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"Ethnic Clashes" and Winning Elections: The Case of Kenya's Electoral Despotism

Jacqueline M. Klopp

Résumé

En 1991, sous la pression de protestataires internes et de donateurs, le Kenya à parti unique a adopté le multipartisme. La libéralisation politique a précipité les "affrontements ethniques" qui allaient éventuellement conduire à la mort de milliers de personnes et au déplacement de centaines de milliers d'autres. Cet article déclare que ces "affrontements ethniques" constituaient un aspect d'une contre-stratégie à la politique de libéralisation, mise en place par des membres influents du gouvernement du Président Daniel arap Moi. Utilisant l'exemple de la circonscription électorale de Narok North, l'article montre comment les "affrontements ethniques" pourraient faire partie d'une stratégie efficace pour maintenir le contrôle du parti dominant dans un contexte multipartite.

Introduction

Meteitei farm in Nandi District, Kenya, is one of many former settler farms that were sold off to land-hungry Kenyans after independence. In 1991, a dispute over who legitimately owned shares in the Meteitei Land Buying Company appeared to escalate. On 29 October 1991, a number of houses on the farm were burned to the ground, and several people were killed. The violence was targeted

I am indebted to Fiona Adamson, Stephen Brown, John Galaty, Stephen Ndegwa, and Elke Zuern, as well as to the participants of the Society for Comparative Research graduate student retreat, Yale University, and to the reviewers of this journal for their comments. I would especially like to thank all those people who took the time to speak to me in Nakuru, Maela, Enoosupukia, and Sekutiek, but whom, unfortunately, circumstances do not allow me to name at this time.

at "outsiders" or the original members of Meteitei farm, mostly former migrant labourers from outside the district. This apparent land dispute marked the beginning of a series of massacres which the Kenyan government officially called "ethnic clashes." These massacres continued throughout the decade in diverse parts of Kenya, leaving thousands dead and hundreds of thousand displaced.¹ Most of the displaced remain refugees in their own country to this day.

Testifying before a Special Parliamentary Committee on the "clashes," witnesses from Meteitei farm implicated some prominent figures in the government. They suggested that these politicians had incited local people to fight through "utterances urging the Kalenjin (the president's ethnic affiliation) to remove *madadada* (stains) from the area."² Furthermore, they claimed that these politicians had transported warriors to the area and paid them for each person killed (Kenya 1992, 51). New "shareholders" in the Land Buying Company, who had taken over the vacated land, were linked to these politicians. Similar eyewitness accounts of such "clashes" would be repeated in different parts of the country as "ethnic clashes" spread, marring Kenya's transition to a multi-party political system.

The timing of the "clashes" (immediately prior to the 1992 multi-party elections), the highly implicit behaviour of many actors within the Kenyan government, and the testimony of numerous witnesses all strongly suggest that the violence was part of a strategy to counter the onset of political liberalization in Kenya. While this has yet to be systematically explored, a number of scholars have drawn attention to this thesis (Holmquist and Ford 1994, 1995; Kuria 1995; Médard 1996, 1998; Muigai 1995). Most transition theorists, however, largely ignore the rise of these "ethnic clashes" in their accounts of Kenya's process of political change. This neglect may reflect the fact that the violence takes place outside of Nairobi, which, as the center of national level politics, tends to be the focus of political analysis. Shrouded in a dense field of competing claims and counter-claims around land rights, and embedded in complex local and "hidden" histories, these "clashes" occur within the periphery of national level bargaining and international attention. Nevertheless, if the strategy thesis for the origin of "ethnic clashes" holds, then significant changes are

clearly taking place outside the formal institutional channels of constitutional negotiations. In addition, these changes may have wide-reaching implications for the outcome of the current process of change. In effect, the anti-democratization initiatives and forms of resistance on the part of those most likely to lose in a transition, namely President Moi and his coterie of high level patronage bosses, must be factored into our analysis of the current political process.³

This article draws on Mahmood Mamdani's (1996) essential insight that a focus on national level urban politics alone provides an inadequate understanding of the form of despotism in Africa and, hence, the process by which such despotism might be transforming. Rather, we need to examine critically the ways in which rural majorities are linked to urban-centered national politics. I argue Mamdani's theory of "decentralized despotism" helps illuminate how Kenya's ruling clique can generate and benefit from a series of localized "clashes" in its struggle to remain in power. Working in layers, this article begins with a brief historical examination of the system of rule in Kenya with a particular scrutiny of the processes by which localities are incorporated into the central state. Next, I give an abbreviated account of the pressures on this form of rule stemming from the onset of multi-party politics, examining the initial responses by key actors in the Moi government. While these responses include an important and ongoing elite bargaining process over constitutional reform, I focus on less researched aspects of change: the emergence of an anti-multiparty discourse in the form of an ethnically exclusive rhetoric of *majimboism* and the related "ethnic clashes." Next, to compensate for the lack of careful local level studies of this violence, I trace how these ruling party responses were experienced in one locality, Narok North Constituency, where "clashes" in October 1993 left over thirty-five dead and at least thirty thousand displaced (Kenya National Council of NGOs 1995, 11).⁴ Finally, I discuss briefly the implications of this unprecedented violence for Kenya's transition process.

Historical Background to Kenya's Electoral Despotism

In the early twentieth century, divide and rule tactics, as well as careful alliances at the local level, allowed a relatively small

number of British officials to dominate the diverse and decentralized communities which fell within the territory named Kenya (Berman 1990; Berman and Lonsdale 1992). By 1925, as in other parts of the continent, colonial rule had created an administrative structure based on an ordering of Africans into neat tribal units. These units, to use Mamdani's (1996, 51) word, "containerized" Africans into divisions, districts, and provinces on the basis of various ethnic ascriptions of "tribe" and ascending clans.

At independence, this bureaucratic structure undergirding colonial domination, particularly the provincial administration, stayed intact (Gertzel 1970; Ghai and McAuslan 1970). This structure included the potential to intervene in electoral politics, which began in limited form in 1957, while under British bureaucratic oversight (Bennet and Rosberg 1961). Originally, the provincial administration represented the highly concentrated powers of the governor at the local level. In the post-colonial context, it came to represent presidential authority. This institutional configuration ensured that electoral politics became a high stakes game. The center of power, the Office of the President, with its allocative and coercive powers, including, in particular, control of the provincial administration and hence, to some degree, the electoral playing field itself, became the logical target of ambitious politicians. These concentrated powers of the president, delegated through the provincial administration, were central to Kenya's "electoral despotism"; semi-competitive elections were periodically held but were strictly controlled by a despotic state, particularly the Office of the President.

Political parties emerged during the colonial period when national level organizing was illegal. At first, by necessity, such parties were local or ethnic. When this ban was lifted, unsurprisingly, parties tended to be "mere federated ethnic loyalties grouped around individuals" (Okoth-Ogendo 1972). The Kenya African National Union (KANU), for example, which made the greatest claim to represent a Kenyan nation, had a largely Kikuyu and Luo leadership. The rival Kenya African Democratic Union (KADU) was a conglomeration of a number of ethnic parties, some of which had made common cause with the white settlers as "minority" groups. The fertile Rift Valley land appropriated by white settlers then became a key issue. Pastoralist politicians and a faction of the

white settlers were united by their desire to keep the primarily Kikuyu migrant labourers and "squatters," the backbone of the Mau Mau revolt, from making claims to Rift Valley land.

KANU won the 1961 election, and Jomo Kenyatta formed the first independent African government in 1963. While both KANU and KADU promised to abolish the provincial administration, KANU reneged on this promise. In fact, within a short time the KANU government recentralized power through a series of constitutional amendments (Gertzel 1970; Okoth-Ogendo 1972). This process destroyed the *majimbo* or provincial governments that had been negotiated prior to independence as a means to address KADU concerns.⁵ Kenyatta skillfully used coercion and persuasion, particularly access to state resources, to bring KADU MPs, including their leader, Daniel arap Moi, into KANU. In exchange for sharing power, KADU dropped its opposition to settlement schemes in the Rift Valley. These schemes were meant, in part, to deal with the landlessness and the political unrest associated with it (Leys 1975). This "pact" would appear to fall apart in the 1990s, leading to the violent expulsion of migrants.

In brief, Kenya became a de facto one party state, which relied heavily on patrimonial control and surveillance by the provincial administration to keep "law and order." KANU as a political party remained weak. When Kenyatta died in 1978, Vice-President Moi became president. With the help of some prominent Kikuyu politicians, as well as from the "common man," including Kikuyu critique which had surrounded the former president (Karimi and Ochieng 1980; Widner 1992). Moi used KANU to consolidate his power by intervening in nominations and replacing Kenyatta clients with his own. He purged the provincial administration of disloyal elements, maintaining his grip on power (Barkan and Chege 1989). From a small pastoralist group, the Tugen, Moi built a trusted support base in the Rift Valley. Over time, through reorganizing national alliances and patronage networks to ensure patrimonial control, KANU alienated many within Kikuyu and Luo constituencies. Kikuyu and Luo grievances were now added to deep pastoralist and Coast grievances, particularly over irregular allocations of land, which proceeded apace under the Moi regime (Galaty and Munei 1999; Kanyinga 1998ab; Klopp 2000, 2001).

The Continuing Role of the Provincial Administration

As the provincial administration continues to play a critical but largely neglected role in Kenya's "electoral despotism," it is worth a brief review. Each of Kenya's provinces has a provincial commissioner at the apex of a bureaucratic hierarchy that stretches through the chief and his assistants, deep into local areas. While the chief is essentially an appointed bureaucrat, his wide array of coercive powers reflects the British imagining of a tribal chief or traditional authority.⁶ This imagining was highly expedient; with few exceptions, chiefs did not rule in Kenyan societies (Tignor 1971).

