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to Good Governance

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Dorina A. Bekoe



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Kenya's Internally Displaced: Managing Civil Conflict in Democratic Transitions

Jacqueline M. Klopp

After decades of often severe repression, in December 2002, Kenya witnessed the beginning of a historic peaceful change of power through elections. Civil society, street protestors, and reformist politicians, including those within the ruling party, and some donors played a crucial role in this transformation, which constitutes one of the major governance successes in the region. This triumph was all the more striking given that throughout the 1990s, Kenyan president Daniel arap Moi and a hardline faction of his party carried out violent internal displacement (the clashes), threatening to tear Kenya apart.¹ Many Kenyans bore the consequences of this violent strategy to manage political change; approximately 500,000 people were displaced and many thousands killed and maimed.²

The legacies of this violence create profound governance challenges for Kenya and draw attention to the need for ongoing advocacy for the internally displaced even after a democratic transition has taken place. Two years after the change in government, more than 350,000 internally displaced people (IDPs) in the country continue to live in poverty and distress.³ Further, the government has taken only halting steps to address the problems of IDPs, even though a failure in this regard lays the ground for further conflict. Given the even greater challenges faced by the internally displaced in other countries in the region, Kenya's failure to address the plight of its IDPs—even with more democratic rule, a strong international (including UN) presence, and one of the most vibrant civil societies in East Africa—is sobering. If “better governance” (i.e., more transparent and accountable government) promoted through democratization is the long-term solution to the desperate problem of internal displacement, Kenya's failure to improve the conditions of its IDPs or to find long-term solutions to their plight becomes of clear policy concern.

This chapter critically scrutinizes the Kenyan case, aiming to obtain a deeper understanding of potential obstacles to redress for displaced populations

in a postconflict, posttransition context and further to explore the implications of these obstacles for the prevention of future violent displacements. After a brief look at the dynamics of displacement in Kenya and the internal resistance and humanitarian response to this violence, this chapter next focuses on the potential and limitations of civil society when confronted with violence and then when faced with IDP resettlement and compensation as a long-term policy issue. Finally, it suggests how international actors can strengthen local advocacy networks of and for the internally displaced. Such advocacy has the potential to deepen Kenya's governance reform in a way that will work to prevent future violence.

Some Theoretical Considerations: Civil Society, Governance, and Internally Displaced People

Defined broadly as people forced to leave their homes by coercion but who remain within their national borders, IDPs continue to increase across the globe. In the 1970s, an estimated 5 million people were internally displaced; in 2002, the number grew to 25 million.⁴ Reflecting serious governance problems on the continent, Africa produces more displaced people than the rest of the world combined—approximately 13.5 million as of 2001.⁵ East Africa and the Horn are currently home to approximately 7 million IDPs.⁶ As the Kenyan case will highlight, bad government is most often the root cause of this large-scale human tragedy, “with the most repressive governments producing the largest numbers of IDPs.”⁷ Dismantling despotism through democratization is thus a long-term means to addressing the problem of internal displacement.

Ensuring human security through better governance is one of the stated rationales behind democracy promotion in foreign policy circles in the United States and elsewhere. One cornerstone of this broad democracy promotion agenda over the past decade has been support for civil society, which has largely come to mean associations existing between family and the state that serve to protect society from repression—particularly from the state.⁸ This repression stems from what the state does, such as the violence it uses against its own citizens. It also stems from what the state does not do, such as the failure to protect and to provide policies and resources to allow people to, at minimum, subsist. Hence, civil society is most often juxtaposed against a notion of state violence, both direct and structural.

The view of civil society actors as bulwarks against violence, as democracy promoters, and as peace-builders is bolstered by more recent work suggesting that certain forms of local civil society or associational life generate interethnic trust and hence can “constrain the polarizing strategies of political elites” that very often generate ethnicized violence.⁹ Trust-generating

forms of associational life are currently encouraged, although not always adequately funded, as part of conflict-prevention and peace-building activities. However, as the Kenyan case illustrates, local civil society actors face major limitations when confronted with the organized violence that tends to generate internal displacement. Support for civil society, while important, is not a substitute for international advocacy, which is necessary for protecting both the displaced and those working on their behalf, particularly in the context of state-organized violence.¹⁰

This may be particularly necessary in transitional moments when the struggle over democratization ensues.¹¹ Violence may arise in these moments when opposition forces create challenges to the power of authoritarian governments; key government actors may then take advantage of the state's monopoly on the use of force to ensure their survival.¹² In the process, the deliberate use of violence by state actors to derail or manage democratization can fragment and destroy even very closely knit and intermarried communities.¹³ Although donors who promote democratization are clearly not directly responsible for such violence, many are hesitant to fully explore the contradictory impacts of their uneven and often incoherent democracy promotion pressures; this also allows avoidance of their responsibilities to those who suffer the consequences of any “backlash.”¹⁴

Violence and Democratization in Kenya: The Background to the Creation of the Internally Displaced Person

The Kenyan case illuminates many of the problems with seeing civil society as an answer to a violence-prone democratization process. Kenya's civil society was very vibrant, but this was not enough to stop the violent displacements that began with the campaign for multiparty politics in the early 1990s and coincided to a large extent with two multiparty elections in 1992 and 1997. However, this does not mean that key civil society actors were not important in resisting the violence, preventing greater polarization in society, and providing relief to the displaced. Further, the networks created at this time formed a template for a local advocacy network in the post-transition period. Before we examine this Kenyan resistance to the clashes, we should take a brief look at the dynamic of displacement.

Like other parts of Africa, by early 1990, Kenya's highly repressive form of single-party rule was experiencing pressure for change. Crowds filled Nairobi's streets and demanded multi-partyism and relief from the stifling repression that had deepened dramatically over the 1980s. Many of the major donors grew increasingly disenchanted with the scale of corruption and were more inclined to support some limited reforms. In November

1991, a group of major donors, including the World Bank, took the unusual step of coordinating their actions, forming the group of like-minded donors. Pending reforms, they suspended US\$350 million in nonhumanitarian balance-of-payment support to the Moi government.¹⁵

To both the external and internal pressures, President Moi acted quickly. By early December 1991, Moi signaled to donors his willingness to introduce *formal* reform; he legalized multi-partyism. When given a choice between formal reforms and an aid reduction, without hesitation the highest levels of the Kenya African National Union (KANU) government chose to introduce competition from other parties. No doubt, this choice stemmed from the calculation that KANU could still win elections as long as the president and his closest ministers had adequate resources to maintain key patronage networks and retain control of state institutions including the monopoly on violence.

The most powerful political opponents of KANU at the time were from among the Kikuyu, Kenya's largest ethnic community. Accounting for roughly 30 percent of the electorate, this potential voting block constituted a serious threat to KANU's hold on power—even with the use of fraud. As a way to counter this threat, KANU hawks argued publicly that under a multiparty system, minority groups needed protection from a feared Kikuyu domination of the state. Part of the "threat" lay in the fact that Kikuyu are found in the Rift Valley, where KANU had its support base. Besides being vectors for opposition ideas, Kikuyu residents represented key swing votes in many "KANU" constituencies.

