

Quiet Diplomacy and Recurring “Ethnic Clashes” in Kenya

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Since 1991, approximately 2,000 Kenyans have been killed and hundreds of thousands driven from their homes in a series of violent incidents. While the commonly used term “ethnic clashes” suggests reciprocal conflict based on “tribal” animosity, it belies the overall one-sided source of the violence. The main perpetrators of the violence seem in fact to be linked to prominent leaders of the ruling party, the Kenya African National Union (KANU), and though a few revenge attacks have occurred the victims are overwhelmingly members of ethnic groups associated with the new multiparty opposition. This chapter will argue that the proximate causes of violence are intrinsically related to democratization and the electoral cycle.

In its response, the international community has not officially recognized the role of KANU in inciting the main incidents of violence. Moreover, there has been no strong, explicit attempt to prevent recurrence. The ad hoc efforts to forestall further conflict have been fatally handicapped by donors’ reluctance to address the actual source of the violence. Instead, they implicitly (and erroneously) treat the root cause as “localized hatreds.” As a result, the violence periodically arises anew and will continue to do so in the future unless there is a radical change in the international community’s approach or in government strategies.

The central role of the ruling party in the violence poses a major challenge to the international community, whose members pursue their own interests and the respect of national sovereignty, and to the academic literature on conflict prevention, which tends to assume at least two major *active* parties. Neither policymakers nor scholars in this area are well equipped with experience or analysis in how to respond to such cases.

Thus far, the large-scale attacks have remained relatively localized geographically, and mainly in the gestation phase of potential conflict with occasional flare-ups entering the trigger/mobilization of conflict phase and, one could argue, the conflict/escalation phase.¹ The international community has engaged in behind-the-scenes diplomatic pressure, but to avoid confrontation has offered little or no public censure of the government and no aid conditionality or sanctions. When violence escalates, the situation is monitored, sometimes observers are sent, and quiet diplomacy efforts are increased. Overall, the international community has not attempted more proactive crisis prevention or management. Current attempts at local-level reconciliation and peacebuilding assume a postconflict phase, but will not prove effective as long as the government continues to provide economic incentives for ethnic cleansing, including the use of militias and hired thugs to carry it out.

There appears to be little risk of a countrywide civil war or Rwanda-style genocide, despite alarmist cries from a few nongovernmental organizations (NGOs). Until now, the attacks aim to drive out members of minority ethnic groups from the province in which they reside (claimed for themselves by members of the locally dominant ethnic group), rather than systematically kill them. However, a renewal of conflict could easily lead to “localized genocide” in specific communities—or at the very least renewed ethnic cleansing, again involving attacks against members of minority ethnicities and their property, in order to expel them from the region. An escalation of violence could also occur, including spontaneous ethnically motivated attacks across the country, potentially escaping the control of those who initiated the violence. Once released, it is difficult to get the genie back in the bottle.

A number of tools are at the disposal of the international community to incite the government to end the use of violence as part of its strategy to remain in power. Donors,

however, are as yet unwilling to make use of them for a variety of reasons. The World Bank, the International Monetary Fund, and bilateral donors have different priorities, while the United Nations is extremely reluctant to intervene in the internal affairs of a member state. Faced with no tangible disincentives from the international community and weak domestic opposition forces, the Kenyan regime will likely continue to orchestrate “ethnic clashes” with impunity.

Historical Background

Since 1963, when the United Kingdom granted Kenya self-rule, KANU has been continuously in power. Under Jomo Kenyatta’s leadership, political and economic power was increasingly vested in his trusted circle of fellow Kikuyu.² Upon Kenyatta’s death in 1978, Daniel arap Moi, a Kalenjin, assumed the presidency and concentrated political power became the hands of Kalenjin elites. During both periods, the ruling elite sought to use the resources of the state for the special benefit of its own ethnic community and its allies.

The move to multipartyism in the early 1990s threatened the position of KANU elites. The new political context led the ruling party to adopt new strategies to ensure that it would not lose office through competitive elections. In this regard, Kenya is not unique. Most African countries underwent political liberalization in the 1990s, often against the incumbent regimes’ will, prompted by strong domestic and sometimes international pressure. A number of them deliberately provoked violence in varying ways to increase their chances of remaining in power, such as South Africa under F. W. de Klerk; Malawi in 1993–1994; Rwanda, culminating in the 1994 genocide; and Zimbabwe’s use of so-called war veterans in 2000–2002.

Kenya’s espousal of capitalism and pro-Western alignment historically made it an exceptionally close partner of the West. Moreover, Kenya seemed immune from the violence and coups d’état that characterized many other new African nations. Its large number of European inhabitants increased donor interest, especially Britain’s. Kenya’s qualities shined even brighter when contrasted with its neighbors: socialist Tanzania, Cold War hot spots Ethiopia and Somalia, civil war–torn Sudan, and chaotic and conflict-ridden Uganda. Kenya’s stability and economic growth earned the country the rare epithet of an African “success story.” In comparison, human rights abuses and restricted political opportunities under Kenyatta and then Moi seemed relatively unimportant to donors. In the 1970s and 1980s, Kenya consistently ranked among the top five recipients of official development assistance in sub-Saharan Africa.³

The country’s relationship with Western donors soured in the early 1990s, when donors as a whole distanced themselves from the Moi regime over issues of economic and political governance. Nonetheless, they still maintained an important presence, and with few exceptions most donors became less critical of the government around 1994, thereafter concerning themselves mainly with economic governance. The United States has taken a noticeably softer line with the Moi regime in light of the government’s close cooperation in the investigations into the 1998 bombing of the U.S. embassy. The Kenyan government’s cooperation with the U.S.-led “war on terrorism” is likely to further weaken donor criticism.⁴

Nature of the Conflict

The first “ethnic clashes” erupted in October 1991 in Kenya’s Rift Valley province. Kalenjin

expelled hundreds of non-Kalenjin from the land they jointly owned at a cooperative farm in Nandi district, threatening the lives and damaging the property of those who resisted. Similar incidents spread across the southern half of the Rift Valley and neighboring districts in Western and Nyanza provinces. In 1993, Human Rights Watch/Africa Watch reported that over 1,500 people had been killed and at least 300,000 fled their land.⁵ While attacks have continued in this region, they generally occur at a much lower level since 1994. A notable exception was in January 1998, immediately following national elections, when attacks killed over 100 people and displaced thousands more.⁶

A series of violent attacks also took place in Coast province, in the Likoni-Kwale area, from August to November 1997. Precise figures are unavailable and estimates of fatalities vary from 70 to as many as 1,000. Many more were injured and their homes or businesses destroyed. The threat of further violence displaced 100,000–200,000 people.⁷ Violence has also erupted periodically in the northern part of the country among traditionally pastoralist communities, such as the Samburu, Pokot, and Marakwet.⁸

It is often suggested that land scarcity—and its distribution—aggravated by other factors such as a high rate of population growth and environmental degradation, has contributed to the violent “clashes” in Kenya.⁹ Since the 1920s, political and economic factors have encouraged the movement of populations within Kenya’s national borders, often to zones where they constitute ethnic minorities.¹⁰ For instance, numerous Kikuyu and members of other ethnic groups migrated after being dispossessed by the British. Others moved to Rift Valley province as farm laborers, farmers, traders, or civil servants. After independence, the government purchased many British settlers’ fertile farms for distribution to Africans. A large number of Kikuyu benefited from these land transfers, either because of their greater access to capital to purchase the land (due to their relations with the colonial government and economy) or because of their political connections to Jomo Kenyatta’s Kikuyu-dominated postcolonial government.¹¹ The Kikuyu constituted 19 percent of the population of the Rift Valley in 1989, while another 16 percent were Luhya, Luo, or Kisii “migrants,” together constituting 1.8 million inhabitants.¹² On the coast, land tenure was also perceived as favoring ethnic groups not indigenous to the area, such as the Luo, Kikuyu, Kisii, and Kamba, commonly called “upcountry” ethnicities.¹³ Other instances of violence, such as the one in Marakwet, often also relate to land, in this case fertile agricultural and grazing lands, of which the neighboring Pokot have a shortage.¹⁴

Nonetheless, these population movements into ethnically distinct areas and the potential envy of more productive land did not cause any large-scale violent attacks prior to 1991. Historically, members of Kenya’s forty-odd ethnic groups have coexisted, traded, and intermarried, often in a symbiotic relationship between pastoralist and agricultural communities.¹⁵ Moreover, ethnicity was, prior to the mid-twentieth century, a more fluid concept than commonly supposed.¹⁶ In addition, violence has occurred primarily in the areas reserved for European farmers in colonial times, known as the White Highlands, rather than in the most densely populated areas. The shortage of agricultural land in the latter was not sufficient to cause large-scale violence without particular grievances against defined segments of the population. Thus, while land tenure could be characterized as a condition that facilitated the mobilization of grievances, it is not in itself a sufficient cause of violence.

Large-scale interethnic violence is a new phenomenon in Kenya. The proximate causes of violence are intrinsically related to democratization and the electoral cycle; its roots are to be found in recent times and are politically instigated, not primordial. Domestic pressure to liberalize the political process, which began in earnest in the mid-1980s, snowballed in the early

1990s, led by urban professionals and mainstream church leaders. The government was quick to characterize the multiparty movement as “tribalist,” repeatedly warning that political liberalization would only lead to ethnic animosity, violence, and chaos. Opposition to the one-party state gained momentum in July 1991, with the public launch of a multiethnic pressure group—the Forum for the Restoration of Democracy—dedicated to the repeal of the constitutional provision making Kenya a one-party state. The movement was greatly strengthened in November 1991, when donors collectively decided to suspend balance-of-payment support and new development assistance (excluding humanitarian aid) to Kenya—amounting to \$350 million out of about \$1 billion—until corruption had been curbed and the political system liberalized.¹⁷ Within weeks, the government legalized the existence and registration of opposition parties.

As the move to multipartyism became increasingly probable, senior KANU politicians, at partisan rallies in the Rift Valley, advocated a return to the *majimbo* (quasifederalist) system of greater provincial autonomy. This would allow KANU to retain control in the regions where it had significant power bases, even if it lost power nationally, thereby ensuring protection for its elites and supporters as well as their livelihoods. In many of these speeches, the politicians openly advocated the expulsion of nonnative inhabitants of these “KANU zones.” Majimboism became a “euphemism for ‘ethnic cleansing.’”¹⁸ The advent of the violent “clashes” closely followed these rallies.¹⁹ While KANU sought to manipulate ethnic rivalries, it was reinvigorating cleavages that did already exist.