Today, most rural and poorer Kenyans continue to fear the chief who has recourse to the coercive powers of the administration. Indeed, the chief has recourse to a special police force, the Administration Police. This force consists of "such number of officers as may from time to time be authorized by the president" (Administration Police Act) and who, in practice, are appointed by the District Commissioner. It is hardly surprising, then, that many rural Kenyans are more concerned with who is appointed their chief than with who is elected their MP. In one case, it was explained to me that a local area was voting for the KANU MP because they had a popular chief. They felt that electing an opposition MP would create problems with a pro-KANU administration, and they did not want their chief replaced.

High-level patrons, such as ministers, work through the local administrative structures to gain information about what is happening in their constituencies and to maintain control. Local level administrators, such as chiefs and sub-chiefs, collected KANU membership dues until recently, seeing it as their duty to promote KANU in their area of jurisdiction. In the multi-party era, most administrators continue to operate on behalf of the office that appoints them — the Office of the President. One former KANU MP and minister in Moi's government confessed:

Ask any Member of Parliament, he will have no faith in either the marauding "police" in his constituency or in the chiefs. He might pretend if he is a KANU member, but deep down in him, the state of relationship between the MP and the Provincial Administration is one of at arms length. If the MP is a member of the opposition, then certainly these officials will be looking for excuses to harass and arrest him to attract the

President's attention for favours, such as a promotion or commendation in public for a job well done. On the other hand, they will go out of their way to please a KANU MP and avail him service, advice and guidance. As for a "Minister," that is an opportunity for the DO to try and get in an additional word to the President.

The Provincial Administration is very skilled at finding ways to listen to their "master's voice" and to manage politics in favour of the President and his party. It is the President's political arm throughout the country and it starkly discriminates between the President's men and the President's enemies (Okondo 1995, 130-31).

Under the Public Order Act, the administration controls the use of political space. According to the Act, police officers "control and direct the conduct of all public gatherings" and "any public meeting requires a license from the District Commissioner." After 1997 reforms, meet-the-people tours and internal party meetings were excluded from these licensing requirements. Regardless of this formal legal change, this system of policing public meetings persists in the multi-party era. Meetings therefore continue to be liable to attack for "security reasons."

One potentially accountable check on the administrative powers in rural Kenya is the elected officials in local councils. These councils, like the administrative structure they are imbricated in, originated as instruments of the colonial state (Berman 1990). While there have been transformations in the system of local councils, the trend has been towards the consolidation of central government control (Oyugi 1983; Smoke 1993; Southall and Wood 1996; Stamp 1986). Local councils continue to be dependent on the central government. In particular, they are expected to submit to the control and supervision of the Ministry of Local Government and receive rules and directives from above. Two-thirds of the councillors are directly elected and therefore, in theory, accountable to local people. The rest are appointed.⁷

The introduction of alternative political parties into local government did not redress the problem that the councils remain largely captive to the KANU colonized central government. Here is how Njoroge wa Wanguthi, former opposition councillor from Kiambu in Central Kenya, described his experience:

Frustrating! Even when you have a little money [and the councils are financially unstable due to interventions from the central government] and maybe the people want something little done — like a bridge. You take the matter to the council and pass the recommendation and you have money — this money you have got, because it is the money they pay for licences, for their trades and that sort of thing — it's their money. But there is what we call the Local Government Act, which has taken all the powers from local authorities and kept them entirely in the central government, so you have the money, you have passed in the council that you should do this, but you cannot affect it without the Minister's approval. When the proposal gets to him, he will look at the front and say "it is such and such a place where the opposition is" and [picks up a paper and places it at the far end of the desk where it is to be forgotten] (Interview, June 1998, Nairobi).

Autonomous powers of the councils, while a potential counterforce, are, thus, largely emasculated. Many councillors are incorporated into KANU's patron-client networks, and, in fact, in the multi-party era many councillors play an active role in deepening local despotism through assisting in the violent evictions of potentially subversive communities in their areas.⁸

In brief, this elaborate structure of administrative control connecting the local to the center provides a means to subvert democratization in Kenya. Maintaining or gaining control of this apparatus via the Office of the President is the subject of intense struggle between factions within KANU, as well as between KANU and opposition parties. Constitutional wrangling largely revolves around changing aspects of this institutional structure, with much focus on what will level the electoral playing field. Within this struggle, it is clearly the dominant patronage bosses who have the most to lose by constitutional changes, which, in turn, would facilitate a change in government. From them, we would expect the greatest resistance to change and the genesis of new strategies to subvert democratization using the formidable tools at their disposal, including, in particular, their grip on the institutions that give rise to "decentralized despotism."

Emergence of Challenges to KANU

A watershed public attack on KANU rule came in the form of a scathing sermon delivered on the eve of 1990 by activist clergyman Reverend Njoya. To a packed congregation at St. Andrews Cathedral in Nairobi, he challenged the ruling party to learn lessons from what was going on in Eastern Europe and institute reforms. The sermon rocked the political establishment, which was unused to direct challenges. Later, in March 1990, two former government ministers, who had fallen out of favor, Charles Rubia and Kenneth Matiba, called a press conference to announce their support for a multi-party system in Kenya. They told the press that they were in the process of applying for a licence to hold a pro-multi-party rally in Nairobi. When they actually applied to the Provincial Commissioner for a licence, as expected, their application failed.

Rather predictably, given the colonial priorities embedded in Kenya's legal code and reflected in its administrative structures, the president responded by proclaiming a threat to "law and order." On 11 May 1990, President Moi held a rally in Nairobi in which he told of a plot by Rubia and Matiba, in cahoots with the Church of the Province of Kenya,⁹ to assassinate the country's political leaders. He declared that "his patience was running out and threatened to lock up such people if they continue to sow seeds of discord in the country" (*Weekly Review* 26 July 1991). This was followed on 3 July 1990 by a statement from State House, Nairobi, the official presidential residence, warning that those planning an illegal meeting should realize that the government would deal with any such blatant attempts to undermine "law and order" with utmost severity. Shortly afterwards, a major crack down of multi-party activists ensued and just two days before a scheduled pro-multi-party rally in Nairobi, Rubia and Matiba, along with other rebellious politicians, were put under arrest.

Still, on 7 July 1990, ignoring the president's intimidating words, crowds gathered at the site where the rally was to take place. Eventually, thousands of Kenyans demonstrated on the streets of Nairobi to show their discontent with the status quo.¹⁰ In the wake of the demonstrations in Eastern Europe, which preceded successful challenges to one-party rule, it seems likely that President Moi and his party stalwarts were worried.

Once again, the beginning of 1991 brought a new challenge to KANU when veteran politician, Oginga Odinga, added his voice to calls for multi-partyism. A week later, another venerable old politician, Masinde Muliro, called on the president to repeal section 2(a) in the constitution, banning opposition parties. He argued that, "Kenya must stand up to the challenge of the wind of change that is blowing across the world" (*Weekly Review* 11 January 1991). At the same time, prominent human rights lawyer, Gitibu Imanyara, filed an application in the High Court to have the legislation that made Kenya a de jure one-party state struck out as unconstitutional. A month later, Odinga announced the formation of a new party, the National Democratic Party, and on 13 March 1991, presented himself, along with other party members, at the Registrar General's office for registration.

Faced with this remarkable series of challenges to KANU's monopoly of power and still haunted by the protests of the previous year, the Moi cabal this time remained low-key in its response. However, government representatives, including the president himself, reiterated what would become a constant refrain: "Kenya was not cohesive enough as a nation to have multiple parties." In such a context, they insisted, advocating multiple parties was tantamount to advocating violence. However, they were now confronted with the reality that the opposition was not going away, and many donors with the post cold war philosophy of "good governance" were watching events closely. At the end of November 1991, after years of growing disillusionment with Kenya's high level of corruption, a group of major donors coordinated their actions and cut off non-humanitarian balance of payment support pending reforms.

Moi acted rapidly in light of the combined onslaught of internal discontent and external pressures from donors who provide key infusions of aid to the Kenyan government.¹¹ He convened a meeting of the KANU governing council without announcing its agenda. Debate on the party's future was filled with arguments against multi-partyism. KANU organizing Secretary, Musyoka, summarized the standard theme starkly: "The choice is between KANU and violence," he told the delegates. "It is for you to decide" (*Weekly Review* 6 December 1991). After listening to the discussions for over two hours, the president spoke, reminding the dele-

gates of KANU's achievements, but then, in what no doubt came as a big surprise to many there, he suggested that it was time to allow alternative parties. Such a measure was necessary to screen out disloyal KANU party members or, in Moi's words, "to separate the good eggs and bad eggs by putting them in water." The delegates voted, as usual, according to the presidential wish and hence agreed to repeal section 2(a) of the constitution banning opposition parties. Ominously, the final words Moi gave to his party members were: "Protect yourselves, do not expect me to protect you" (*Weekly Review* 6 December 1991).

"Protecting" Themselves: Patronage Bosses Fight Back

Key powerbrokers and patronage bosses around President Moi, mostly KANU MPs and ministers, were actively countering multi-party advocates as soon as a threat emerged. The most striking aspect of this activity was a series of *majimbo* rallies. *Majimbo* means "province" in Swahili, while *majimboism* refers to the early post-independence federalist constitutional structure where significant powers were to be devolved to colonially defined provinces.¹² Starting in early 1991, *majimbo* rallies took place in rural areas where KANU support was strongest, such as the Rift Valley province. Packed full of loyal KANU stalwarts and key patronage bosses, these public rallies decried multi-partyism and threatened its proponents with violence. Furthermore, many speakers suggested that they would counter the new parties by proposing a "federalist" or *majimbo* structure. Backing up these claims, MP Dr. Joseph Misoi called a press conference in parliament to promote the introduction of *majimboism*. As even Kenya's pro-establishment weekly magazine, the *Weekly Review*, noted, the parliamentarian did not bother to explain the merits of federalism as a political system but rather wielded federalism "as some kind of threat against continuing agitation for political pluralism" (*Weekly Review* 2 August 1991).

