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Short commentary: under fire Ethnic minorities wedged up in post-election violence in Kenya: a lesson for African governments

Susan Kilonzo

On 27 December 2007, some ten million Kenyans went to the polls in what were generally anticipated to be the most hotly contested and close-run presidential, parliamentary and civic elections in the country's 45 years since emerging from British colonial rule. The register of voters had been swelled since the previous elections by new registrations, many of them young, first-time voters. The Electoral Commission of Kenya (ECK) had therefore doubled the number of voting stations to 27 555, and arranged in some 20 000 polling centres. President Kibaki trailed most of the time and only started catching up well into the vote tallying exercise. He was ultimately declared the winner (by an extra 231 728 votes over the Orange Democratic Movement's [ODM] candidate, Raila Odinga) in the late afternoon of 30 December 2007, and then hurriedly sworn in, notwithstanding raucous protests that the results had been rigged. These protests and an ODM press conference were abruptly silenced by a news blackout and summary security clampdown as armed soldiers hustled candidates, party agents, diplomats and domestic as well as international observers out of the Kenyatta International Conference Center where the tallying process was taking place. Some observers were astounded, others who had been allowed into the tally centre were visibly incensed by what they regarded as evidence of malfeasance on the part of the ECK, committed in their very presence. An upward adjustment of already announced results from some populous pro-Kibaki constituencies, ostensibly favouring the president, fanned the flames of suspicion.

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Televised utterances by the ECK's Chairman, Samuel Kivuitu, only served to make matters worse, as did a hurriedly composed media statement released by four of the 22 commissioners, commenting on the twist of events and calling for calm. Widespread and often ethnically motivated violence erupted and rapidly spread to various parts of the country.¹

Shaken by the turn of events a day after he had announced the incorrect results of the presidential elections, Kivuitu divulged that he did not even know who had won the elections. This further complicated the already muddled situation. Kibaki's move to replace some members of the ECK merely days before the elections – an action which had caused an outcry from ODM politicians – was now understood as a pre-planned approach to ultimately rig the elections. Raila Odinga, who had foreseen this taking place even before the elections, had warned the president on the dangers of attempting to rig the outcome. The post-election violence seemed to confirm suspicions that the aggression had been pre-planned in the event that the ODM lost the elections despite attempts at rigging the results.

Violence greeted the country with a magnitude hitherto inconceivable to many Kenyans, and to the external world that had known the country as an island of peace. From 29 December 2007, following a delay in the announcement of the contested results, to 29 February 2008, when the two key principals – Mwai Kibaki (President) and Raila Odinga (Prime Minister, hereafter PM) – signed the national peace accord, the country was burning.

It all started in Kisumu, the home town of the PM, and parts of the Rift Valley Province, with his supporters convincingly arguing that their presidential candidate had won, and that the PNU had engineered the results. Odinga's supporters therefore turned their antagonism on the Kikuyu, Kamba (because one of the presidential candidates, Kalonzo Musyoka, who was later to be appointed Vice President, had transferred his support to the PNU), and Kisii, among other minor ethnic groupings that were thought to support the PNU. Mobs looted these ethnic groupings' properties and evicted the people, branding them thieves and renegades. Approximately 1 200 people died within the two months when carnage and arson raged through the country. More than 350 000 people were displaced, with most of them being accommodated in camps for internally displaced persons (IDPs).

This was not the first time that ethnic rivalries were being experienced in the country just before or after elections. There is a history behind this which dates back to the colonial period, and which has been well documented by various scholarly researchers.² It is, however, important to note that unlike the prior skirmishes which directly integrated land disputes to the vote issue, the 2007/8 post-election violence was directly triggered by vote rigging. No one expected the turn that events took. The violence surprised not only the citizens of Kenya, but also the international community at large.

