esman 2004).

## 3.4.4 Institutional perspective:

This approach illustrates the importance of institutions in preventing or encouraging violence and conflict. Institutions come up with polices that benefit one group and lives out another one and this can break the peaceful coexistence between groups. As Enloe et al. in Stack & Hebron argues, political institutions contributes to ethnic disharmony because of the policies they come up with which leads to one group getting more economic development than the other. They further state that “when central government decides to modernize a long-neglected peripheral region, certain groups are favored, while other groups are not empowered” (Stack & Hebron 1999:35).Development policies should all be inclusive.

Varshney et al. (2007) on side indicate that the main point behind institutional perspective and how they may lead to conflict in a multicultural society depends on the construction political Institutions .He gives an example of a centralized form of government which sometimes have been seen to favor some regions or a decentralized government where distinct unitary form of government are run and managed separately from the central government. They further points out that “ethnic pluralism requires political institutions distinct from those that are suitable from ethnically undivided societies” (Varshney 2007:289).

## 3.5 Sum up

Provided In this chapter is the methodological framework. A case study is opted for as a research design where secondary and primary sources of data are used. Besides, highlighted are challenges encountered in collecting data. Relationship between theory and research is given, which is inductive – patterns observed during data analysis guided me into two relevant theories and at the end i have given various paradigms that can be used in the study of ethnicity.

# EMPIRICAL CHAPTER

In this section, I have presented different sets of secondary data from different institutions, authors and primary data that i collected through two interviews. All this data have an aspect of ethnicity, land and political system in Kenya. The data will help me in the analysis section so that i am position to comprehend the concept of ethnicity in Kenya and the link between ethnicity and land .This being an inductive research, the observation of the same data will help me in drawing specific observation. These observations will help in developing some patterns or trends that will help me in arriving at a theory that will be relevant for my research work.

The data is classified into 5 main categories:-

1. **General Data about Kenya from various authors**

The data is from UN, TJRC and Kenya for Peace with Truth and Justice.

1. **Afrobarometer Data.**

Afrobarometer is an independent research project that measures political, social and economic atmosphere in Africa. Currently they are running projects in 35 African countries and their indicators are used by policymaker, researcher’s donors among others stakeholders.

1. **Kenya National Commission of Human Rights (KNCHR) Data.**

This is an autonomous national human rights institution that was establised in 2010,with an objective of promoting and protecting human rights in Kenya.

1. **TJRC Data**

It is a commission that was formed to investigate human rights violation and historical injustices in Kenya between 12th December 1963 and 28 February 2008.Its findings and recommendation were to guide in the process of reconciliation and healing Kenya after post-election violence of 2007. The commission started its work in 2009 and submitted its final report to the president in May 2013.

1. **Interviews Data**

I conducted interviews to two Kenyan’s living in Denmark, a lady and a gentleman from different ethnic groups to get their perspectives on the issue of ethnicity in Kenya.

# 4.1. General Information about Kenya.

# Figure (i) Kenya’s position on the map of East Africa.

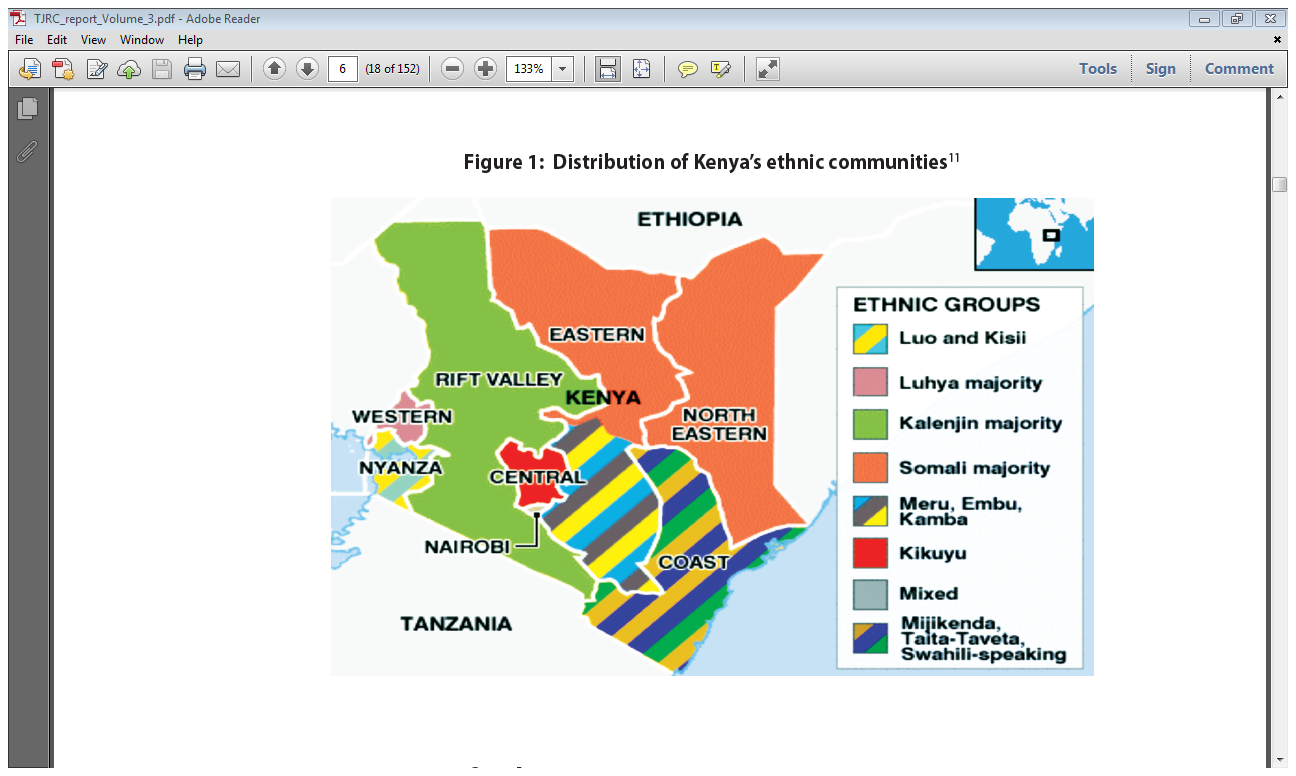
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| **Source:- United Nations** |

Figure (i) above shows Kenya’s strategic position in East Africa, where it boarders Uganda, Somalia, Tanzania, Sudan, and Ethiopia. Compared to its neighboring countries, Kenya is more developed in terms of its Gross Domestic Product, relatively stable and host many international organizations like UN, World Bank among others. As Kimenyi & Kibe (2014) notes, Kenya’s economy is the highest in regions and this is attributed to its vibrant private sector, high level of human capital, it’s well advanced information communication technology sector and dynamic economies that are connected to other economies all over the world through trade and investment. Kenya also enjoys a coastal line that serves its import and export needs over landlocked countries around it and indeed they depend on Kenya for their import and export requirements.

Economic and social consequences of post-election violence were not only experience in Kenya but by the entire regions and the world as well. As Kimani argues, through the Northern Corridor, Kenya serves its landlocked neighboring countries which include Rwanda, Burundi, Southern Sudan, Eastern Congo and Uganda. During the post-election violence, the transport system was interrupted by demonstrators blocking the roads and a section of the railway line was vandalized. This affected trade in these countries, despite the efforts they have made in regional integration. Some of the internally displaced people from Kenya sought refuge in neighboring countries like Uganda, where some are living until now. The international community came in to offer humanitarian aid to the victims and in trying to help in the mediation process between the two leaders. The crimes against humanity that were committed against the Kenyan people, was also taken up by the ICC to pursue justice for the victims. Finally, humanitarian organizations that transport their relief supplies through Kenya were also inconvenienced (Kimani 2008).

Despite ethnic conflict in Kenya being national issue, it turned out to be a transnational problem that not only affected the Kenyans but the world at large. It also shows how interconnected the world is today and what happens in one corner of the world affected others countries. Although Kenya has an edge over the other East African Countries, ethnic violence threatens its trade with other countries, its tourism industry and violence also discourages investments hence there is need to address the issue.

## Figure (ii) Territorial Demarcation and Distribustion of ethnic groups in Kenya.



Source: TJRC Vo1. 3 Figure 1(2013:6)

Kenya was divided to 8 provinces during colonization, but after the Constitution of 2010, the provinces have been subdivided to forty seven (47) counties, which are the new administration blocks now. These provinces were namely: - Rift Valley (which was the largest), Eastern, North Eastern, Coast, Nairobi, Central, Western and Nyanza provinces as shown above. Provinces are homes to different ethnic groups, although in each and every province there is a majority of ethnic group that claims ‘ancestral ownership’ to the region .For example in Rift Valley, Eastern, Central provinces, the majority ethnic groups are Kalenjin, Somali and Kikuyu respectively.

The presence of a majority ethnic group in a regions creates an ‘insider –outsider’ concept, where the majority feels they own the place. These ethnic groups have a shared language and traditions. People belonging to a different ethnic group settling in this area are regarded as ‘outsider’. Nairobi province which is the Capital of Kenya is the only region that no ethnic group places a claim of ‘ownership’ to. This is due to urbanization where people relocate from their home provinces to work and earn a living in Nairobi but they have a rural home. This ‘inside-outside’ dynamic have been a cause of conflict in different provinces but more so in Rift Valley, where people from different ethnic groups have settled and the Kalenjin feel threatened by their presence since they led to competition of scarce resources i.e. land. They also feel the outsiders have been allocated land there unfairly to their disadvantage.

# Figure (ii) Kenya’s population as of 2009 in ‘000,000

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| Source : Kenya for Peace with Truth and Justice, Figure 3.1(2010:11) |

As of 2009, Kenya’s population was estimated to be at 39 million people. Rift Valley province was a home to more than 10 million people followed by Eastern province with 6.1 million. High population in Rift Valley is associated with the high productivity of the land in the region thus attracting people from other regions that have had limited farming lands in their provinces to settle there. Having people from different regions settled in Rift Valley makes the population more heterogeneous, although Kalenjin are the majority.

Due to this multiethnic composition of the population the region attracts politicians from different political parties to try and get votes from the masses. As Human Right Watch indicates, this being the largest province in Kenya it had been allocated the largest seats in parliament totaling to 44 out of 188.This makes every political party to want to grab some seat from this area (Human Right Watch 1993:118). Kenya’s political parties being formed on tribal lines, the ‘host’ who are the Kalenjins expects the ‘outsiders’ to support their political party and vote for the Kalenjins preferred candidate. Conflict may occur when the outsiders are perceived to support an opponent of Kalenjins preferred candidate.

The province with the least population is North Eastern and this could be due to the high temperatures in this area making the land dry and thus not good for any agricultural activity and thus discouraging human settlements. There is also very poor infrastructure i.e. no passable roads and poor communication network coverage discouraging investments in the area.

# Figure (iii) High Potential Agriculture Land per Capita.

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| Source : Kenya for Peace with Truth and Justice, Figure 3.3 (2010:11) |

As mentioned elsewhere in this research, arable land in Kenya is classified between high to medium potential land, high potential land being good for agriculture. From the above figure, the highest potential land is in Rift Valley, Nyanza, and Central province while Easter province has a medium potential land meaning agriculture productivity in this region is very low.

Figure (iii) above also shows that the number of acreage per capita has been decreasing with increase in population. For example in 1969, the average land that was available per person in Rift region was 3 acre and now this has reduced to 0.7 an acre per person. The same could be observed in Kenya as a whole, where in 1969 the land available per person was 1.4 but this has reduced to 0.4 today.