Beginning in 1991, as a counteroffensive against such "threats," a constellation of members of parliament (MPs) representing KANU, ministers, and local officials associated with the Rift Valley parliamentary representative to the KANU governing council, Nicholas Biwott, launched a new counteroffensive against multiparty advocates. In a series of 1991 rallies in the Rift Valley, KANU stalwarts overtly threatened multiparty proponents with violence. For example, on September 21, 1991, at the Kapkatet rally, MP Paul Chepkok encouraged the audience to "take up arms and destroy dissidents on sight."¹⁶ Cabinet Minister Biwott appealed to Kalenjin pride (the president's and Biwott's ethnic identification) by arguing, "The Kalenjin are not cowards and are not afraid to fight any attempts to relegate them from leadership."¹⁷ Biwott meant, of course, attempts to change the presidency and his own position of influence and power. The rally participants also countered the idea of multi-partyism by painting it as an exclusionary and ethnic project of domination to control land. Ethnicizing the multi-ethnic opposition as Kikuyu and playing on fears of Kikuyu domination in particular, the speakers asserted that all those Kikuyu settled in the Rift Valley would have to pack up and go.¹⁸

Kenya's first wave of violence came very quickly on the heels of the September rallies. At the end of October 1991, "Kalenjin warriors" began

attacks on multiethnic "migrant" families on Meteitei farm in Rift Valley province.¹⁹ These clashes spread to Western and Nyanza provinces, peaking before and after the elections in December 1992 and 1997, and were linked to electoral politics.²⁰ Indeed, by creating an atmosphere of profound intimidation, displacing and hence disenfranchising voters, and creating "emergency zones," which prevented campaigning, this violence assisted President Moi and KANU's win in 1992 and 1997. For example, in December 1992 the Commonwealth observer group monitoring the election suggested that KANU won sixteen Rift Valley parliamentary seats unopposed, as a result of the violence.²¹

Those who experienced these initial attacks pointed to the rallies as the start of the trouble. Before the parliamentary committee on the clashes, witnesses implicated prominent figures in the government. The witnesses suggested that these government ministers and MPs had incited local people to fight through "utterances urging the Kalenjin to remove *madoadoa* (spots) from the area."²² Furthermore, they claimed that these politicians transported warriors to the area and paid them for each person killed. These accounts would be repeated and corroborated throughout the decade in human rights reports, parliamentary debates, another government commission, and an independent study by the Law Society of Kenya.²³

The violent attack on multiethnic communities, first in the Rift Valley, Western, and Nyanza provinces and later on the coast, constituted one of the most decisive and dangerous breaks in Kenya's independence politics. In particular, this violence created a great deal of fragmentation among Kenya's communities²⁴ and in some cases triggered local civil war dynamics. Despite the fact that the violence was organized from above and carried out by militias and small groups of collaborators at a local level,²⁵ those communities "represented" by the KANU ministers later would live in fear of collective retribution. An informal survey carried out around Nakuru, one of the epicenters of violence, showed that many clash victims identify their Kalenjin neighbors with the KANU government and thus blame the Kalenjin as a whole for the violence. Interestingly, even while propounding this logic, some clash victims felt that the provincial administration was the one that needed punishment.²⁶

Whereas this violence targeted "outsiders" as part of an electoral strategy, it also aimed at policing community boundaries through fear and, in this way, undermining potentially threatening transethnic organizing. There is the tendency to assume that transethnic organizing is rare in Africa. In fact, wheeling and dealing across fuzzy ethnic boundaries has been an essential part of politics on the continent. In a multiparty context, different local factions find alternative parties as national allies in their local struggles. In the process, this draws migrants into national politics, often as important swing voters who need to be courted or, in the multiparty period, "cleansed." Kenya's perpetrators of the ethnic clashes as much wished to minimize dissent within

their strongholds by “cleansing” migrant swing voters and potential allies of dissenters “from within” their ethnic fold as they wished to merely get rid of recalcitrant voters.

The victims of Kenya’s violence were then expected to “disappear”—if they had resources, they would get absorbed into farming communities where they have relatives; if not, they were to become part of the anonymous poor. By 2004 roughly 350,000 to 600,000 people, approximately one in every sixty Kenyans, continued to suffer from lack of redress for the violent displacement, loss of property and livelihood, but also murder or mutilation of loved ones they experienced during the clashes. The most recent international report on Kenya’s IDPs by the Norwegian Refugee Council describes their living conditions as follows:

The majority of IDPs in Kenya continue to live in urban areas in dire conditions such as streets and informal settlements. Displaced who live in camp-like conditions in schools or church compounds and abandoned buildings lack access to clean water, food and sanitation. Over 70 percent of the heads of households interviewed in the cited UN commissioned report of 2002 were single mothers with up to eight children by different men. These women, in addition to the tremendous burden of putting food on the table for so many children, are often exposed to physical and sexual violence. Coping mechanisms include petty trade, charcoal burning and commercial sex work.²⁷

Kenya’s IDPs now live on the margins of Kenyan society, in urban slums or tucked away in forests.²⁸ In essence, they live in deliberately constructed poverty and marginalization.

The Role of Civil Society: The Ethnic Clashes and the Aftermath

Why is the IDP issue not being adequately addressed as part of ongoing democratization efforts in Kenya? To answer this question, we must look at the role of civil society during the clashes and then at what happened in the posttransition period. This section briefly examines the resistance that emerged to the clashes, locates which actors played key roles, and then examines their limitations as a way to understand how the IDP issue would languish as part of the reform agenda.

During the struggle over democratization, as Kenyans were being killed and violently displaced, resistance occurred at the local level, as well as from key civil society organizations, reformers in government, opposition politicians, and the media at the national level.²⁹ Churches, media, and parliamentarians—those actors which had access to institutionalized rural linkages and “umbrella” organizations in the center—played a particularly

significant role. MPs, as political representatives of key constituencies, had a rural base and the platform of parliament to agitate at the national level. Indeed, pushed by reformers in parliament and civil society, the KANU government set up two commissions of inquiry. Both commissions pointed fingers at the perpetrators within the government. At key moments, parliamentarians protested, virtually shutting down the house. Similarly, the press, especially *The Nation* and the *East African Standard*, had representatives throughout the country and the resources to send reporters to cover the violence. These newspapers with national circulation also became a key arena for dissent. The media, in particular *The Nation*, courageously revealed the state’s hand in the violence and the plight of the victims. Finally, some church organizations, such as the Catholic Church and the National Council of Churches of Kenya (NCCCK), had an extensive rural reach as well as central organization with international linkages. Under dangerous conditions, the Kenya Human Rights Commission, the NCCCK, and the Catholic Church documented the nature, dynamics, and human consequences of the violence and—in the case of the church organizations—tried to provide relief. Consequently, it is perhaps not surprising that in Kenya these three groups of actors were some of the first to raise the alarm about the clashes, with the Catholic Church and NCCCK initially doing the most to document its dynamics and impact, cater to the displaced, and attempt reconciliation.