I recall flying in from Nairobi to Kisumu on 4 January 2008, traversing the city to confirm for myself what the media claimed to be a burning 'ghost' city. Certainly,

it had been ruined, with most business premises owned by ethnic minorities having been reduced to ashes, and their property pillaged. The town was deserted, and all one could see were fire and smoke from the smouldering buildings. In Luanda, situated 70km from there (the town where I lived), the situation was completely different. People were calmly going about their normal daily activities. This was, however, not to be sustained because as the frenzied scenes escalated, with the war taking on political nuances and some leaders calling for the support of their ethnic communities to seek revenge on the perpetrators, soon all the major towns were under siege, with hostilities spreading to towns along the main roads. Nairobi, Nakuru, Mombasa, Naivasha, Thika, Eldoret, Kisumu, and many other major towns were burning. The fighting turned out to be an exercise in ethnic cleansing, with some tribes exacting vengeance because their fellow tribesmen and -women had been evicted from other regions. Luos and Kalenjins, who were believed to be staunch supporters of the ODM, fought Kikuyus, Kambas, Kisii; in reprisal, these groups – especially the Kikuyus – fought Luos and Kalenjins in regions where they dominate, such as Central Province and parts of the Rift Valley Province. Carnage was experienced in the two months following the announcement of the soon-to-be contested elections.

The Waki Report, written after investigations into the extent of the damage, indicated that there was evidence that the post-election violence had been pre-planned – especially if the outcome of the presidential elections did not meet a certain people's expectations. A number of Kalenjin witnesses testifying before the commission said they had participated in meetings they claimed were called with the view to organising violence. Others stated that they were insiders, with information on the attacks being planned. A resident of Eldoret town maintained that the attacks on people in outlying suburban areas of Eldoret, such as Ilula, Chepkoilel, Munyaka, Kiambaa, Kambi ya Mumbi, and Turbo, were part of 'a coordinated attack'. For instance, in Uasin Gishu District, the aggression comprised large marauding gangs of 1 000 to 2 000 Kalenjin youths, who appeared less than five minutes after the results had been announced, brandishing machetes, bows and poisonous arrows, and occasionally firearms, matches and projectiles filled with petrol. These menacing gangs manned blockades, blocking numerous roads with tree trunks and huge rocks – some of which had been transported there by tractors from throughout the district. They also burned vehicles and tyres, refusing to allow anyone to pass, while their comrades engaged in killing, insurgency, and marauding. The hordes made numerous simultaneous attacks, cutting off all five entrances to Eldoret town, roads and highways, as well as the main artery to Kisumu and Uganda, and beyond from Timboroa to Turbo.³

By January 2008, it had become evident that Kenya was facing a catastrophe, largely due to the unresolved contestation of the election outcome, as well as what was becoming increasingly apparent – the killing and expulsion of innocent ethnic groupings in several parts of the country, especially in Kisumu, Eldoret, Mombasa, Molo, Kuresoi, Kibera and Eastlands (Mathare and Kariobangi). Hundreds of camps

were springing up in several parts of the country, signifying the magnitude of the displacement. Some citizens sought asylum in neighbouring countries such as Uganda and Tanzania. Besides the destruction of infrastructure and roads, economic losses due to looting, and forced closure due to insecurity, social disturbances and ethnic tensions that undermined the will to build cosmopolitan communities, humanitarian needs (hunger, shelter, medicine) insecurity and loss of lives, numerous cases of physical assault and rape – especially of women and children – were reported. Many women who allowed the police into their homes in the hope of ensuring their own security, were raped and threatened. With the need for protection and food, it was reported that women and young girls were forced to provide sexual favours in return for these essential commodities. Men who were ostensibly providing security in these camps were also linked to cases of rape. Many victims could not get to hospital for treatment, nor could they take legal action against their aggressors, due to the chaotic situation in the country. After the violence had ebbed, doctors indicated that they were not only treating the physical injuries of the rape victims, but also sexually transmitted infections. It is, therefore, feared that the next nationwide survey on HIV prevalence will indicate escalated results. Those who sought refuge in the camps at least saved their lives despite the noted challenges. Those who sought refuge in places which were thought to be safe havens, such as church buildings, faced the wrath of the rioting gangs. One sad story that led to the loss of the highest number of lives in a single tragedy, suffices here:

