State-Sponsored Ethnic Violence in Africa: A case study of Kenya, 1991-1993

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Abstract

By the late 19th and beginning of the 20th centuries, the whole of the African continent had been divided among competing European nations. The sphere of influences created arbitrary physical boundaries which separated hitherto monolithic groups and haphazardly lumped them into new colonial administrations. The new colonial administration created new insecurity and lack of access to vital resources. In post-colonial Africa, as in Kenya, the new state not only sustained these boundaries and structures of imbalance but politicized the allocation of resources and access to them and therefore pitted communities against the other. This paper examined State-sponsored ethnic violence in the Great Rift Valley of Kenya. Using both descriptive historical and content analyses, the paper examined the nature, causes, state responses and the effects of State-sponsored ethic violence in Kenya and the implication on transnational crime.

Keywords: State-sponsored violence, Kenya, legitimacy, organized crime, international crime, *Majimbo*.

Introduction and Historical Background

Conflict and insecurity are prevalent in Africa. The phenomenon of state-sponsored communal conflict has emerged at the same time as a transition from a single-party political system to a multi-party one. Often it appears to be a self-fulfilling prophecy, justifying the government's claim that democracy would be accompanied by ethnic strife. It also ensures that at a local level a single party continues to dominate, whatever the appearance of pluralism in the capital city (*Article 19*, 1998). By the late 19th and the beginning of the 20th centuries, the African continent had been divided up by various European nations, namely, Britain,

France, Belgium, Portugal and Germany. Due to the way the partition of Africa was carried out, ethnic groups which had hitherto been independent were brought together under one colonial system for administrative and economic expediency. In Nigeria for instance, the Hausa, Yoruba, Igbo, Efik and other minor ethnic groups which had existed as independent nationalities were forced into a new entity known as Nigeria. In Zambia, the Shona and Ndebele who in pre-colonial times were uneasy bed mates were brought together under one entity by British colonial administration. In Rwanda, the Hutu, Tutsi, and Twa were brought together first by the Germans and later by the Belgians (African Rights, 1993; Prunier, 1995). Similarly in Kenya, the Kikuyu, Luhya, Luo, Kamba, Kalenjin, Maasai, and others were brought together under a new entity — Kenya — created by British colonialist (Arnold, 1974).

In all these cases unity was forced on the various indigenous people by an external actor which possessed superior coercive force over the indigenous population. Colonialism survived through the system of 'divide and rule' in which the colonialists created rapacious quasi-warlords to subcontract control of the people to a particular group on stereotype reasons of superiority (Newbury, 1988, pp.118-128). In some cases, some groups had more access to power and resources such as land than the other groups. In Nigeria for instance, the Hausa/Fulani were favoured by the British, in Rwanda, it was the Tutsi that were favoured by the German and later Belgian administration, and in Kenya, the British used the Kikuyu to rule over the other ethnic groups. The colonial system of 'divide and rule' created the sense of ethnicity and ethnic feeling. Therefore, during the struggle for independence, the political parties that were created to champion the course of the struggle drew their membership largely along ethnic lines. The National Council of Nigeria and Cameron (NCNC) in Nigeria led by Namdi Azikwe was Igbo dominated, the Action Group, led by Obafemi Awolowo was Yoruba dominated, the Northern People's Congress (NPC) was Hausa/Fulani dominated. Similarly, in Kenya, the Kenya African National Union (KANU) was Kikuyu dominated until Kenya became a one-party state.

The granting of political independence among other things meant resolving some of the problems associated with the unbalanced distribution of resources. In Rwanda for instance, the Hutu now in government, made conscious efforts to re-

appropriate land which had been appropriated by the Tutsi during the colonial rule (Prunier, 1995, p.75). In Kenya, although Jomo Kenyatta who became the president at independence in 1963 came from the Kikuyu group, hence no attempt to change the inequalities in the area of land appropriation, this was to change following Daniel Arab Moi's rise to power.

State-sponsored ethnic violence and ethnic related violence is not uncommon in Africa. It is largely driven by regional inequality, disputes over scarce (land, access to pastures), political power struggles, cultural practices, and proliferation of small arms and weapons (Mwangi 2022).