The impact of most urban-based civil society organizations favored by donors, however, was much more restricted. Many of the newer Nairobi-based NGOs seen as most emblematic of civil society played a role in this resistance, but not always the key role. Under the auspices of the National Council of NGOs, 120 organizations formed the “Ethnic Clashes Network” in August 1993, helping to document the clashes and assist with creating local capacity for peace-building.³⁰ One prominent member, the Kenya Human Rights Commission, also played a fundamental role in documenting, analyzing, and publicizing the violence and its cause. However, the older institutions of the Catholic Church and the National Council of Churches of Kenya played more central roles in directly assisting the victims and using their networks to counter government propaganda about the clashes and promote reconciliation.

This suggests the limits of NGOs as civil society actors. Besides the persistent problem of donor dependency, many NGOs lack interethnic rural extension. Despite rapid urbanization, the continent is still primarily rural. Yet NGOs concentrate in urban centers, especially Nairobi. Nevertheless, this “urban bias,” a common basis of critique of African civil society, does not preclude numerous interlinkages between urban-based organizations and rural areas.³¹ Indeed, a recent survey by Stephen Orvis showed that NGOs in Nairobi were reaching out to rural areas. However, they were doing so “by what many critics and donors would consider ‘uncivil’ means;

they have used personal, political, ethnic and community networks that almost always involve flows of patronage in rural Africa."³² One consequence of such narrow network-based activity was that, with the exception of the Kenya Human Rights Commission, during the ethnic clashes it was hard for NGOs to get adequate information about the clashes in regions where they had no personal linkages. Further, some areas like the Kalenjin heartland faced particular repression and were not "covered" by many NGOs. As a result, urban-based NGOs' responses to the clashes were often sporadic and fragmented.

The actual immediate task for taking care of hundreds of thousands of people fell to civil society in the form of local communities and, very critically, key church organizations that had their roots in welfare work in the colonial period. Particularly prominent in these efforts were the NCCK—an umbrella organization of Protestant churches, with a membership of about 6 million—and the Catholic Church. When ethnic clashes started at the end of 1991, victims often fled to church compounds in neighboring parishes or towns as sanctuaries. Marshalling resources and assistance from local communities, many churches took up the responsibility of feeding and sheltering people in their compounds, ferrying people to hospitals in their vehicles, and serving as firsthand witnesses to the violence. Without the role of these churches, no doubt the number of IDP deaths from wounds, malnutrition, and disease in the makeshift camps would have been far greater.³³

The leadership of these churches also came out as influential critics of the government's role in the violence. For example, in response to the clashes, the NCCK held a special executive committee meeting on January 31, 1992, where they decided to draw national attention to the violence through a countrywide day of prayer for the victims. The organization also set up a mechanism for an investigation of the violence. By March 1992, the NCCK roundly criticized the government, demanding in a press release that "the Government stops forthwith the unnecessary spilling of innocent blood and the wanton destruction of property."³⁴ Similarly, immediately after the clashes started, the Catholic bishops, Zacheus Okoth, Ndingi Mwana Nzeki, and Cornelius Korir (respectively from the towns of Kisumu, Nakuru, and Eldoret), demanded government assistance for IDPs, insinuating that the government was complicit in the violence. In a March 1992 pastoral letter of the Catholic bishops they urged reconciliation and assistance for the victims, and they noted that the government had failed in its responsibilities to protect its citizens: "So far only the churches and nongovernmental organizations have taken care of the victims of the clashes."³⁵

At the time, few involved in relief thought the violence would persist past the December 1992 election. When the violence continued and even escalated in some areas, and the government by and large obstructed efforts at reconciliation and possible resettlement, the situation became desperate.

For example, in 1993 the NCCK was spending 16 million Kenyan shillings (\$200,000) each month just to feed the displaced. One higher-level NCCK official involved in these efforts speculated that the government was in fact eager to keep the churches bogged down in relief efforts draining their resources and keeping them from fighting for political change.³⁶ As the IDP situation became a chronic condition in Kenya, church activists took an ever more vocal role in promoting the rights of the displaced, including their right to vote. For example, the Catholic church in Mombasa encouraged the displaced to vote, going so far as to rent 600 houses for them to avoid the government harassment at the church compound.³⁷

Such work made the government deem relief activities "subversive." Gatherings of IDPs were disrupted and assistance confiscated or blocked. For example, the government took checks for over 200,000 Kenyan shillings (\$4,000) collected by the Catholic diocese of Ngong and earmarked for school fees for displaced children, and, in February 1995, food aid from the Naivasha Catholic parish and three opposition MPs was also blocked. One of the most blatant acts, however, stands out: the demolition of the Maela IDP camp by the government on January 1, 1995, and the relocation of IDPs at different sites depending on the place of birth noted on their ID cards. To the consternation of the United Nations Development Programme (UNDP), the government put the costs of the fuel to relocate the displaced on the UNDP account.³⁸

From 1993 to 1995, efforts by Kenya's local civil society were supplemented by a UNDP project that sought to facilitate the reintegration and reconciliation of IDPs with the local community and reduce the chance of a resurgence of conflict. However, UNDP is mandated to work through governments, in this case a government responsible for the violence and unwilling to promote reintegration and reconciliation. This unfortunately creates strong disincentives for the UNDP resident coordinator to push for the kind of protection necessary for IDPs and further results in a tendency to downplay state responsibility for violence, giving the government confidence in its own impunity.³⁹ According to Human Rights Watch, in the Kenyan case, the government in fact "consistently used the UNDP program as a basis for asserting to the international community that the violence had ended and that the situation had been normalized, while continuing to pursue its policy of ethnic persecution."⁴⁰

Initially, the NGO response to UNDP involvement was extremely positive. Kenya's local humanitarian action, while impressive, often suffered from the common problems of NGOs anywhere: lack of coordination, inefficiency, and emphasis on short-term relief without sufficiently strategizing about long-term approaches to the problem.⁴¹ Indeed, the UNDP program did succeed in settling and assisting many IDPs. However, UNDP's "neutrality," in light of government harassment of the displaced and the local

civil society actors assisting them, meant that the relationship between UNDP and these actors grew strained. Rather than building on impressive local relief networks, the UNDP program tended to move away from partnerships with local organizations. Worse, according to multiple Kenyan accounts, local structures were “hijacked” and donor funding was funneled through UNDP, undermining local relief efforts.⁴²

Under criticism by local and international human rights groups, UNDP eventually pulled out in 1995. Indeed, by this time, most foreign actors left the scene and remaining donors put pressures on the churches and their partner NGOs to move toward resettlement and development activities and away from relief.⁴³ However, without support from the government to provide security in former clash areas, which clearly was not forthcoming, resettlement became problematic. The activist churches thus moved toward peacebuilding, which was necessary to create enough reconciliation for eventual return of some of the victims or at least to allow some of the victims to use their farms during the day. The NCKK subsequently set up a “Peace and Rehabilitation Programme” in 1992, intensifying this effort throughout the 1990s. From 1996 to 1999, hundreds of “Good Neighbourliness Workshops” were held in an attempt to promote reconciliation. These workshops incorporated local government officials and involved “silent diplomacy” aimed at getting their support for reconciliation and assistance for clash victims.⁴⁴ This new focus did not mean that the basic needs of the displaced—food, shelter, schooling, and health care—were being met, and the displaced continue to live in state-constructed poverty.