On the 1st of January 2008 at around 10 a.m., I heard people yelling that some raiders were coming. I saw smoke from some houses in our village and the houses were burning. Everyone in the village started running towards the church (Kenya Assemblies of God). My mother who was 90 years old was with me at the time. I decided to take my mother into the church for safety. After a few minutes, I saw more raiders coming towards the church ... We thought the raiders would not attack the church. Many people were being pushed into the church by the raiders. The raiders threw some mattresses into the roof of the church and threw more into the church. They were also pouring fuel (petrol) onto the mattresses. All of a sudden I saw fire break out. I took my mother towards the main door to get her outside, but there were many others scrambling toward the door as well. We both fell onto the floor. I wanted to save my mother from the burning church, but one of the raiders prevented me. I saw the fire had reached where my mother was. I heard her cry for help as the fire burnt her, but I could not help.⁴

Kikuyu men attempting to defend their loved ones were hacked to death with machetes, shot with arrows, or pursued and killed. The death toll in this horrific incident was as follows: 17 were burned alive in the church, 11 had died in or on their way to the Moi Teaching and Referral Hospital, and 54 others had been injured (some of whom were treated and then discharged).

There were also claims that the police used excessive force to quell the rioting groups, in the process contributing to the death toll in the violence. These reports were

confirmed by the media, who aired live coverage of police using live ammunition to disperse angry mobs. The Waki Commission also heard evidence of numerous other instances of police brutality. Witnesses speaking under oath shared horrifying tales of police brutality and indifference. This included police standing by, doing nothing or refusing to come to the assistance of individuals and communities under attack; joining in the attacks; raping already vulnerable victims; or taunting Kikuyu victims with one of Kibaki's campaign slogans: '*kazi iendelee*' (let the work continue), as they stood by watching helpless victims being attacked. In other cases there were reports of victims under attack seeking police help, and being turned away. Similar allegations were made in the evidence produced by the Kenya National Commission on Human Rights. The commission was told that some chiefs either passively or actively collaborated with the attackers.⁵ These and other similar sad revelations engulfed the country, with the two principal leaders watching in silence until the international community came to Kenya's rescue. The National Peace Accord was signed on 29 February 2008 under Kofi Annan's mediation, and peace slowly returned ... but not lasting peace, it would seem.

The formation of the grand coalition government in the 'post-Annan era' saw a period in which cabinet was hugely extended, so as to accommodate ministers from both sides of the coalition. This necessitated the creation of new ministries in the government, and the splitting of existing ones, without sparing a thought for the deteriorating Kenyan economy. The Kenyan taxpayer, of course, has had to bear this colossal expense. As a result, the Kenyan citizenry has been calling for the ministers and members of parliament to pay taxes from their hefty salaries. This, of course, has fallen on deaf ears. Despite the divisions of power, in 2008 one side of the coalition (the ODM) claimed not to have an equal share of the power-sharing deal. These claims have escalated to serious accusations from the OMD, calling on the PNU to revisit the deal. ODM members have accused their PNU counterparts of hijacking the National Accord, and interpreting it in a partisan manner.⁶ Agenda Four of the National Accord⁷ requires a resolution of long-term issues surrounding ethnic rivalries, and of any issues that may lead to a resurgence of the violence witnessed in the country in 2007/8. Given the squabbles within both sides of the coalition this agenda may not be realised soon, as was evident from the failure of the two principals to attend a meeting with Kofi Annan in Geneva, Switzerland, at the beginning of April 2009, to address the successes/failures of the grand coalition. Recent statements by the two principals and their allies indicate deep anger and discontent, and a thirst for control of the government. Their differences have also been on display in their failed efforts to reconstitute another electoral commission. Some appointments were made in mid-March 2009, with Cecil Miller being appointed ECK chairperson, but this was thwarted by means of a parliamentary vote. Even as some religious leaders call for fresh elections to end the political crisis, one distressing factor is that there is no electoral commission in place. More perturbing is the fact that some IDPs are still living in camps more than sixteen months after the post-election violence

began. This is inhuman. More than ever before, other African governments should learn from the Kenyan experience that power-sharing deals and grand coalitions are not a solution to political upheavals. To emphasise this, we could also borrow from Zimbabwe's experiences after the power-sharing deal between Robert Mugabe and Morgan Tsvangirai. Can our African presidents learn to accept defeat and respect democratic governance through the citizen's vote? Respect our civil and political rights!