A movement was thus afoot to counter the calls for multi-partyism by appealing to the reconfiguration of Kenya along territorially defined ethnic domains, which would, ideally at least, follow provincial boundaries. *Majimboism*, as a call to align the boundaries of the former reserves (provinces) with imagined ethnic

boundaries, played on the colonial construct of Africans as existing peacefully only within segregated tribes. The attraction of such a model for Kenya's patronage bosses was that, even if they should lose control of the central government, they could bargain with the new leaders on the basis of their political strength in ethnic enclaves where their grip on local politics would ensure their dominance.¹³ This *majimboism* discourse, however, confronted the reality that numerous settlement schemes in independent Kenya, as well as the large number of cross-ethnic ties from business, trade, and marriage, meant that the Rift Valley is a rich tapestry of multi-cultural communities.

The paramount patronage boss, President Moi, initially maintained a public appearance of being above the fray. On 19 August 1991, Moi issued a statement condemning both *majimboists* and opposition politicians, who accused *majimboists* of destroying the Kenyan nation, as "agents of fragmentation and chaos when the situation called for peace and national unity" (*Weekly Review* 23 August 1991).¹⁴ However, only a month after Moi's supposed silencing of the debate, on 13 September 1991, another rally to relaunch the campaign for *majimboism* took place at Kapsabet town in Rift Valley Province. The speakers, all Kalenjin from the Rift Valley, including two cabinet ministers — Timothy Mibei, Minister for Public Works, and John Cheruiyot, Minister for Cooperative Development — claimed that they had the backing of six out of eight provinces for *majimboism* and that they had already drafted constitutional amendments to be tabled in parliament. They made it very clear that as long as the campaign for multi-partyism continued, they would continue to support *majimboism*.

They also intensified their rhetoric, filling it with dark suggestions of violence. Ethnicizing the opposition as Kikuyu, the speakers made the implications of *majimboism* clear when they asserted that all those Kikuyu settled in the Rift Valley would have to pack up and resettle in Central Province. MP Willy Kamuren warned government critics to move out of Kalenjin areas for "with *majimboism*, they would all be required to go back to their motherland" (*Weekly Review* 13 September 1991). Hinting at the potential redistribution of land to Kalenjin government supporters, MP Kimunai Soi told the audience that, "all outsiders who have acquired our land will have to move and leave our land to our children." MP Paul

Chepkok directly advocated violence, saying that the residents of the Kalenjin districts were ready to take up arms against the multi-party proponents and had been restrained from doing so only by the president. The implication was, of course, that if the president gave the word, they were ready to cleanse the Rift Valley of "outsiders," taken en masse to be government critics.

This rally was followed by yet another on 21 September 1991, this one at Kericho in the Rift Valley. The most powerful patronage boss next to the president, Nicholas Biwott, attended and was feted "as one of the most loyal ministers in the President's cabinet."¹⁵ The theme of this meeting was the willingness to use any means, including violence, to counter anti-government activists in FORD (Forum for the Restoration of Democracy), the new coalition pressing for change. MP Chepkok grew even more vitriolic in his rhetoric, encouraging the audience to "take up arms and destroy dissidents on sight" (*Weekly Review* 27 September 1991). Biwott lent his voice to the cause by making explicit what was at stake. "The Kalenjins are not cowards," he told the crowd, "and are not afraid to fight any attempts to relegate them from leadership," that is, of course, the presidency with its cascading patronage networks from which they were personally benefiting.

The rally ended with an "order" barring FORD leaders and other activists from setting foot in the Rift Valley. *The Weekly Review* appropriately interpreted these meetings at the time as "a new approach in the war against government critics, that of keeping the counter-offensive in top gear as a means of opposing the persistence of critics in attacking the government." Furthermore, the *Weekly Review* remarked that "it would appear as if the leaders of last Saturday's meeting were certain that no action would be taken against them for preaching violence" (*Weekly Review* 27 September 1991). In fact, in what would become a persistent pattern, the president would neither endorse nor speak out against the utterances of his patronage bosses. Instead, he would maintain the official posture of being above the conflict. This strategy would allow him both to use the extremist faction to enhance his power in bargaining with opposition politicians fearful of wide-scale violence and also to set himself up, somewhat paradoxically, in the eyes of both internal and external audiences, as a potential restorer of peace.

In brief, in 1991, when the oppositional forces remained relentless, the president and his clique of patronage bosses reacted by developing a new approach to this pressure. They began an effort outside of Nairobi in rural constituencies to use an unprecedented level of intimidation through overt threats of violence. While unfolding largely away from donor eyes, this activity sent strong messages to the opposition about the extent to which key players in Moi's regime were willing to go to hold onto power. Out of the nation of Kenya, they would carve ethnic enclaves, if this meant a greater bargaining position in the event of a change in the reins of power.

The *majimbo* rallies, as public displays of power, served to transmit these messages to the opposition. Staged in the rural areas that were monitored and controlled by KANU, they also conveyed a new message to local provincial administrators and government officials, as well as to KANU supporters at large, as to what would count as "loyalty to the president" and, hence, which actions would be rewarded, particularly with land. In this way, the rally rhetoric was "performative" (Austen 1975) and set in motion the subsequent violence. Indeed, testimony after testimony of witnesses to the violence would point to these rallies as the starting point of the trouble.¹⁶

The above does not necessarily imply that the dynamics and outcomes of the "clashes" are part of a grand strategy on the part of the entire Moi government. Rather, it suggests a response by a group of agents to a reconfiguring of what might be called their "field of power" (Bourdieu and Wacquant 1992, 104). Through the introduction of new political challengers and new parties, key actors, particularly those close to the apex of the patronage network and, hence, to control of the provincial administration, struggled to find ways "to protect themselves" in light of these changes. Some of these measures, as the *majimbo* rallies suggest, were relatively coordinated and involved the provincial administration for, most obviously, to hold such a public meeting required prior approval. Thus, while interventions would take on different local forms and would be couched in terms of various local grievances, they do suggest an organized national effort by Moi's patronage barons to stave off changes in control. Moi played the role of the master strategist who "can turn a capital of provocations received

or conflicts suspended with the potential riposte, vengeances or conflict it contains, into an instrument of power, by reserving the capacity to reopen or cease hostilities in his own good time" (Bourdieu 1977, 15). However, fitting well within the frame of "decentralized despotism," each establishment figure had access to the provincial administration and a certain amount of free rein to counter opposition challenges in their constituencies or, in Moi's words, "to protect themselves." The case of an "ethnic clash" in Narok North Constituency illustrates how this process works.

A Look at the Local Level: The Case of Narok North

BACKGROUND

The heart of Narok District lies about one hundred kilometres from Nairobi in the southern part of the Rift Valley. It consists of rolling dry plateaus, as well as lush hills, with substantial rainfall and rivers. Along with the adjacent district of Kajiado, Narok District is part of what was once a Maasai reserve under colonial rule.¹⁷ In the first Maasai "agreement" of 1904, approximately 11 200 Maasai, and over two million stock, lost their land to only forty-eight Europeans by allegedly agreeing to move to Laikipia (Okoth-Ogendo 1991, 30). When the land in Laikipia became attractive to settlers, the Maasai were moved yet again under the 1911 Maasai "agreement" to the more arid terrain of the Southern Rift valley, the current Narok and Kajiado Districts. The land within the reserve was legally defined as "trust land," that is public land controlled by the government in "trust" for the Maasai, a status that much land has maintained in the post-independence period.¹⁸

Defining the Maasai reserve as a "closed district," colonial administrators attempted to create an ethnically pure enclave that fit their notions of a tribe. This policy intervened in a long precolonial history of Maasai interaction with agriculturalists, particularly the Kikuyu. Precolonial relations involved cattle rustling and territorial disputes, but also much cooperation:

In normal years, Kikuyu cultivators exchanged their cereal produce for Maasai livestock and livestock products. This exchange was based on the fact that the two communities lived in different ecological zones, and each produced goods desirable

to the other, but which the other did not produce. In years of catastrophe, the two communities accorded each other refuge and time to recover. Impoverished Maasai could be adopted by Kikuyu families while they tried to survive and look to a return to herding while impoverished Kikuyus could go herding for Maasai families and eventually become adopted by the families (Kituyi 1991).

A history of interactions, including intermarriage that intertwined Kikuyu and Maasai kinship networks, challenged notions of a firm ethnic boundary dividing Kikuyu and Maasai. Such interactions did not imply the dissolution of cultural, particularly linguistic, differences that serve as markers of this boundary. Rather, this boundary was, and continues to be, "negotiable" (Galaty 1993, 190).¹⁹

While the movement of the Maasai south into the reserve pushed the Kikuyu and Maasai farther apart, the policy of ethnic segregation was never completely successful. The policy failed to prevent "infiltration" by many Kikuyu who, also under land pressures by white settlers, looked to their old refuge of Maasailand. They became clients and workers for Maasai homesteads in exchange for access to land (Kanogo 1987, 55). Maasai households benefited from Kikuyu clients who provided labour, new alliances through marriage, and informal business connections. Furthermore, by enlarging their household, Kikuyu clients gave Maasai elders greater weight in the community (Waller 1993, 113, 241).

The colonial administration worked against this Maasai-Kikuyu interaction, actively attempting to keep Maasai and Kikuyu separated. They policed the borders of the Maasai reserves to prevent Kikuyu "infiltration" and raided homesteads, in search of Kikuyu to evict. In some parts of Maasailand, the administration carried out regular whole-scale evictions and hut burnings. Rather than critically examine a land policy that generally favored white settlers, District Commissioners attempted to convince the Maasai that the "infiltration" of Kikuyu "aliens" was spoiling their land (Waller 1993, 238-39).