With increase in population and reduction in acreage per person could cause two things among other:-

* Reduction in agricultural productivity due to the pressure put on the land
* Could awaken the historical land injustices in regions like Rift Valley where the Kalenjins who claim ownership to this region sees the presence of other ethnic communities as the cause of decline in the land the Kalenjins can access and yet it is their ancestral land and this with time could result to violence.

# Figure (iv) Migration to Rift Valley by different ethnic groups in ‘000.

**Source : Kenya for Peace with Truth and Justice .**

The number of migrants to Rift Valley has been increasing and they have been drawn from different ethnic group ranging from Kikuyu, Luhya, Kisii, Luo communities among other. In 1969 for instance, the number of Kikuyus that had moved to this region was approximately 260,000 but as of 2009 the number had grown to more than two (2) million. This is attributed to the number of people who had acquired land here either through buying, resettlement schemes or those living in the region as squatter.

The other ethnic groups with the highest population in the region is the Luhya estimated to be at 70,000 in 1969 and by 2009 the population had grown to more than one (1) million. Like indicated before the huge number of different ethnic groups in this regions leads to indigenous people the Kalenjin feel threatened by the presence of ‘outsider’ and also the region attracts different politicians from different political parties to look for votes during elections.

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# 4.2 Afrobarometer Data

# Figure (i): Kenyan or Ethnic indentity

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| Source : Afrobarometer. |

Figure (i) above, 45 % of the population has a country oriented identity and 35% has an equal feeling for the country as well as their ethnic identity and a more 11 % population feel more national compared to their ethnic identity. It can be argued that the majority of Kenyans prefers to be identified with their national identity than their ethnic one. Despite the many challenges in Kenya like insecurity, unemployment, corruption among other, many Kenyans still appreciates their country and draws a lot of pride from it. This is could be due to the fact that compared to some of its neighboring countries, Kenya is relatively developed and majority of its people live a middle class life. They can afford food and shelter for their family. With a relatively developed infrastructure both in transport and communication sector, many consider as a hub for investments.

Kenyans also embrace a national identity during calamities and also when celebrating their Kenyans athletes who are known all over the world. During these times, Kenyans are united despite their tribes. For example the recent terror attach in a mall where more than 60 people were killed, Kenyans of all tribes came out to help and condemn the attach.

This national identity claimed by Kenyan people could be questionable because people pay very little attention to patrotic accasions that may show the love of their country.For example less people have regard for the Kenyan flag or national days and infact not all people who can sing the national athem.

# Figure (ii): How close people are to political party

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| Source : Afrobarometer |

Whereas 38 % of the population indicates they are not close to any political party, 58 % of the population indicates they are. The reason behind this tendency is associated with the benefits that supporters of a political party gain when the party wins in an election. Many of political parties in Kenya are formed along tribal lines and the population feels by supporting a political party associated with them and having one from their ethnic group in a position of power, they will draw a lot of benefits from the state which could be jobs, health facilities and roads. As Kagwanga & Southall (2010) indicate most political parties in Kenya are associated with the ethnic group of the leader and that’s why people within a certain ethnic set up tend to be associated with a particular political party. Elischer further affirms this by noting that, most of political parties are ethnic in nature and this could explain why the majority of Kenyans have a strong attachment to a political party (Elischer 2013).

# Figure (iii) : How often party competition leads to conflict.

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| Source : Afrobarometer |

While 6 % of the population says political party competition never leads to conflict, 41% agrees that it often happens and a more 23% indicate that this always happens. 25 % of the population point out that this only happens rarely. It can be deduced that more than 64% of the population agree that competition between political parties leads to conflict.

Political parties’ competition in Kenya is by extension a competition between ethnic groups wanting to have one of their own in a position of power. Election in Kenya are normally a zero sum game where when one political party wins it gets to enjoy all gains of being in power and completely locks out the other parties. It leads to a winners take all situation where they opposition party have to wait for 5 years before they can have a chance to get to power. This could be the reason why people will go to the extent of fighting to get access to power because with one of their own and as that way they feel their needs and interests are represented.

When a political party loses in an election it means, the supporter will be humiliated by the government by not getting enough support in terms on funds or political appointments. This fuels frustrations and leads to regional disparities with the regions in power doing far much better than regions that supports opposition. After five (5) years, the neglected regions or ethnic communities would express their frustration through violence if the same political party or the same leaders who marginalized them before gets into power again.

# Figure(iv) : Fear of political intimidation

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| **Source:Afrobarometer** |

Figure (iv) above questions how much people fear political intimidation or violence. 41% of the population indicate this happens a lot while 15 % says this somewhat happens and 21% says this happens a little bit. 22% of the population feels this does not happen at all. The majority of the population fears intimidation and that why they vote in a certain way. This could be construed to mean, they are people vote out of pressure from politician, people around you or even illegal groups that support a certain political party. Political intimidation is worse in areas where members of the certain ethnic groups have settled in areas which are not considered their ancestral home. They are threatened to vote in a certain way or risk being forced to vacate the area they live in. I will discuss the aspect of intimidation more in the analysis section.

# Figure (v) : Level of trust

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| --- |
| **Source:Afrobarometer** |

Kenya’s levels of trust are very low. As shown above, 88% of the population indicates that when dealing with people you need to be very careful and only 9 % that says people can be trusted.

Kenya’s community operate from a level they don’t trust one another and most people are self-centered they just look out for an opportunity to develop themselves without thinking of other. This level of mistrust have developed more between ethnic groups due to inequality in distribution of resources increasing the gap between the rich and poor and as everyone eke for a living they tend to exploit the system for their own advantage. As TJRC indicates ethnic groups in Kenya are always suspicion of one another and this have been due to regional imbalances and inequalities .TJRC further argue that this have been worsened by culture of impunity an lack of accountability and this in return have resulted to lack of belonging and lack of trust on people and systems (TJRC Vol. 3:93).

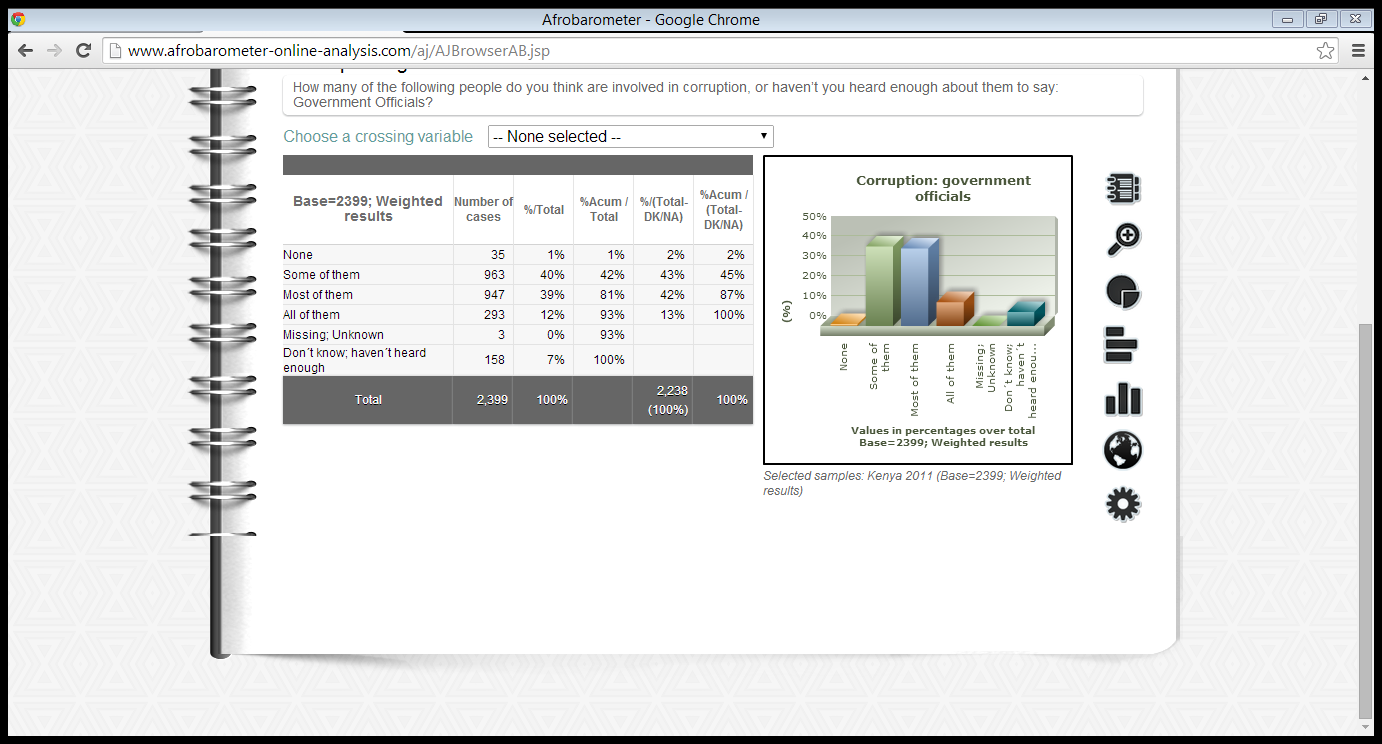
Muhula on his side indicates that, the tribal rivalry that exist between different region is in Kenya is as a result of perceived historical complaints that have not been addressed .He further argues that, where the political elite accuse their opponents of betrayal (people who cannot be trusted) and this results increases inter-ethnic suspicion thus decreases the level between ethnic group (Muhula 2009).This could have been experienced in Kenya in 2005 when Orange Democratic Movement (ODM) official came out to condemn Party of National Unity for betrayal not honoring the Memorandum Of Understanding (MOU). This increased the hatred towards Kikuyu from other tribes, that’s why the election campaign of 2007 had a slogan of was called forty one tribes (41) against one (1) (All tribes in Kenya which are 42 against the Kikuyu). Kagwanga & Southall (2010).

# Figure vi: Does your Member of Parliament (MP) listen?

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| --- |
| Source : Afrobarometer |

Figure (vi) questions if the members of parliament listens to the people and 56% indicate that they never listens and 32 % says sometimes they do and 8% says often they will listen. The most interesting thing is that despite him not listening, the same MP comes back to the same people when his term to the office is coming to an end seeking for re-election. The question then arises as to why the people appoint the same person again. An explanation could because the MP is able join a political party or a collation with a presidential candidate who the majority of the voters in his region prefer or they ethnically related .Another reason could be the MP is in a position to capture the most pressing needs of the people and campaigning around them or may be the MP is after is getting to power and not representing the needs for the people.

# Figure vii : Are government officilals corrupt

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Whereas only 1% of the population indicates government officials are not corrupt, 40 % indicates that some of the government officials are corrupt and 39% says most of them are corrupt and 12% of the people believe all of them. This is nearly a whole 91% of the population agreeing that government officials are corruption. Corruption in Kenya is practiced both at junior and high level government officials. As TJRC indicate corruption in Kenya could be classified into two between “petty” and grand corruption. “Petty” corruption is the type of corruption where the public is expected to pay for bribes so that they can be provided for with services that otherwise they are entitled to for free. It is normally practiced by those at lower ranks in government offices. Grand corruption is the kind corruption which is practiced by high ranking official in the government and also the amount of money is involved (TJRC 2013 Vol.2B).

Corruption is linked to ethnic violence due to the fact that corruption reduces the public goods available to the community. This leads to high level of inequality between the rich and the poor and since corruption thrives in government position, hatred develops between those deprived off public goods and the ethnic group of where the political elite come from. Despite the poor only sharing an ethnic line with the political elite they may not at all enjoy any benefits from their activities.