Here we are now, watching the Kenyan grand coalition ... the once intimate union ... disintegrate due to the wranglings of the president and the PM. The PM and his allies claim not to have an equal share of the 'loaf' ... What irony! They do not care who gets hurt in their selfish endeavour to satisfy their political egos. They have the power and have stolen all the pride that Kenyans had. It is such a disgrace, even as they call for public rallies, and plan mass action through the support of the suffering citizens! They have ruined our economy! The Kenyan Shilling is losing value by the day – an indication of a failing economy! Over three million Kenyans currently face starvation. Hunger has already been declared a national disaster. All that occupies our minds, as we watch the ODM and PNU leaders accuse one another of abusing the loopholes that exist in the coalition and lament the unfairness of having to share power, is the fear of post-coalition violence. Another war looms! Where is the human face of Kenya's political leaders? African governments should learn from the Kenyan experience and allow the democratic vote of the citizen to rule!

Notes

1 Attempts to quell the effects of violence, after the signing of the National Peace Accord under Kofi Annan's mediation, included the appointment of two commissions: one to examine the violence, and the other, the Independent Review Commission (IREC), to examine the December 2007 Kenyan elections from various perspectives. The IREC (led by Johann Kriegler, and otherwise referred to as the Kriegler Commission) drew its findings and made recommendations based on its analysis of the legal framework for the conduct of elections in Kenya – the structure, composition and management system of the ECK, and its organisation and conduct of the 2007 electoral operations. The report specifically examined the integrity of the electoral process as a whole – from voter registration and the nomination of candidates, through voting, counting, and transmission to tallying, and dispute resolution and post-election procedures.

2 See Jacqueline Klopp, 2002, 'Can moral ethnicity trump political tribalism? The struggle for land and nation in Kenya' in *Journal of African Studies* 61(2): 269–294; Odhiambo Atieno, 2004, 'Ethnic cleansing and civil society in Kenya, 1969–1992', *Journal of Contemporary African Studies* 22(1): 29–42; Stephen Ndegwa, 2004, 'Citizenship and ethnicity: an examination of two transitional movements in Kenyan politics', in *Journal of American Political Science Review* 91(3): 599–616; Mueller Sussane, 2008, 'The failure of dynasticism and the strength of the ODM wave in the Kenya's Rift Valley Province' in *Journal of African Affairs* 107(429); T. Turner and E. Brownhill, 2001, 'African jubilee: Mau Mau resurgence and the fight for fertility in Kenya, 1986–2002' in Special Issue, *Canadian*

Journal of Development Studies. In the presentation of research findings, all these researchers acknowledge that the land clashes faced in most parts of the Rift Valley are politically instigated, or happen with the full knowledge of political leaders. The areas affected by these clashes have been used as grounds to appropriate political ambitions, and (at times) by some political leaders seeking revenge. It is also realised that land and related ethnic clashes for political gratification started in the Rift Valley, in particular before the very first multi-party elections. The need for former president Moi, together with his allies, to stay in power saw the introduction of the *Majimbo* system, which led to ethnic divisions and squabbles over land. All these and many other issues have been well articulated by noted scholars, and the government is also aware of such actions, yet very little has been done to rectify the situation, as recommended under Agenda Four of the National Accord.

3 A second commission, formed parallel to the Kriegler Commission, was the Commission of Inquiry into Post-Election Violence (CIPEV), otherwise referred to as the Waki Commission. It was charged with investigating the facts and circumstances surrounding the violence, the conduct of state security agencies in their handling of it, and making recommendations concerning these and other matters.

4 This story was told to the Waki Commission by a Kikuyu woman who lost her mother in a church inferno deliberately set by youths of the host community. The story was confirmed by an official of the Kiambaa cooperative farm where the church was located.

5 *The Waki Commission Report*, 2009, p. 53.

6 Lucas Barasa, *The Daily Nation*, Nairobi, 21 April 2009.

7 There were four main agendas that were to facilitate the national accord that would restore normalcy to the country after the 2007 post-election violence in Kenya. They included: a cessation of violence; humanitarian assistance and the restoration of basic human rights; the resolution of the political crisis; and, the resolution of long-term underlying issues. All four fall under two main categories, namely immediate steps to restore normalcy, and steps to ensure that a similar crisis does not recur.