In brief, the relief to Kenya’s hundreds of thousands of displaced that was provided by the NCKK, Catholic diocese, and local NGOs assisted by international organizations—such as ActionAid and the International Committee for the Red Cross—as well as by the UNDP, prevented even greater suffering and death. However, key limitations of civil society emerged when faced with the actual violence, its root causes, and the chronic nature of the displacement. Clearly, without greater international sanction, local civil society could not itself prevent violence that was coordinated and financed by a small clique in power. Indeed, it was only the choice of President Daniel arap Moi to name a Kikuyu and Jomo Kenyatta’s son to be his successor that made further largely anti-Kikuyu and antimigrant violence politically unproductive, leading to remarkably peaceful elections in 2002.

Despite these limitations, the courageous resistance by NGOs, especially the churches, at times supported by the press and parliament, not only mitigated the dire circumstances of the displaced but also worked to reveal the perpetrators of the violence. By targeting specific individuals for crimes and not whole communities, this action served to minimize potentially greater polarization within society. It also drew some international attention to the Kenyan government’s responsibility for the violence, although the

response, particularly by donors, was disappointingly weak.⁴⁵ Finally, as we shall see, civil society action generated the template for an internal advocacy campaign for IDPs in the posttransition period, which continues to be their best hope for change. This is especially true in light of the fact that Kenya’s IDPs have largely been forgotten within the international community.

Toward a New Advocacy Network: Challenges and Opportunities

Many IDPs and their advocates placed their hopes on a new government, and energies went into the oppositional politics that brought victory to the National Rainbow Coalition (NaRC) in December 2002. However, the IDP issue has languished under the new NaRC government for a number of reasons. First, the National Rainbow Coalition that united numerous parties against Moi decided that to win the election, it was necessary to bring in former KANU players, many of whom were responsible for the clashes. This means that any attempt to bring to justice these players would undermine the fragile coalition holding the government together. This helps explain why the government task force report advocating a Truth, Justice, and Reconciliation Commission has largely been shelved, with the president seeing it as too polarizing.⁴⁶ The elevation last year of key perpetrators of the clashes, such as William ole Ntimama, Kipkalia Kones, and Noah arap Too, to cabinet posts reinforces the notion that the government is likely to sacrifice transitional justice for reasons of political expediency. The campaign of Nicholas Biwott for the chair of KANU, the main opposition party, suggests how quickly the ethnic clashes and the IDPs have been rendered invisible among the political class.

A second reason why the government has moved slowly on redress for the internally displaced is that large numbers of IDPs do not wish to return to the former sites of trauma, especially as the lower levels of the administration and neighbors complicit in the violence still live there.⁴⁷ This means that redress would involve resettlement, and this in turn means land would have to be found for these landless, something the government, which consists overwhelmingly of landowners, wishes to avoid as an issue. Indeed, it would be very hard to start settling clash victims without addressing the needs of local landless as well. This helps explain how IDPs are not mentioned by name in the National Land Policy Formulation Process Paper guiding how land policy will be transformed⁴⁸ and why the minister of lands argued recently that the number of IDPs in Kenya “could not be more than 10,000.”⁴⁹

Third, in the posttransition context, the NGOs that were involved in the IDP issue saw their staff, donor funding, and support move out of civil

society and into the new government, weakening them just at a time when they needed to rethink their role as they move away from organizing resistance toward more policy and advocacy work. This dynamic was compounded by donor fatigue and forgetting issues relating to the internally displaced. For example, the latest UNDP Country Programme Action Plan, which emphasizes support for "good governance and realization of rights," mentions IDPs only once in the context of an HIV/AIDS program.⁵⁰ This forgetting is reinforced by rotations of international staff so that linkages among the UN, donors, and civil society are weakened and institutional memory lost. Finally, the predominantly urban orientation of many NGOs means that clash victims have become invisible—in Nairobi they blend into the wider urban poor whose needs are also urgent or they are tucked away in forests or small towns. As IDPs become backdrops on the political landscape, the press loses interest also, and IDP issues fade from the public dialogue on governance and reform.⁵¹

Despite these obstacles, Kenya's new political space, won through much struggle, is beginning to be exploited by an incipient IDP advocacy network. At the core of this network are the IDPs themselves assisted by some of the same organizations and actors that resisted the clashes. On June 21, 2003, at St. Mary Pastoral Center in Nakuru, survivors of ethnic violence in Kenya officially launched their network with representatives from eleven different zones in the country and support from the Kenya Human Rights Commission, the NCCK, and the Catholic Peace and Justice Commission. In a statement on September 28, 2003, a representative of the new clash survivor network stated his vision:

[W]e as survivors of ethnic clashes have resolved to channel our efforts to establish a formidable national network of survivors of ethnic clashes. The network will represent our key organ for articulating matters concerning us. We anticipate that all related government agencies, intergovernmental organizations, religious organizations, development organizations, human rights organizations and other stakeholders, will co-operate with us in our struggle.⁵²

In the long run, most IDPs would like to see some form of truth and justice commission as recommended by the government task force. Out of this, they would like to get compensation. Some would like resettlement in their homes; most wish for a piece of land elsewhere. However, in the short term, they are pragmatic as their immediate needs continue to be pressing and basic: "food, clothing, education, health, water and livelihoods."⁵³

Besides the usual allies within civil society, Kenya's IDPs have new advocates in government, including parliament, although they currently operate in an ad hoc fashion. This is the silver lining to the brain drain out of civil society. Thus, whereas many in the NaRC government, particularly

those implicated in the clashes, would like to suppress or manage the IDP issue, reformers within the government serve as key supporters and sources of information for the incipient IDP advocacy network. One such ally is MP Koigi wa Wamwere, who proposed a motion on "assistance to the ethnic clash victims," sparking debate. On July 23, 2003, the motion narrowly passed.⁵⁴ At the time, the minister of state, Office of the Vice-President and Ministry of National Reconstruction, Lina Kilimo, responded in support of the motion and suggested that

the government is committed to resettle the displaced persons as soon as practicable. However, to do so requires the Government to identify the genuinely displaced persons, to establish the status of the land from where they were evicted and to put the necessary security measures in place to guarantee their personal safety and property.