More on corruption is discussed in the analysis section.

**4.3 Kenya National Commission on Human Rights Data**

## Table 1 : Statements that could incite violence.

|  |  |  |
| --- | --- | --- |
| **STATEMENT** | **BY** | **POSITION** |
| “Squatters occupying the late JM Kariuki’s land should not vacate, notwithstanding a court’s order to the contrary”. | Amos Kimunya | Minister for Lands, & MP Kipipiri |
| People should prepare for war if NO wins | Mwangi Kiunjuri | Ass. Minister for Energy |
| Raila the monster should be hit on the head and killed so as not to destabilize the Kibaki government. | William Wambugu | Councillor (Mukaru Ward) |
| If we pass this Constitution, the Orange Team should not step in Meru unless they remove their flags | Peter Munya | MP, Tigania East |
| Nyeri should be at the forefront in the YES campaign and any rebel will be dealt with accordingly. Anybody who wants to behave like a rebel should be folded. We have no time to flatter demons whose work is to ruin the scheme of things | Chris Murungaru | MP, Kieni |
| ‘Huyu kijana mdogo anayesema yakuwa anakula mamba. Namuonya yeye na wenzake wakome kuingilia Raila na wakome kuingilia kampeni ya chungwa. Na mimi ningependa kuwaambia na kuwauliza, akija hapa? akija hapa? (from the crowd, ua! choma! choma!) haya mshajibu!’... (There is this young man who claims he feeds on crocodiles. I am warning him and his colleagues to stop mudslinging Raila and the Orange Campaign. If he comes to Kisumu, what will you do to him? (**lynch him the crowd responds**)You have answered. | Hon. Joe Khamisi | MP, Bahari |
| Delamere kills Africans like dogs, the new constitution will teach him and the settlers a lessons since their land will revert to the  government.32 | P.G. Mureithi | MP,Nyeri Town |
| If YES wins, the Kikuyus should pack their bags and move out of Eldama Ravine. Kikuyus from Shauri, Maji Mazuri and Timboroa will not be issued with Title Deeds if they vote Yes | Musa Sirma | MP, Eldama Ravine |
| Wale hawajatahiri peleka Jandoni’ (those who are not circumcised should be taken for a circumcision ceremony)36 | Simeon Nyachae | Energy Minister and MP for Nyaribari Chache |
| ‘How can an uncircumcised man call a circumcised, man?’ Mtu hajatahiri hana siri’ (An uncircumcised person keep no confidences) | Mwangi Kiunjuri | Ass. Minister for Energy and MP |

***Source: KNCHR – Referendum Report (2006)***

*A*bove statements were made in various constitutional referendum campaigns meeting in 2005, by politicians affiliated to different political parties. All these statements are seen to incite different communities against one another in view of the referendums result.

The outcome of this referendum in a great way informed the outcome and events that followed general election of 2007.A brief background to events leading to general election of 2007.

* The government was voting YES to the proposed constitution thereby advocating for a centralized form of government, whereas the NO team was in favor of decentralized or Majimbo government. The NO team worn and after the government was defeated, the President sacked all the cabinet officials who were from opposition and who voted NO despite him (president) raiding on their support to get to power in 2002.
* This did not go down well with the opposition team and they used the 2007 general election campaign platform to discredit the president as one who want to hold on to power. They also campaigned for regional form of government and they succeed in entrenching it in the constitution that was passed in 2010.
* When Kibaki was announced the winner in 2007 amidst claim of irregularities in the election process, the opposition supporter felt frustrated in that despite the malpractices witnessed during the election, Kibaki was declared and sworn in as the president. Out of frustration, the outbreak of violence could be termed spontaneous although later on the conflict took a shape of a well-organized and coordinated exercise with politicians in inciting and even funding for the violence.

These statements are elaborated in details in the analysis section and the role they may have played in the post-election violence of 2007.

# Figure (ii) Illegal allocation of Agriculture Developement Coorporation farms.

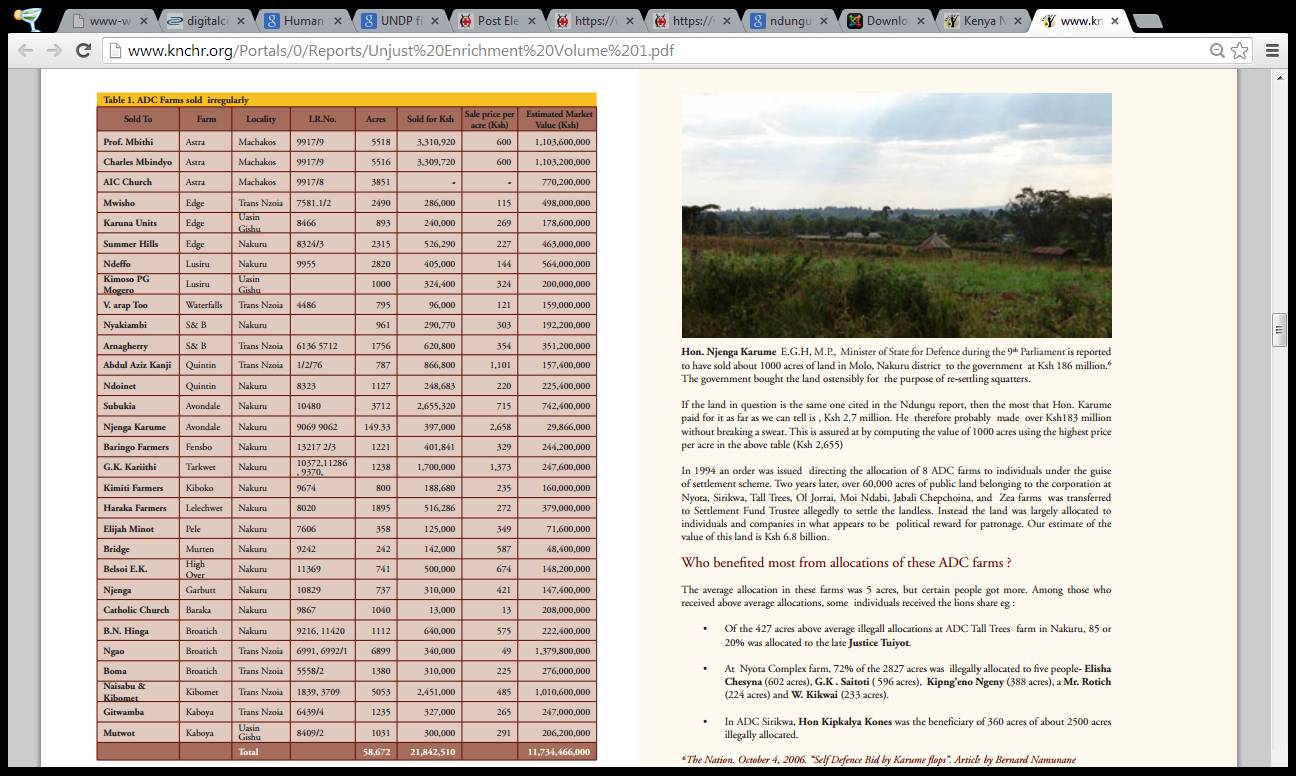
Source: ***KNCHR Table 1 (2013)***

Figure ii above, is a demonstration of how Agriculture Development Cooperation (ADC) farms were allocated to various individual and companies. Agricultural Development Cooperation (ADC) was created in 1965 to help in production of essential agriculture inputs like Maize. Kenyan economy relying heavily on agriculture, such an organization was supposed to acquire more land in order to be in a position to meet its obligation. If the organization was not allowed to sell the land since it was public land. If it no longer needed the land, it was supposed to surrender it back to the government (O’Brien 2011).

What is of interest in this figure is that these pieces of land are in Rift Valley and the number of acreage allocated to an individual or company is so much and it’s the same region poor people kill one another because of lack of land. The question that then arises is, if the main reason why Kalenjins fight Kikuyu is because of land Rift Valley, why can’t they be allocated this land so as to end the fight, instead of allocated a lot of land to people who are not needy.

The other important observable point here is the amount of money that was lost in these illegal sales of land. All these pieces of land were sold way below the market price. For example land allocated to Prof. Mbithi was sold for 40,000 USD while the market value was more than 1,000,000 USD.