As new political parties emerged, a clear, enduring pattern of ethnoregional interests appeared.²⁰ The ruling party, KANU, sought to solidify its support base in the Rift Valley and among the Kalenjin, as well as allied Maasai, Turkana, and Samburu—the province’s main so-called indigenous ethnicities. It portrayed the emerging opposition movement as Kikuyu-dominated and anti-Kalenjin. In the Rift Valley, members of Kalenjin and sometimes Maasai communities, who as a whole support the ruling party, attacked members of ethnic groups associated with the opposition, such as the Kikuyu, Luo, Luhya, and Kisii. The raiders typically killed, maimed, and raped individuals, burnt their dwellings, and killed or seized their livestock. Similarly, on the coast, the attacks targeted members and the property of ethnic groups not indigenous to the largely pro-KANU region, such as the Luo, Luhya, Kikuyu, and Kamba, who generally supported the opposition parties.

As is often the case, the violence in Kenya is an ethnically defined expression of political conflict. Ethnicity is the medium of political violence, not its cause. However, the system, once in place, becomes self-perpetuating: it increases the likelihood of future conflict by sharpening ethnic identity and chauvinism, as well as promoting the doctrine that specific regions of the country “belong” to the groups who “originally” occupied them. For instance, the more recent arrivals in KANU strongholds are often called “outsiders,” “foreigners,” “strangers,” or “aliens,” regardless of the legal ownership of land and the constitutional right of all Kenyans to live anywhere of their choosing within their country.²¹ Some uncoordinated retaliatory attacks have occurred, yet the violence remains overwhelmingly directed against the communities presumed to support the opposition and has always taken place in areas where KANU is clearly dominant. No significant attacks have taken place against perceived KANU supporters in opposition-dominated territory.

The violent attacks helped to maintain President Moi’s and KANU’s hold on power in several ways. First, they punished those who opposed, or were suspected of opposing, the continuation of a one-party state, further intimidating others who considered not supporting

KANU. Second, as elections approached, they disenfranchised hundreds of thousands of presumed opposition supporters since, whether locally displaced or forced to leave the province, the latter were unable to register or vote. Third, they helped ensure that opposition presidential candidates did not achieve 25 percent of the popular vote in the affected province.²² Fourth, after the elections, continuing attacks punished the communities who had not voted for KANU. Finally, the abandoned farmland provided more resources for illegal appropriation and distribution as patronage to reward KANU supporters, as did the fertile land that victims sold at very low prices.²³

In sum, land tenure patterns in specific areas could be characterized as an underlying cause of conflict in Kenya in that they provided conditions that were ripe for the mobilization of grievances along ethnic lines. Land tenure did not, however, trigger the violence. Landownership by and business interests of members of ethnic groups not historically autochthonous to the areas were presented as disproportionate or illegitimate. This putative illegitimacy was then used as grounds for the violence. In contrast, the vastly more extensive holdings of “indigenous” KANU elites were generally not publicly questioned. Ruling-party politicians, to preserve power and for their own economic gain, manipulated mass perceptions of the size and illegitimacy of opposition-associated ethnicities’ property through incendiary statements and the provision of private economic incentives to foment the “ethnic clashes.”

The Role of Government

Not surprisingly, the government’s response to the violence has been largely rhetorical. President Moi claims that the so-called clashes “prove” his assertion that multipartyism foments “tribal conflict.” The government categorically denies any link with the violence and sometimes accuses the opposition of being responsible, though this view has found very little credible support.²⁴ At times, the government accuses church leaders, journalists, and donors of inciting hatred.²⁵ Otherwise, the conflict is portrayed as nonpolitical and reciprocal interethnic warfare, a claim that is supported by the fact that the raiders are often dressed as “traditional tribal warriors.” On other occasions, the government treats the violence as conflict over land or downplays its significance, accusing the media of exaggeration.

There is nonetheless strong evidence of high-level KANU officials inciting violence at rallies.²⁶ During these rallies, they referred to non-autochthonous ethnicities as “spots” and “blemishes” that “contaminated” an otherwise clean or pure ethnic map, often invoking ethnic slurs.²⁷ Most of these senior politicians remain influential cabinet members and top Moi advisers. Moi himself, however, carefully neither supported nor condemned such incendiary statements.

There is also evidence of government officials paying the attackers per permanent house burned (approximately \$200) and per person killed or thatched house burned (approximately \$20–\$40), and of KANU leaders arming and training private militias in special camps.²⁸ Multiple sources have also reported government trucks and even helicopters transporting hired militias into the affected communities.²⁹ Similarly, during the coastal violence in 1997, organized, unidentified armed people attacked members of “upcountry” ethnic groups. As in the Rift Valley, indirect links were traced to the government, including indications that the instigators had been armed, trained, and coordinated by KANU officials with the goal of consolidating their declared “KANU zone.”³⁰ An estimated 75 to 100 percent of upcountry people were displaced in the areas directly affected by the attacks.³¹ In the north, allegations have been made that KANU

was also actively inciting violence.³² The government and the media usually portray such violence as banditry and “traditional” cattle rustling. Nonetheless, its new forms—wherein not only are cattle stolen but also buildings are burnt and children, women, and the elderly are targeted—indicate that there has been an escalation of violence.³³ Very little documentation of systematic violence in the north has been made available, though the government has been implicated in inducing or exacerbating it.³⁴

In all cases, witnesses report that security forces stood by, at best firing in the air in ineffective attempts to scare off attackers. In some instances, police officers, paramilitaries, and other security forces actually disarmed those trying to defend themselves from raiders.³⁵ Sometimes they even joined in the attacks. Victims seeking police intervention were often ignored, even beaten. When raiders were captured and transferred to police custody, they were usually released within hours. The powerful provincial administration, which reports directly to the Office of the President, was often complicit.³⁶ More than anything, the passivity and apparent collusion of state agents convinced observers that the government was involved in the organization and execution of the violence.³⁷

Further, the government has tried to prevent outside contact with the affected areas. It has harassed and impeded access of national and international NGOs, church groups, journalists, human rights observers, opposition members of parliament, representatives of donor missions (including the U.S. ambassador, who was held at a police station for an hour), and even relief workers attempting to provide material assistance such as food.³⁸ A technique used on several occasions was to declare a “security zone” for a period of up to a year and a half, officially to prevent further violence (which in fact continued), but more likely to justify the denial of access.³⁹

The government has also strongly resisted providing assistance to those displaced by the violence. Under international pressure, it agreed in late 1993 to allow the UN Development Programme (UNDP), under close supervision, to provide care for the internally displaced and permanently resettle the victims of violence. The government tightly controlled the UNDP project and committed gross abuses of displaced people’s rights, including the failure to provide security and adequate care and to allow freedom of movement and assembly. The project was abruptly terminated after the government forcibly relocated residents of one camp. Though the government denies that there are any Kenyans still displaced, a study on behalf of the Jesuit Refugee Service estimates that as of March 2001, almost a decade after the “ethnic clashes” began, there were over 288,000 people who had not returned to their lands in the Rift Valley or been resettled.⁴⁰ Including the coastal and northern areas, probably at least 400,000 to 500,000 Kenyans remained displaced in 2002.

Though President Moi often speaks of the need for peace and reconciliation, the government has resisted and obstructed official investigations into the causes of violence. In 1992 the KANU-dominated parliament roundly rejected the report of its own select committee charged with investigating the “clashes,” who had linked senior KANU politicians to the violence.⁴¹ Renewed incidents and increased attention to the violent “clashes” in 1997–1998 led President Moi to appoint a more comprehensive commission of inquiry. Its yearlong hearings attracted considerable national attention. Many of its sessions were open to the public and the media reported on the testimonies presented. A great deal of evidence implicated important government and party officials. Even two and a half years after the report was finalized, the government refuses to release it or indicate when it might do so.⁴² There appears to be no question of prosecutions or restitution.

Phases, Actors, and Strategies

Phases of Conflict

As mentioned above, the observable risks and challenges in Kenya would indicate that the conflict is mainly in the gestation phase, with occasional incidents more closely corresponding to the trigger/mobilization or even the conflict/escalation phase, especially in the period preceding and immediately following the 1992 and 1997 elections. This terminology, however, is somewhat misleading in the Kenyan case, as are the terms “conflict” and “clashes,” since they suggest two or more parties opposing one another in a brewing situation that could lead to violence if left unchecked. That is the official interpretation of the events, which donor countries have been reluctant to challenge openly. Yet in Kenya, violence has erupted because of armed attacks orchestrated and financed by senior government officials, rather than originating in the affected communities. There is little reason to believe that inequitable land tenure would have developed into large-scale violence without this outside instigation. The resulting events have heightened ethnic awareness, fomenting ethnicity-based grievances and distrust among communities. Since 1994 the violence has been relatively low-level but systematic, drawing limited national and international attention. As Kenya moves closer to the next general elections, due before December 2002, it seems unavoidable that the mobilization toward violence will increase, which could lead to possible escalation of violence.⁴³

The international community has responded mainly with strategies and tools typically used for postconflict peacebuilding and conflict management phases of prevention, that is, humanitarian assistance, resettlement, and the promotion of reconciliation.⁴⁴ The potential effectiveness of these strategies has been reduced by the fact that the challenges relate to several phases, and the responses have not necessarily taken account of this fact. The reality that organized violence in Kenya does not fit the standard profile of a conflict calls into question the applicability of this typology and sequence of phases.

International Actors’ Response

Initially, Western donors demonstrated a certain interest in the Rift Valley violence. The bilateral donors reported on the violence, sometimes mentioning allegations of state complicity in and even organization of the violence. For example, the U.S. Department of State’s report on Kenya’s human rights practices for 1993 mentions “credible allegations of the involvement of government officials in instigating the clashes.” Moreover, it squarely states that “[s]ubstantial evidence exists of the complicity of high ranking government officials in financing, arming, and then shielding the attackers from prosecution” and that, according to numerous independent reports, “the Government bears primary responsibility for the destruction and loss of lives.” Furthermore, it declares that “government officials are the most vigorous proponents of ethnically based attacks.”⁴⁵ However, local representatives of donor countries—often the authors of these reports—were reluctant to antagonize the government. They therefore did not highlight the government’s role or make strong statements calling on the government to end the violence. The reasons for their reticence are discussed below.