In cases where the ownership of the land from which they were displaced is in dispute, my Ministry is in liaison with the Ministry of Lands and Settlement. We will identify land for resettlement. Meanwhile, my Ministry is in the process of setting up a committee whose objective will be, one, to study all reports by the Government, Non-Governmental organizations (NGOs) and individuals touching on the tribal land clashes.⁵⁵

However, it is only recently that prodding from MPs from constituencies with large numbers of IDPs, an exposé of the government's inaction in the *East African Standard*, and lobbying by the IDP network and its supporters have pushed the government to react. The president appointed a National Resettlement Committee with some civil society input. Some officials in the Ministry of Lands have also opened their doors to dialogue with IDP representatives, an unprecedented openness.

The problems of resettlement, restitution, and reconciliation for IDPs are complex. In the case of Kenya, the IDP issue intersects in complicated ways with interrelated areas of land and forestry policy. For example, the presence of many IDPs in forests means that new forestry policy that threatens to evict these people, as well as take away their livelihoods as reforesters, has created much suffering and hardship.⁵⁶ Further, without a clear and comprehensive approach to the IDP issue nationally, certain evictions may serve to deepen ethnic tensions. For example, on August 28, 2004, Kalenjin clash victims were evicted from Sururu forest by forestry officials. These victims were rendered homeless through revenge attacks by Kikuyu victims of the ethnic clashes in the 1990s and settled by KANU in the forest. Other Kalenjin farmers were settled in nearby Likia and Maucha settlement schemes on land that was formerly owned by Kikuyu farmers vacated by the clashes. After the clash, victims from Sururu forest were evicted; this time around, they stayed on the edge of the forest, next to Kikuyu clash victims and the settlement schemes. The brutal way that the IDPs were evicted with no time to collect their meager property meant that

livestock escaped, and accusations of theft by local Kikuyu created tensions in the area. Before the government reacted, four people were killed and more than twenty were injured, several houses were burned, and a hundred women and children took shelter at the local church.⁵⁷

As this case also suggests, it also becomes difficult to address the broader issues of land policy without grappling directly with the victims of displacement. Many of the displaced possessed title deeds—as do some of the beneficiaries and even perpetrators of the violence. As the Kenya Land Alliance notes:

The failure to resettle the displaced will send a dangerous message to the people regarding the sanctity of title in the country. It could also serve as a precedent for politically instigated ethnic evictions in other parts of the country. The potential for civil war cannot be ruled out if such phenomena were to spread countrywide.⁵⁸

Given the present circumstances, it may be difficult to push for the punishment of the perpetrators of the clashes. However, official forgetting only deepens the sense of impunity and leaves many long-standing tensions to fester, providing fertile ground for a recurrence of clashes especially as elections approach.

The Sururu case also suggests that one of the key areas of contention will be the issue of who is a “genuinely displaced person.” Initially, even high-ranking Kikuyu political figures suggested that the Sururu victims could not be IDPs based simply on the fact that they were Kalenjin. To further cloud the picture, the beneficiaries of the largest pieces of land in Sururu forest were allocated not to IDPs, but rather to the politically connected, including clash perpetrators. This reflects the general problem that settlement schemes throughout Kenya’s history have been sources of patronage, and often the poorest of the poor have fallen through the cracks. Thus, should the NaRC government decide to resettle IDPs, given the land pressures, the government may also wish to reduce the numbers to be settled by creating difficult criteria (e.g., complete documentation, title deeds) that many victims—some displaced multiple times—will be unable to provide. Indeed, in the past, in places where clash victims were given temporary allocations, many victims were left out. Here are the very relevant observations by the late Father Kaiser of the vetting process of Enoosupukia clash victims in Maela:

None of the members of the committee was chosen by the refugees and I did not think any of them would have been able to stand up to [the District Officer] Mr. Hassan, if ever that became necessary. The committee had no representation from the churches, NGOs or even UNDP.

It took Mr. Hassan and his team about three weeks to finish their first registration, and because no systematic order of interviewing was followed,

the registration exercise was seriously flawed and caused great suffering. I know of many Enoosupukia displaced people, including some old women, who walked from Ngondi to Maela (a ten-kilometre distance) daily for three weeks in the hope of being registered. Many of them were never interviewed.

I knew many of the displaced people from Enoosupukia who possessed legal documents as proof of land ownership but were not registered during this exercise. I also knew of some wealthy people from Kongoni and Naivasha who had never lived in Enoosupukia but were nonetheless interviewed.⁵⁹

This means that should the NaRC government go ahead with a resettlement process, the clash victim network and its civil society allies will have to maintain steady pressure and vigilance.

Dealing with the IDP issue in a fair and comprehensive manner will thus require ongoing support from the many stakeholders. This is because of the tremendous political and policy complexity of the issue. Contributing substantially to this complexity is not only the presence of clash perpetrators in high-level positions in government, but also the many categories of victims:

1. Some victims had land to flee to or had savings accounts that allowed them to resettle elsewhere in Kenya. They are still victims and deserve consideration.
2. Other victims were landowners in possession of title deeds for their land.
3. Still other victims were in settlement schemes and had paid for their land but had never received title deeds because of problems in the administration or had not quite finished payments.
4. Many victims were tenants, engaged in informal leasehold agreements. They hold no paper evidence of these agreements. Nevertheless, they lost people, property, and livelihood and still deserve to be settled.
5. Some of the poorest victims were in fact planting trees in forests in return for access to land for cultivation and were evicted through the clashes.
6. Many are pastoralists who did not own land but lost cattle.
7. Most are children, including orphans; many lost educational opportunities, which means that their future opportunities for a decent life were destroyed.
8. Some families had loved ones killed and deserve compensation.

Whether these many and diverse victims, as part of an inclusive advocacy network, will be able to push for an amelioration of their plight and some form of compensation and reconciliation within Kenyan society remains to be seen. Nevertheless, to a large extent whether they succeed or

fail will determine the extent to which “good governance” will be entrenched, creating strong disincentives for the use of displacement as political strategy in the future. What is clear is that much will hinge on the strength and strategies of civil society—with allies in the government, the press, and the international community.

Conclusion and Policy Recommendations

The former Special Representative of the United Nations Secretary-General for IDPs, Francis Deng, suggests, and the Kenyan case confirms, “Displacement is only a symptom of deeper causes, reflected in conflicts, communal violence, human rights violations and human-made disasters.”⁶⁰ This means the problem of preventing displacement and caring for existing IDPs is a profoundly challenging governance problem. Deng has worked hard to push for more international recognition of this problem, including adoption of the Guiding Principles on Internal Displacement. However, the key dilemma for advocates for the displaced is that according to international law, national governments have the ultimate responsibility over the dislocated. Yet, as we have seen in the Kenyan case, the government often has a hand in the violence that caused the displacement in the first place. In light of this policy conundrum, too often what occurs is official forgetting, and as in Kenya, the displaced “disappear” and are reimagined as the poor without history.

Tragically, this chapter has shown, a shift to more democratic government is often when international and local attention to the IDP problem fades. This is in part because it is often wrongly expected that the new government will take responsibility for the plight of its dislocated citizens. Yet the Kenyan case shows that IDPs require continuing protection instead of neglect.⁶¹ The policy challenge is to sustain and adapt IDP advocacy under these new and potentially hopeful conditions.