# Figure(iii) :The main beneficiary of (ADC) Farms

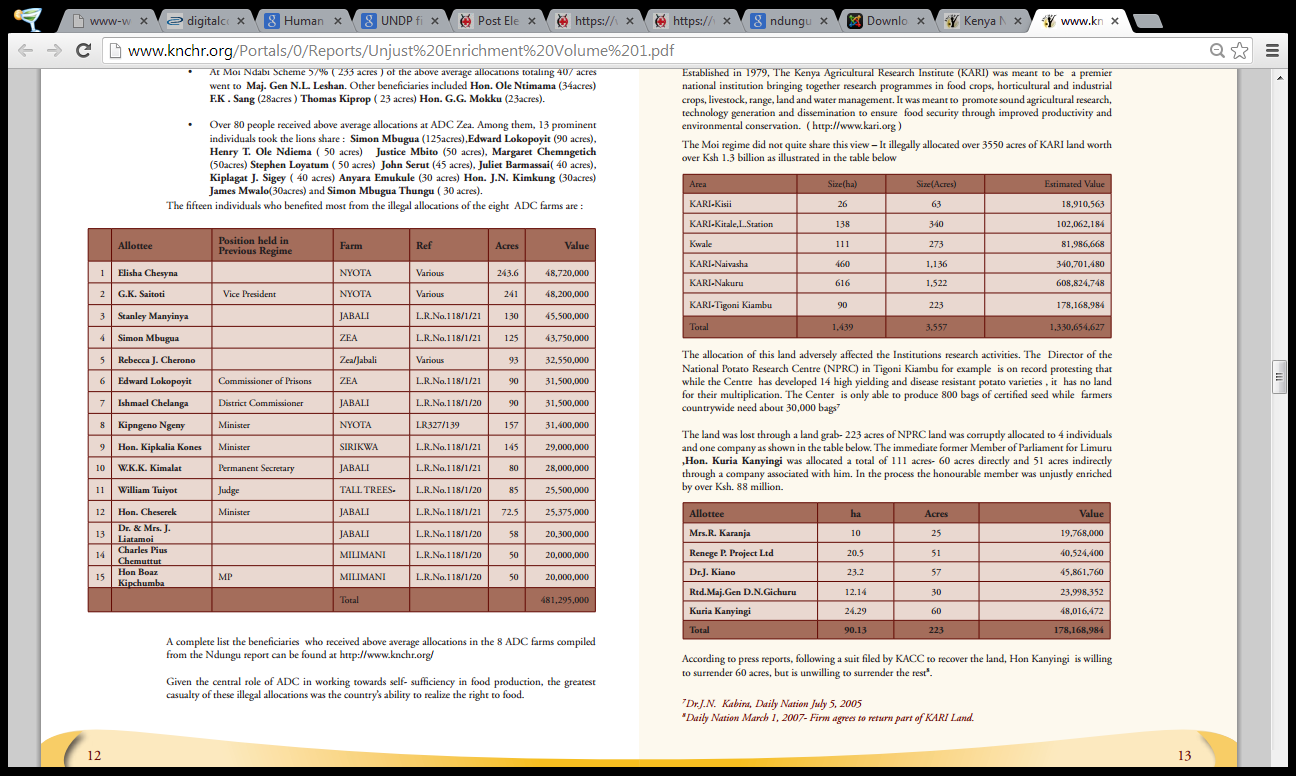
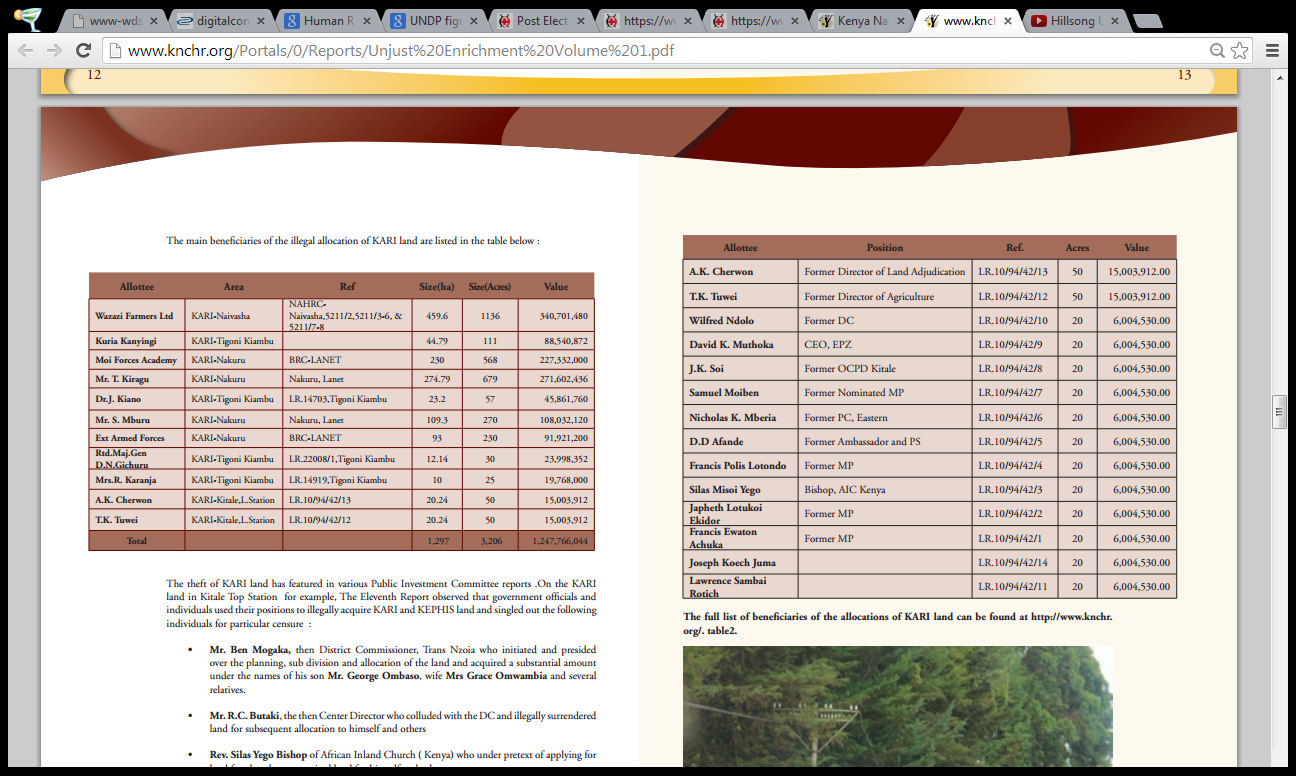
**Source :** ***KNCHR Table 1 (2013)***

Figure (iii) above indicates the most beneficiaries of the ADC farms and their positions. They included the then vice president George Saitoti who was allocated 241 acres of land. The rest of the beneficiaries were also elite in the government for example ministers, permanent secretary and Commissioners.

Land in Kenya has been used as a patronage to reward to those who support the government and to penalize those who have been opposed to the government. As Ndungu report quoted in Waki report indicates, those public servants who were ‘politically correct individuals’ were allocated land as rewards and the whole issue of land became political issue (Waki Report 2008:31).

# Figure iv : Main Beneficiaries of the illegal allocation of Kenya Agriculture Research Institute

**Source :** ***KNCHR Table 1 (2013)***

Kenya Agriculture Research Institute (KARI) is another institution whose land was grabbed and allocated to the elite. As ADC farms, sitting on public land these institutions had no authority to allocate land to individuals and incase they no longer needed the land they were supposed to return it to the government. From the figure, the people who benefitted most were former MP and directors of agriculture. This again is a case of land political patronage.

I have discussed more on land grabbing in the analysis section.

# 4.4 TJRC Data

# Table II :- Prominent People accussed to have incited people

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of the Adversely Mentioned Person** | **Alleged Crime/Violation** | **Recommendation by Official Body** | **Action** |
| Mohammed Mdogo | Ethnic Clashes 1997-1998 Mombasa  Involvement in ethnic clashes | Investigation with a view of taking appropriate legal action | No action taken |
| Omar Masumbuko | Ethnic clashes 1997-1998 Mombasa  Involvement in ethnic clashes | Investigation with a view of taking appropriate legal action | No action taken |
| Hon. William Ole Ntimama – MP Narok North | Ethnic Clashes 1991- 1992 Narok District  Ethnic Incitement to violence  In 2007/2008 he incited Masaai’s against Kikuyus and Kisii’s | Investigation and appropriate action taken  The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminalculpability | No action taken |
| Kass FM –Radio Station which broadcast in Kalenjin language | Incitement and hate speech in its programmes during 2007/2008 PEV | Investigation and prosecution if criminal culpability is determined | No action taken |
| Kameme- FM Radio Station which broadcast in Kikuyu Language | Perpetuation of hate speech during 2007/2008 PEV | Investigation and prosecution if criminal culpability is determined | No action taken |
| Joshua Arap Sang | Incited violence through Radio broadcasts during 2007/2008 PEV. | Facing charges at the ICC | Accused of crimes against humanity at the ICC – charges were confirmed |
| Inoro FM – Radio Station which broadcasts in Kikuyu Language | Disseminated incitement via call-in programs during 2007/2007 | Investigation and prosecution if criminal culpability is determined | No action taken |
| Hon. Boaz Kaino – MP Marakwet West | Inciting Violence during 2007/2008 PEV | The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminalculpability | No action taken |
| Hon.William Ruto – MP Eldoret North | Planning incitement and financing violence during 2007/2008 | The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminal culpability | Currenlty standing rial for Crimes Against Humanity before the ICC |
| Hon John Pesa – MP Migori | Incitement to violence during 2007/2008 PEV | The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminal culpability | No action taken |
| Hon Ramandhan Kajembe – MP Changanmwe | Incitement and participation in vioelne during 2007/2008 PEV KNCHR 2008 | The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminal culpability | No action taken |
| Hon .Peter Mwathi – MP Limuru | Incitement to violence during 2007/2008 PEV | The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminal culpability | No action taken |
| Hon.Uhuru Kenyatta  MP Gatundu | Planning and financing violence during 2007/2008 PEV | The Attorney General or the Kenya Police Force should undertake investigations in terms of Section 26 of the constitution to determine criminal culpability | Currently standing trial for crimes against humanity at the ICC |

**Source : TJRC Vol. 4 (2013)**

Table (i) above shows prominent people and some media houses, whose actions and statements have been considered to have contributed in one way or another into the violence of 1998 and 2007.Although there is no action the Kenyan government has taken against these people, three of them are on trial in the ICC for crimes against humanity. They are Uhuru Kenyatta and William Ruto who and Joshua Arap Sang.

Some of these people on the above list are political elite who have been serving the various governments under different capacities. Just to mention a few, Uhuru is the son of the 1st Kenyan and he is the current President. Before that, he was the Deputy Prime Minister. William Ole Ntimama has served under different position during the Kenyatta, Moi and Kibaki government. Kajembe has been an MP since 1998 and at some point an assistant minister. Ruto is the current deputy President and he has been in political life since 1992 and he has been a Minister for Agriculture.

Uhuru and Ruto coming together to form Jubilee Collation that worn the elections of 2013 seem to agree with Parry argument that “politics is a sphere of elite consolidation, elite consensus or elite competition” (Parry 2005). In 2007, the two elite and the others behind them seem to have been in competition and that why there was violence but in 2013 they seem to have had a consensus to pursue power together and that’s why the election were violence. This shows that if the leaders want, they can unite the communities.

Vernacular media houses seemed to have played a part in the election violence of 2007 by spreading hatred messages between different ethnic groups. These radio stations are more listened to in the rural areas since many people cannot understand English and Swahili which are the official languages. Final tallying center was in Nairobi and the only way for the locals to get to know about the progress of the results was only through these vernacular stations. As Waki report indicates, call-in shows where different listeners were calling from different parts of the countries to discuss the progress of vote tallying were used to spreading messages that were incite- ful in nature (Waki Report 2008).

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# Figure ii : Perception about members of different ethnic groups

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| Source : TJRC Table 2 (2013 Vol.3:18) |

Figure (ii) above indicates both negative and positive comments that people have about other ethnic groups. Generally the positive comments seem to be more than the negative ones. Luo community has the highest positive comments amounting to 56% and 18.5 negative comments. It could be argued that, this is due to the fact that Luo elite have been on the forefront fighting for democracy in Kenya and calling for equality in distribution of resources compared to their Kikuyu companions who have had a more capitalist model.

Although there have not been a single president from the Luo community, the above argument cannot be confirmed entirely but the Kikuyu model have been in a way actualized .This is because Kenyatta as a Kikuyu followed this model and resources were distributed unequally and this affects Kenya until today. Kibaki who is also a Kikuyu was a president for two terms a period of 10 years and although he helped in the growth of the economy, his Kikuyu elite benefitted most and this could also explain the why negative comments about Kikuyu are the highest at 34%.

Both positive and negatives comments about Kalenjins seem the same, i.e. 23% and 22% respectively and this could be due to experiences that the people have had during the 24 years rule of President Moi rule who was a Kalenjin. Kenyan population also seems to have more negative than positive comments about Somalis in Kenya with a score of 24% and 13% respectively. This could be associated with the terrorist attacks which have happened in Kenya. Whereas not all Somali are bad, due to the few who have been involved in these terror attacks, people’s perceptions about the entire group have been affected.

On the same figure 79 % of the population say they can marry from other ethnic groups. By marrying people from different ethnic group than yours, means by extension you are agreeing with their cultures and willing to take them up some of those beliefs and values to a certain extent since you don’t see anything wrong with it. This can be taken to mean, in Kenya tribes are not generally conflictual. 86% of the population indicates that they would do business with people from a different ethnic group. This means that ethnicity does not hinder the way people work or do their business. On the same breath, 89% of the population indicates that they would have best friends from different ethnic groups. This could mean that Kenyans are all the same despite which ethnic group they belong to and that’s why when you choosing a friend rarely will you look at what tribe they come from.

Again, 75% indicate that they would share a house with people from other tribes. Looking at the way people relate at society level but marring, doing business and living together is shows when politics are not at play, people from different ethnic groups are open to relate and engage with one another and thus people from different tribes can cooperate despite the stereotypes that exist between them but the elite manipulate them during elections.