UNDP took the lead in channeling the international community’s response to the violence

in the Rift Valley. In 1993 it began a \$20 million project in association with the Kenyan government, titled “Programme for Displaced Persons and Communities Affected by the Ethnic Violence.” A number of bilateral donors (including Austria, Denmark, Finland, Japan, the Netherlands, Sweden, the United Kingdom, and the United States) and the European Union supported the UNDP project and did not set up their own assistance programs, thereby avoiding direct involvement.⁴⁶

The UNDP project was initially inclusive and appeared well planned, but its implementation quickly veered off track. According to an NGO representative on the project’s advisory board, NGOs were not listened to, bilateral donors raised few objections, and only the European Union demanded accountability for how its funds were being spent.⁴⁷ According to the in-depth Human Rights Watch report on the project, it failed “in fundamental ways” to reach its own goals of “the reintegration of displaced populations into local communities, prevention of renewed tensions and promotion of the process of reconciliation.” The government, it states, lacked (and continues to lack) any “commitment to reverse the damage that had been caused, and to restore the displaced to their lost land and livelihood without regard for ethnicity” and continually undermined the project. UNDP focused on the emergency aspect of the situation, rather than specifically taking a stand on abuses of human rights. As a result, it underplayed the government’s obstruction and ignored the salient political factors that conditioned the government’s obstructionist behavior, including its role in instigating the violence. It thus concentrated on the provision of relief supplies, regardless of the government’s failure to provide security and its documented harassment of the displaced. According to Human Rights Watch, “UNDP officials also sought to downplay the political nature of the ethnic violence, portraying it as if it was some complex inscrutable problem of Africa that foreigners could never understand.” The head of UNDP even praised the Moi government during a visit to Kenya in 1994 for “moving to reconcile tribal differences.”⁴⁸

On December 24, 1994 an incident occurred that was so extreme as to result in the eventual closure of the UNDP project. In the middle of the night, police and KANU youth wingers razed Maela camp, which housed 10,000 displaced people, and forcibly removed 2,000 Kikuyu, dumping them at three sites in Central province, their so-called ancestral province. Even then, UNDP continued to defend the government, terming the incident a “hiccup” in an overall positive program.⁴⁹ As a result, UNDP lost what credibility it had left. The local office has not yet recovered. The organization is currently distrusted in Kenya for its close relationship with the government and does not participate in donor coordination meetings. In the end, resettlement assisted very few internally displaced. In fact, many of those given land were actually pro-KANU Maasai or Kalenjin, rather than the main victims of the violence.⁵⁰

Other UN agencies have done little to provide care for the displaced or prevent the recurrence of future violence, other than producing situation reports and funding reconciliation seminars. The United Nations did not respond to the coastal violence in 1997. A local UNDP official admits that his organization could do more, in collaboration with other UN agencies, to assist those currently displaced, but they lack the political will required to back such efforts.⁵¹ UN agencies often justify inaction by referring to their particular mandate, arguing that the host government is responsible for, among other things, providing security. The Office of the UN High Commissioner for Refugees (UNHCR), for instance, only assists refugees who cross an international border; its mandate does not allow it to assist internally displaced persons. The only exception is the local UN Office for the Coordination of Humanitarian Affairs (OCHA), whose head is trying to broaden the office’s mandate beyond drought and floods to include violent

conflict. The head has taken significant initiative, more in his personal than institutional capacity.⁵²

Calls from civil society for the UN to recognize the underlying sources of violence have not been addressed in any tangible way. For instance, the Law Society of Kenya (the national bar association) wrote to Secretary-General Kofi Annan in 1998, alleging acts of genocide and crimes against humanity under the Geneva Conventions and international human rights law. Backing up its claims with a copy of the Law Society's report on the 1997 coastal violence, the letter requested a UN-led independent investigation and the establishment of an international criminal tribunal.⁵³ The only reply received was a two-sentence note from a low-level official acknowledging receipt of the letter, "the contents of which have been noted," and thanking the author for his "interest in writing to the United Nations."⁵⁴ A similar letter to the UN Human Rights Commission went unanswered.⁵⁵

After the collapse of the UNDP project in 1995, bilateral donors and the European Union provided some ad hoc support to the various NGOs and church groups that were assisting the displaced, but remained reluctant to establish direct aid programs specifically aimed at displaced populations. Around 1996 this support dwindled due to a combination of poor results and shifting donor priorities. Instead, peacebuilding and reconciliation in local communities became a more significant funding priority, at least rhetorically. Lacking was a concerted, broader effort to prevent the recurrence of further ethnic cleansing.

In 1996–1997 the bilateral donors stepped up their coordination efforts, expanding from a half dozen like-minded members of the Donors' Democratic Development Group (DDDG) to the twenty-six foreign missions represented in the Democratic Development Group (DDG)—renamed since many of the new participants, such as Brazil, the Czech Republic, and Hungary, are not donors. Since the run-up to the 1997 elections, the group has met regularly, chaired by the Canadians, occasionally engaging the government in dialogue, and issuing joint statements on a variety of political matters. These public communiqués carry extra weight, due to the large number of signatures. However, the statements are weakened by the desire for maximum endorsement.⁵⁶ As a result, the key source of the violence remains unaddressed, although some donors claim that though they must present themselves as "neutral," it is easy to "read between the lines."⁵⁷

The donors did reportedly produce a more strongly worded report on the "clashes" and submitted it to the government; however, its contents were never made public.⁵⁸ At least one bilateral mission has been more critical in its public pronouncements: the Dutch embassy, which cut its aid to the Kenyan government over human rights and governance issues. As donors find it increasingly hard to justify their aid programs in the light of pervasive mismanagement and corruption, others, notably the Danes, might follow the example set by the Dutch.⁵⁹

The coastal violence in 1997, followed by more attacks in the Rift Valley in early 1998, led to renewed foreign interest in the "clashes." U.S. president Bill Clinton sent a special envoy, Reverend Jesse Jackson, to visit Nakuru (the Rift Valley's largest city and a site of extensive violence) and meet with government officials in Nairobi. Again, local donor representatives publicly spelled out neither the nature of the violence nor its links to government. They showed little or no interest in providing assistance for the newly displaced. Neither the internal report of the donors' Electoral Observation Centre nor their publicly released joint report on the 1997 elections mentioned the new "clashes" on the coast and subsequent disenfranchisement of perhaps 100,000 voters, most of whom were believed to be opposition supporters.⁶⁰

A report by the U.S. Agency for International Development (USAID) mentioned

“important problems” of “ethnic strife” that “were not effectively quashed,” suggesting that “immigrant communities” were targeted for their pro-opposition sympathies, perhaps influencing the outcome in the Likoni constituency, the center of the coastal violence. Nonetheless, it stated, “their origins and perpetrators remain very murky” and the report explicitly blamed both KANU and opposition parties for employing violence.⁶¹ The U.S. Department of State report on Kenyan human rights practices for 1997 went further, and referred to “indications that the violence had political roots, with local KANU political leaders reportedly involved in the planning.”⁶² Likewise, the European Parliament “strongly condemn[ed] all incidents of political violence organized by state security forces” and furthermore requested that the European Union provide assistance to those displaced.⁶³

In sum, individual donors in the past funded a number of small-scale relief works aimed at assisting those displaced by the violence, channeling the funding through church groups and local and international NGOs. No one organization took the lead after the UNDP project collapsed. Donors currently support a number of isolated projects in reconciliation and peacebuilding, but with little coordination or a systematic information-sharing mechanism. They do not address the role of “outsiders” paid to provoke and carry out the violence—that is, the root cause of the violence.

Prevention Strategies

International actors are present and active in Kenya for a number of reasons. The Office of the UN High Commissioner for Refugees, the World Food Program, and some international NGOs concentrate on humanitarian assistance; UNDP, UN specialized agencies, the Bretton Woods institutions, bilateral aid agencies, and other NGOs focus mainly on socioeconomic development, which sometimes implies economic reform; while diplomatic missions are more concerned with their bilateral relations, hence with issues of security, investment, and trade. Almost all of these activities require working with the government. With the exception of a few NGOs (such as International Alert), no international actor owes its presence primarily to a desire to prevent or resolve conflict. Nonetheless, a number of donors integrate prevention activities into their existing programs, either as an area of funding or as a subject of policy pressure on the government.

Many donors engage in development assistance activities that could contribute to the structural prevention of violent conflict. Though not deliberately framed in conflict prevention terms, ongoing activities associated with the potential conflict phase—such as the promotion of good governance and human rights, support to civil society, and civic education—could have a positive influence. The reform of land tenure, for example, could reduce the perceptions of inequality that are used to justify violence. Nonetheless, the organized violence is more closely related to political strategies than a lack of socioeconomic development or inequality among groups. Government capacity-building would not be of significant assistance, since it is not the government’s inability to manage social conflict or channel it into nonviolent mechanisms that is the problem. Supporting political reform and democratization could theoretically have a positive impact, but it is resistance to that process that has paradoxically led to the emergence of the “clashes.” As long as the government deliberately foments violence, structural prevention cannot suffice, even if it is beneficial—and necessary—in the long run. Yet if donors were to speak out against the government, it would be more difficult for them to continue their development work, at least in the short run. Thus far, donors have favored “quiet diplomacy,” combined with

assistance to human rights groups and governance reforms. They also periodically call upon the government to provide security.