IDP advocates need to develop creative strategies to combat forgetting and prevent the loss of opportunities opened by democratic change. Some of these strategies might be:

- Support IDPs’ efforts at self-organization by helping them to build the capacity to create and monitor registries and lobby interested parties in parliament and the press. As part of this initiative the Guiding Principles on Internal Displacement should be more widely disseminated. More donor resources need to go to those key civil society organizations that participate in these efforts, and these organizations should be involved in genuine partnerships with UNDP, UNHCR, and OCHA.

- Develop institutionalized networks for information flow to assist in documentation of ongoing IDP conditions and actions. This can also serve as an early-warning mechanism for further problems such as in the Sururu forest case, where the IDP coordinator for the region warned of potential violence, but was largely ignored until after people were killed.⁶²
- Make IDPs an explicit category for development planning, particularly in the eastern African and Horn countries that have large numbers of IDPs. This would be a nonconfrontational way to keep the concerns of IDPs on the agenda over time and to push for integration of peacebuilding and development efforts.
- Treat government policy and action toward IDPs, including adoption of the guiding principles, as a key indicator of better governance, at both national and regional levels, rather than ignore it in most governance assistance programs, as is currently the case.⁶³
- Given the complexity of the IDP issue and its intersection with forestry and land policy, provide support for policy capacity-building at both the civil society and government levels, starting with those who have distinguished themselves as advocates for IDPs. One aim of these efforts would be to build better links between government and the policy and advocacy communities on IDP issues.

After some disorientation following the transition, signs are that Kenya’s civil society, with key new allies in government, is using hard-won political space and rising to the challenge of creating an advocacy campaign. This organizing deserves far more international support, for if Kenya, with a new more reform-oriented government, freedom of expression, relatively strong civil society, and a large international presence, cannot adequately address the legacy of internal displacement and prevent its future occurrence, which country in the region can?

Notes

1. Ahmednasir Abdullahi, “Ethnic Clashes, Displaced Persons and the Potential for Refugee Creation in Kenya: A Forbidding Forecast,” *International Journal of Refugee Law* 9, no. 2 (1997): 196–206.

2. These figures are estimates and most likely are lower bounds. Numbers of displaced are derived from the following sources: Human Rights Watch (HRW), *Divide and Rule: State Sponsored Ethnic Violence in Kenya* (New York: HRW, 1993), p. 1; African Rights, “Violence at the Coast: The Human Consequences of Kenya’s Crumbling Political Institutions,” *Witness* 2 (October/November 1997); and press reports on the 1998 violence. According to the Kenya Human Rights Commission (KHRC), approximately 15,000 people died in the clashes through direct

violence: *Killing the Vote: State Sponsored Violence and Flawed Elections in Kenya* (Nairobi: KHRC, 1998).

3. The figures on IDPs vary, but a recent report cites 350,000: United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Affected Populations in the Horn of Africa* (Nairobi: OCHA Regional Support Office for Central and East Africa, December 2004), p. 2. There are probably many more IDPs—clash victims from pastoral areas and urban violence are often not counted. A recent survey found that at least 164,457 people have been displaced in northern Kenya, 70 percent of these being women and children below fourteen years of age: Intermediate Technology Development Group (ITDG), *Conflict in Northern Kenya: A Focus on Internally Displaced* (Nairobi: ITDG, 2003).

4. Norwegian Refugee Council, *Internally Displaced People: A Global Survey* (London: Earthscan Publications, 2002), p. 4.

5. *Ibid.*, p. 4.

6. Current figures are: Ethiopia 150,000, Eritrea 62,000, Kenya 350,000, Somalia 377,000, Sudan 6,000,000. See OCHA, *Affected Populations*, p. 2. Uganda numbers nearly 1.7 million (OCHA, Uganda: 2005 Mid-Year Review, June 29, 2005, electronic version), p. 1. Tanzania is the only country in the region without IDPs.

7. Makau wa Mutua, "The Interaction Between Human Rights, Democracy and Governance and the Displacement of Populations," *International Journal of Refugee Law* (July 1995/Special Issue), p. 42. Of course, displacement can be caused by natural disasters and development projects, but the vast majority of IDPs are linked to internal violence: Roberta Cohen and Francis Deng, *Masses in Flight: The Global Crisis of Displacement* (Washington: Brookings Institute, 1998), p. 3.

8. Lively debates exist about how to define civil society: David Lewis, "Civil Society in African Contexts: Reflections on the Usefulness of a Concept," *Development and Change* 33, no. 4 (2002): 569–586; Thomas Carothers and Marina Ottaway, eds., *Funding Virtue: Civil Society and Democracy Promotion* (Washington, DC: Carnegie Endowment for International Peace, 2000).

9. Ashutosh Varshney, *Ethnic Conflict and Civil Life* (New Haven and London: Yale University Press, 2002), p. 4. Varshney's work should be compared to Lauren Morris MacLean, "Mediating Ethnic Conflict at the Grassroots: The Role of Local Associational Life in Shaping Political Values in Côte d'Ivoire and Ghana," *Journal of Modern African Studies* 42, no. 2 (2004): 589–617.

10. Simon Bagshaw and Diane Paul, "Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons," Brookings—SAIS Project on Internal Displacement and United Nations Office for the Coordination of Humanitarian Affairs (OCHA), November 2004.

11. Some of the recent works arguing this include Amy Chua, *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability* (New York: Random House, 2003); Demet Yalcin Mousseau, "Democratizing with Ethnic Divisions: A Source of Conflict?" *Journal of Peace Research* 38, no. 5 (2001): 547–567; Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York and London: W.W. Norton, 2000); Fareed Zakaria, *The Future of Freedom* (New York and London: W.W. Norton, 2003); Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005).

12. On political liberalization, democratization, and violence: Jacqueline M. Klopp and Elke Zuern, "The Politics of Violence in Democratization," paper presented to the seminar on contentious politics, Columbia University, 2003; Peter Uvin, "Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence," *Comparative Politics* 31, no. 3 (1999): 253–272.

13. V. P. Gagnon, *The Myth of Ethnic War* (Ithaca, NY: Cornell University Press, 2004).

14. The most trenchant critique in this regard is Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian Press, 1998).

15. On the donor interventions: Stephen Brown, "Authoritarian Leaders and Multiparty Elections in Africa: How Foreign Donors Help to Keep Kenya's Daniel arap Moi in Power," *Third World Quarterly* 22 (October 2001): 725–739; Samantha Gibson, "Aid and Politics in Malawi and Kenya: Political Conditionality and Donor Support to the 'Human Rights, Democracy and Governance' Sector," in *Common Security and Civil Society in Africa*, eds. Lennart Wohlgenuth, Samantha Gibson, Stephan Klasen, and Emma Rothchild (Uppsala: Nordiska Afrikainstitutet, 1999).

16. "Klenjin Solidarity," *Weekly Review*, 27 September 1991, p. 6.