# Figure iii : Percentage of Cabinet position held by various ethnic group since independence.

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| --- |
| Source : TJRC Table 1 (2013 Vol.3:30) |

Figure (ii) shows the percentages of cabinet positions that have been allocated to various ethnic groups since independence. During Kenyatta’s period as a president, they were a total of 21 cabinet positions and 28% of them had been allocated to Kikuyu followed by 14% to the Luo and the Kalenjin at the time had the least , 4%.When Moi was getting in power in 1979, the cabinet position had increased to 26 and Kikuyu were still the majority at 30% but he had reduced them to 4% by 2001 and at the same time he increased the number of his Kalenjin tribesmen from 11% to 17%. At the same time Lou’s figures had reduced from 14% to 7%. During this time, Moi was under pressure from the public, civil society and international community to reintroduce multiparty politics. The call for reforms was more from Nyanza province, and the way to punish them was denying them cabinet positions.

It can be inferred that the ethnic group that the president comes from always have the majority cabinet positions. The same trend is seen when Kibaki got into power, despite signing an MOU with LDP to share cabinet positions equally, he dishonored it and went ahead to sack those who opposed the constitution in 2005.This is seen in the number of Kikuyu rising from 16% to 18% and that Luo reducing from 16% to 3%. After the collation government in 2007, the number of cabinet positions for the Luo increased sharply to 12 % from 3% and that of Kikuyu increased to 19%. Ethnic groups could have different percentage of their representative in cabinet positions depending on the relationships they had with the president who was in power at the time. For example the Luhya, during the Kibaki time as a president in 2005 they had their highest percentage at 21% and this could be due to the fact that majority supported him during the constitution referendum. Political appointments are done on ethnic linage and the opposition due do discrimination may also want to fight to get to power and enjoy the same privileges.

More discussion on political patronage is on the analysis section

# 4.5 Interviews

The interviews information helped to understand better the different concepts presented by the others sources of data provided above. Being primary data, it provided better insights on the issues of ethnicity, land and conflict.

The two respondents were from two different social classes and they brought in a new aspect of how politics and ethnic is perceived in Kenya. Respondent two (2) coming from a poor background gave an account on how their houses were burnt and expressed with anger how inequality and politics in Kenya affects the poor people than the rich people. He seemed more interested in the current affairs of politics in Kenya because he said his family relies on government services like primary school and health services which were of very poor standards.

The first respondent was from a middle class and she was not really following the political affairs in the country since her family was working and they had a house and could afford to pay for school fees in private school.

For the summary of questions and responses please refer to the appendix

**Sum Up**

This chapter provides the various data sets used in this research. They include data to do with land, ethnic groups, political parties among others.

# ANALYSIS

This section presents the various trends, patterns and themes derived from the empirical chapter. Similar patterns obtained from different sources of data, have been discussed together under one subtitle. For example, if there is an aspect of identity in Afrobarometer data and the interviews, I have discussed them together under one broad headline of ethnic identity. This will later help in developing a theoretical framework that can best explain ethnic conflict in Kenya and also in identifying gaps within the theory. I have classified these trends in 4 major categories:-

* Ethnic identity and its position in the Kenyan society
* Role of politicians in the conflict
* Political land scape
  + Political parties in Kenya
  + Corruption and land grabbing
  + Political appointment in public service
* Link between ethnicity, land and conflict
  1. **Ethnic identity and its position in the Kenyan society**

From the data on the empirical evidence chapter, it can be observed that the majority of Kenyan doesn’t like being openly associated with their tribe and instead their national identity fits them better. This could be due to volatility of the subject of ethnicity in Kenya or due to the fact that politics aside; Kenyans intermingle and work together with one another despite their ethnic groups. Indeed as TJRC data indicates, people have more positive perception about different ethnic groups than negative comments although the degree varies between ethnic groups and the negative perceptions between people have been founded on traditional stereotypes that people hold on to. Even though, there stereotypes and perceptions that inform how people perceive one another, they do not to a greater extent hinder relationships between people. This only happens when politics are at play (TJRC 2013 Vol III: 17).

Some cultural practices also play a major role on how people view ethnicity in Kenyans society. For example, men from ethnic groups that do not practice male circumcision are looked down upon and considered less inferior to hold leadership positions. Other traditions that run down the generation of different tribes in Kenya are how children are named after birth. Most people give their children first name which in most cases is a Christian name, and then the second name is a sort of a clan’s name and the sir name. These names are different between ethnic groups and looking at your second name somebody would tell what tribe you belong to. These middle and sir names run down the generation. Other tribes name their children into the different seasons or time when the child is born. For example Otieno in Luo means born at night. It is only Luo tribe that uses such names. This way the ethnic identity is carried down many generations down the line. Other rituals like marriages and burials in Kenya are still to a greater extent conducted according to the traditions of different ethnic groups.

* + 1. **Role of Politicians in Conflict**

In this section i have analyzed the campaign and general election inciteful messages by politicians. They are table (i) on KNCHR Data and Table (i) on TJRC Data on the empirical section respectively.

## 5.2.1 Referendum campaign inciteful messages

Comments by various politicians during election campaigns or events leading to elections are considered inciteful. They fuel tension between various tribes and in most cases lead to violence. For example Kimunya who was then the lands minister saying “**squatters occupying the late JM Kariuki’s Land should not vacate, notwithstanding a court’s order to the contrary”.** First of all it’s a recognition that the government understands there has been a problem of land in Kenya and some people are living as squatters. Telling them to stay in a land that is belongs to a private individual does not offer a long-term solution. The question then would be why the Government not wants to get a long lasting solution to land issues. Could be the government want to keep the status quo and continue playing politics and continue blaming land problem to the colonial era, while it has a responsibility to get solutions to its people. Secondly it shows how rule of law is never observed by those in powerful position in Government. If the high court issues can issue an order and the minister revokes it then he seems to be above the law.

A statement by Assistant Minister Kiunjuri says **“People should prepare for war if No wins”.** From this statement it could be deduced that, him (Kiunjuri) being in government and voting YES to then proposed constitution, the government was not willing to accept a defeat. The government was defeated during the referendum and accepted defeat but the general election that happened after almost one year, after the referendum was marked by chaos. The government must have laid plans long in advance to ensure that the government was not going to lose in the general election. The violence of 2007 seemed to be well prearranged and organized as Kagwanga & Southall (2010) notes “politicians and business people planned and enlisted criminal gangs to execute violence” Kagwanga & Southall (2010:81).The government could be seen to have been preparing for violence way before the election were held just incase the NO teams won again during the election. With the rumor of election rigging, the elite in opposition organized and funded Kalenjin worrier to fight and drive the Kikuyu out of the region (Branch 2011).

Musa Sirma MP for Eldama Ravine quoted saying “I**f YES wins, the Kikuyus should pack their bags and move out of Eldama Ravine. Kikuyus from Shauri, Maji Mazuri and Timboroa will not be issued with Title Deeds if they vote yes”.** He was in opposition and telling specifically Kikuyu to leave the area if the government won is incitement. It did not matter how the Kikuyu in the region voted but all because they belong to the tribe that was supporting YES they were assumed (or it could have been true) they will also vote yes. This could also be said to influence how people and more so the Kikuyu should vote. By threating them to live the place then in order for them not to be evicted they could have voted for the leader supported by the majority. They vote to certain person not because that’s who they want but because of the pressure. His statement also indicates they are certain regions in Kenya that belong to certain ethnic groups.

Something also very important here is how people’s rights are tied to how they vote. For example telling the Kikuyu if the government wins they will not be issued with title deeds is not denying people their rights which they are entitled to. Politicians have also used stereotypes derived from different cultures, rituals and traditions of different ethnic groups in Kenya, to demean their opponents. Male circumcision is one tradition that some communities practice but others do not. Some take it as a way to manhood and for you to be a man “enough” you have you have to go through the process. The following statements about circumcision were made during the referendum and since some people hold on to these cultural believes they influence the leader they elect. Nyachae who was the Minister for Energy said the following “**Wale hawajatahiri peleka Jandoni’ (those who are not circumcised should be taken for a circumcision ceremony)”** and Kiunjuri saying “**how can an uncircumcised man call a circumcised, man?’ ‘Mtu hajatahiri hana siri’ (An uncircumcised person cannot keep confidences)”.** These statements were to humiliate and discredit the opposition leader who comes from a community that is said not to practice male circumcision. These kinds of stereotypes were also used to humiliate members of the communities that are perceived not to perform these rituals during the post-election violence .For example as Waki report indicates, members belonging to these ethnic communities were forced to undress in public to confirm to their attacker whether they had undergone through circumcision. If they were found not to have been circumcised, the act was performed on them with crude items like broken bottles (Waki Report 2008:113).

## 5.2.2 General election inciteful messages

Getting to election of 2001, politicians were supporting different political parties and as the ‘norm’ in Kenya, these political parties had an ethnic inclination in them. For instance, Uhuru was working under president Kibaki and therefore he was protecting Kikuyu interests and ensuring that Kikuyus remained in power. Ruto on the other hand was working with Raila who was the leader of opposition and so he was guarding the interests of mainly Kalenjin, Luo and other tribes that were under ODM. Ruto in his own admission told the Waki Commission that Kalenjins (his tribe) were not fighting in 1992 and 1997 because they are naturally violent but they were political reasons behind the conflict. He said ‘there is no DNA for people fighting’ ….. The issue of the post-election violence is not land, let nobody cheat you. Kikuyu always sit on the land and the only problem is at the end of 5 years. It is all politics. Land is just an excuse’. He further said that Kenyan vote on tribal lines and thus Kenyans politics are shaped by ethnicity. This coming from him as a leader is a confirmation he knows how politicians incite people (Waki Report 2008:86).

Some else about politicians in Kenya is that they are never enemies. Despite the number of Kikuyu’s who were killed by Kalenjins in 2007 and vice versa, their leader united in 2013 and won the election. The poor are the one who kill one another and end up suffering at the end of the day. In Rift Valley for example, they are people who cannot talk to one another due to what happening tin 2007 and yet the people who made then them to fight are now working together. The culture of impunity has also been so entrenched in Kenya today and this makes the elite to feel like they are above the law. As Waki Report indicates, lack of legal action taken against those who cause political related conflict, have encouraged those who do so. With the case of post-election violence now at the ICC, one can only pray the victim will get justice (Waki Report 2008).

It is very common in Kenya to vote for an MP and not have a contact with him for his entire time in parliament. This is because their main purpose is to get to power for their own selfish gain and not for the sole reason of serving people. As Muhula indicates, ‘in practice, ordinary citizens are concerned with bread and butter issues- socio economic wellbeing, while the elite are interested in power’ (Muhula 2009). After performing their civic duty of voting the voter have to get around the business of getting a way to provide for his/her family whereas the elected leaders take their position in power. Somebody could claim that then the people are to blame for the MP not listening to them because they are the ones who vote them to positions of power. As Branch argues, bringing change in Kenya is not easy because the voters have to choose from the same ‘leopards’ (leaders who have not addressed their needs) every election time. Being a politician in Kenya you need to be wealthy due to funds involved in running the campaign and also due to the expectation of the people. In most cases, the political game is left to the elite who have the money but getting to power they are able to recoup the money back. So even if the voters gets another person in power, the chances that he will not listen to the voters are still very high and that’s why some MP are able to retain their position for some time (Branch 2011:298).

Politicians could feel threatened by the presence of people belonging to other ethnic group in their region that would be seen to support the opposition during an election. They (politicians) would choose to coerce these people to vote for them or use violence to chase them away from that region. Indeed as Human Right Watch reports, political thugs have been used to intimidate and attach opponents. It further argues that for example Jeshi la Mzee have been used in several occasions by KANU. Out of fear people may feel since they want to face the wrath of these groups they may want to vote according to the requirement of the groups issuing threats (Human Right Watch 2002:22). Waki report also notes that groups like Mungiki have used by politicians to intimidate those who oppose them (Waki Report 2008:205).This way innocent people suffer at the expense of the elite getting to power.