Regardless of these efforts, Kikuyu continued to live among the Maasai, many assimilating and taking up Maasai identities. Between the two World Wars, Kikuyu immigration increased. While assimilation continued, Kikuyu agricultural enclaves

emerged, and many settlers held a Lockean belief that those who cleared and laboured on the land should enjoy its use (Lonsdale 1992, 333). In contrast, the Maasai viewed land as part of a communal territory, owned by no one. Furthermore, the Kikuyu enclaves competed for land with the already land-squeezed Maasai. During the Emergency period, precipitated by the Mau Mau revolt against colonial rule, thousands of Kikuyu were forcibly removed from Narok, thus reducing this competition, but with the onset of independence, migrants, including many Kikuyu, began moving in.²⁰

In 1954, the colonial government began to encourage the adjudication of Maasai trust lands into individually owned ranches. This step marked a move "towards a view of land, no longer as Maasai territory, but as the basic resource for individual advancement" (Campbell 1993, 263). However, as in other parts of Kenya, the idea of land as community territory did not disappear altogether, but rather coexisted uneasily with the idea of land as a commodity. While the notion of land as territory would provide a cultural resource for exclusionist ethnic-based political mobilization, this concept is not intrinsically exclusionist and, in fact, has not been so in practice. The long history of interethnic negotiation between the Kikuyu and Maasai around access to land demonstrates this fact.

Post-independence governments continued to push land subdivision, as well as individual and group ownership. Hence, parts of the trust land were adjudicated and title given to individuals and cooperatives. Like most land adjudication exercises supervised by the KANU administration, widespread irregularities occurred, with land being allocated as patronage, rather than to legitimate claimants.²¹ Expansive ranches, as well as large-scale wheat and barley farms owned by the wealthy, blossomed. In search of buying or leasing smaller parcels of land for subsistence and security, poor Kikuyu and Kalenjin migrants, facing land pressures in their home areas, also poured into the district.²²

NATIONAL POLITICS ARTICULATED LOCALLY IN NAROK NORTH

William ole Ntimama is the MP for Narok North, the Narok District KANU Chairman, a government minister, and, hence, as all these positions indicate, a high-powered patronage boss. From 1990, when the multi-party debate was heating up, he began to argue vociferously that the land adjudication officials in Narok

District were Kikuyu and had used their influence to allocate themselves and their families huge tracts of land (*Weekly Review* 24 May 1991). He painted all Kikuyu in Narok as alien despoilers of Maasai land by suggesting that the whole land adjudication process was a Kikuyu conspiracy to dispossess the Maasai. This allegation contained a ring of truth in that Kikuyu brokers have been involved in irregular land allocations (Galaty and Munei 1999). However, rather than suggesting a careful look at the land adjudication procedures from which Ntimama, himself, had benefited, the MP resorted to a colonial tactic. He diverted attention away from government policy and adjudication procedures by ethnicizing the blame for Maasai land pressures.

The rise of alternative parties in Kenya created a new set of challenges for patronage bosses like Ntimama. First, being high up in the KANU hierarchy, with the resultant ability to intervene in the KANU nominations and squash unwelcome challengers from within, did not, in fact, prove effective against challengers from altogether different parties. Second, opposition politicians outside of the party-state locus of power were more willing to criticize KANU policy and break official silences. Third, with the real possibility of a change in power, Moi's patronage bosses faced an exposé of their dealings, particularly around the sensitive land issue, as well as potential retribution. It is not surprising, then, that the threat of multi-partyism provoked not only resistance, but also an active counter-strategy on the part of prominent powerbrokers like Ntimama.

Ntimama's agitation began on March 1991 at a *majimbo* rally held in his constituency, Narok North, home to many Kikuyu migrants. Attended by a number of prominent KANU ministers and MPs, including key figures in the president's inner circle, it was nothing less than an impressive show of power. Once again, Ntimama targeted the Kikuyu, calling them inciters and agitators and accusing them of acquiring Maasai land by dubious means. It was at this rally that the KANU parliamentarian issued his infamous order for Kikuyu in Narok to "lie low like envelopes or face the consequences" (*Weekly Review* 1 March 1991). Interviews with rally attendees, Sekutiek, October 2000).²³ Confronted with outrage by opposition activists, the president stood by his client.

With the ban on multi-partyism repealed the following year, Ntimama faced two parliamentary contestants from new parties.

Reflecting close Maasai-Kikuyu ties, both these parties were heavily Kikuyu-based. His old rival, Lempaka, joined Ford-Asili, while the other contestant, Tiampati, joined the Democratic Party.²⁴ Both of Ntimama's competitors were "powerful Maasai ex-DCs and businessmen" (Throup and Hornsby 1998, 499). These Maasai opponents, with backing from largely Kikuyu-financed parties, presented a serious threat to Ntimama's hold on power in the area. The Maasai vote was split, with the two smaller clans, Ildamat and Keekonyokie, unlikely to support Ntimama, who was perceived to be discriminating in favour of his own clan. If Tiampati, also a Purko, had run, this would have further diminished the Maasai vote for Ntimama.²⁵ After Ntimama's anti-Kikuyu rhetoric, the fifteen thousand Kikuyu voters in the seat would support anyone except the minister. Ntimama's strategy for "protecting himself" from potential electoral defeat was persistently to treat the small-scale Kikuyu farming and trading community in Narok as alien troublemakers responsible for the deprivation of Maasai rights, particularly around land.²⁶ Many pastoralist Maasai felt a sense of insecurity around land that resonated with the minister's exaggerated claims that if the Kikuyu-led opposition were to come to power, all Maasai land would be grabbed.

Ntimama's freedom to expound such rhetoric reflected the power he wielded by virtue of being close to President Moi and having been appointed the Minister of Local Government. This power also meant that he had privileged access to patronage to buy support within the local councils and to use the provincial administration and other government actors as instruments of violence. Thus, he was able to mobilize supporters, hold meetings, and organize the violent subversion of his opponents' campaigns. It is hardly surprising, then, that in the build-up to the December 1992 election, Narok North constituency was marred with pre-election irregularities and violence.

At the end of May 1992, Narok church leader Reverend Julius Kamwaro complained that Kikuyu residents were not allowed to register (*Daily Nation* 1 July 1992). Ntimama's Democratic Party opponent, Tiampati, who was relying on the Kikuyu vote for the seat, echoed this concern (*Daily Nation* 13 July 1992). At one heavily Kikuyu-populated location, Enoosupukia, local chiefs and KANU youth interfered with voter registration, and one voter complained to the press that the officers were telling them to go

back to Kiambu in Central Province to register (*Daily Nation* 12 June 1992).

On 10 June 1992, the first incident of overt violence hit national attention. The National Elections Monitoring Unit, a domestic elections watchdog organization, observed that "trouble started after alleged warriors ganged up and vowed not to let any Kikuyu to register as voters." Three people at the Enoosupukia registration centres were killed, and ten buildings were razed to the ground (National Elections Monitoring Unit 1993, 128). Shortly afterwards, the Attorney General stated that his office would investigate the Narok killings, and new registration centers were opened. Registration was highly irregular, however, and Narok North was one of the constituencies where there were "falls in registration by more than 800 voters, which should have been impossible" (Throup and Hornsby 1998, 263). While Ntimama continued to vehemently deny that Kikuyu voters were being intimidated, leaflets from "Young Maasai Warriors" began to circulate, warning Kikuyu not to register or face death. In July 1992, a reporter on the scene observed that, "most Kikuyus had resolved to stop registering for the safety of their lives" (*Daily Nation* 15 July 1992). Nevertheless, many Kikuyu residents continued to resist these attempts at intimidation, persisting in demanding their right to vote freely.

Despite public outcry, anti-Kikuyu rhetoric continued. On the eve of the election, on 28 December 1992, vehicles with loudspeakers toured the Kikuyu areas of Narok, threatening those who did not vote for KANU with eviction (Throup and Hornsby 1998, 381). According to former police Superintendent for Narok, Joseph Kimaru Chumo, the next day, another three Kikuyu were killed by a group of Maasai as they were going to vote (*Daily Nation* 23 March 1999). In the end, Ntimama won the Narok North seat in the 1992 election. The results, listed below, gave him a substantial lead.²⁷

Candidates	Party	Votes
William ole Ntimama	KANU	24 523 (64%)
Haroun Lempaka	Ford-Asili	9 489 (25%)
John Tiampati	Democratic Party	4 305 (11%)

Source: Institute for Education in Democracy (1998, 254).

"ETHNIC CLASHES" AT ENOOSUPUKIA

Ntimama's rhetoric began to transform into large-scale action after the 1992 general election. The trouble started in Enoosupukia, a thriving hill community of pastoralists, farmers, and traders. By 1977, almost all of Enoosupukia, formerly trust land, had been subdivided and sold to private owners, both Maasai and Kikuyu. Many of these Maasai, in turn, leased or sold small portions of their relatively large farms to poorer Kikuyu migrants. At the time, Ntimama as Narok County Council Chairman encouraged this privatization process. In August 1993, Ntimama simply declared the area around Enoosupukia to be trust land, that is, public land under the control of the council. On 28 September 1993, the Narok District Commissioner, Calestous Akello, called a meeting and ordered an estimated thirty thousand people to leave the Enoosupukia hills (*Daily Nation* 29 September 1993). The residents largely resisted leaving unless they were to be given compensation for land they had bought. They clearly saw their eviction as punishment for voting for the opposition in 1992 (*Weekly Review* 8 October 1993; Interviews with former Narok residents, Macla, October 2000).

To legitimize these moves against the Kikuyu of Narok, Ntimama relied on two interrelated discourses. Shortly before the eviction notices in June 1993, Ntimama attended the Vienna World Conference on Human Rights as an official government delegate and spokesperson for the rights of the "indigenous Maasai." The rotund minister greatly amused the Kenyan press when he shed his habitual business suit to don a characteristic red cloth *shuka*, associated with more traditional Maasai.²⁸ On his return to Kenya in July 1993, Ntimama proclaimed the Maasai and Kalenjin in the Rift Valley as "indigenous Kenyans" because they had not been adequately compensated for land lost during colonial times. Denying a history of extreme land distress in Kikuyu areas since colonial times, he singled out the Kikuyu as non-indigenous since they had lost only "a small piece of land" (*Weekly Review* 9 July 1993).