The following are some examples of the rise of state-sponsored in Africa:
In South Africa, the police and intelligence agencies provided training and funding over a decade for the armed activities of the Inkatha Freedom Party. In Kenya, warriors from President Moi's Kalenjin ethnic group have attacked and driven a quarter of a million people from their homes in the Rift Valley and Western Kenya, effectively disenfranchising them in the 1992 elections; similar violence in Mombasa which threatened the second multi-party elections were expected in late 1997. The Malawi Congress Party (MCP), probably acting on advice from Kenya, mobilized members of the Nyau secret dance cult to attack and intimidate opposition supporters in the campaign for the country's first multi-party elections in 1994. In eastern Nigeria, security forces have armed tribal militias from groups opposed to the Ogoni, who are campaigning for compensation for environmental damage caused by oil exploitation. In Rwanda, before April 6, 1994, the government armed and mobilized extremist Hutu militias at the same time as it engaged in peace talks with rebel forces. It is these militias which were responsible for the genocide of Tutsi after April 6, 1994. In northern Cameroon, traditional chiefs or Lamibe have detained opposition activists and critics using their arbitrary power, as well as using their palace guards to intimidate the local populace. In Democratic Republic of the Congo), militias orchestrated by the provincial government expelled hundreds of thousands of citizens of Kasaien origin from Shaba province (*Article 19*, 1998, p.4). In fact, it has been estimated that state-sponsored ethnic violence in the Kenya often referred to as "tribal clashes" or political violence in the Rift Valley and other areas of western Kenya cost at least 1,500 lives since 1991 and has caused massive displacement

among the local population. At one point the number displaced may have been as high as 300,000 (*Article 19*, 1998, p.12).

This paper examines the nature, causes and the effects of state-sponsored ethnic violence on Kenya. To this end, the paper focuses on the theoretical rationale of state-sponsored violence, the nature and causes of the violence in the Rift Valley, state's response in the violence, and concludes by looking at the effect and implications and the international nature of the crime.

The Rationale and Theoretical Background

State-sponsored violence according to Chambliss (1988, p.184) is a type of state organised crime defined as 'the type of criminality organised by the state which consists of acts defined by law as criminal and committed by state officials in pursuit of their job as representative of the state'. Or consist of criminal activities committed by or with or indirect support of a government. It can involve government officials, intelligence agencies, or military units directly involved in criminal activities or providing support to non-state actors engaged in such acts. Such crimes include state's complicity in piracy, smuggling, assassination, criminal conspiracies, acting as an accessory before or after, and violating laws that limit their activities, such as use of illegal method of spying on citizens, diverting funds in ways prohibited by law (e.g. illegal campaign contributions, selling arms to countries prohibited by law, and supporting terrorist activities (Chambliss, 1988, p.184). It may also include such illegal practices or acts which inhibit the right of the individual in society, for instance, illegal arrest, detention without trial, torture etc.

Why do states engage in organised criminality or why do states sponsor crimes? According to Chambliss (1988, p.196), the reasons for states involvement or sponsorship of crimes lie in the structure of legitimacy. States need legitimacy from its citizens to govern hence the (state) make laws or degrees to protect property and life. However, some laws contradict other interests of the state. It is therefore these contradictions which prepare the ground for state organised crimes as a solution to the conflict and dilemmas posed by the simultaneous existence of contradictory 'legitimate' goals. According to Chambliss, history is replete of state organised crimes such as piracy, for instance England, France, Holland and United

States of America, were complicitous in piracy between 1500 - 1800 even though their municipal laws did not sanction piracy as a legal activity. In the area of narcotic trade, Chambliss (1988, pp.188-191) noted the French in Indochina licensed drug traffickers and opium dens and used 50% of the revenue from this trade to support the colonial government of Indochina. Similarly, the United States which replaced the French in Vietnam were to depend on the opium profits. America, through the CIA provided airline and banking services to opium feudal lord growers in the mountains of Vietnam, Lao, Cambodia and Thailand. In the area of assassination for instance, the French intelligence agency hired Christian David to assassinate the Moroccan leader in 1960; the French secret service was responsible for the blowing up of the Green Peace ship sent to protest French testing of nuclear bomb in the South Pacific in 1985 (Hougan, 1978, pp.204-207). The CIA organised and supervised a coup de'tat in Iran which overthrew the democratically elected government of Mohammed Mossadegh in 1953 because he was unpopular with the United States when he nationalised foreign-owned transnational oil companies in Iran (Hersh, 1978, p.13 cited in Chambliss 1988:198). Similarly, the CIA organised a coup which overthrew the government of Salvador Allende in Chile and went on to train the Chilean Secret Service (DINA) which was responsible for the assassination of several Chileans all over the world (Dinges and Landau, 1980, p.239).