# Political land scape

Under this section i have discussed how the political arrangement and institutions in Kenya have contributed to conflict in one way or another. I have laid more emphasis on Political Parties, corruption& land grabbing and appointments in the public service. Political institutions are defined by Böner as “all formal and informal provisions, rules and norms that guide the political decision-making process” (Böner 2005). Böner further argues that these institutions avenue for collaboration for a common goal. Moe on her side agree with Böner on the role of institution but indicates that the very same institutions can be used to intimidate opponents and also be used outline the mode of redistribution. She further argues that these institutions are “the structural means by which political winners pursue their own interests, often at the great expense of political losers” (Moe 1990).Political system in Kenya have been constituted by institutions like the one described by Moe. Post-colonial governments have created a system where the winning party gets to enjoy all the benefits that come with being in power at the expense of the losing party.

* + 1. **Political parties**

Political parties as a political institutions, are seen as a medium of collaboration where people with similar ideologies come together to pursue a certain course. As Moe on the hand argues that the same institutions are “weapon of coercion and redistribution. They are the structural means by which political winners pursue their own interests, often at the great expense of political losers” (Moe 1990:2).This can be observed in Kenya where instead of political parties leading to cooperation between different ethnic groups, they have become source of conflict as elite use violence to get power. When the elite get to power, they decide how much to distribute where or where they need to distribute little so as to humiliate their opponents.

As mentioned elsewhere in this research, political parties in Kenya are formed along tribal lines. Even though this could be traced to the colonial times it not a reason why it still persists today. A reason why this could be the case is due to the powerful position that comes with being a president Kenya. As Callaghy et al. in Posner indicates, in relations to African politics “power is highly centralized around the president. He is literally above the law, controls in many cases a large proportion of state finance with little accountability and delegates little of his authority on important matters” (Posner 2007).Political parties are the normally the vehicle to getting to power and in order for people to access the resources from the state, could be jobs infrastructure they feel no one who better represents their interests than one of their own.

There is no any ethnic group that is large enough to gather votes to support one of their own to be the president. To achieve this, coalition between parties and it’s the elite are the ones who decided how parties and coalition are formed. They come up with political ideologies that they sell to the people for example Majimbo, people buy and support the idea. As Kagwanja & Southall (2010) argues, politics in Kenya are about forming coalitions to get to win national election and these coalitions are formed by uniting small sub tribes or uniting the major tribes. This happened in 2002, 2007 and 2013 .Coalitions reduces the chance for ethnic violence in that when elite come together under one coalition, their aim is to gain power and share it amongst themselves. If they for example do not agree on how to share power the collations splits and this may results to chaos. As Muhula indicates, elite are interested in power and when power is distributed amongst them then the risk for violence is reduced (Muhula 2009).

Political party’s competition in Kenya is by extension a competition between ethnic groups to have one of their own in power. A political party winning an election in Kenya is a zero sum game and the winner takes it all and that why people will go to the extent of fighting to get access to power. When a political party loses in an election it means, the supporter will be humiliated by the government by not getting enough support in terms on funds or political appointments. This is even worse when there have been previous grievance because the people supporting the losing party feel their needs will not be addressed and they will have again wait for another five (5) years before another election is held and they can have an opportunity to choose their leader. For example In 2007 for example, the Electoral Commission of Kenya admitted there were irregularities in the election process and that there was a problem with vote counting where constituencies had more than 100% voting turn out. The chairman went ahead to admit that he was under a lot of pressure to declare Kibaki the winner. He said he could not confirm with certainty who had won .Where the institution in charge of managing the election admits there was shortcoming and going ahead to declare a winner, then the opposition seem to have been right in demonstrating (Kagwanga & Southall 2010:5).

* + 1. **Corruption and land grabbing**

Corruption within the government could be traced was back after independence and it have continued to thrive up to today. Some of the reason why corruption thrives in Kenya it’s because of lack of transparency and accountability government systems. As Branch indicates, in 1967, the government in its own capacity admitted that the rate of corruption had doubled since independence. Corruption at independence was evident in the way in which land allocation was done, where land that was meant to resettle the poor ended up in the hands of elite. During the Moi era who was the second president, they were series of corruption cases including Goldenberg and Anglo Leasing. During his tenure, they are a lot of land grabbing cases where public land ended up in individual’s hands. Kibaki’s time as a president which started in 2002 and ended in 2013 was no good. Corruption cases were reported in allocation of funds for free primary education, illegal sale of maize and sale of Kenyan embassy in Tokyo among others. Indeed as Brach further argues, corruption in Kenya was not only seen at the level of individuals driven by greed but something that was embedded to the political system (Branch 2011, Wrong 2014).

To date, Kenya’s corruption cases are still high and it have even taken a tribal outlook. As Wrong indicates, when Kenyan were assessing between who to vote to power in 2013 as the president, Uhuru and Ruto were better candidate because they had enough wealth from the previous governments but Raila being his first-time as a president some argued that he and his team would steal more. But Githongo in Wrong 2014 argues that, there is never enough when you steal five (5) today tomorrow you will steal ten (10). The politician never accumulates enough they want more and more. The two corruption scandals facing the current government are The Standard-guage railway from Mombasa to Nairobi costing more than 5.2 billion USD and the tender was awarded to a company without proper tendering procedures and the laptop for every school child initiative where the project was stopped because the company that had won to tender did not manufacture computers. These projects among others continue to rip-off tax payer’s money and these monies end in people’s pockets while the poor person is suffering. The gap between the rich and the poor continues to widen and it could be cause on unrest (Wrong 2014).

## Land grabbing of ADC and KARI farms

Land grabbing in Kenya which Klopp defines as “irregular privatization of public land” have been as a result of changing of existing land Acts. As National land Policy of Kenya indicates, since independence there has been no proper land policy to guide in the process of administration and management of land. Different types of lands in Kenya are managed by different laws. Some of these laws are independent and they cannot be harmonized. This complicates the whole issue of land even further when you have so many laws to be followed (National Land Policy 2009:1). TJRC outlines some of these many laws for example of public land is guided by Government Land Act, CAP 280, Registration of Titles Act CAP 281, Registered Lands Act, CAP 300, Forest Act and Wildlife (Management and Conversation) Act. Public land is further divided into Town plots and Agriculture land and they too have different procedures for managing them and how they could be allocated to different users. TJRC further indicates that it’s not clear what constitutes this public land because it was what used to be called crown land during colonization and even then it was never clear (TJRC Vol.2B:252).

Under president Moi, a lot of Parastatal land was grabbed and as KNCHR (2013) argues, political competition around this time made Moi and the elite around him loot more because they feared that with a new government, they will not have access to state resources any longer. As Ndungu reports indicates in O’Brien 2011,the ADC act was amended in 1991 and its mandate were broadened and this decreased its need for land and more than 58,000 hectares were sold to private individuals, Company and religious groups. Figure (ii) under KNCHR data on the empirical section, lists the beneficiaries of these farms and Figure (iii) under the same section gives a list of the main beneficiaries. Looking at these individuals they held various high positions in the government during the Moi’s tenure and also looking at their names, majority are from the Kalenjin community the ethnic group that Moi belongs to.

KARI land was also grabbed and allocated to the wealth elite as shown in figure (iv) in the empirical chapter. KARI was established to foster research on crops production and return increase food security in the country. As KNCHR argues KARIs land was allocated to individuals most of them who held senior positions in government. For instance Kuria Kanyingi who was an MP was allocated 66 acres directly to him and 51 acres to a company related to him. Its ironical where the government allocates land to people who do not deserve it and further the very same politicians manipulates land grievance for the poor that continues to cause conflicts (KNCHR 2013).As Klopp argues, in the early 1990s after major donor withheld their aid to Kenya and later on increased conditionality, which among things it promoted democracy, Moi’s government turned to land grabbing of public land for patronage purposes since it was readily available to him and did not have conditionality. The Government Disposal Act for example allowed the president to grant public land for some defined purposes for example a market and this land was not supposed to be sold to private entities. Although procedures had been well spelt in the constitution and the different acts, in many cases they were not followed to the latter and that led to a lot of public land ended being allocated to individuals (Klopp 2002).

* + 1. **Political appointment in public service**

Webster’s dictionary in World Bank 2014 defines patronage as “power of appointing people to government or political and ‘the positions so distributed’. The World Bank further adds as aspect of patronage which they call “violation of principles of merit and completion in civil service recruitment and promotion” (World Bank 2014).

Political patronage in Kenya dates back to post-colonization where the first president made political appointment to his friends and family members. As Branch indicates, President Kenyatta’s innermost sphere was made up of relatives, political and business allies. They included: George who was his fourth wife’s bother, Koinange (Minister for state) his second wife’s brother, Udi (senior manager at Lonrho publisher) – Kenyatta’s son in law, Dr. Mungai (health and housing – Udi’s nephews and Kenyatta’s doctor). Moi becoming the president he also brought in his Kalenjin people like Biwott, Kosgey, Ruto and when Kibaki got to power he followed the same footsteps by appointing George Muhoho, Karume, Muthrura, Michuki among other Kikuyu elite (Branch 2011).Some of these people are still in power and others only left last year. These political patronage appointments, create regional imbalance where depending on who is the president, resources are channeled to his region because most of key cabinet positions example Minister for finance, Internal Security are from his tribe.

As Muhula argues, the political elite use their influential positions to channels resources to the regions they come from. This creates a sense of grievance on the marginalized communities and this may be reflected in a conflictual manner incase the same leaders from the same tribe keeps on getting to power. This could be an explanation as to what happened with ODM supporters in 2007.They felt Kikuyu had been appointed to many cabinet positions thereby enriching their regions while they rest of ethnic groups felt left out (Muhula 2009).This position may not be entirely true because the wealth generated through these positions sometimes is only enjoyed by the elite because the poor Kikuyu, may not have access to it. This position was upheld by TJRC during their data collection field experiences, where they met people from Nyandarua who were poor and they feel sidelined despite the a lot of resources associate with the Kikuyu regions and despite there being a Kikuyu president in Kenya two times( TJRC 2013).

# Link between Land, Ethnicity and Conflict

Land

Ethnicity Conflict

Historical land injustices could be traced in the colonial days although the when Kenya attained independence the issue of land was not comprehensively addressed. The government have followed also have not addressed the issue and infact have led to a lot of public land being allocate to individuals .With increase in population and with limited farm land, the problem is felt more now. Other land issues are for those who have been rendered landless despite having proper title deeds to their land either through conflict or through government development project and they have not been compensated for this loss

With territorial boarders in Kenya, consciousness between different ethnic groups has been enhanced and each and every ethnic group has a place they call home. People belonging to other ethnic groups settling in a different region that is not considered their ancestral homes are regarded as outsider of visitors. In Swahili word they are regarded as Madodoa (stains). These people being visitors they are expected to obey their host’s expectations.

Conflict may occur when politicians incite the ethnic groups in these regions to displace people belonging to a different communities incase they pose a political challenge to him. Politicians may also awaken the historical land injustices and make the local feel it’s because of the outsiders that’s why they are encountering the problems they may be having. Another explanation could be due to regional imbalance where some people may feel left out of unrepresented and when the same people keeps getting to power then the marginalized people may vent their anger and frustration to the people belonging to the ethnic group of the leaders.

**Sum up**

This section discuss an in-depth the ethnic identity in Kenya, role of politicians in fostering conflict, political landscape and its role in conflict and also tries to establish the link between ethnicity, land and conflict.