Ntimama also retrieved an environmentalist discourse. This discourse, Fiona Mackenzie (1998) has effectively shown, was used by the colonial government in defense of a highly unequal distribution of land. The minister charged that Kikuyu infiltrators living

in the Enoosupukia hills were cutting down trees, creating environmental damage, and thus ruining the source of water which fed the lowlands. Even though there were a large number of Maasai farmers in Enoosupukia, this discourse was used to justify the selective dispossession of the Kikuyu. Ntimama took the Minister of the Environment and Natural Resources, local leaders, and journalists to tour the Enoosupukia hills at the end of September 1993. Unlike colonial times, however, conspicuously absent from the group were environmental experts, who might have made an assessment of the damage done and potential remedies. When questioned on this lack, the Narok County Council insisted that this was a "special case" (*Weekly Review* 8 October 1993).

Ntimama's rhetoric appealed to many pastoralist Maasai at the time. Many saw him as a champion of their rights against "foreigners," and he provided an easy "solution" to the very real problems of pastoralist land tenure insecurity and environmental degradation. Migrants certainly do contribute to pressures on pastoralist lands (Bernard, Campbell and Thom 1989, 412). However, the roots of degradation and land tenure insecurity are far deeper, have a longer genealogy, and involve national park land, group ranches, and large-scale farmers such as Ntimama himself (Peron 1995; Sindaga 1984).²⁹ Hence, these problems will hardly be solved through the expulsion of poor migrants, who are a reflection of "population growth, overcrowding, and land availability elsewhere," implying "a regional problem requiring a regional solution" (Bernard and Anzagi 1979, 97-98 cited in Sindaga 1984, 34) and the need for cooperation, rather than conflict. This was not to be part of Ntimama's approach to "indigenous rights."

Heading towards Enoosupukia on 13 October 1993, Maasai residents of neighbouring Sekutiek saw an organized group of Maasai dressed in red *shukas* and carrying clubs and spears, as well as bows and arrows (Interviews with witnesses, Sekutiek, October 2000). When this group got to Enoosupukia, "clashes" broke out. Here is one witness account:

On October 13th, Maasai morans, crept silently to a home in Kipuput village and slashed every family member. People had gone to help them, but they were fought by the Morans fearlessly. They were carrying bow and arrows, spears and *rungus*, which showed marks of being recently made.... The

Kikuyus who were poorly armed carri[e]d *pangas* and were repulsed quickly. The Maasai wore red *shukas* although some of them were neighbours to us and ran to people slashing them mercilessly. People, mostly Kikuyus, cried to them calling their names but they only worked on them hopelessly.

The *askaris* [Administration Police] who had been brought by the DO [District Officer] helped the Maasai morans when they were attacked by the Kikuyus. The Maasai warriors claimed that they wanted their men who were killed by the Kikuyus when they were stealing livestock. In the Kimondi area, a group of Maasai warriors led by the local game ranger [name withheld] had a gun and shot dead three Kikuyus after seeing that the Maasai would be defeated. The total number of those killed came to five after two people were slashed in the garden that day. At around noon the whole of Enoosupukia had got hold of the news and the people were stricken by grief. People felt frightened. The Kipuput villagers started to migrate with the little they could carry to the churches especially to the Catholic Mission.

On October 14th, 1993, Thursday, people kept taking their livestock to the Church for safety. They thought the Maasai could not attack them in Church as in places like Molo, Longuruoni and Burnt Forest but this turned out later to be futile.

On October 15th, 1993, Friday ... a group of morans ran into the Catholic Mission around 8:00 am where women and children were. They smashed the windows mercilessly, women screaming loudly and children crying in a high pitch. They injured two men. They took with them livestock around the Church compound but before they reached the gate, the parish priest in charge came with three soldiers from Kongoni police station in Nakuru district and chased away the Morans. Father Noel looked at the destroyed Church. He told the women to take to their heels to Maela for refuge and the big exodus started....

About 2:00 pm the real fight started. The Maasai Morans spirited like arrows. They ran after the Kikuyus with *rungus*, bows and arrows. They slashed people like a caught antelope.... In that day eight men were killed, some being shot dead and

their slashed not to show bullet marks. The "Maasai" carried silencers. It was later reported that they were GSU (General Service Unit — a special government para-military organization) from Narok. People seeing that things had turned upside down, took to their heels to Maela...

After reaching Maela, accommodation was insufficient. People slept on verandas. Children cried of hunger. Hotels were filled to the brim. People know that eviction was a success for the local Maasai who had said that every Kikuyu will return back [to] Kiambu (Central Province) because they never voted for KANU-Ntimama (Kenya National Council of NGOS 1995, 7).

Overall, confused women and children, both Maasai and Kikuyu, fled together, and a number of Kikuyu took refuge in the homes of their Maasai relatives. This led to the burning of some Kikuyu-friendly Maasai homes (Interviews with Maasai residents of Enoosupukia, October 2000). At least thirty-five people were killed in such "clashes" in Narok North as a whole.³⁰ One striking feature of this "clash," largely characteristic of the "clashes" countrywide, was the lack of immediate government intervention. Witness accounts reveal that the violence continued for days without any firm action on the part of a usually highly interventionist government. Furthermore, as in the account above, witnesses cite a clear complicity on the part of a number of local government actors such as the District Officer, the Forest Ranger, and the GSU officers sent for "security."

More detailed investigations by the Nakuru Catholic Diocese later revealed that many of the Maasai "warriors" were, in fact, game rangers, police, and army personnel.³¹ These outsiders were assisted by a small core of local government officials and residents, most of whom were eager to take back small parcels of land that they had sold to Kikuyu farmers. Many of these locals who killed their neighbours are well known. For example, residents told me that ex-GSU and Narok County Council Wildlife Ranger, Johnson Ole Punywa, had shot dead three Kikuyu during the "clashes." Testimony before the government inquiry by District Officer Akello corroborated this allegation (*Daily Nation* 30 January 1999). Ole Punywa was, however, never punished and, in fact, according to residents, even received a promotion.

The involvement of game rangers paid by the Narok County Council was further confirmed by the account of a victim, Peter Kinuthia, who witnessed three game rangers shoot two people dead and fatally wound one other (*Daily Nation* 23 October 1993). The use of game rangers in Ntimama's personal militia seemed to be further supported by government actions in 1997. When Ntimama temporarily fell out with the dominant faction in KANU, led by Nicholas Biwott, threatening to form his own party, the government withdrew all firearms held by approximately three hundred Maasai Mara game rangers and brought in regular police and GSU units (*Economic Review* 9-16 February 1997).³²

REACTIONS IN PARLIAMENT

On 19 October 1993, opposition members of parliament moved to adjourn other parliamentary matters in order to discuss the Enoosupukia clashes. Within the opposition ranks, there was very little doubt about who was responsible. Veteran politician Oginga Odinga put it most bluntly when he said, "the president of this country should stop his ministers from playing about with violence" (*Hansard* 19 October 1993). Ntimama, then Minister for Local Government, defended himself by arguing:

Sir, I want to say that it is the Kikuyu who started the war. I want the honourable men over there to wait and hear what I am about to say. Who started the war? A Maasai was beheaded and his head was taken away as the principle paraphernalia for oath-taking. Our cattle were mutilated by the Kikuyu. Our homes were surrounded and they tried to burn them and we had to have the normal right of defending ourselves.

Sir, I want to say that during colonial times the Maasai were suppressed and isolated. Some people took the same advantage to suppress us and invade our land. They took our schools and everything. Enough is enough.

Ntimama used colonial imagery of Kikuyu atavistic behaviour, namely oath-taking and cow mutilation, to reverse the blame for what he characterised as a kind of "anti-colonial war" with the Kikuyu as brutal primitive colonizers.³³ MP J.N. Mungai responded with a query:

My big question to the minister of state and to the government is: why have we turned to "jungle law" against one another? Be

it a member of the opposition attacking KANU or a member of KANU attacking the opposition, we have a procedure that should be used. We know that these people were given notice to leave Enoosupukia, the so-called "water-catchment area," and before the notice matured, these people were attacked by raiders.... Why were those morans allowed by our big security forces to "take the law into their own hands"?

Ntimama never addressed this question. Instead, the Kikuyu opposition MPs walked out of parliament en masse.

On 21 October 1993, forty-one opposition MPs from all different parties threatened to paralyze parliament if President Moi did not dismiss Ntimama from government. Luhya MP, Mukhisa Kituyi, also a sympathetic scholar on the Maasai, issued the following statement:

We are demanding the unconditional dismissal of Mr. Ntimama from cabinet in the wake of his speech purporting to justify genocide as an act of Maasai self-defence.

Furthermore, when parliament met on 26 October 1993, sixty-six MPs disrupted the proceedings by refusing to sit. One MP, Agnes Ndeti, said she would not sit as "we are mourning our dead in Narok." Chanting "murder, murder, murder," they were all thrown out of parliament for "gross misconduct."

These moves in parliament were supported by street protests, particularly in Nakuru, the largest city in the Rift Valley. For example, the mostly Kikuyu *matatu* (small vehicle) owners, who provide the majority of transportation in the area, stopped service around Nakuru. Traders and shop owners supported the strike, and for days Nakuru shut down in protest (*Daily Nation* 30 October 1993). Around the same time, multiethnic groups of university students in Nairobi and Nakuru confronted riot police as they demonstrated against the "clashes" (*Daily Nation* 30 October 1993, *Standard* 24 October 1993), and the Catholic Church wrote an open letter to the president, decrying the "sporadic" violence around the country that nevertheless was "systematic" as "if by design" (*Daily Nation* 29 October 1993).