17. *Ibid.*

18. On the historical roots of the idea of "Kikuyu domination": E. S. Atieno-Odhiambo, "Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya," in *Ethnicity and Democracy in Africa*, eds. Bruce Berman, Dickson Eyoh, and Will Kymlicka (Oxford: James Currey, 2004).

19. The key instigator of the Meteitei violence was Henry Kosgey, minister of tourism and wildlife at the time, along with other KANU officials. See *Government of Kenya, Report of the Parliamentary Select Committee to Investigate the Ethnic Clashes in Western and Other Parts of Kenya* (Nairobi: Government Printer, 1992).

20. For more details: Claire Médard, "Les Conflits 'Ethniques' au Kenya: Une Question de Votes ou de Terres?" *Afrique Contemporaine* no. 180 (October/December 1996): 62–74; Claire Médard, "Dispositifs Electoraux et Violences Ethniques: Réflexions sur Quelques Strategies Territoriales de Régime Kényan," *Politique Africaine* 70 (June 1998): 32–39; Jacqueline M. Klopp, "Ethnic Clashes and Winning Elections: The Kenyan Case of Electoral Despotism," *Canadian Journal of African Studies* 35, no. 2 (2001): 473–517.

21. Commonwealth Observer Group, "The Presidential Parliamentary and Civic Elections in Kenya" (London: Commonwealth Secretariat, 1993), p. 18.

22. Government of Kenya, *Report of the Parliamentary Select Committee*, p. 51.

23. Human Rights Watch, *Divide and Rule: State Sponsored Ethnic Violence in Kenya* (New York: HRW, 1993); Kenya Human Rights Commission, *Ours by Right, Theirs by Might* (Nairobi: KHRC, 1996) and *Killing the Vote* (Nairobi: KHRC, 1998); Law Society of Kenya (LSK), *Impunity Report of the Law Society of Kenya on the Judicial Commission of Inquiry into Ethnic Clashes in Kenya* (Nairobi: LSK, 2000).

24. John Rogge, *The Internally Displaced Population in Kenya, Western and Rift Valley Provinces: A Need Assessment and a Program Proposal for Rehabilitation*, report prepared for UNDP, Nairobi (October 1993).

25. Francis Gitaari of the Nakuru Catholic Diocese collected affidavits from military personnel who were recruited to participate in the clashes as part of the evidence prepared by the Nakuru Diocese for the Akiwumi Commission of Ethnic Clashes, but was not allowed to present them.

26. I am grateful to Romulus Okoth and Keffa Magenyi Karuoya for their assistance with this. Interviews were also carried out by the author in Nakuru in October 2000.

27. Global IDP Project, "Kenya: Tensions Rise as Government Fails to Address Internal Displacement," Norwegian Refugee Council (November 30, 2004). Other documents describing the conditions of IDPs include Norwegian Refugee Council, *Profile of Internal Displacement: Kenya* (October 6, 2003), pp. 7–8; Prisca Kamungi, "The Current Situation of Internally Displaced Persons in Kenya" (Jesuit Refugee Service, March 2001); UN Development Fund for Women (UNIFEM), *The Lives and*

Life-Choices of Dispossessed Women in Kenya, African Women in Crisis Programme (January 2002); and OCHA, *Kenya's Internally Displaced Persons: Numbers and Challenges*, Department of Disaster Prevention, Management and Coordination Unit (December 2002).

28. For example, a group of 867 IDPs have been living in Kyeni forest outside of Thika, where the author visited them in July 2004. They have survived until now on relief food; since 2000 they have no longer been allowed to plant trees in exchange for access to land for cultivating ("the shamba system") and are living in deplorable conditions. Forests have traditionally been places of last resort for the poor, including in recent times for the IDPs in Kenya. Unfortunately, new laws to protect forests may in fact deepen the plight of IDPs in Kenya.

29. See cases highlighted in Jacqueline Klopp, *Electoral Despotism in Kenya: Land, Patronage and Resistance in the Multi-Party Context*, Ph.D. thesis for the Department of Political Science, McGill University (January 2001).

30. National Council of Churches of Kenya (NCCCK), *Cursed Arrow: A Report of Organized Violence Against Democratic Kenya* (Nairobi: NCCCK, 1992) and *Deception, Dispersal and Abandonment* (Nairobi: NCCCK, 1995). The NCCCK also put out a monthly newsletter called *Clashes Updates*, which provided important information on what was happening in different parts of the country.

31. Celestin Monga, *The Anthropology of Anger* (Boulder: Lynne Rienner, 1996), pp. 27–29.

32. Stephen Orvis, "Kenyan Civil Society: Bridging the Urban-Rural Divide," *Journal of Modern African Studies* 41, no. 2 (2003): 266.

33. Many children and elderly did die as a result of worsened health conditions linked to displacement. See the excellent study by Francis Lelo, *A Report on the Health/Medical Needs Assessment of Olenguruone Parish* (The Catholic Diocese of Nakuru, 1996).

34. NCCCK Press Release, February 12, 1992. For the results of the investigation: NCCCK, *Cursed Arrow*.

35. Pastoral Letter of the Catholic Bishops of Kenya, *A Call to Justice, Love and Reconciliation* (Nairobi: St. Paul Publications, 1992), p. 5.

36. Author interview with Rev. Murimi, Catholic Diocese of Nakuru (Nakuru, October 26, 2000). The Catholic Church and NCCCK were heavily involved in the constitutional reform movement.

37. Peter Mwangi Kagwanja, "Strengthening Local Relief Capacity in Kenya: Challenges and Prospects," in *Eroding Local Capacity: International Humanitarian Action in Africa*, eds. Monica Kathina Juma and Astri Suhrke (Uppsala: Nordiska Afrikainstitutet, 2002), p. 108.

38. Akiwumi Commission evidence prepared by Francis Gitari, Nakuru Catholic Diocese. On the Maela incident: Klopp, "Ethnic Clashes." For firsthand accounts of the Maela incident: John Anthony Kaiser, *If I Die* (Nairobi: Cana Publishing, 2003). Father Kaiser was an American advocate for the internally displaced who was found dead with a bullet in his head August 24, 2000. Most believe he was killed for confronting powerful perpetrators of the clashes.

39. Cohen and Deng, *Masses in Flight*, p. 134.

40. Human Rights Watch, *Kenya: Old Habits Die Hard* (New York: HRW, 1995), p. 5. For additional critiques of the UNDP project see Human Rights Watch, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya* (New York: HRW, 1997) and Binafer Nowrojee, "UN and African Regional Responsibility to Provide Human Rights Protection to the Internally Displaced: Learning Lessons from the Experience of UNDP in Kenya," *Refugee Survey Quarterly* 18, no. 1 (1999).

41. Kagwanja, "Strengthening Local Relief Capacity in Kenya," p. 109; Robert Shaw and Wamuyu Gatheru, eds., *Our Problems, Our Solutions: An Economic and Public Policy Agenda for Kenya* (Nairobi: Institute of Economic Affairs, 1998), p. 291; Monica Kathina Juma, *Unveiling Women as Pillars of Peace: Peace-Building in Communities Fractured by Conflict in Kenya*, An Interim Report for the Management Development and Governance Division, Bureau for Development Policy, UNDP (2000).