# THEORITICAL FRAMEWORK

In this section two theoretical frameworks that could be derived from the data in the empirical and analysis chapters in the previous chapters are discussed. Aspects of ethnic conflict in Kenya that may not have been reflected by the two theories are specified. It is important to note at this point that there is no single theory that can be in a position to explain ethnic conflict due to the complexity related to these conflicts. As Jesse & Williams argues, “in studying ethnic conflict, one size does not fit all – no one theory or factors can account for all ethnic conflicts” (Jesse & Williams 2011).This mean that in a country ethnic violence could occur due to many factors.

# 6.1 Primordial Theory

Contributors to this theory start from one departure point, that ethnic identity are deeply rooted in people biological set up and they cannot be changed. Jesse & Williams argue that ethnic identity has it origin from human nature either by original construction by the people of through biology. It does now change and the identity feeling is reinforced by a shared history, traditions and language. They further indicate that ethnic identity is the most important identity human being can have. There are ties that bind people belonging to the same tribe together and these ties cannot be broken. People within a certain ethnic group tend to rebel or reject other members belonging to other ethnic groups. They give examples of tribes in Sub-Saharan Africa who their tribe identity is greater than any other identity. Jesse& Williams finally states that there is always tension between different ethnic groups occur when the group makes political demand that they feel fits them (Jesse& Williams 2011).

Although the biological origin of the various ethnic in Kenya cannot be confirmed, they are other characteristics people within an ethnic group share. For example, these people have shared traditions & cultures and even speak the same language or their languages are so closely related and they can understand one another. Indeed it have been argued that the reason why it have been difficult to unite all ethnic groups in Kenya it’s because there is no common language that unites all the communities. Each and every community practices its own language even though English and Swahili are the official languages, not everyone who can speak them. Compared to a country like Tanzania that has official language is Swahili and used by everyone and this gives them a sense of togetherness as a nation(Weber 2009).Some ethnic groups in Kenya by their nature of their traditions and cultures, they tend to be violent and conflictual in nature. For example the Maasai and the Kalenjin community being pastoralist in nature they are known to violence in nature so that they are able to reach to any threat that may (Waki Report 2008).These common features in an ethnic groups ties them together.

Esman on his side argues that, ethnic groups started from historical events that brought people together and they came up with common strategies on how to react to opportunities and how to handle threats that faced them as a group. To be a position to respond better to opportunities and danger they may face, people within an ethnic group build institutions that regulate their ways of life. Most of Kenyan ethnic communities have a shared common past for example during colonization and also the way they have been treated by previous governments. Divide and rule systems implemented by the British increased and hardened group’s consciousness. The problems they encountered together helped them to unite and try to get a ways forward as a group. For example the Mau Mau made up of Kikuyu men went to the forest to come up with strategies of how to recover land from the British. Frustrations that a group has suffered for example for not supporting a certain presidential candidate could also tighten group togetherness.

Rupesinghe on his side indicates that identification and confrontation between ethnic group lies on the primordial psychological ties that bind them together. To be affiliated to a group gives you some sense of belonging and this creates a tendency to reject all other that belong elsewhere. He further states that violence occurs when social norms that keep the groups together have failed. This way, violent is seen as a natural occurrence in a society where different ethnic groups live. The role of the institutions is to keep law and order and control the behavior of the opposing group but when these institutions are not there or they are weak, there will always be an outbreak of violence (Rupesinghe 1994:18).Pierre van den Berghe in Hutchinson and Smith argues that these primordial ties are even deeper than an issue of history, language and race. He indicates that these ties are heredity in nature and they have a genetic origin. He indicate that people tend to be drawn and favor people who they are affiliated to and they tend turn their anger and range to any who does not belong to their group (Hutchinson &Smith 1996:32).Post-election violence in Kenya have in a way been as result of weak institutions where people feel even if they present their issues to the relevant institutions they will not be addressed or even they are addressed not in a very comprehensive manner. For example, when ODM lost the election in 2007 it had the option of going to court but due to weakness in the judiciary and lack of faith in it, people took to the streets. Ethnic groups under ODM demonstrated due to lack of or the poor systems in place.

## 6.1.1 Limitations

Some limitations with this theory is that it cannot explain why some countries or societies, people who don’t share any primordial ties can live together without conflict and it cannot give a reason why some conflicts vary between places and also over time. It cannot also explain how and why cultures change or are assimilated through migration and intermarriages. The theory does not also provide an explanation as to the origin of ethnic groups and the different cultures and also why they evolve with time and why some disappear (Jesse& Williams 2011, Hutchinson &Smith 1996).

# 6.2 Elite Manipulation.

This is a form of constructivist theory that disputes the inherent conflictual nature of different ethnic groups. The contributors of this theory argue that ethnic conflict is as a result of elite pursuing to attain and maintain power. Scholars who have contributed to this field of study in include Bates, Fearon & Laitin, Chandra, Hechter, Babushka and Shepsle.Fearon & Laitin asserts that “ethnicity is socially constructed” and it is the basis for understanding ethnic violence because without getting this concept of how ethnic is constructed it is difficult to comprehend how ethnic conflict happens or why it happens. To them (Fearon & Laitin), in order for the political elite to hold and acquire power, they use violence as a means and an end product. This means that they use violence in as a way of gaining power and finally when violence happens its helps in hardening the identities between the two ethnic groups an avenue for more violence and an opportunity to use these hardened identity next time .In addition to elite manipulating the ethnic identity between groups the elite may also use ethnic violence as a cover up for other activities they may have been involved in like land grabbing and looting (Fearon & Laitin 2000:9).

Parry defines elite as “small minorities who appear to play an exceptionally influential part in political and social affairs” (Parry 2005:13).To Parry the elite include wealthy business people, head of unions, military not just politicians. These people are looked up to by the masses in the society among other and in a way they providing value’s in a society. The elite are said to directly or indirectly determine how the affairs of the country go. This is because they are involved in making crucial policies, they are also involved in decision making and sometimes their powers are not under any check. Parry further indicate that the reason why the elite control how the matters in the country is because “political institutions, political behavior, political power and political ideology all find a place in the controversies surrounding elites” (Parry 2005:14).The elite determine what political institutions to be designed and how they will be managed, they also determine the behavior of the politicians and also the masses depending on the ideologies they come up with.

This is the main theory that demonstrates Kenya’s case .As Branch argues about a meeting that was held in Odinga’s home in late June 1963 to celebrate Kenya’s self-rule “This was the first social event for the new political and economic elite- an elite that would dominate public life right up to the present day” (Branch 2011:2).Kenyan elite have been using violence to hold on to power and this could be observed in the post-election violence of 1991, 1997 and 2007.In 1991 and 1997. Moi’s government used violence to evict voters from Rift Valley and Coast provinces as they were seen likely to support the opposition. As Waki report indicates, “high ranking political figures, civil servants and others close to the heart of the Government organized and used violence to intimidate people in areas of potential opposition support” (Waki Report 2008).In 2007,the elite again hired illegal gang to cause violence so that they could stay in power. As Allen in Brach 2011 indicates, a meetings were held between Kikuyu politicians ,businessmen and the Mungiki group to carry out a retaliation attack on the Kalenjin militia group that had killed, driven away and burned houses of the Kikuyu’s in Rift Valley. They had been promised to be paid Kshs.300 equivalent of % 5 per person. The same group also carried out some very angry attack on Nairobi –Naivasha highway where they were blocking roads and forcing people to produce an identity card that would show your tribe and if you were a Luo or Kalenjin they were hacking you to death (Branch 2011:275). Elite in Kenya have managed to use violence as a means to achieve power and as an end because they have managed to instill negative ethnic identity between ethnic groups.

As Hall et al. in Langridge further argues the elite use asymmetry information through different media to influence their people. They mostly spread information that is of negative in nature and that’s what their people take up. Woodward also in Landgride argue that, the another way the political elite are able to promote negative ethnicity is through “psychological warfare” and this is where the elite have in a huge way perfected the art of blinding the masses through among other things telling them what they want to hear and giving them promises that they never fulfill when they get to position of power (Langride 2012). Elite in Kenya have managed to capture the minds of the masses and people tend to listen to them without questioning. They only give them the information that they know will awaken their grievances. For example when the constitution was rejected in 2005 because had not captured the aspect of Majimbo, the public had not read the draft but because their leaders the elite were voting no, they also voted no. The cost of implementing devolution is so high and that’s what may hinder its full implementation but the people were not made aware about this (World Bank 2012).

On his side Esman indicate that elite form groups and associations for the main purpose of helping individual achieve these objectives. He further argues ambitious political entrepreneur use ethnicity to build supports who will help them achieve political powers. He adds that State power in most African countries is associated with access to resources and politicians to get to these positions have pulled people along their ethnic lines who become their followers and vote for them to these positions. In most cases, they have portrayed other ethnic groups as their rivals are it due to economic or cultural reasons and this generate conflicts between different ethnic groups (Esman 2004:32).

The above explanation of elite theory in a way demonstrates Kenya’s political landscape where political parties are formed along tribal lines and ethnic groups supports one of their own to the position of power so that they can access to state resources and other privileges. There is a question that arise on why the ethnic group following their elite, if the elite are just manipulating ethnic identities for their own interest. Fearon and Laitin indicate that, several arguments could to be put forward towards this end and they include mental bias have developed within an ethnic group and they cannot the wrong doing of their leader and the others are to be blamed for the factors that are contributing to the violence. Another reason could be due to the unequal information that the group is made privy to by the elite. The elite may only disclose only part of the information that may heighten anger between group and that way without their knowledge the group fall to the trick of the elite. Additional explanation could be a situation where the elite may centralize power by claiming their groups are under threat and use the various institutional rules towards this end, since the group have no another way out they just rally their support behind the elite (Fearon &Laitin 2000:11).

## 6.2.1 Limitations

According to Toft, limitation to this theory are: - (i) The assumption that the elite are always driven by power and personal interest and the masses fall victim to (ii) Assumption that when elite manipulates norms and perceptions, for their own interest then, the construction these perceptions becomes rooted in history and in order for the elite to stay in power they have to go these constructed perceptions. (iii) if elite are able to manipulate identities to violence then they should be in a position to tone down the same identities to stop the violence. (Toft 2003:10).

## 6.3 Aspects of Ethnic Conflict in Kenya That Theories Do Not Provide

* Territorial boundaries (visitor-hosts) dynamics
* Unmet Expectations
* Unaddressed past Injustices and Lack of Reconciliation.

The aspect of ethnic conflict in Kenya that has not been well captured by primordial or elite manipulation theories is the aspect of “visitors - host” dynamics that have been created by territorial borders. Throughout the analysis there is an emerging trend that some people claim ownership to certain part of the country and while other ethnic groups are welcome to settle there, they are expected to abide to the unwritten rules by the host. This for example calls for the “visitors” to vote for a candidate of the host’s choice contrary to which they could be evicted. The visitors have also been accused of bringing foreign names from their regions to the hosts region, which the hosts are never happy about. For instance as TJRC indicates, in the Coastal region there is a group of ethnic communities that is not happy with the naming of a lake from Mkunguya to its current name now Kenyatta (TJRC 2013:24).These are some of the unwritten rule that the visitors have to abide with since not doing this creates tension even without any elite manipulation and any given chance it could result to violence.