Ultimately, this opposition succeeded only in effectively demonstrating the impotence of protest in light of the sources of power that lie outside of public accountability. Ntimama flaunted his impunity as a member of Moi's inner circle by stating that, "it

was only President Moi who could determine his fate since he was the one who appointed him to the cabinet" (*Weekly Review* 29 October 1993). Powerful patronage bosses lined up behind him. For instance, at a rally a few days later in West Pokot, Rift Valley, a group of KANU MPs led by Moi's right-hand man, Nicholas Biwott, voiced overt support for Ntimama, claiming he had a right to defend the Maasai, "who have been oppressed for too long by the Kikuyus in Enoosupukia" (*Weekly Review* 29 October 1993). For his part, President Moi ignored the parliamentary demonstration, as well as church and street protests, keeping Ntimama on as a minister.

MAELA REFUGEE CAMP: UNWANTED INTERNATIONAL ATTENTION

While the struggle against the "clashes" was occurring at a national level, the displaced members of the Narok Kikuyu community, including the refugees from Enoosupukia, silently joined the hundreds of thousands victims from similar "clashes" nationwide and became refugees in their own country. A look at the fate of approximately ten thousand Enoosupukia refugees who fled to Maela, fifty kilometres east of Naivasha in Nakuru District, further underscores government complicity in the "clashes" and highlights the experience of the victims after the violence.

Despite the efforts of local Kikuyu families and church groups, the conditions at the makeshift camp at Maela were squalid. On 9 November 1993, after representatives of the US Embassy visited the area, US ambassador Brazeal was moved to declare the camp a disaster area, promising US \$2.5 million towards shelter and water. The United Nations Development Program (UNDP) also stepped in to provide humanitarian assistance. Despite these interventions, by the end of the year, twenty-two people had died of disease related to these conditions, including eleven children (Kenya National Council of NGOs 1995, 12).

The government dealt with the unwanted international attention Maela was drawing by declaring the camp a restricted area and, in this manner, prevented NGOs, churches, UNDP officials, the press — in short, any outside observers — from visiting the area. On 5 January 1994, DO Mohammed Hassan, along with twenty police officers, destroyed the camp, justifying the action by suggesting that the refugees were a security threat. When pressed, he admitted

to acting on "orders from above" (Kenya National Council of NGOs 1995, 12; Interview with refugees, Maela, October 2000). After an unprecedented outcry, the government backed down and allowed the camp to be rebuilt.

Approximately a month after a London investors' conference in November 1994, in which the government's "improvement" in dealing with the ethnic violence was approvingly noted, and less than two weeks after the Consultative Group meeting of donors in which the chair similarly noted that "there had been positive developments" (Human Rights Watch 1997, 86), the government acted on Maela again. On 24 December 1994, DO Hassan entered the camp with police, GSU soldiers, and trucks, announcing that residents would be getting *shambas*, small plots of land and "would be celebrating Christmas on their new farms" (Interview with former refugee from Maela camp, October 2000). Names were called out, while people, without most of their remaining possessions, were herded into over twenty government trucks from various Rift Valley district headquarters. To the consternation of UNDP, it would later be revealed that the fuel used to transport these refugees away from their homes was put on the UNDP account (Akiwumi Commission evidence prepared by F. Gitari, Nakuru Catholic Diocese).

In line with the *majimbo* vision, under the cover of night, the refugees were dumped at various places in Central Province. In many cases, families were separated, and all the refugees were once again stranded. In response, relief efforts regrouped at the three different sites — Kingiti, Ol Kalou, and Ndaragwa. On 1 January 1995, a day after Moi criticized UNDP for not providing the government with K.sh 1.4 billion [US\$ 230 million] for resettling clash victims, these sites were, in turn, attacked on orders from "above." The *majimboists* aimed to push these refugees, like so many others, into the anonymity of the growing Kenyan underclass. Many ended up in the Nairobi slums, a development fueling the already simmering discontent of Kenya's landless, urban poor.

Hundreds remained behind at Maela. When the last truck left, DO Hassan supervised the destruction of their camp by police and KANU youthwingers. In order to make it appear as though the government was settling the "true" victims, the DO selected two hundred families, 1 250 people, as "genuine" refugees. These

"genuine" refugees were given small pieces of poor quality, arid land at Moi Ndabi, a former government farm. The settlement process was carried out by the local provincial administration, which gave each of the two hundred refugee families 2.5 acres of the worst land. The remaining land was doled out to Maasai and Kalenjin KANU supporters. Indeed, one Maasai resident of the area, who owns a farm of at least fifty acres, showed me the allotment letter he received from the government for land at Moi Ndabi.³⁴ Some higher-level clients gained access to large chunks of land (Kamungi 2001, 12).

While the Kikuyu of Moi Ndabi continue to live in fear and poverty, those three hundred refugee families who remained in Maela barely survive by working as casual labourers, some traveling long distances to work on the farms of their former Maasai neighbours. One Maela refugee is the former Headmaster of the dismantled Enoosupukia primary school. A teacher at Enoosupukia for fifteen years, he has been refused a government transfer and hence a salary since 1993 (Interview with refugees, Maela, October 2000). Fifty fortunate families from Enoosupukia were given free land and assistance by the Catholic Diocese of Nakuru (*Daily Nation* 19 March 1997). However, I met at least one refugee who had returned from this settlement to Maela, claiming the land the church had allotted him was so arid that it was impossible to survive.

After the attack on Maela camp, UNDP efforts were officially halted. While refugees continue to express appreciation for UNDP attempts to intervene, the UNDP has also been severely criticized for its uncritical collaboration with the Kenyan government (Human Rights Watch 1997). As the Maela episode vividly demonstrates, the president, through his arm in the countryside — the provincial administration, fully supported the violent eviction of Kikuyu residents and voters from Narok.

THE AFTERMATH

In the 1997 general election in Kenya, Ntimama ran again in Narok North, this time unopposed.³⁵ There were struggles within the establishment for the KANU nomination, but no opposition candidate dared to face Ntimama in a constituency where he clearly had

an "iron grip" enforced by his creative use of violence. Even Ntimama's old rival, Lempaka, used a new tactic in 1997. He defected from the opposition to join KANU, struggling from within through the KANU nomination process, a battle he nevertheless lost.

Unsurprisingly, the land cleared by the eviction of Kikuyu, was not reforested and "protected" as a water catchment area. Rather, Ntimama's supporters, fellow Purko clan members from Mosiro in the lowlands, merely grazed their cattle on the vacated land. This generated a new set of inter-Maasai conflicts around the cleared land. The rhetoric of the local government officials of Narok County Council, who supported Ntimama's eviction scheme, was that there was a need to protect the area as a water catchment area for the Keekonyokie clan living downstream from Enoosupukia. However, members of the Keekonyokie clan are now struggling against Ntimama's clients over part of the area where they claim historical rights. Ntimama's Purko clients meanwhile persist in claiming part of Keekonyokie land on the basis that "they fought for it and so they own it" (Interviews with Enoosupukia Maasai residents, October 2000). In 1998, this simmering dispute led to the deaths of three Keekonyokie clan members (Interview with Keekonyokie clan elder, Enoosupukia, October 2000). Conflict has also emerged within the Purko Maasai between more traditional herders and agriculturalists. Although the original Maasai living in Enoosupukia have cattle herds, they are largely farmers. Ntimama's lowland Maasai clients, who now graze on the former Kikuyu farms, are gradually destroying food crops and silting up the wells, the only source of water for the Maasai farmers of Enoosupukia.

Inter-Maasai conflict has thus superseded any original bitterness against the Kikuyu. The highlands Maasai had extensively intermarried with Kikuyu,³⁶ relying heavily on the latter's trading and transportation networks to sell food crops in the cash economy. The schools in the area were also strongly supported and staffed by Kikuyu and were open to Maasai children as well.³⁷ Many Maasai residents expressed dismay that the General Service Unit, the president's paramilitary force, had dismantled the schools in the area and sold off the building materials for profit. Only in 1998, was one new school, which has the first two primary levels, built. Since

1993, many Maasai school children have merely stayed at home. By destroying "Kikuyu schools," Ntimama eliminated educational opportunities for Maasai children as well. In the wake of these adverse effects of the "clashes," anger has been directed at the lowland Maasai interlopers.

With the Kikuyu gone and with the emergence of new, potentially violent rifts between the Maasai, Ntimama has avoided going to Enoosupukia. His clients, benefiting from the "clashes," continue to dominate local councils and control Enoosupukia land. Unlike in the past, there is no one to mediate festering disputes, and the anger among the highlands Maasai is palpable. The consensus among those interviewed was that "the next war" will be among the Maasai in Narok.

Towards a Conclusion: Some Implications

Kenya's "clashes" clearly demonstrate that playing the ethnic card can be an effective short-term strategy for "winning" multi-party elections. Moi and his patronage bosses are playing a well-known and dangerous game. They have raised the stakes of political change by creating what Menkhaus (1998, 221) has called "constituencies of conflict." These constituencies, which include those in the highest rungs of power, have benefited from the violence and have little interest in the politics of reconciliation. Indeed, current reconciliation efforts by the National Council of Churches of Kenya and the Catholic Justice and Peace Commission are often actively obstructed. When certain provincial administrators sympathize with the aims of reconciliation, they are often promptly transferred. At a local level, collaborators in the massacres continue to police the violently imposed boundaries of fear between Kenya's peoples.

The raw, Machiavellian success of Kenya's "ethnic clashes," including the minimal international cost of the violence, has encouraged the use of large-scale violence. The threat of future massacres has become a routine aspect of Kenyan politics, and "ethnic clashes" are now part of the elite bargaining process. Two examples illustrate this argument. In 1997, just as pressure was building for constitutional reform, "ethnic clashes" broke out on the Coast and in the Rift Valley. KANU's bargaining position was thus strengthened since a number of opposition MPs, fearing large-

scale violence, broke from a hard-line position in constitutional negotiations and agreed to a much weaker package of reforms. As Kuria writes,

It is clear that ethnic cleansing and its attendant violence is designed to instill such anxiety as will cause a sufficiently large number of opposition members to support a *majimbo* constitutional amendment bill or to defect to KANU to "buy" peace for themselves and their electors (1994, 15).