After violence began in the Rift Valley in 1991, donors adopted two successive assistance strategies with a preventive focus. First, they tried to assist the displaced, in either returning to their lands or resettling them elsewhere, under a strategy mainly channeled through the UNDP project. Inadvertently, inasmuch as its resettlement component relocated ethnic minorities, it actually contributed to the “success” of ethnic cleansing rather than conflict prevention. After the project was terminated, donors soon tired of continually providing funds to churches and NGOs to feed the displaced and to cover the high cost of buying land for resettlement. By 1996 they had dramatically reduced their expenditure in this area. After the coastal violence in 1997, they provided no assistance to the affected zone.⁶⁴

In the second stage, donors reallocated their funding to peacebuilding and conflict resolution in a number of communities. Those working in this field include a number of bilateral donors (such the British, Canadians, Danes, and Germans), international and local NGOs, and church groups (mainly the National Council of Churches of Kenya and the Catholic Justice and Peace Commission). In many cases, the local organizations shifted their work from relief to peacebuilding because of the change in donor funding priorities, not as a result of changing local conditions. Though their efforts are uncoordinated and uneven in quality, reconciliation can be effective in healing rifts between communities at the local level and preventing retaliation; for instance, a German project in Marsabit has reportedly been highly successful.⁶⁵ Still, reconciliation tends to be operationalized only at the local level, whereas it needs to be addressed at the national level. Moreover, donor officials quietly admit that this strategy is basically ineffective in preventing future violence if new incentives to attack are created or if militias are again brought in from outside the immediate area. Moreover, peacebuilding activities often do not resolve problems or guarantee fundamental rights.⁶⁶

A third donor strategy, namely advocacy and dialogue with the government and deterrence, was invoked concurrently with the previous two. Behind the scenes, individually and collectively, bilateral donors engage in undisclosed private pressure on the government, in which they make clear their understanding of the government’s role in fomenting the violence in Kenya. Donors repeatedly assert that it is an effective way—in fact, the most effective or even the only way—of entering into a dialogue with the government. They characterize their message as “consistent and strong.”⁶⁷

In their public statements, local donor representatives never identify the government as being responsible for political violence, eschewing the kind of condemnation associated with the gestation of conflict phase or the more proactive efforts corresponding to the trigger/mobilization or even conflict/escalation phase. They typically prefer to “call on all political leaders in Kenya to disown violence and to respect a political process based on moderation, respect and tolerance.”⁶⁸ For example, in early August 1997, donors issued a joint press release that remained vague on the source of or the reason for the recent attacks, stating: “We condemn the recent acts of violence in Mombasa and other areas of Coast Province. We urge all parties not to allow such destabilizing acts to deflect them from the course of dialogue.”⁶⁹ The DDG official statement on the 1997 elections praised the “reduced violence” in the last month of the campaign, while incongruously expressing regret over the “[c]ampaign violence [that] escalated in the last 10 days.”⁷⁰

The postelection resumption of “ethnic clashes” in the Rift Valley in January 1998, widely seen as punitive attacks on those who had not voted for Moi and KANU, elicited a

slightly more strongly worded condemnation from the DDG alluding to political motivations behind previous cases of violence. It raised the issue of “the slow and ineffective response by security forces” and urged the government “to take prompt, effective action to put an end to the violence and bring its perpetrators to justice,” but again refused to identify any parties responsible.⁷¹ These statements were all made in Nairobi by local donor representatives, whose condemnations carry much less weight than those originating in Western capitals, especially London and Washington. With the exception of Jesse Jackson’s visit to Kenya, donor governments failed to signal to the Moi regime that they shared their local representatives’ concerns. Without evidence of support from their home countries, pressure from Nairobi-based foreign officials was easier to ignore.

As of 2001 the DDG members planned to expand their use of “data collection and risk assessment,” using tools that correspond to the trigger/mobilization phase of conflict. They are developing a strategy for monitoring violence and other egregious campaign-related abuses in the run-up to the coming elections. The United Kingdom, for example, is considering funding activities by International Alert in this area. USAID is planning to set up an “electoral-conflict monitoring network.” But even these measures, some admit, will still be possible to circumvent.⁷² It is not clear that donors have developed or plan to develop a response strategy to the various possible scenarios. Local NGOs, moreover, characterize monitoring as merely “counting dead bodies” rather than constituting actual prevention.⁷³ Only the European Union is reportedly thinking about how to preempt violence, though its strategy has yet to be articulated.⁷⁴

Competing Priorities and Other Constraints

Donors’ lack of more active intervention is in large part due to the fact that they simultaneously pursue several policy goals that supersede their concerns over the violence in Kenya. Donors’ other priorities include economic reform and overall stability, which they worry would be compromised should the current regime be removed from power with no clear leader-in-waiting to fill the vacuum.⁷⁵ They are hesitant to compromise these objectives for what they appear to consider a matter of lesser importance and sovereign jurisdiction. As a result, donors do not intend to spend significant economic and political capital in actively responding to the “ethnic clashes.” Worth considering is the contrast with intervention in the former Yugoslavia, where important resources were mobilized to prevent politically motivated ethnic cleansing. In the latter case, the violence was more extensive and widespread than in Kenya and there was a significant risk of “spillover” into the rest of Europe.

The collective suspension of aid in November 1991, pending political and economic reforms, had the perverse effect of reducing donor leverage on the government vis-à-vis the violence that soon erupted. After donors endorsed the December 1992 elections, even though they were far from free and fair and were held amid continuing “clashes” in the Rift Valley, the United States renewed military assistance in September 1993.⁷⁶ Soon after, donors pledged \$350 million in new aid, albeit expressing concern about the “clashes” as they did so. Still, the renewal of aid was seen as a green light for the government to pursue its policies, and it is probably no coincidence that the UNDP project was announced one month prior to the renewal of aid.⁷⁷ When donors pledged further assistance worth \$800 million in December 1994, they cited progress in human rights and ethnic tensions, “despite evidence to the contrary.”⁷⁸ The donors’ praise and increase in aid in December 1994 emboldened KANU. The razing of the Maela camp and the forced relocation of thousands of its Kikuyu inhabitants followed later that month.

The 1997 electoral campaign and elections were also deeply flawed. An internal donor report declared KANU's parliamentary majority illegitimate.⁷⁹ Nonetheless, donors publicly endorsed the official results with minimal protest, ignoring the renewed violence. Donors subsequently promised a total of \$500 million in new aid. Because of continuing concerns over economic governance, disbursements were delayed until July–August 2000 and were soon suspended once again.

Thus foreign aid was resumed in 1993 and again in 2000, despite clearly deficient elections, no end to the violence, and complete impunity for its perpetrators. In both cases, aid resumption followed not particularly credible promises of economic reform that pleased the World Bank, the International Monetary Fund, and bilateral donors. As in the past, the government soon reneged on its commitments.⁸⁰ Economic policies were evidently the donor priority, trumping political reform. No donor has evoked “peace conditionality”—the reduction of aid in response to violence—except perhaps the Dutch, who have ceased providing aid to the government over a range of issues, including human rights abuses. Nor are donors likely to do so in the future, even if peace is a prerequisite for development. They prefer to link it with the larger issue of constitutional reform, which is currently being debated in Kenya, trusting that positive change will “trickle down.”⁸¹ Yet there is little guarantee that significant reform will result. Even if constitutional reform were sufficient to prevent renewed conflict, KANU has a number of possible means to derail the process, as it has done in the past. The review commission's chair himself is well aware of this possibility, as are several donors.⁸² Instead, throughout the 1990s donors exerted discreet pressure on the government to end the violence, but never backed it up with carrots or sticks (with only the Dutch constituting a partial exception). The signals being sent to the Kenyan government were that the donor community would not take any important steps to intervene, including a reduction of aid, over state-induced violence. As a result, the soft pressure placed on the government in the form of concern over human rights abuses is unlikely to induce change in the government's behavior.

One of the biggest handicaps to an international role in conflict prevention in Kenya is its strategic and economic importance to Western countries and their concomitant reluctance to compromise their relationship with the Moi government. The United Kingdom, for example, values its close ties with Kenya, rooted in colonial history and strong financial and commercial relations. It also uses the northern terrain to train its military troops. According to the provisions of a 1980 military agreement, Kenya provides the United States and its allies with a key naval base in Mombasa on the Indian Ocean, as well as access to air facilities in Nairobi, Mombasa, Wajir (near the Somali border), and Nanyuki.⁸³

Donors use their generally friendly relationship with Kenya to further other foreign policy goals in the region, including using Kenya as a base for humanitarian operations in southern Sudan and Somalia, the headquarters of two UN agencies—the UN Environment Programme (UNEP) and the UN Centre for Human Settlements (HABITAT)—in Nairobi, the use of military facilities by the United States for military activities in the Middle East, and other forms of cooperation. Nonetheless, some donors—such as the Netherlands and the Nordic countries—do not have important strategic or economic interests and are more vocal in their criticisms of Moi's regime.

Moreover, individual foreign diplomats in Nairobi do not wish to compromise their careers by alienating the host government, and the ambassador's personality often influences the stance taken by a local mission. At least one international NGO has censored politically sensitive aspects of one of its reports after pressure from the Office of the President.⁸⁴ Donors likewise

fear government hostility and its consequences for their operations, reasoning that it is best not to lose access. The government cleverly exploits this reticence. As a result, locally based representatives often take a more cautious line with the Moi regime than do their own headquarters abroad.

Ultimately, since the violence occurred far from Nairobi and appeared superficially to be circumscribed, it attracted limited donor attention. This could change in the future if violence significantly worsens or spreads to the capital as well.⁸⁵ Already, there are indications that private armies formed and trained to carry out the “ethnic clashes” have since begun to operate on their own accord or for hire, directly contributing to rising urban crime and violence.⁸⁶

Assessment

Quiet diplomacy, combined with some humanitarian assistance for victims and local-level reconciliation efforts, have not been sufficient to convince the government to cease using ethnicized violence as a political tool. Given the recurrence of violent conflict, closely following the electoral cycle, it would be difficult to argue that conflict prevention has been successful in Kenya—unless one were to contend that the situation would have been markedly worse had the international community not undertaken the activities it had. Though possible, there is little reason to believe that the incidence of violence would have been significantly higher had there been no donor involvement at all. Donors’ private pressure and occasional public denunciations of violence in “neutral” terms failed to convince the Moi government to at best attempt to prevent or at worst cease to promote further conflict.

Still, one cannot state without qualification that prevention has been a failure, since the international community never made any serious, conscious attempt to prevent violence from occurring or recurring. Its only major undertaking, the UNDP project, was focused much more on humanitarian assistance than on prevention—and even that collapsed. The project failed in part because of government hostility, but also due to the lack of donor tenacity. UNDP was fatally handicapped by its close relationship with the government, which was implementing the project. This is a structural problem with UNDP’s assistance programs: its work is predicated on partnership with host governments. Other donors, especially bilateral ones, sometimes encounter similar dilemmas when political decisions based on broader considerations prevent the true problem from being directly addressed.