42. Kagwanja, "Strengthening Local Relief Capacity in Kenya," p. 118; Juma, *Unveiling Women as Pillars of Peace*.

43. Juma, *Unveiling Women as Pillars of Peace*, p. 38.

44. Interview with NCCCK Peace and Reconciliation Coordinator for Nakuru, Labon Korellach, Nakuru, October 25, 2000.

45. Donor response was disappointing—aid was cut off only for financial improprieties. It was rarely used as a leverage to protect the hundreds of thousands of victims of Kenya's state-organized violence. Stephen Brown, "Quiet Diplomacy and Recurring 'Ethnic Clashes' in Kenya," in *From Promise to Practice: Strengthening UN Capacities for Prevention of Violent Conflict*, eds. Chandra Lekha Sriram and Karin Wermester (Boulder: Lynne Rienner, 2003), pp. 69–100.

46. Government of Kenya, *The Task Force on Truth, Justice and Reconciliation* (Nairobi: Government Printers, 2003). The president's position was communicated to me through an unattributable interview with a cabinet minister, who had discussed the issue directly with him, Nairobi (July 2004).

47. Discussions with IDPs at NCCCK in Nakuru, July 9, 2004. Similar findings came out of Kenya Human Rights Commission consultations with IDPs in different parts of the country.

48. Government of Kenya, Ministry of Lands, *National Land Policy Formulation Process* (Nairobi: Ministry of Lands, March 2004). Vague reference is made to redress of historical injustices more generally.

49. Dauti Kahura, "Kimunya: Internally Displaced Opportunists," *East African Standard* (Nairobi: September 11, 2004).

50. United Nations Development Programme and Government of Kenya, *Country Programme Action Plan 2004–2008* (Nairobi: UNDP), p. 32. The brief mention of IDPs is on page 35.

51. For an exception: *East African Standard*, Special Reports on IDPs (Nairobi, September 12, 2004). This was the result of active lobbying on the part of IDP advocates. These reports include "Revenge Mission Fanned the Flames of Ethnic War: Displaced Six Times in 30 Years"; "Huruma Residents Are the Picture of Disillusionment"; "Fourteen Years Later, It's a Hard Life in the Cold"; "Rift Valley MPs Seek Justice for Clashes Victims"; "Reprieve for Squatters as Forest Ban Lifted"; "Kimunya: Internally Displaced Opportunists; It's a Tough Life for the Displaced."

52. Cyrus Oyugi, Samuel King'ori, Mohamed Tabia, Keffa Magenyi, Irene Wambui, and Ndung'u Wainaina, "A Joint Statement by Survivors of Ethnic Clashes," A Preparatory Conference to Precede the Launch of a National Survivors Network for the Internally Displaced Persons (IDPs) in Kenya (Kasarani, Kenya, September 26–28, 2003) (available online at [http://www.db.idpproject.org/Sites/idpSurvey.nsf/16F3E57093335B82c1256F4E0053A0EB/\\$file/IDPs+National++Conference+Report++Sept++2003.doc](http://www.db.idpproject.org/Sites/idpSurvey.nsf/16F3E57093335B82c1256F4E0053A0EB/$file/IDPs+National++Conference+Report++Sept++2003.doc)), p. 22.

53. Oyugi et al., "A Joint Statement by Survivors of Ethnic Clashes."

54. *Hansard*, Parliamentary Debates, July 30, 2003, p. 2496.

55. *Ibid.*, pp. 2499–2500.

56. In Kenya, the colonial "shamba system" has worked quite well as a cost-effective way to do reforestation. Poor people are given access to forest land to

cultivate in exchange for planting trees. According to environmental organizations, such as the Forest Action Network and the Kenya Forests Working Group, this is a good system. The problem was violation of rules as a result of corruption in the Forestry Department. As a stopgap measure, reinstatement of the shamba system is one way to provide support for some of the poorest clash victims. See "Another Blow to Land Clash Victims," *The Nation* (Nairobi), May 31, 2004, and Government of Kenya, Ministry of Lands, *National Land Policy Formulation Process*.

57. Keffa Koruoya Magenyi, "Situational Likia Mau Narok Clashes," IDP Coordinator, Subukia Zone, October 5, 2004 (unpublished memorandum).

58. Kenya Land Alliance, *The National Land Policy in Kenya* (Nairobi: KLA, 2004), p. 9.

59. Kaiser, *If I Die*, pp. 50–51.

60. Francis Deng, Opening Statement by the Representative of the UN Secretary-General on Internally Displaced Persons (UNSG/IDP), International Symposium on the Mandate of the UNSG/IDP Vienna (December 12–13, 2002).

61. See Bagshaw and Paul, *Protect or Neglect?* This chapter reinforces the broad recommendations in this report.

62. This is also recommended in *Protect or Neglect* (2002), p. 60.

63. This recommendation came out of civil society consultations facilitated by the International Peace Academy in Nairobi, June 21–22, 2004. Jacqueline M. Klopp, "Civil Society and the State: Partnerships for Peace in the Great Lakes Region" (New York: International Peace Academy, June 2004).

Nationalism and Identity in Ethiopia and Eritrea: Building Multiethnic States

Dominique Jacquin-Berdal and Aida Mengistu

Ever since the early 1960s, nationalism has figured critically in the politics and international relations of the Horn of Africa; regimes have toppled under its impact, boundaries have been challenged on its behalf, and states have emerged in its name. Consider the fall of Mengistu in 1991 at the hands of an ethnically defined coalition, or Somalia's former irredentist campaigns that culminated in the 1977–1978 Ogaden war against Ethiopia, or Eritrea's thirty-year-long struggle for independence, all carried out under the banner of nationalism. Even during the events that preceded and followed the 1974 revolution, nationalism, or the "nationalities question" as it was then known, figured prominently. And, while it may not have directly contributed to the outbreak of the 1998–2000 war between Ethiopia and Eritrea, nationalism undoubtedly played a significant role as the conflict unfolded.

Yet, however conspicuous nationalism may be, as the aforementioned examples illustrate, its meaning and consequences for the Horn of Africa are far from unambiguous. This should come as no great surprise to students of nationalism, accustomed as they are to the unending debates that have marked this field of inquiry. Defined by Ernest Gellner as "primarily a political principle, which holds that the political and the national unit should be congruent,"¹ nationalism must also be understood as a cultural phenomenon capable of inducing a powerful sense of belonging.² But while the majority of scholars on nationalism would accept nationalism as a modern phenomenon whose origins can be traced back to eighteenth-century Europe, disagreement arises as to how the nation ought to be defined and how it has come about. A number of scholars, frequently grouped under the modernist-instrumentalist label, argue that nations are creations or inventions, the result of relatively recent historical forces that are ideological, socioeconomic, or political and whose origins are intrinsically bound to the modern state. John Markakis follows this line of thought and argues that in