In Kenya, state-sponsored ethnic violence, especially in the Rift Valley region was not only centred on re-possession of land from the Kikuyu and Luo groups (who by circumstances of colonial rule had appropriated these land), by the Kalenjin and the Maasai groups but more significantly on the need to create *Majimbo* and to stop the introduction of pluralistic political party structures which was imposed on Arab Moi's government by the West and Western international financial organisations. *Majimbo* means regionalism based on the different ethnic groups that make up Kenya. It was the basis for the struggle for independence but was later abandoned by Kenyatta government at independence.

State-sponsored violence could be through active involvement by state's agents (e.g. the police, military, state institutions such as the civil service, or through state representatives) or it (state) could be inactive to provide adequate and the much-needed protection or relief assistance to alleviate the hardship suffered by the

victims of the violence. Or the state could be involved in a violence by actively obstructing through its agencies (e.g. police, the judiciary or through the parliament) or harassing individuals or organisations seeking to assist the victims of violence or bring the plight of the victims to international attention. In Kenya, the state involvement manifested in the use of both active and inactive strategies to perpetuate the ethnic clashes in the Rift Valley region.

As stated earlier, Kenya is made up of different ethnic groups which were brought together by the British. These ethnic groups include the Kikuyu (which make up 21% of the population), Luhya (14%), Luo (13%), Kamba (11%), Kalenjin (11%), Kisii (6%), Meru (5½%), Maasai (1½%), Turkama (1½%), and Teso (1%) (*Human Rights Africa Watch*, 1993, p.5).

During the struggle for independence and the subsequent transition to democratic rule, the numerical strengths of the ethnic groups were to be vital in the election of politician and other government office holders. The first elections which replaced the British was fought between the Kenya Africa National Union and Kenya Africa Democratic Union. Although the establishment of *Majimbos* formed the basis of the electioneering campaigns, in office, Jomo Kenyatta was to abandon *majimboism* for some form of federalism. *Majimbo* would have ensured, among other things, the control of regional resources, e.g. land, by the various regions or ethnic groups. However, the abandonment of *Majimboism* was not to rest, for when Daniel Arab Moi succeeded Kenyatta in 1978, there were serious calls, especially by the Kakenjin politicians (including Moi, who is from the Kalenjin group who during the colonial rule had lost their land to the Kikuyu, Luhya and Luo groups. for the creation of *Majimbo)* (Human Rights Africa Watch, 1993, p.5).

Before the 1990s when the ethnic violence in the Rift Valley began, Kenya has been a bastion of violence and human rights abuses. Kenya's human rights records, especially with regards to unlawful detention, torture and 'disappearance' of persons, and murder by the state have been unpleasant right from the regime of Kenyatta. For instance, in 1975, J M Kariuki, a prominent government critic who was also a member of Parliament 'disappeared' and was murdered (Amnesty International (AI), 1987, p.3). And by 1978 when Arab Moi took over the

presidency, as many as 26 political detainees held under Kenyatta's government were freed (A I, 1978, p.3).

However, from the 1980s this picture changed as the catalogue of human rights abuses and violence increased. For instance, in February 1984 several hundreds of people of Somali ethnic origin in the Wajir, northeastern Kenya were killed and tortured by the state security forces (A I, 1978:3). After the February 1985 university students' demonstrations, at least 19 students were arrested, in which at least one student and possibly more were killed. And there were some 200 people reported to be under sentence of death for robbery with violence or murder (A I, 1987, p.4). Between 1985 and 1986, there were rampant incidence of illegal arrests, detentions, and torture of university students and lecturers, teachers, opposition politicians, journalists, businessmen, farmers, and as well as civil servants. Prominent among them were Ngotho Kariuki (former Dean of Commerce at the University of Nairobi), Kariuki Gathilu and Joseph Manje (both university lecturers), Oyangi Mbaja, a business colleague of Odinga Odinga (A I, 1987, pp.4-5).