This does not mean that donor agencies cannot act independently or are inextricably bound to the host government’s position. It was not pure naiveté that allowed UNDP, for example, to be co-opted by the Kenyan government. Its locally based officials, like most other people living in Kenya, were conscious of the government’s complicity in the “clashes.” Indeed, many project staff members demonstrated an acute awareness of this and a number even resigned for that reason.⁸⁷ However, the top UNDP managers chose not to act rather than terminate the project. It was a high-profile endeavor, one that attracted important cofinancing resources from other donors, in an area in which UNDP wanted to expand its activities. For that reason, UNDP headquarters in New York probably exerted considerable pressure for the project to continue. Moreover, its cancellation would have severely compromised the organization’s relationship with the host government, which acted as a huge disincentive to the local UNDP representative.

Donors believe that international attention focused on the current regime’s actions will dissuade it from the future use of violent strategies aimed at retaining political control. Invoking

deterrence, the chair of the bilateral missions’ Democratic Development Group argues that “clashes” will not recur because “KANU is aware that it has been exposed in its role in the violence” and it “knows the DDG is watching closely.”⁸⁸ To most Kenyans, and even some other donors, this view is overly optimistic. Donors were already “watching” in 1997, but that did not prevent the violence on the coast or the renewal of attacks in the Rift Valley in early 1998, nor did it forestall the more recent localized violence in places like Tanu River or Trans Mara. When pressed, donors are unable to provide any evidence of their successful influence over the past decade. There is little reason to believe that deterrence will work in the future.

These relief and reconstruction activities attempt to normalize interethnic relations, but in the case of Kenya no amount of “normalization” will actually prevent violence, unless it is done at the national level. As argued above, Kenya needs national reconciliation, not just local. The ethnic chauvinism that has been created and strengthened in a decade of “tribal clashes” can truly only be defused if the state is perceived as being fair and just, that is to say, ethnically blind.⁸⁹ This would probably involve the recognition of collective rights of communities. It would also require a fundamental reform of political processes (and not just the formal rules of the political system) to eradicate the neopatrimonialism that pervades Kenyan power relations and hampers democratization, since it privileges personal ties (often organized along ethnic lines) over national citizenship and equal opportunities.

Preventing conflict effectively would require addressing the real cause of violence: that the government uses it as a tool for political intimidation and reelection. Donors did not lack this information, since it was clearly demonstrated, with suitable evidence, in reports by the Kenyan parliament, local and international NGOs, the local and international media, and often donors. In private, donors admit to this knowledge and claim they have raised the issue with the government.

There are no guarantees that international actors can compel a change in domestic policy. Yet donors could have (re)acted more forcefully. A number of tools, normally associated with the gestation phase, the trigger/mobilization phase, and especially the conflict/escalation phase, were and are at their disposal. At a minimum, a public acknowledgment of the government’s role and a condemnation of it would encourage the growing number of domestic actors who are seeking to establish government accountability and prevent the recurrence of more “ethnic” violence. Though donors are loath to oppose the government so publicly, one option could have been to provide additional support to these individuals and institutions.⁹⁰

Situations such as that in Kenya, where the government in question is responsible for the violence, pose a significant challenge to the UN. On one hand, there is little the UN can do if a government refuses to acknowledge the potential for further conflict and rejects offers of assistance. As the Secretary-General noted in his recent report on the prevention of armed conflict, the primary responsibility for conflict prevention rests with national governments and other local actors.⁹¹ On the other hand, the UN has a moral responsibility—and Charter obligation—to prevent the occurrence or escalation of conflict.

The UN could adopt more proactive measures in responding to the situation in Kenya. For example, the Secretary-General could use his good offices in opening discussions with the government, sending a fact-finding mission, a special representative, or envoy, or bringing the matter to the attention of the Security Council, thus raising the international profile of the “ethnic clashes.” This is consistent with Chapter VI of the UN Charter. The Department of Political Affairs—the UN’s focal point for conflict prevention—could follow up on the accusations raised by the Law Society of Kenya, as could the Human Rights Commission, perhaps by appointing a

special rapporteur. The Office of the High Commissioner for Human Rights could also investigate the allegations of crimes against humanity and genocide. In addition, supporting the efforts of local actors or emphasizing human rights and the state's obligations under international law, especially the Geneva Conventions, may prove the easiest entry point for UN action.

In early 2000 the Commission on Human Rights took a step forward by bringing attention to the situation in Kenya when its special rapporteur reported that the use of torture by Kenyan police was widespread.⁹² Yet within a month the commission decided to discontinue its confidential consideration of human rights conditions in Kenya, sending a signal to the Moi government that this was of little concern to the international community.⁹³ Without a large-scale civil war, high-profile humanitarian crisis, or actual spillover to neighboring countries, the UN appears unlikely to take significant new steps in this area.

The UN's presence in Kenya gives it a certain amount of leverage, should it wish to use it. According to a UNDP study, direct and indirect benefits to the host country amounted to an estimated \$350 million in 1998, equivalent to 3 percent of its gross national product, more than the combined national budgets for roads, health, and social welfare. The UN came second only to tea as a source of foreign exchange.⁹⁴ If, however, the United Nations were to relocate, Kenya's economy would suffer greatly (as would its prestige); instead the status of the UN Office at Nairobi was upgraded in 2000, signaling its long-term commitment to remain.

If it established a risk of international spillover (admittedly a difficult task), the Security Council could invoke a range of sanctions under Chapter VII of the UN Charter, a blockade, or even armed intervention. It seems unlikely that political will could be mustered to raise an international protection force to intervene on the ground, mandated to carry out preventive peacekeeping and disarmament. Still, the Secretary-General's report on conflict prevention recognizes that this could be "a legitimate means of last resort to prevent massive violations of fundamental human rights or other serious threats to the peace."⁹⁵

Bilateral donors, rather than the United Nations itself, would have to take the lead in a more robust strategy of this sort. Additional measures could also be progressively adopted to show that ethnic cleansing is not acceptable in the community of nations. One possibility would be to refuse to renew aid until satisfactory steps have been made to allow the return of the displaced to their land, the restitution of their title deeds, and the prosecution and punishment of those responsible, from individuals carrying out the violence to the cabinet ministers who organized, armed, trained, and paid them.⁹⁶ Other possible negative inducements include a travel ban on government officials, their prosecution under international law, the complete cancellation of foreign aid and international lending, a military/arms embargo, the severance of diplomatic ties, suspension from international bodies, and trade sanctions.

As Tamrat Samuel's chapter in this volume illustrates, strong international sanctions against the Indonesian government were effective in ending the violence wrought by the government-sponsored militias in East Timor—a situation that closely parallels Kenya's in this respect. The international community's hand-wringing over its failure to act in time in Rwanda could have pushed it to take more decisive action in Kenya, since in both cases organized forces linked to the government attacked people whose only crime was to belong to the wrong ethnic group. Less self-interested donors, such as the Dutch and the Nordics, could adopt a more forceful role in this matter, by exerting pressure on the Kenyan government on their own or mobilizing other international actors.

Though Moi swiftly acceded to donor political conditionality in the past, renewed aid sanctions would not guarantee compliance by Moi's government. Their strength would be

diminished by the fact that donors are currently providing aid at reduced levels and often channeling it through NGOs. As it has previously done in response to economic and political conditionality, the government would probably take some symbolic actions and later abandon or reverse them. Monitoring would be difficult, as would collective decisions on how to respond to partial improvements. Kenya would also suffer a profound economic crisis and subsequently a political one. As a whole, donors are more concerned with violence at rallies, carried out by either government forces or rioters, than with a recurrence of “ethnic clashes.”⁹⁷ Many observers are worried that growing violence in 2000–2001 was but a “dress rehearsal” for future violence, particularly around the general elections due in 2002, which could include renewed ethnic cleansing.⁹⁸

A series of interviews with donor representatives in Nairobi in 1998 and 2001 demonstrate that they dread above all a collapse of the political and economic system that could lead to a situation far worse than the status quo. They worry that this scenario, rather than an escalation of the “ethnic clashes,” could spark a civil war—though exactly how this would happen is never articulated. For that reason, they are quick to seek an accommodation with the Moi government, even if they are fully aware of how imperfect the situation is. Their collective leverage is extensive, but stronger resolve than in the past would be required for donors to maintain sanctions as long as necessary.

There is no doubt that numerous individuals in the employ of the donors are well intentioned and did not condone the violence that took place in Kenya over the last decade. Collectively, they were nonetheless unable to find or unwilling to put in place measures that could be effective in preventing further conflict. In some cases, they did not want to be faced with solid proof of the government’s involvement. For instance, one Western ambassador declined to meet with a prominent KANU figure from the coast, who had offered to relate his firsthand knowledge of the party’s central role in the planning and execution of the violence in 1997.⁹⁹ As during the Rwandan genocide, lack of official knowledge and the lack of uncontested evidence are used to justify inaction and avoid the moral and legal obligations to intervene.¹⁰⁰ Also as in Rwanda, continued assistance to a regime such as Moi’s, in spite of its large-scale use of ethnic violence, serves to legitimate it, as well as economically bolster its activities and survival.¹⁰¹

The desire to prevent upheaval led donors to endorse KANU and Moi’s victory in the 1997 elections, despite a detailed internal report by their joint observation team on extensive rigging. Yet they do not appear to have understood that Moi’s team has seen how effective the tactic of ethnic cleansing has been in the past—and how it can be used with impunity—and can therefore reasonably be expected to use it again in the future, without further sanction. Or if they have understood this, it does not seem to preoccupy them. For donors, the prevention of violent conflict is merely an ad hoc subsidiary interest, largely unarticulated, and not a conscious strategy. The donor group appears to trust that the problem will go away, subscribing to the overly optimistic belief that the current constitutional review process, stalled from 1997 to 2001, will result in a political system that will forestall further violence.