Indeed, this technique was used again after the December 1997 election. When presidential runner-up Mwai Kibaki challenged the electoral results through the courts, he was warned by Moi's highest patronage bosses through a new spate of *majimbo* rallies to drop the petition. As Biwott cautioned at one such rally, "Kibaki's petition is being viewed as an affront not just to Moi, but to the entire Kalenjin community," and hence it will "directly affect relations with the Kikuyu" (*Economic Review* 2-8 February 1998). Shortly after, a new round of "ethnic clashes" emerged in Laikipia, directed against migrants from Kibaki's home area of Nyeri (Klopp 2001, 176-83).

Such a development clearly shows how insufficient attention to the dynamics of Kenya's "ethnic clashes" can lead to a failure to understand how localized violence relates, not only to elections, but also to the wider process of formal bargaining over constitutional change at the national level. Most significantly in this regard, the legacy of this violence presents one of the most difficult problems in any future Kenyan transition. This whole phenomenon has, however, received scant attention even though this routinization of large-scale violence is one of the most dramatic and significant "transitions" in Kenyan politics over the last decade.

Similar to the case of Rwanda prior to the genocide, with the exception of human rights organizations, little serious international attention has been paid to Kenya's massacres and large-scale evictions. While aid has periodically been withheld, it has never been suspended to protest the widespread and massive loss of life, property, homes, and livelihoods of hundreds of thousands of Kenyans. As the Kenya National Council of NGOs (1995, 11) wryly noted, as the clashes were raging and the rhetoric of Moi's ministers such as Ntimama continued quite openly, "the World Bank and

IMF reevaluated their 1991 suspension of aid to Kenya, pledging 850 million US dollars in new aid for 1994, 170 million of that directly going into the Kenyan treasury for balance of payments assistance." Some donors made statements of concern about the clashes, but the money was disbursed anyway. Indeed, the regime tried to keep an acceptable image to the world and polite, urban society. Patronage bosses went from rural rallies, where they threatened violence against "outsiders" to posh business luncheons at foreign missions, where they discussed foreign investment and trade or, as in the case of Ntimama, opened shows on "indigenous art." As in Rwanda, this general absence of action on the part of donors sent a strong message.³⁸ With the realization of their impunity, Kenya's *majimboists* grew ever bolder over the decade and have, to a remarkable extent, managed to impose a certain silence on the issue of culpability for the "clashes."³⁹ This outcome suggests the likelihood of more election-linked "ethnic clashes" as well as violence stemming from the consequences of the "clashes" themselves, particularly as dissent intensifies within "KANU zones."

To end on a more hopeful note, this work reveals the existence of internal resistance to Kenya's "ethnic clashes" and to the strategy of "divide and rule." Ethnic polarization has certainly deepened, but the voices of clash victims, human rights activists, church members, and Members of Parliament, some even within KANU ranks, persist in placing responsibility where it belongs. While this dampens a potentially vicious cycle of retributive violence, the challenge is to raise the international cost of future violence and bring those responsible for Kenya's "ethnic clashes" to some form of justice. As scholars, the least we can do is study and analyze these "clashes" more carefully than we have up until now.

Notes

¹ These figures are derived from the following sources: Human Rights Watch (1993, 1), African Rights (1997, 2), and press reports on the 1998 violence. A recent report on Kenya's internally displaced population estimates that 228 744 people are still displaced, but this statistic does not include those from the coast (Kamungi 2001, 21). On the Coast, over 100 000 people were displaced (African Rights 1997, 2).

² There are over forty recognized ethnic communities in Kenya. The largest are the Kikuyu, Luo, and Luhya. There are very many smaller

groups, including the president's group called the Kalenjin. The Kalenjin is actually an umbrella term for many other smaller communities who speak a similar language. Kipkorir traces the origin of the notion of a "Kalenjin" to a meeting of young men from these diverse communities in the 1950s who "wanted a new and more acceptable collective identity" (1985, 1).

³ By "patronage bosses," I refer to the highest-level clients of the president who are cabinet ministers. These "bosses" use their positions in the state to amass patronage resources and appropriate some of the instruments of state violence for their projects of local and national domination of the political terrain.

⁴ Good figures for the numbers directly killed in Kenya's "ethnic clashes" do not exist although estimates vary from 1 500 to 10 000. In the case of Narok North, I counted over thirty-five names of reported deaths through the press alone. Many more people no doubt perished, but their deaths were quite simply never reported. Many others, particularly the old and the weak, died in refugee camps. I take this estimate as a conservative one.

⁵ The early *majimbo* constitution devolved powers over agriculture, education, health, housing, and local government to the regions. It created a bicameral house with the Senate consisting of "a close approximation of a tribal forum" (Okoth-Ogendo 1972, 15) and a House of Representatives. Any amendment to the constitution required a remarkable seventy-five per cent of the vote in the House and ninety per cent of the Senate!

⁶ The Chief's Act (Laws of Kenya, Cap. 128) reads:

6. It shall be the duty of every chief or assistant chief to maintain order in the area in respect of which he is appointed....

10. Any chief may from time to time issue orders to be obeyed by the persons residing or being within the local limits of his jurisdiction for any of the following purposes....

(e) prohibiting any act or conduct, which in the opinion of the chief might cause a riot or disturbance or a breach of the peace.

Coupled with administrative police beholden to the chief, this gives wide and arbitrary powers over local people, powers which Mamdani calls "fused," because legislative, executive, judiciary, and administrative powers are placed in one authority. For more detailed accounts of abuses of this power by chiefs in Kenya, see African Rights (1996, 11-17).

⁷ Until the 1997 Inter-Parliamentary Party Group reforms, these councilors were directly appointed by the Minister of Local Government, an appointee of the president, who often filled the slots with local clients, many of whom were directly rejected in elections (Oyugi 1983, 128).

⁸ A small number of councilors would, however, take their role as custodians of the public interest at a local level quite seriously. See Klopp (2000).

⁹ For a helpful analysis of the role of the Church of the Province of Kenya

in this struggle, see Sabar-Friedman (1995).

¹⁰ I am unable, in this article, to go into the many challenges to domination "from below." See Klopp (2001, chapter 5), for more details than can be provided here.

¹¹ As Rugumamu points out,

... foreign aid provides states with much needed resources to manipulate political environments in their countries. It was used to solidify popular support [especially via patronage], neutralize enemies and ultimately consolidate their hold on state power (1997, 10).

It seems likely that this explains why Moi reacted quickly when aid was cut. For a helpful analysis of donor policies around Kenya's elections and the "ethnic clashes," see Brown (2001, 2002).

¹² As we have noted earlier, on the eve of independence, a group of conservative white settlers and some pastoralist politicians articulated *majimboism* as a means to maintain control in light of the expansion of the franchise. See Gertzel (1970) and Atieno-Odhiambo (2000) for this history.

¹³ The power of this ideology for some Kenyans lay in their very real sense of marginalization and their fear of domination by a powerful Kikuyu business-class by virtue of Kikuyu numerical strength. The historical basis for this fear lay in the memory of Kenyatta's rule, which was largely perceived, justifiably, as deepening already existing inequities across ethnic communities. Contemporary Kikuyu politicians have done very little to recognize and address these fears. Furthermore, as Galaty and Munei (1999) point out, the emphasis on universal human rights by Kikuyu leaders and activists, at best, fails to acknowledge and, at worst, masks the dispossession of small communities such as the Maasai. I discuss this in more depth in Klopp 2002.

¹⁴ He would later blame either the multi-party system or the opposition itself.

¹⁵ Besides being singled out by many witnesses as a backer of "ethnic clashes" in many parts of the country, Biwott has been named by the Scotland Yard as the chief suspect behind the gruesome 1990 murder of Robert Ouko, Minister of Foreign Affairs. He has also been implicated in a number of high corruption scandals.

¹⁶ Even one of the participants Kipkalya Kones, after he was edged out of the cabinet, admitted in an interview that "in retrospect, some of the things I and others may have uttered" might have sparked off the clashes (Daily Nation 10 December 2000).

¹⁷ The largely pastoralist Maasai once grazed their cattle over a much larger area of Kenya. The reserve gave the Maasai 3.8 million hectares of land compared with the 7.7 million hectares they had access to before the reserve (Bekure and Ole Pasha 1990, 236).

¹⁸ See Kenya Human Rights Commission (1996, 1997) and Okoth-Ogendo (1991) for details on trust lands.

¹⁹ For examples of boundary "crossings" in Kikuyu orature, see Cavicchi (1977, 87-88). See, also, the example described by Galaty (1993).

²⁰ According to government statistics, migrants were rapidly moving into Narok District. In 1969, there were 83 243 Maasai. By 1979, this number had risen to 118 090, which represented fifty-six percent of the total population. The rest of the population included 59 000 Kalenjin, 17 400 Kikuyu, 4 500 Kisi, and 1 500 Okiek (Kenya 1993, 11). By 1989, the Kenyan population census found 398 272 people living in Narok (Kenya 1994). The net result of this influx of migrants, along with the irregular land allocations, was to intensify a sense of land pressure and insecurity on the part of the largely pastoralist Maasai.

²¹ These "irregularities" also involved the manipulation of public land buying companies to gain disproportionate shares of collectively purchased group farms on the part of Maasai senior administration figures. In the process, poorer and, in some cases, younger members are edged out of their share of land. Many observers argue this has led to the pauperization of the majority of the Maasai (Hillman 1994; Kituyi 1991; Peron 1995).

²² To get an idea of the extent of these pressures, the example of an "informal sector" worker in Nairobi is illuminating. He bought two acres of land in Narok in the 1980s and paid K.sh 20 000. One acre of land in his Gathiga home in Central Province was going for K.sh 200 000 an acre in the same period (King 1996, 62).