Against this background of increasing catalogue of abuses, Kenya constitutionally and officially became a one-party state in 1982. And following this development, the government introduced the Public Security Regulation, which empowered the president to detain anybody without charge if deemed to be a security risk, and to declare a state of emergency with approval from Parliament. In fact, to all intent and purposes, Kenya had moved towards authoritarian rule until the early 1990s when the World Bank and other donor nations issued an ultimatum in November 1990 to the government of Kenya suspending over $1billion a year in foreign aid until political and economic reforms were put in place (Human Rights Africa Watch, 1992, p.8). It was this pressure to move towards political pluralism coupled with the land question that was to give rise to sporadic ethnic violence in the Rift Valley region.

Politics and ethnic violence in the Rift Valley

Kenya operated a unitary democratic political system which consisted of a national government with various administrative provinces and counties. Kenya is divided into eight provinces (or regions), namely, the Rift Valley, Nyanza,

Western, Central, Eastern, Northeastern, Nairobi, and Coast. The provinces were administered through local government officials led by the provincial commissioner. Each province was sub-divided into districts which were administered by District Commissioners (DC) and District Officers (DOS) (Human Rights Africa Watch, 1993, p.16). And all local government officials, including the local chiefs were direct appointees of the President's Office.



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The Rift Valley province was originally inhabited by the Kalenjin, Maasai, Turkana and Samburu ethnic groups. During the colonial period land in this area was allocated to other ethnic, mainly the Kikuyu, Luo and Luhyu (who later became

the major occupants) by the colonial administrators. The Rift Valley is the province of Arab Moi and provides support for the KANU led government. It has the largest number of seats in Parliament -- 44 out of the 188 seats (Human Rights Africa Watch,1993, p.12).

Ethnic violence in the Rift Valley can be divided into two major phases, the pre-multiparty election, and the post-multi-party election.

Pre-multiparty election phase

The pre-multiparty election phase of the ethnic violence began with the organisation of political rallies which were aimed primarily at mobilising and galvanising the people of the Rift Valley against the proposed multiparty elections. There were two main rallies organised by prominent KANU politicians from the Rift Valley province. These included George Saitoti (the Vice President), Nicholas Biwott (MP), William Ole Ntimama (Minister for Local Government), and Joseph Misoi (MP). In these rallies organised on September 8th and 21st 1991, both held at Kapsabet, the politicians argued for *Majimboism* as a safeguard for the interest of the smaller groups and a check against the colonisation and oppression by the major ethnic groups; and vowed and threatened to ban multiparty advocate from entering the Rift Valley province (Human Rights Africa Watch, 1993, pp.13-14). These rallies also provided the background for the alliance of the groups that make up the Rift Valley, thus enabling them to form a common front and support for the Moi KANU led government.

The rallies triggered off series of ethnic clashes. The first clash to breakout was in Meteitei farm in Inderet in Nandi District on the border of the Rift Valley, Nyanza and Western provinces on October 29, 1991. Although the government portrayed the clash as a simple dispute, the scale, degree and the pattern indicated that it was a politically ethnic motivated clash. For instance, the attackers were identified as Kalenjin and the victims were non-Kalenjin and opponents of KANU, and the leaflets which were circulated warned the Luos and the other non-Kalenjin to leave the area by December 12, 1991, or face the consequences. The clashes soon became sporadic and targeted non-Kalenjin, their farms, houses and livestock. The attackers were a group of Kalenjin called the 'warriors'. At the wake of the Meteiti clashes, press reports estimated that the death toll was six to ten, and the number

of displaced people were about 50,000. But the government figure put the death toll at three (Human Rights Africa Watch, 1993, p.20). Although attempts were made by two Luo members of parliament, Onyango Midika and Miruka, to bring a motion to discuss the matter in the house, the motion was withdrawn after receiving assurances from the government that it would do all in its powers to end the clashes. However, despite government assurances, the clashes continued to spread to neighbouring Kericho District. At Kericho, the number of deaths rose to five. The clashes spread further to the north to Trans Nzoia District affecting Luhya, Kikuyu and Kisii groups. By December 27, 1991, non-Kalenjin were attacked at Endebeo District, Trans Nzoia District in which another five people were reported dead, several injured and seventy houses burned (Human Rights Africa Watch, 1993, p.20). Between January and March 1992, the clashes spread further to West Pokot near Uganda and reached its peak rendering many people dead, thousands homeless and houses burned.