Without clearly addressing the root causes of the “ethnic clashes” either in their public statements or their assistance projects, donors played into the government’s line that the violence was “tribal” in nature. As a result, initial attempts to work with the government to assist those displaced, including ensuring security and facilitating a return to their lands or resettlement, had very little impact. They certainly did not prevent violence from recurring. Later attempts to promote peacebuilding and reconciliation in affected communities, though somewhat haphazard

and ill coordinated, might reverse some of the damage done to interethnic relations and prevent revenge attacks. However, by ignoring the fact that attackers were brought in from the outside communities as part of the ruling party's strategy for remaining in power, the proposed solutions fail to address the true cause of the violence.

Ironically, donors' risk-averseness is only postponing the problem. As long as the root issues remain unresolved or even unaddressed, interethnic tensions will be reinforced and the various domestic actors' positions will continue to polarize. This will create an increasingly volatile situation with a high potential for organized violence to spread at a later date, most immediately in the run-up to the 2002 elections, with the risk that it will become spontaneous and escape the state's control.

Lessons for Policymakers

It is clear that, in cases of state-sponsored violence such as Kenya, national sovereignty makes it difficult for the international community, especially the United Nations, to act. Moreover, a "stark dilemma" emerges in the minds of international policymakers. They feel they must choose between their traditional foreign policy objectives (such as investment, trade, and short-term security and stability) and effective conflict prevention (which requires confronting the government). When donors have important interests, as they do in Kenya, they are generally unwilling to jeopardize their relations with the government. As a result, they do not adopt any prevention efforts that would address the cause of the violence.

Instead, donors adopt an ad hoc combination of tools drawn from the range of phases of preventive action. In the case of Kenya, these included peacebuilding strategies such as assistance to victims, associated with the postconflict phase; dialogue with the government, associated with the gestation phase; and the monitoring activities of the trigger/mobilization phase. Humanitarian assistance to victims plays little or no role in preventing further conflict, while the impact of quiet diplomacy and continued development assistance is also minimal. Only the government can forestall the recurrence of the "clashes." Yet donors have not given the ruling party any real incentive to cease employing the violent political strategies it has successfully used with complete impunity in the past.

There has been a distinct lack of political will on the part of international actors to overcome the obstacle of national sovereignty, which was circumvented on several occasions in recent years, such as in Iraq and Kosovo. Bilateral donors and the United Nations have yet to seriously consider the use of any of the more proactive phases of prevention that are associated with the conflict/escalation phase. Moreover, donors' perception of a complete trade-off between self-interest and effective prevention is overstated, while the cost of inaction is underestimated. The problem of "ethnic clashes" will not disappear on its own and is likely to escalate if left unchecked. By acting more boldly, and in concert, donors could improve their chances of stopping ethnic cleansing without abandoning their other objectives. Preventing the resumption of probable crimes against humanity and paving the way for peaceful relations in Kenya is the only route to long-term stability, which is a prerequisite for development and other donor objectives. The biggest challenge at hand is to convince international donors and organizations, if not the regime in question, that effective conflict prevention is ultimately in the best interest of Kenya and international actors.

Notes

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1. On the gestation phase, see Chapter 2 by Chandra Lekha Sriram and Karin Wermester in this volume.

2. Members of the Kikuyu ethnic group account for about 21 percent of Kenya's population; the Luhya, 14 percent; the Luo, 13 percent; the Kalenjin, 12 percent; and the Kamba, 11 percent. See Samuel Decalo, *The Stable Minority: Civilian Rule in Africa, 1960–1990* (Gainesville: Florida Academic Press, 1998), p. 177. Over thirty smaller ethnic groups also live in Kenya.

3. Calculated from Organization for Economic Co-operation and Development (OECD), *Geographic Distribution of Financial Flows to Developing Countries* (Paris: OECD, various years).

4. See Joel D. Barkan and Jennifer G. Cooke, “U.S. Policy Toward Kenya in the Wake of September 11: Can New Antiterrorist Imperatives Be Reconciled with Enduring U.S. Foreign Policy Goals?” *Africa Notes* no. 4 (December 2001).

5. Human Rights Watch/Africa Watch, *Divide and Rule: State-Sponsored Ethnic Violence in Kenya* (New York: Human Rights Watch, 1993), pp. 1, 90.

6. Francis Apollos, *Ethnicity, Violence and Democracy* (Kenya: Centre for Conflict Resolution, n.d.), p. 9.

7. See François Grignon and Hervé Maupeu, “Les aléas du contrat social kényan,” *Politique Africaine*, no. 70 (June 1998): 15; and Arne Tostensen, Bård-Anders Andreassen, and Kjetil Tronvoll, *Kenya's Hobbled Democracy Revisited: The 1997 General Elections in Retrospect and Prospect* (Oslo: Norwegian Institute of Human Rights, 1998), pp. 43–44.

8. For example, according to *The Economist* (July 16, 1994), in 1991–1994, 10,000 Turkana people were reported murdered, out of a total population of 350,000. More generally on violence in Northern Kenya, see Katumanga Musambayi, “0,4° au nord de l'équateur: une souveraineté à l'abandon,” *Politique Africaine* no. 70 June 1998). Because of the greater availability of information, this study concentrates mainly on the violence in the southern Rift Valley and adjoining districts as well as, to a lesser extent, on the coast.

9. Kenya's population grew at an average rate of 3 percent per annum between 1980 and 1999. The population density, 52 inhabitants/km² in 1999, is barely above the average for low- and middle-income countries. However, only 7 percent of the land is suitable for agriculture, resulting in a much higher population density of 494 inhabitants/km² of arable land in 1998. These figures are taken from World Bank, *2001 World Development Indicators* (Washington, DC: World Bank, 2001), tabs. 1.1, 2.1, 3.1. See discussion in Colin H. Kahl, “Population Growth, Environmental Degradation, and State-Sponsored Violence: The Case of Kenya, 1991–

93,” *International Security* 23, no. 2 (Fall 1998).

10. The British divided the Kenyan territory along ethnic lines into eight provinces, creating a different majority in each; each province was subdivided into districts, often according to ethnic groups and subgroups. For example, the Luo are based mainly in Nyanza province (though it is also the home to the Kisii, who have their own district); the Luhya, in Western province; the Kikuyu, in Central province; the Somali, in North-Eastern province; and the Mijikenda, in the Coast province. The Rift Valley is dominated by the Kalenjin, but also contains Maasai, Turkana, and Samburu districts. The Kamba share Eastern province with Embu and Meru, among others. Nairobi is the most cosmopolitan province, with the Kikuyu forming a plurality.

11. Frank W. Holmquist, Frederick S. Weaver, and Michael D. Ford, “The Structural Development of Kenya’s Political Economy,” *African Studies Review* 37, no. 1, (April 1994): 77.

12. Data from the Kenyan government’s 1989 population census, cited by Mwangi Kagwanja, *Killing the Vote: State Sponsored Violence and Flawed Elections in Kenya* (Nairobi: Kenya Human Rights Commission, 1998), p. 13. The Kikuyu formed a majority in Nakuru (60 percent) and Laikipia (68 percent) districts, which were among those most affected by the “clashes.” See Bernard Calas, “Des contrastes spatiaux aux inégalités territoriales: Géographie d’un «modèle» de développement fatigué,” in François Grignon and Gérard Prunier, eds., *Le Kenya contemporain* (Paris: Karthala, 1998), pp. 26–27.

13. For a discussion of the particularities of land-tenure patterns on the coast, see Joël Bertrand, “Une émeute sur la côte kényane,” *Afrique contemporaine* no. 170 (1994); and Adam Leach, “Land Reform and Socioeconomic Change in Kenya,” *East African Journal of Peace and Human Rights* 4, no. 1 (1997): 57.

14. Peter Mwangi Kagwanja, *Raiding Democracy: The Slaughter of the Marakwet in Kerio Valley* (Nairobi: Kenya Human Rights Commission, 2001).

15. John Lonsdale, “The Conquest State of Kenya 1895–1905,” in Bruce Berman and John Lonsdale, eds., *Unhappy Valley: Conflict in Kenya and Africa, Book One: State and Class* (London: James Currey, 1992), pp. 19–20; Angelique Haugerud, *The Culture of Politics in Modern Kenya* (New York: Cambridge University Press, 1995), p. 43.

16. See Bethwell A. Ogot, “Ethnicity, Nationalism, and Democracy: A Kind of Historiography,” in Bethwell A. Ogot, ed., *Ethnicity, Nationalism and Democracy in Africa* (Maseno, Kenya: Institute of Research and Postgraduate Studies, Maseno University College, 1996), pp. 16–26. Kenya’s main ethnic identities only emerged in the colonial period. The Luhya and the Kalenjin, even the Kikuyu and coastal Mijikenda “tribes,” are actually an aggregation of a number of distinct ethnic, regional, and class groups associated under one label by missionaries, anthropologists, and colonial administrators. The term *Kalenjin*, for example, was only coined in the 1940s to describe a cluster of ethnic groups. See Decalo, *Stable Minority*, p. 180; Claire Médard, “Les conflits «ethniques» au Kenya: une question de votes ou de terres?” *Afrique contemporaine*, special issue (October–December 1996): 68–69.

17. Joel D. Barkan, “Kenya: Lessons from a Flawed Election,” *Journal of Democracy* 4, no. 3 (July 1993): 91.

18. Ahmednasir M. Abdullahi, “Ethnic Clashes, Displaced Persons and the Potential for Refugee Creation in Kenya: A Forbidding Forecast,” *International Journal of Refugee Law* 9, no. 2 (April 1997): 202. See also Gibson Kamau Kuria, *Majimboism, Ethnic Cleansing and Constitutionalism in Kenya* (Nairobi: Kenya Human Rights Commission, 1994).

19. Republic of Kenya, National Assembly, *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya* (1992); National Council of Churches of Kenya (NCCCK), *The Cursed Arrow* (Nairobi: NCCCK, 1992); and Human Rights Watch/Africa Watch, *Divide and Rule*, pp. 12–16.