Ethnic tension could also be created by high level of inequalities and unmet expectations which leads to some ethnic groups feeling marginalized and out of frustration they many turn their anger to those who belong to the ethnic group that they perceive is behind their frustration. For example in Kenya, this could have explained the sporadic reaction by the ODM supports when the results were announced that the same government that had frustrated them with denying them cabinet positions and allocating it to the Kikuyu elite was about to take power again. Even without their elite reaching out to the to preach hatred and incite them, they reacted in a violence and anger against any Kikuyu who was on site since they were seen to be the ones who had voted back the same government (Waki Report 2008:142).

Some ethnic groups have been victims of acts of injustices by the government and also by other ethnic groups. There have been no initiatives by the government towards addressing these injustices and even if they have been there they have not been adequate. For example the Wagalla Massacre or cases where leaders belonging to certain ethnic community have been assassinated and no justice has been provided for instance Robert Ouko and Tom Mboya (TJRC 2013 Vol. 4).Lack of providing justice leads to resentment and when an opportunity comes, anger is expressed inform of violence. Kenya has also not provided means and ways of reconciliation between ethnic groups that have been involved in violence. People coming up openly and apologizing for any pain that they may have caused one another provides for a healing process. Without this, people between ethnic groups continue to hold on to their pain and hatred and this in future even without elite manipulation cause violence. Certain forums like community courts organized at local levels may help in people opening up and seeking for forgiveness. This worked in Rwanda through the Gacaca courts where more than 12,000 community-based courts tried 1.2 million cases all over Rwanda. The ongoing case at the ICC and the witness dropping every so often leads to fear that, with time the case may collapse due to lack of evidence and also by frustration by the Kenyan government for not cooperating may mean at the end of the day victims will not get justice. Having not gotten justice at ICC and at home, they may keep their pain but in future it may cause conflict (UN 2014).

**Sum up**

The above chapter has presented two theories (Primordial and Elite manipulation theory) Knowledge gap between the theories and the case study was also identified.

# 7.0 CONCLUSION

This section seeks to answer the problem formulation which was: **To what extent will the ongoing Land Reforms proposed after post-election violence of 2007/2008 address the issue of negative ethnicity in Kenya?** To that end i formulated some three sub-questions to deal with specific issues in the problem formulation. The sub questions were- **What is the interrelationship between ethnicity, land and conflict**? **What role has political landscape played in shaping the conflic**t? and **will the proposed reforms address the problem**?

From the analysis, ethnicity, land and conflict are so intertwined in that land is a source of livelihood to many Kenyans and it also has spiritual, cultural and social values to these people. Division between ethnic groups is on territorial boarders and the region that each community occupies, claims ownership to it. It is also difficult to discuss three topics (land, ethnicity and conflict) without touching on Kenya’s politics. Reason being, land was the basis on which Kenya got its independence and land management & administration have been and still is under the government.

After independence, the government that took over from the British and the subsequent governments have not addressed the question of land that arose from the British alienating land from Kenyans during the colonial period. Instead, some communities have benefitted more from land allocation at the expense of other. The elite have through the process of land grabbing, illegal and irregular land acquisition been allocated enormous pieces of land while many poor people have been left without land. Kenya being a multiethnic society and these ethnic groups divided along territorial boarders has created an “insider and outsider” concept. This concept makes the communities to claim ownership over certain regions and they considered themselves as insiders, while people belonging to other ethnic groups settling in this region they are regarded as outsiders.

The political landscape in Kenya has played a role in ethnic conflict in that, the political system have created winners and losers depending on which side of the government you are in. To start with Kenya’s political parties are formed on tribal lines and this leads to party competition and by extension competition between ethnic groups wanting to have one of their own in the position of power. This have been due to the voters perceptions that having a leaders from their ethnic group, would create access to jobs, good roads, health facilities among other privileges .To get to power, the political elite have been inciting voters from their ethnic groups on historical land injustices and this creates tension between the “ insiders and outsiders” . Politicians have also incited masses within their regions to chase away the outsiders incase they pose as a threat to them by supposedly seen to vote for their opposition.

Political patronage have also led to regional imbalances with some regions that are seen to support the government being funded and allocated many cabinet positions, compared to those who are opposed to the government. Historical land injustices, increasing level of inequalities, incitement by politicians and perceptions that exist between different ethnic groups completes a loop of the relationship between land, ethnicity and conflict. From the analysis, it has been evident that even though historical land injustices exist, on their own they are not such a problem until some incitements from the politicians instigates violence. Elite manipulation of these injustices is what causes ethnic conflict. Primordial ties within a group as a result of biological linkage or historical experiences together harden ethnic identity between different ethnic groups. Territorial division between ethnic groups also leads to segregation of different groups heightening group identity. Through cultural practices and also by use of common language between ethnic groups, it leads to some sense of unity and belonging.

As indicated elsewhere in this research, it is not possible to tell with 100% level of certainty the full the impact of reforms on historical injustices because the reforms are still ongoing. After understanding the problems of ethnicity and land in Kenya, i have identified challenges that could hinder the reforms and proposed some approaches that could help in making the reforms a success.

According to the National Land Policy, historical injustices have been classified under issues requiring special intervention. Under this category, intervention to address the injustices includes; redistribution, restitution and resettlements. Redistribution is the process of giving everyone equal opportunities, access to land and sometimes it involves getting land from those who have huge pieces of land and redistributing to those in need of land. Restitution on the other hand means restoring land rights to those who had been deprived off their rights and resettlement is where the government buys land and allocates people who may not have land due to for example disaster or historical injustices (Government of Kenya 2009:41). Nation Land Commission which is the body that has been given charge by the Constitution to investigate on its own initiative historical land injustices and recommend the appropriate way to address the issues have already stared investigation.

According to the chairman, the commission is facing a lot of challenges key among the lack of enough fund to run its activities. For example last financial year the commission had been allocated close to 23 Million USD and this financial year the commission got only close to 8.2 Million USD. This makes it difficult for the commission to meet its mandate (Mwangi 2014, Mzalendo 2014).The main challenge towards these redress processes is lack of political will and poor planning. Many elite who have been involved in land grabbing and illegal land acquisition are still in government and they could influence reduction in budgetary allocation to National Land Commission, so that it’s not possible to meet its mandate. For instance, the current president is listed under Forbes 2011 report as one of the 40 richest men in Africa richest and his source of wealth is from land (Forbes 2011). National Land Commission being under funded by the treasury, despite the importance and the agency to address historical land injustices could be seen as lack of government full support to the reforms processes.

Lack of clear guideline on how these redress procedures will be carried and also lack of specifics on which body will be in charge of the implementation process also questions the commitment of the government in addressing the issue. The recent suing of the Cabinet Secretary for the Ministry of Lands by the National Land Commission over the lands ministry overstepping its mandate further demonstrates how challenging it may be in achieving land reform in Kenya. Also investing money to investigate these injustices while there have been previous commissions that have investigated the same m could be seen as waste of resources and lack of commitment (Kakah 2014).

Cabinet Secretary in Ministry of land, in her presentation during a conference on Land Governance and Poverty at World Bank offices showed that the priority of the Government now is to issue title deeds. While this is important, there is need to preach unity in Kenya because even if you are given a title over a piece of land where you are regarded as a visitor it does not help you so much. The government needs to create programs where Kenyans can learn how to accommodate one another (Ngilu 2014).

However, as Syagga (2011) illustrates, Kenya can learn from South Africa, Namibia and Hungary that have been able to implement successful restitution and redistribution programs. Land redistribution was done through the government taking unused or underutilized land from the landowners through willing buyer and seller .The government can also forceful take over land from these landowners in the event they are not willing to cooperate. Kenyan government should also be ready to help those who are not in a position to purchase land by offering them some grant.

Land restitution was successful in Hungary because it was agreed by every party that the best mode of compensation was in monetary terms to individuals. The Hungarian government was not involved in buying land but when an individual was allocated his compensation, the government assisted by informing them where land was available. The success behind South Africa’s restitution story was due to clear laws and regulation guiding the whole process (Syagga 2011). All what Kenya needs is; political will, clear laws & regulations and enough funding for implementing institutions. The process also needs to be done in a transparent manner and the public need to be involved all the way.

Approached from this perspective the land reforms could gain faith from the public, injustices may be addressed and ethnic tensions could be reduced. To completely address the ethnic conflicts in Kenya, there is also need for Kenyan to be accommodative of one another and create an environment where despite the region you come from or where you settle you feel acceptable.

**Sum Up**

In this chapter i have tried to answer the research questions, identified challenges that could hinder the reforms and proposed approaches that could help in making the reforms a success.

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# APPENDIX

**Respondent 1**

|  |  |
| --- | --- |
| 1. Are you proud being a Kenyan and why? | * Yes am proud ‘it’s my mother land ‘motherland’ |
| 1. Do you think Kenyans are united or not and why? | * Kenyans are united but politicians cause incitements |
| 1. Does it make you special being a Kikuyu or Luo? | * No,i looks at herself as a Kenyan not a Kikuyu * Nationality is important that the tribe |
| 1. How do you relate with people of other tribe? / What makes you different with other tribes in Kenya? | * She has many friends from other many tribes * She relates well with them and they speak the national   language Swahili |
| 1. What was your experience with post-election violence of 2007?     Was it planned? | * Traumatized due to the torture people were going through. * People became enemies all over sudden * People were fighting to get money * It was all incitements * Elections were rigged. * One tribe has been ruling the country for many years and the same tribe wants power again. |
| 1. What are the stereotypes you know of in Kenya and do you think they are true? | * Doesn’t think they are true and don’t know where they came from. * Kikuyu want power,money,they are big businessmen but   They are other big business people from other tribes. |
| 1. What do you think caused the post-election violence of 2007? | * Incitements by politicians who failed. * Money, power and greed. * Killing people in return for money and land |
| 1. Land has been identified as one cause of conflict in Kenya; do you think some people have been unfairly allocated land? | * Yes for example due to Corruption * When politicians are in power they grab land and it’s difficult to approach these people because they are in power now. |
| 1. Do you think the proposed land reforms will address the issue of ethnic violence in Kenya? | * No, they are people who have acquired land in the right way how do you move them to a different land. * Population growth and there is no enough land |
| 1. How do you think communities can be united in Kenya? | * Intermarriages * Speak national language * Politicians should stop being greedy |

**Responded 2**

|  |  |
| --- | --- |
| 1. Are you proud being a Kenyan and why? | * Proud being a Kenyan * Having have been born, raised and gone to school there. |
| 1. Do you think Kenyans are united or not and why? | * yes religiously and * Politically because they belong to the same political party |
| 1. Does it make you special being a Kikuyu or Luo? | * Did not choose where to be born where he is born (Primordial ties) * Not special but the difference comes in due to access to some privileges (where you are social class and if living in a rural or urban settings). |
| 1. How do you relate with people of other tribe? | * Have many friends from different tribes and his friends are not determined by the language he speaks |
| 1. What was your experience with post-election violence of 2007? | * Victim – not willing to discuss in details since he was affected and he lost a brother. |
| 1. What are the stereotypes you know of in Kenya and do you think they are true? | * Different social classes * How people acquire jobs (political class) * MNCs |
| 1. What do you think caused the post-election violence of 2007? | * Claims everybody knows * Stolen votes * Winner was known even ECK acknowledged this. (Institutional failure). |
| 1. Land has been identified as one cause of conflict in Kenya; do you think some people have been unfairly allocated land? | * Leadership and politics |
| 1. Do you think the proposed land reforms will address the issue of ethnic violence in Kenya? | * Through civic education |
| 1. How do you think communities can be united in Kenya? | * No one willing to give away their land * No idle land in Kenya * People don’t believe in commission. They are working for the executive. |