Retaliatory attacks on the Kalenjin people were launched in the Kibigori, Kisumu District by the Luo community in which Kalenjin homes were targeted, looted and burned (Human Rights Africa Watch, 1993, p.24). The Luhya also launched retaliatory attacks on the Kalenjin in Chepkube, Bungoma District. Perhaps the most vicious clash was the one that broke out in Olenguruone, Nakuru District in which Kalenjin used poisoned arrows and in which an estimated 20 Kalenjin and 200 Kikuyu were killed (Human Rights Africa Watch, 1993, p.25). In all these clashes, the government response was minimal and in most cases non-existence. Only in the Olenguruone violence that the government dispatched extra 40 policemen and a helicopter (Human Rights Africa Watch, 1993, p.25).

Government response to the Pre-multi-election ethnic violence

The response of the Kenyan government was inadequate and ineffective. According to the principle of social contract, citizens give their support and allegiance to the state in return for state security and protection. This age long principle was not accomplished. First, the state blamed the ethnic violence on the opposition party who it claimed was responsible for the violence through the employment of Libyan-trained terrorist squad (Human Rights Africa Watch, 1993, p.27). Later the state reacted by banning political rallies and blaming the press for spreading lies. It also called for an end to the violence through the media. These

measures were inadequate. In all there was a lack of adequate and effective security arrangement to address the problem and lack of efforts to provide relief assistance to the victims of ethnic violence.

State involvement in the Pre-multiparty election ethnic violence

As stated above, state-sponsored ethnic violence could be through direct participation or indirectly through state representatives and the use of state facilities. In Kenya there is evidence that the state aided and abetted these clashes through members of parliament funding the warriors and organising *majimbo* rallies. In fact, a thirteen member Parliamentary Select Committee set up in May 1992 under the chair of Kennedy Kiliku MP which conducted a widespread investigation on the ethnic clashes, among other things concluded that the clashes were politically motivated and that many Kalenjin government officials and security officers had contributed to the violence. For instance, the Kiliku Report noted that

> Evidence received by the Committee. . . indicated that the fighters were on hire and were paid sums ranging from Kshs.500 ($12.50) for safe return from the clash front, Kshs.1,000 to 2,000 ($12.50 to $25) for killing one person or burning a grass-thatched house and Kshs.10,000 ($125) per permanent house burnt. Several witnesses also alleged that some of the persons funding the wages of the 'warriors' were the Hon. K N K Biwott, E G H, MP; Hon. Rueben K Chesire, MP; Hon. Ezekiel K Barngetuny, MP; the proprietor of Guest House at Kedowa market, Kipkelion division; and the Hon. Wilson Leitich, MP (Africa Watch, 1993, p.30).

The report further noted the use of government vehicles and helicopters for the transportation of the 'warriors'. Although the report was rejected by Parliament, its findings was damning to the government. The publication by *Finance magazine* also noted the use of a private army by Hon. K N K Biwott (a Kalenjin MP) for the purposes of promoting ethnic violence (cited in Africa Watch, 1993:31). These evidence lend support to earlier finding of the National Council of Churches of Kenya (NCCK) in April 1992, and the National Task Force (made up of NCCK, Political Opposition Parties, International Commission of Jurist (ICJ-Kenya), the Law Society of Kenya (LSK), the University of Nairobi, and the Women Lobby

Group) which alleged the involvement of high-ranking government officials, the use of government facilities and the inactive role of the security forces in the ethnic clashes (Africa Watch, 1993:28-29).

Post-multiparty election ethnic violence

The multi-party elections were held in December 1992, but the ethnic violence continued into 1993 in some areas. While in some places there were acts of intimidation and threat, in others, violence brought about deaths and displacement of non-Kalenjin. In all these violence, the attackers have been the same -- the Kalenjin warriors. The following activities would suffice as post-multiparty election violence.