20. Perhaps “reappeared” is a more accurate word, since these patterns had emerged in the struggle for independence. Because the British had outlawed colonywide African organizations, the nationalist movement used the building blocks of ethnoregional organizations. Two main parties emerged. The first, the Kenya African National Union (KANU), was supported mainly by the larger ethnic groups (especially the Luo and the Kikuyu, the core of the nationalist movement, and also most Luhya and Kamba). It was led by Tom Mboya (a Luo) and later by Kenyatta (a Kikuyu) upon his release from detention in 1961. The second, the Kenya African Democratic Union (KADU), found support among the Kalenjin and the smaller ethnic groups of the Rift Valley, the coast and the seminomadic peoples of the northeast, who wanted to prevent domination by members of the large ethnic groups. Its principal leaders were Ronald Ngala (a coastal Mijikenda) and Daniel arap Moi (a Kalenjin). See details in Korwa G. Adar, “The Interface between Elections and Democracy: Kenya’s Search for a Sustainable Democratic System, 1960s–1990s,” in Jonathan Hyslop, ed., *African Democracy in the Era of Globalisation* (Johannesburg: Witwatersrand University Press, 1999), pp. 344–346. Soon after independence, KANU absorbed KADU. After Moi assumed the leadership in 1978, KANU’s main constituency became KADU’s former one.

21. See Stephen N. Ndegwa, “Citizenship amid Economic and Political Change in Kenya,” *Africa Today* 45, nos. 3–4 (July–December 1998); and Stephen N. Ndegwa, “Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics,” *American Political Science Review* 91, no. 3 (September 1997).

22. The KANU parliament amended the constitution in August 1992, a few months before the multiparty elections, to require the winning presidential candidate to obtain at least 25 percent of the popular vote in at least five of the eight provinces. Given the factionalizing of the opposition into clear ethnoregional bases of support, Moi appeared to be the only one able to meet this condition, even if he did not win the most votes nationally. Though Moi was already assured of dominating the Rift Valley, the violence prevented other presidential candidates, mainly Kenneth Matiba and Mwai Kibaki, from obtaining 25 percent of the vote there.

23. For an insightful analysis of the use of land as a patronage resource after ethnic cleansing in the new multiparty context, see Jacqueline M. Klopp, “‘Ethnic Clashes’ and Winning Elections: The Case of Kenya’s Electoral Despotism,” *Canadian Journal of African Studies* 35, no. 2 (2001).

24. Only a few Kenyan academics allied with KANU have echoed the government’s accusations. For example, Ogot characterizes the “clashes” as “the terror that the opposition unleashed on Kenyans . . . which were intended to force KANU out of government.” See Bethwell A. Ogot,

“Transition from Single-Party to Multiparty Political System 1989–93,” in Bethwell A. Ogot and William R. Ochieng, eds., *Decolonization and Independence in Kenya, 1940–93* (London: James Currey, 1995), p. 250.

25. According to Smith Hempstone, the U.S. ambassador to Kenya from 1989 to 1993, cabinet minister Philip Leakey publicly blamed the CIA for the “clashes.” See Smith Hempstone, *Rogue Ambassador: An African Memoir* (Sewanee, TN: University of the South Press, 1997), p. 238. Surprisingly, this parenthetical mention of “the tribal fighting in western Kenya, which everyone knew had been fomented by powerful members of the government,” is Hempstone’s only mention of the violence in his account of this period.

26. For instance, Vice President George Saitoti and cabinet ministers Nicholas Kipyator Biwott, William ole Ntimama, Kipkalia Kones, and Francis Lotodo openly advocated driving away opposition supporters and non-autochthonous ethnicities from the “KANU zone.” For this and other examples, see NCCK, *Cursed Arrow*; Republic of Kenya, National Assembly, *Report of the Parliamentary Select Committee*, pp. 8–10; Human Rights Watch/Africa Watch, *Divide and Rule*, pp. 28–32.

27. In 1993, for instance, Ntimama, in a speech in parliament, characterized the Kikuyu as having “protruding bellies, jigger-infested toes and stained teeth.” See *Daily Nation* (Nairobi), May 13, 2001. Attacks on the Kikuyu at Enoosupukia followed soon after his statements, displacing an estimated 30,000 Kikuyu—for which Ntimama expressed no regret. In fact, he accepted responsibility, stating during a parliamentary debate that “Kikuyus had suppressed the Maasai, taken their land and degraded their environment. . . . We had to say enough is enough. I had to lead the Maasai in protecting our rights.” See Binaifer Nowrojee, *Failing the Internally Displaced: The UNDP Displaced Persons Program* (New York: Human Rights Watch/Africa, 1997). For further discussion, see Klopp, “Ethnic Clashes.”

28. Republic of Kenya, National Assembly, *Report of the Parliamentary Select Committee*, p. 75; converted at the rate of fifty Kenyan shillings per U.S. dollar; and Médard, “Les conflits,” p. 69.

29. Republic of Kenya, National Assembly, *Report of the Parliamentary Select Committee*.

30. See Alamin Mazrui, *Kayas of Deprivation, Kayas of Blood: Violence, Ethnicity and the State in Coastal Kenya* (Nairobi: Kenya Human Rights Commission, 1997); Alamin Mazrui, *Kayas Revisited: A Post-Election Balance Sheet* (Nairobi: Kenya Human Rights Commission, 1998); Kagwanja, *Killing the Vote*, pp. 56–73; Thomas P. Wolf, “Contemporary Politics,” in Jan Hoorweg, Dick Foeken, and R. A. Obudho, eds., *Kenya Coast Handbook: Culture, resources development in the East African littoral* (Hamburg: Lit, 2000), pp. 148–149; African Rights, “Violence at the Coast,” *Witness* (London) no. 2 (October–November 1997); and Law Society of Kenya, “A Report on the Massacre/Violence in Coast Province,” October 1997.

31. Mazrui, *Kayas of Deprivation*, p. 49.

32. They did so by, for instance, training and arming the Pokot and encouraging them to attack the neighboring Marakwet, who are less inclined to vote for KANU, even if they belong to the Kalenjin ethnic grouping. In the late 1990s a number of Nandi and Marakwet nationalists verbally distanced themselves from not just KANU but also their own inclusion in the Kalenjin

grouping itself. They claimed that they were being politically and economically excluded by the less numerous Tugen (Moi's subgroup) and therefore were not truly Kalenjin. See Claire Médard, "Dispositifs électoraux et violences ethniques: réflexions sur quelques stratégies territoriales du régime kényan," *Politique Africaine* no. 70 (June 1998): 39.

33. In March 2001, for example, over 1,000 Pokot raiders and scores of Tugen mercenaries, heavily armed with AK-47 assault rifles, grenades, even rocket launchers and bazookas, attacked Marakwet villagers. At least 58 people were killed, over 600 houses were burnt, and thousands fled. This occurred, perhaps not coincidentally, during a voter registration period. The government provided no protection, arrested no one, even though the local administration had been forewarned. See Kagwanja, *Raiding Democracy*. Shortly before the attacks, KANU Pokot member of parliament Samuel Moroto had advocated the expulsion of "aliens" from West Pokot and declared that the Pokot would recover the lands that were "historically" theirs. *Daily Nation* (Nairobi), May 13, 2001.

34. Kenya Human Rights Commission (KHRC), *The forgotten people revisited: Human rights abuses in Marsabit and Moyale Districts* (Nairobi: KHRC, 2000), pp. 44, 123–128.

35. Author interview with a Kikuyu high school teacher, who was driven, along with his family, from Kericho district in 1992, Nairobi, May 8, 2001.

36. Republic of Kenya, National Assembly, *Report of the Parliamentary Select Committee*, pp. 68–73.

37. See Human Rights Watch/Africa Watch, *Divide and Rule*, pp. 44–49. For U.S. media reporting on accusations of the government's role in the various instances of attacks, see *New York Times*, March 29, 1992; August 21, 1997; and January 31, 1998.

38. U.S. Department of State, *Kenya Human Rights Practices, 1993* (Washington, DC: U.S. Department of State, 1994); and Nowrojee, *Failing the Internally Displaced*.

39. Human Rights Watch/Africa Watch, *Divide and Rule*, pp. 38–42; Nowrojee, *Failing the Internally Displaced*, pp. 30–31.

40. Prisca Mbura Kamungi, *The Current Situation of Internally Displaced Persons in Kenya* (Nairobi: Jesuit Refugee Service, 2001), p. 21.

41. Republic of Kenya, National Assembly's *Report of the Parliamentary Select Committee* was also known as the Kiliku report, after its chair.

42. It is widely believed in Kenya that the presidentially appointed Judicial Commission of Inquiry into Tribal Clashes, known as the Akiwumi Commission, was meant to forestall a more independent parliamentary inquiry. If it was indeed merely a stalling tactic, the government would have had no intention of ever releasing the report, seeking only to gain time, hoping people forget about the subject. Nonetheless, Catholic and Protestant church leaders, the Law Society, and the media continue to demand its release. See, for instance, *Sunday Nation* (Nairobi), March 18, 2001.

43. The U.S. State Department estimates that 50–75 were killed per month in 2001 in ethnic-

related attacks. See U.S. Department of State, *Country Reports on Human Rights Practices—2001: Kenya* (Washington, DC: U.S. Department of State, 2002), p. 19. For instance, in May–June 2001, over 30 people were killed in violence along the Gucha–Trans Mara border, mainly in attacks by the generally pro-KANU Maasai on the Kisii, who are as a whole disenchanted with KANU. According to the National Council of Churches of Kenya and the press, a familiar pattern emerged: politicians made inflammatory statements and security forces did nothing to prevent the violence, sometimes even participating in the attacks. Also in 2001, raiders killed about 150 people in Tana River district (Coast province). Residents reported that many of the killers wore police uniforms. See *Africa Research Bulletin*, January 2002; and *Daily Nation* (Nairobi), June 6, 2001; June 27, 2001; December 9–11, 2001.

44. Sriram and Wermester, in this volume.

45. U.S. Department of State, *Kenya Human Rights Practices, 1993*, pp. 1, 15, 35.

46. It suited bilateral donors to avoid direct involvement because of political sensitivities on the part of the Kenyan government. Author interview with Prisca Kamungi, research and policy analyst, Jesuit Refugee Service, Nairobi, April 25, 2001).

47. Author interview with Davinder Lamba, executive director, Mazangira Institute, and Co-Convenor, National Convention Executive Committee, Nairobi, April 27, 2001.