²³ When called before the Akiwumi Commission on Ethnic Clashes, Ntimama refused to acknowledge that he, in fact, made these comments and claimed that the *Daily Nation* misquoted him. Furthermore, he attempted to deny the performative nature of his rhetoric (*Daily Nation* 16 April 1999). Here is some of the relevant testimony:

Justice Bosire: What was the misquotation? The use of envelopes and not antelopes?

Ntimama: Yes, the antelope lie low to avoid being preyed on by the leopard.

Kagucia [Cross-examiner]: Meaning what?

Ntimama: An antelope lies low to avoid being preyed on by the leopard.

Kagucia: Were you saying that in the context of foreigners living in Narok?

Ntimama: That was the *Nation's* idea, not mine.

Kagucia: I speculate that the leopard means the indigenous Narok people, while the antelope refers to foreigners.

Ntimama: That is the misinterpretation.

Bosire: What were you referring to?

Ntimama: I really cannot recall — it must have been a small story I was telling.

The Akiwumi Report as of December 2001 has not been released.

²⁴ The Kikuyu Kenneth Matiba led Ford-Asili at the time. Mwai Kibaki, leader of the Democratic Party, is also a Kikuyu.

²⁵ The Kikuyu vote was also split between the DP and the more populist Ford-Asili, reflecting a class cleavage within the Kikuyu community.

²⁶ The class dimension of the violence has been largely missed in most accounts. Smallholders and small-scale traders were disproportionately impacted by the "ethnic clashes." This came up at a workshop on pastoralism, where it was remarked that small-scale farmers as "low income owners," powerless except for their vote, were the "logical" targets for Maasai anger (*Daily Nation* 15 April 1999). *Majimbo* barons, as large-scale farmers themselves, most likely did not want to set the precedent of invading large farms regardless of the ethnicity of their owners.

²⁷ Elsewhere, I have analyzed the impact of these dynamics on votes for President Moi (Klopp 2001, 168-69). Moi continued to lead in the constituency, but had nineteen hundred fewer votes in the 1997 election. However, it is not the absolute number of votes that matter but simply getting a plurality. In 1997, the number of registered voters dropped by 3 216, while the number of voters dropped by 9 424. Mwai Kibaki, the runner-up, lost by 15 680 votes in the 1997 election. If the "lost" voters are counted as likely opposition votes, this gap closes considerably.

²⁸ At the same conference, a group of "traditional Maasai" destroyed a photo exhibit on the "ethnic clashes" set up by world respected environmentalist Dr. Wangari Maathai and also stole copies of the Parliamentary Report on the "ethnic clashes" (Nowrojee 1993; *Weekly Review* 9 July 1993).

²⁹ Like many Maasai belonging to the political class, Ntimama has a wife with extensive Kikuyu kin, is engaged in large-scale wheat farming, and, as mentioned before, brokered deals to sell Maasailand to the migrants he was now attacking. Father Kaiser of the Catholic Diocese, who was active in the area, pointed to these duplicities when he noted in his testimony to the Akiwumi Commission, "There is a lot of environmental degradation taking place in Mr. Ntimama's area, and he does not speak about it. Bulldozers are destroying the place and he has been keeping quiet, yet he has been shouting about Enoosupukia water catchment area" (*Daily Nation* 3 February 1999). On 23 August 2000, Father Kaiser was found with a bullet through his head on the side of a road (*Daily Nation* 25 August 2000).

30 Through press reports and church documents, I have compiled an incomplete list of the known dead in Narok District. They are: Githua Magwathi, Kahama Mathara, Nguji Chege, Stephen Wango, Gathuru, Joseph Kihui, Mburu "original," Rasta Mugo, Ndun'gu (Baba Kamau), Mundia, Wachiuri, Macharia Ihiga, Samuel Njuguna, Mugo Gachau, Mburu Kinyanjui, Peter Nguji, Luka Njenga, Githui Gichange, Kimani Murira, Joseph Gatheru Njoroge, Paul Gatheru Macharia, Samuel Matu Kamau, John Kariuki, Paul Mungai Kinyanjui, John Kariuki Kamau, Njenga Karomo, Moses Njoroge, Gichia Kamau, Moses Tamoo, Githua Maguathi, Muiruri Mbugua, Ismael Mudachi, James Kamau Waithima, David Kamau Komba, Samuel Kihara Nganga.

31 In fact, the names of those involved were contained in evidence prepared by the Nakuru Catholic Diocese for presentation to the government (Akiwumi) Commission of Inquiry into the Ethnic Clashes (Affidavit of Francis Gitaari presented to the Akiwumi Commission sworn on 17 February 1999). Francis Gitaari is now in exile. Further evidence of this nature was discovered on the bodies of some of the raiders who were captured and killed by enraged villagers in Nakuru. Lawyer Mirugi Kariuki, for example, had possession of such documents, which included papers of an Administrative Police officer from Central Baringo, Moi's constituency (Nakuru Clashes 1998).

32 Richard Leakey, former Kenya Wildlife Service Director, recently revealed in his memoirs that at the end of January 1992 his rangers discovered that the Maasai Mara game reserve was being used as a weapons manufacturing area for the clash perpetrators. Giraffes were killed for their tendons, a component in the bows and arrows that would be used by the "warriors" (Leakey and Morrell 2001, 251-52).

33 As Rosberg and Nottingham note in their classic study, "the oath by Kikuyu nationalists was used by Europeans as the most important element in the thesis that Kikuyu politics at this time had reverted to primitive atavism" (1966, 261). Cattle maiming took place in some areas as a means to protest the destocking of Kikuyu squatter herds that had led to a large loss of wealth and autonomy. Ntimama is reviving the colonial imagery of Kikuyu savagery in his rhetoric. However, the story that a Kikuyu farmer mutilated a Maasai cow is, in fact, true. Residents said that it is one event that fired up Maasai resentment prior to the "clashes." It was by no means a common event nor the cause of the clashes.

34 Kamungi (2001, 10) heard the same claims that I did while in Maela, that "there are three 'phases' of land allocation at the Moi-Ndabi settlement. scheme; on phase one are Kikuyus with 2.5 acres each; phase two has Maasai with 5 acres each; phase three has Kalenjins with 10 acres each."

35 It is possible that in the instrumental wheeling and dealings of Kenya's

party politics, local DP politicians, seeing little chance of winning the seat under the circumstances, struck a deal with Ntimama. They would not field a candidate in Narok North, and, in turn, he would support their candidate in Kajiado South constituency, the domain of Ntimama's rival, George Saitoti. This would explain his presence at a victory party for the DP candidate in Kajiado South, where he told the mixed Kikuyu and Maasai audience that "the clashes were sparked off by a little misunderstanding about the water catchment areas in Enosupukia" (*Daily Nation* 12 July 1998).

36 The Kenya Human Rights Commission (1996, 79-82) has published a partial list of those evicted from the area, as well as their title deed numbers. Many of the claimants have names that reflect, in fact, mixed Kikuyu and Maasai heritage. As Galaty (1980, note 5) shows, those Maasai who leave pastoralism to farm are often perceived as "outsiders." The identity marker of the Maasai is always shifting. Hence, some of the "Kikuyu" evicted may at one time have been "Maasai"! Indeed, one evicted family I interviewed insisted on its Maasai identity although the father was a Kikuyu and, therefore, according to the "marker" selected by the invaders, the whole family was Kikuyu. Maasai men with Kikuyu wives were generally not affected. Finally, one former refugee leader insisted that there were what they considered "Maasai" families among them who they felt deserved proper resettlement, along with the Kikuyu victims (Interview with former Maela Local Community Committee member, Maela October 2000).

37 Very real inequities in educational facilities exist in Maasailand compared to the rest of the country. This fact needs to be addressed, particularly as it feeds into the land problem because illiterate Maasai are more vulnerable to manipulation both by "outsiders" and by the wealthy "insiders." However, Maasai parents tend not to send their children to school, while Kikuyu parents, forced into the cash economy early on in the colonial experience, see school as a critical path of advancement and try all means possible to get their children through school. As a result, in Narok District, there were many Kikuyu children in schools, some of whom were not even from the district, who fill vacant positions. However, as a recent study noted, "it is not just that students from other ethnic groups take the available places but there does not appear to be any demand for those places on the part of Maasai parents" (Holland 1996, 43). This is particularly true for Maasai girls. Ironically, given Ntimama's attempt to blame this situation on Kikuyu "infiltration," Holland found that "the presence of mothers from certain ethnic groups ... has produced positive changes in the areas of diet and rates of educational participation" (1996, 45). Of course, there are profound tensions between these changes and Maasai

culture that require creative rethinking of curricula and school regimen. Obviously, this will not be solved, however, by blaming Kikuyu children for these deeper problems.

³⁸ I rely here, particularly, on the excellent work of Human Rights Watch (1999), Uvin (1998), and Newbury (1995).

³⁹ Both the report of the government inquiry into the clashes, the Akiwumi Commission report, and the Law Society of Kenya (LSK) report have been suppressed — one by the government, the other by the LSK and the donors who funded the report. The LSK fears repercussions for their society, as well as for witnesses named in the report. More recently, the US administration may have gone a step further in enforcing this silence on the clashes. The administration may be actively covering up the murder of Father Kaiser, one of the key witnesses to the workings of the "ethnic clashes" in the Rift Valley. At the urging of Senator Paul Wellstone, the FBI investigated the murder and gave the report to congress. Even though all the evidence had been in the hands of the Kenyan Police, was clearly tampered with, and was contradictory, the FBI's report concluded that Father Kaiser committed suicide. Neither Senator Wellstone nor the Catholic Church believes this conclusion (*Daily Nation* 28 April 2001; *Washington Post* 19 April 2001; *News Notes, Maryknoll Office for Global Concerns*, January / February 2001). An explanation for this decision on the part of the US administration would likely be that the murder implicates cabinet ministers, and to reveal this would destabilize the regime and adversely impact US-Kenyan relations. If this is the case, the decision reinforces a profound culture of impunity in Kenya.

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