In January 1993, the Burnt Forest area in Uasin Gishu was attacked by 300 Kalenjin warriors armed with bows and arrows and killing four people and setting houses in the Lorian trading centre (where refugees were settled) on fire. On February 4, 1993, 200 warriors attacked the Ya Mumbi trading centre near Burnt Forest. And although there were police stationed only six kilometres away, they arrived to the scene seven hours later (Africa Watch 1993, pp.33-34). In the Trans Nzoia and Bungoma Districts, there were ethnic violent clashes in January and February 1993 which left over 14 Luhyas dead (Africa Watch, 1993, p.35). Furthermore, in August 1993 Kalenjin warriors attacked Kikuyu population in Molo, killing about 15 people and leaving hundreds to flee to Kenjioketty, about 20 kilometres away, for protection (Africa Watch, 1993, p.37). Even when the government had declared that it had ended the ethnic violence with the creation of security operation zones, on October 12, 1993, clashes broke out in Enosupukia in Narok District. In the wake of this attack Kikuyu houses and farms were torched and four people were killed, this time by the Maasais. On October 15, 1993, about 500 armed Maasai, carrying knives and sharpened sticks attacked Enosupukia again. The police which were deployed in Enosupukia, following the attack, was ordered to return to Nakuru District 'on the grounds that Narok District was not their area of jurisdiction'. Soon after the police exist, 17 Kikuyu were killed by the Maasai attackers (Africa Watch, 1993, p.42).

Government response to Post-multiparty election ethnic violence

Government responded to the continued violence by declaring the Nakuru (Molo), Uasin Gishu (Burnt Forest), Kericho (Londiani) Districts security operation zones. According to section 85 of the Kenyan constitution, the President has the power to invoke Part III of the Preservation of Public Security Act to regulate and restrict the movement of persons, censor the press and prohibit any meeting or procession, in any part of the country on the grounds that:

> such order under this section shall cease to have effect on the expiration of a period of 28 days commencing with the day on which the order is made where before the expiration of that period it has been approved by resolution of the National Assembly (Africa Watch, 1993, p.38).

However, this order for the creation of security operation zone was never approved by the National Assembly (*Africa Watch*, 1993, p.38). The government of Kenya responded to the violence negatively through the inaction, obstruction and harassment of individuals and agencies or organisation that were prepared to render some assistance to the victims of ethnic violence.

Inaction

Inaction can manifest in many ways. In Kenya it manifested mainly in the inability of the Kenyan government to provide security and rehabilitation and relief assistance to the victims of the clashes. Under the principle of social contract, the state was supposed to protect its citizen in return for allegiance, and under Article 6 of the International Covenant on Civil and Political Rights, every human being is guaranteed the inherent right to life which must be protected by law. Also, the Covenant in Article 26 guarantees that:

> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law . . . the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (quoted in Africa Watch, 1993, p.43).

Furthermore, the United Nations (UN) Human Rights Committee which monitors the compliance of the Covenant, states that the state must not only have the duty to protect its citizens from violations but also investigate those violations when they occur and bring the perpetrators to justice. Finally, the UN Economic and Social Council's Basic Principles on the Effective Prevention and Investigation of Extra-Legal Arbitration and Summary Executions Principle 9 states that a thorough, prompt and impartial investigation of all suspected cases of extra-legal arbitrary and summary execution must be carried out. Kenya is a signatory to these international regimes but took no effective and adequate action to investigate the causes, implications and consequences of the violence, nor did it bring the perpetrators to justice.

There was also no adequate security protection of the victims by the police. There were cases of complaints by non-Kalenjin victims that the police officers stood by and watched while the Kalenjin warriors attacked. In fact, NCCK noted that the police were quicker and faster to respond and crush peaceful demonstrations in Nairobi who were urging government to release political prisoner but did nothing in the first six months of the violence, to quell the clashes in the Rift Valley (Human Rights Africa Watch, 1993, p.44). Even cases of intimidation against non-Kalenjin who were returning to their land were hardly investigated by the police.

Human Rights Africa Watch (1993, p.46) noted that there were allegations, supported by statements by some junior policemen, that police officers were acting under orders not to shoot at Kalenjin attackers. Apart from inaction by the police, there was discrimination in the application of the law, especially in cases involving the possession of firearms or ammunition. There was a selective policy of bringing only non-Kalenjin for the offence of illegal possession of weapons. Although one would have logically expected more Kalenjin to be prosecuted for illegal possession of weapons since they were the perpetrators, however, Human Rights Africa Watch noted that of the 11 persons charged in March 1993 for the illegal possession of home-made guns and ammunition in the Burnt Forest area, all were non-Kalenjins (Africa Watch,1993, p.51).