48. Nowrojee, *Failing the Internally Displaced*, pp. 6–9, 28–29, 52, 55.

49. International Commission of Jurists (ICJ) (Kenya Section), *The Political Economy of Ethnic Clashes in Kenya* (Nairobi: ICJ–Kenya Section, 2000), p. 31; and Nowrojee, *Failing the Internally Displaced*, pp. 10, 42–43.

50. Human Rights Watch/Africa Watch, *Divide and Rule*, p. 34; Klopp, “Ethnic Clashes”; Kamungi, *Current Situation*, p. 10; and Jérôme Lafargue, “Kenya: une lecture (nécessairement) politique des troubles ethno-régionaux” in Centre d’Étude d’Afrique Noire, *L’Afrique Politique 1994 : Vue sur la démocratisation à marée basse* (Paris: Karthala, 1994), p. 287. Church resettlement programs also proceeded slowly and with disappointing results. See Anthony N. Njui, *Temporal Resettlement of Clash Victims, 1998 Report* (Nairobi: Catholic Justice and Peace Commission: 1998).

51. Author interview with Elly Oduol, senior programme officer, UNDP, Nairobi, May 2, 2001.

52. Author interview with Fernando Larrauri, head of OCHA, Kenya office, Nairobi, May 7, 2001.

53. Letter from Nzamba Kitonga, chairman, Law Society of Kenya, to the UN Secretary-General, February 2, 1998.

54. Letter from Vladimir Zhagora, political affairs officer, Africa I Division, UN Department of Political Affairs, to Nzamba Kitonga, chairman, Law Society of Kenya, March 9, 1998.

55. Letter from G. M. Kegoro, secretary, Law Society of Kenya, to the UN Human Rights Commission, May 23, 1998; and author interview with George Kegoro, secretary, Law Society of Kenya, Nairobi, May 9, 2001.

56. Author interview with Paul S. Haddow, counsellor (political and commercial), deputy head of mission, Canadian High Commission, Nairobi, May 26, 1998); and with Bryan E. Burton, counsellor, Canadian High Commission, Nairobi, April 27, 2001.
57. Author interview with Jelte E. van Wieren, first secretary, Royal Netherlands Embassy, Nairobi, May 10, 2001. Some question the donors' need for "neutrality," given that historically they are actual policy actors and not truly "exogenous" to the authoritarian system in Kenya. Author interview with Davinder Lamba, executive director, Mazangira Institute, NCEC Co-Convenor, Nairobi, April 27, 2001.
58. Author interview with Bryan E. Burton, Counsellor, Canadian High Commission, Nairobi, April 27, 2001.
59. Author interview with Karin Steffensen, programme officer, Royal Danish Embassy, Nairobi, April 30, 2001.
60. See Election Observation Centre, *Kenya General Elections 1997: Final Report for Donors' Democratic Development Group* (Nairobi: Election Observation Centre, January 1998); and Donors' Democratic Development Group (DDDG), *Final Report: Kenya General Elections 1997* (Nairobi: DDDG, January 1998). The former is reproduced in Tostensen, Andreassen, and Tronvoll, *Kenya's Hobbled Democracy*, pp. 77–109.
61. Judith Geist, "Kenya's 1997 Elections: An Assessment and Recommendations for Improvement," report submitted to USAID, January 14, 1998, pp. ii, v, 18.
62. U.S. Department of State, *Kenya Report on Human Rights Practices for 1997* (Washington, DC: U.S. Department of State, 1998), p. 5.
63. Human Rights Watch, "Kenya," *World Report 1998*, www.hrw.org/hrw/worldreport/africa-06.htm.
64. Kamungi, *Current Situation*, p. 27; and author interview with Rashid Shakombo, member of parliament for Kwale (Shirikisho Party of Kenya), Nairobi, April 24, 2001, with telephone follow-up on May 2, 2001.
65. Author interview with Muiruri John Kimani, coordinator, Conflict Management Initiative, German Development Cooperation (GTZ), Nairobi, May 4, 2001.
66. Author interview with Davinder Lamba, executive director, Mazangira Institute, NCEC Co-Convenor, Nairobi, April 27, 2001.
67. Author interview with Bryan E. Burton, Counsellor, Canadian High Commission, Nairobi, April 27, 2001.
68. Democratic Development Group, "Communiqué: Observations on Political Violence in Kenya," Nairobi, November 29, 2000. This "neutrality" evokes similar calls during the Rwandan genocide, particularly by the French, for both sides in the Rwandan "civil war" to stop fighting. See Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1997).

69. This statement was signed by the local representatives of Austria, Belgium, Canada, the European Union, Finland, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, and the United States.
70. Donors' Democratic Development Group, "Statement on Kenya's Elections," January 9, 1998, signed by the missions of Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, the European Union, Finland, Germany, Greece, Hungary, Italy, Japan, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States.
71. Democratic Development Group, "Statement on Ethnic Violence," January 28, 1998, signed by the missions of Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, the European Union, Finland, France, Germany, Hungary, Italy, Japan, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States. In specific cases of police violence during political assemblies, however, the donor statements usually do identify the source, calling on the government to prevent its recurrence and prosecute the officers responsible.
72. For example, author interview with Jelte E. van Wieren, first secretary, Royal Netherlands Embassy, Nairobi, May 10, 2001.
73. Author interview with Willy Mutunga, executive director, Kenya Human Rights Commission, Nairobi, May 7, 2001; and with Njuguna Mutahi, Chairperson, People Against Torture, Nairobi, May 8, 2001.
74. Author interview with Willy Mutunga, executive director, Kenya Human Rights Commission, Nairobi, May 7, 2001.
75. See discussion in Stephen Brown, "Donors' Dilemmas in Democratization: Foreign Aid and Political Reform in Africa," Ph.D. diss., New York University, 2000.
76. Human Rights Watch, *Multipartyism Betrayed in Kenya* (Washington, DC: Human Rights Watch, 1994), pp. 29–30.
77. Lafargue, "Kenya," pp. 288–89; Human Rights Watch, *Kenya: Old Habits Die Hard—Rights Abuses Follow Renewed Foreign Aid Commitments* (Washington, DC: Human Rights Watch, 1995), p. 7.
78. Human Rights Watch, *Kenya: Old Habits Die Hard*, p. 2. In *Monde Diplomatique*, January 1997, Moi's position is characterized as actually having "hardened," with Moi himself only appearing to be making concessions.
79. Election Observation Centre, *Kenya General Elections 1997*. For an in-depth discussion of the quality of both elections and the reasons for donors' official endorsement, see Stephen Brown, "Authoritarian leaders and multiparty elections in Africa: how donors help to keep Kenya's Daniel arap Moi in power," *Third World Quarterly* 22, no. 5 (October 2001); and Brown, "Donors' Dilemmas," esp. pp. 231–286.
80. For years, *The Economist* (August 19, 1995; August 9, 1997; May 15, 1999; February 5,

2000; August 5, 2000) has used the allegory of a ritual dance: donors cut aid, Moi promises reform, donors resume support, and Moi reneges.

81. Author interview with Bryan E. Burton, Counsellor, Canadian High Commission, Nairobi, April 27, 2001.

82. Author interview with Yash Pal Ghai, chair, Constitution of Kenya Review Commission, Nairobi, May 2, 2001; and with Jelte E. van Wieren, first secretary, Royal Netherlands Embassy, Nairobi, May 10, 2001.

83. See *Monde Diplomatique*, August 1987; as well as Joel D. Barkan and Jennifer G. Cooke, “U.S. Policy Toward Kenya in the Wake of September 11: Can New Antiterrorist Imperatives Be Reconciled with Enduring U.S. Foreign Policy Goals?” *Africa Notes* no. 4 (December 2001): 1.

84. Confidential author interviews with an NGO consultant, Nairobi, April–May 2001.

85. There were signs that this was occurring by December 2001, when senior government politicians incited interethnic violence in the Kibera slum of Nairobi. See *Daily Nation* (Nairobi), December 9–11, 2001.

86. See Olang Sana and Onyango Odago, *A Study of Urban Thuggery and Political Violence in Nairobi* (Nairobi: Friederich Ebert Stiftung, 2000).

87. Nowrojee, *Failing the Internally Displaced*.

88. Author interview with Bryan E. Burton, Counsellor, Canadian High Commission, Nairobi, April 27, 2001.

89. Author interview with Peter Anyang’ Nyong’o, nominated member of parliament, Social Democratic Party, Nakuru, April 3, 1998.

90. On ethnic-based resistance “from below” to interethnic violence, see Jacqueline M. Klopp, “Can Moral Ethnicity Trump Political Tribalism? The Struggle for Land and Nation in Kenya,” *African Studies* 61, no. 2 (2002).

91. United Nations, “Prevention of Armed Conflict: Report of the Secretary-General,” A/55/985-S/2001/574, June 7, 2001, p. 6.

92. United Nations Economic and Social Council, Commission on Human Rights, “Civil and Political Rights, Including Questions of Torture and Detention. Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1999/32. Addendum: Visit of the Special Rapporteur to Kenya,” E/CN.4/2000/9/Add.4, March 9, 2000. See also *Sunday Nation* (Nairobi), April 23, 2000; and *Daily Nation* (Nairobi), April 26, 2000.

93. On discontinuing its consideration of human rights conditions, see United Nations Commission on Human Rights, “Press Release,” April 3, 2000.

94. *Financial Times* (London), January 15, 2000.

95. United Nations, “Prevention of armed conflict.”

96. Africa Watch recommended in 1993 that donors not renew aid until the government took significant steps to end the “clashes” and resettle the victims. See Human Rights Watch/Africa Watch, *Divide and Rule*, p. 97.

97. Author interview with Bryan E. Burton, Counsellor, Canadian High Commission, Nairobi, April 27, 2001.

98. Author interview with Tade Akin Aina, deputy representative, Ford Foundation, Nairobi, April 20, 2001.

99. Confidential author interview with a donor official, Nairobi, April–May 2001. Instead, a summary of the information the KANU official had made available was sent to the donor’s foreign affairs section.

100. In 1994 the Clinton administration prohibited the use of the word “genocide” to describe the ongoing killings in Rwanda because such a recognition would have entailed an obligation to act under international law, especially the 1948 Geneva Convention on the Prevention and Punishment of the Crime of Genocide. See Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will be Killed with Our Families* (New York: Farrar, Straus, and Giroux, 1998), pp. 152–153.

101. See Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian Press, 1998).