Similarly, there was also selective discrimination in the application of the law regarding the interpretation of statements made by politicians. While government

was swift to act and accuse opposition politicians of making inflammatory statements about the clashes, it exercised some degree of reticence in censuring its own KANU officials and politicians. For instance, while the opposition MP for Molo South, Njenga Mungai, was interrogated in July 1993 for charging and inciting his fellow Kikuyus in the Molo South area to defend themselves against the Kalenjin attacks, KANU politicians such as the Assistant Minister, Sharif Nassir, Wilberforce Kisiero MP for Mt. Elogou; and William Ole Ntomama (Local Government Minister) who on various occasions have made inflammatory comments or incited fellow Kakenjin or Maasai people to take up arms against the Kikuyu, were never interrogated or arrested by the police (Africa Watch, 1993, p.52).

There was also government inaction in providing adequate relief assistance to the victims of ethnic violence in the Rift Valley. Since the pre-multi-party election violence, the government was only able to announce the provision of food and other relief assistance valued at $125,000 or Kshs.10 million in March 1992. Although this sum was paltry compared to the scale of suffering unleashed on the people, and the loss, only about tenth of this sum was distributed in the form of cash, plants seeds, food, building materials etc. (Africa Watch, 1993, pp.53-55).

Another form the Kenyan government responded to the violence was to obstruct and attack or harass individuals or organisations that attempted to monitor and report the clashes or assist the victims of the violence. For instance, apart from suppression of the Parliamentary Select Committee's (Kiliku) Report by the government, the Speaker of the House ensured that meaningful discussion on the violence in the Parliament were either manipulated or blocked. Church officials who tried to assist victims and journalists suffered from harassment from government law enforcement agencies. Vociferous television and print media such as the *Finance, Society, The Nairobi Law Monthly*, and the KTN private television all suffered various forms and degrees of threats, arrest of their personnel, seizure of assets for giving coverage to the clashes. For instance, in February 1993, Njehu Gatabaki, the editor of Finance magazine was released on sedition charges after being held in custody for nearly one month; on April 30, 1993 equipment belonging to Fotoform Ltd. which prints for radical magazines and newspapers including The Society, Finance and The Nairobi Law Monthly, were confiscated

by the police and its director charged for seditious publication (Africa Watch, 1993, p.58-59).

Conclusion

The contradictions in Kenya — KANU's opposition to political pluralism and the campaign for *Majimboism* as a means of ensuring KANU's stay in government and the return of land in the Rift Valley to the Kalenjin people which had been acquired during the colonial rule by non-Kalenjins, especially the Kikuyu, Luo and Luhya groups provided the background for the rise in ethnic violence which was supported, manipulated and instigated by the Arab Moi's government. Although the causes were political, it demonstrated how politicians can mobilize the people using economic factors — in this case land.

The ethnic violence began in 1991 through to 1993. The impact can be seen not only in deaths and misery, but in the damages and destruction to houses, farms and the fabric of social relations in the Rift Valley. During the period, it was estimated that the violence resulted in the death of over 1,500 people and to the displacement of over 300,000 people. In the pre-multiparty election phase of the violence, the Parliamentary Select Committee (Kiliku) Report estimated that there were 779 deaths, $2.6 million property damaged, over 600 injured and 56,000 rendered homeless (Human Right Africa Watch 1993, pp.30 and 90).

The ethnic violence was state-sponsored for it marked not only the involvement of state agencies, officials and the use of state facilities, but more significantly state inaction(e.g. in the provision adequate relief and assistance, the inability of the police in providing security and the selective discrimination in Kenya's criminal justice system in dealing with violence related criminality), and the obstruction of individuals and organisations who tried to articulate the degree and scope of the violence.

The crimes committed during the period contravened international criminal laws and principles to which Kenya is signatory to. For instance, the arbitrary killings contravened Article 6 of the International Covenant on Civil and Political Rights which guarantees every human being the inherent right to life; the inadequate protection and the lack of thorough and swift justice further contravened Principle

9 of the Basic Principles on the Effective Prevention and Investigation of Extra-Legal Arbitrary and Summary Executions.

Finally, the clashes in the Rift Valley apart from illuminating our understanding of the involvement of the state and the politicisation of violence, demonstrates the wider divisions in most African state — divisions between the various ethnic groups that make up the post-independent states — which are reminiscent of colonialism.

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