IDENTITY, DEMOCRACY AND INTERNALLY DISPLACED PERSONS IN KENYA

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SUMMARY

- Contrary to the popular belief that participatory democracy should promote greater inclusion, Kenya's increasingly open and competitive political system has also been a source of exclusion for groups perceived not to 'belong' to certain areas.

- Though equal rights to land and location are guaranteed by Kenya's constitution, the country's long history with the politicization of ethnicity and autochthony has complicated efforts to alter the perception of 'insiders' and 'outsiders.'

- Though the government's national policy response to the 2007-08 election violence has been robust, its continued ethnic orientation has not addressed underlying causes of resentment that initially enabled internal displacement.

BACKGROUND

Contrary to the popular belief that participatory democracy promotes inclusion, recent research from low-income countries finds that increasingly open political systems have also been a cause of social exclusion at the local level. During the 2007 elections in Kenya, for instance, political mobilization on the basis of who 'belonged' in a certain area motivated violent displacement and questioned notions of citizenshipy and identity (Jackson, 2006; Geschiere, 2009). In examples such as this, identity is viewed as being 'rooted in the soil' and only long-time residents of a given territory can enjoy full political and social rights — a perspective which is then used to justify the exclusion of non-members (Malkki, 1992: 25-6). The resulting demands for migrants to return to their native lands not only contradicts constitutionally-protected human rights, but also complicates the search for durable solutions for internally displaced

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persons (IDPs) who may not have a viable 'home' they can return to. Studies from emerging democracies in Africa, Asia, Eastern Europe and Central America describe the political ramifications of who is (or is not) considered a 'son-of-the-soil,' and how they can result in xenophobia and violence against those perceived as outsiders (Marshall-Fratani, 2006; Geschiere and Nyamnjoh, 2000; Leonhardt, 2006). Most studies on this type of conflict examine the exclusion of cross-border migrants, but discrimination also occurs in intra-state conflicts, as it has in Kenya (Fearon and Laitin, 2011: 200). Using original research from Kenya, as well as secondary sources, this backgrounder discusses current issues facing internally displaced 'outsiders' in Kenya, and considers durable policy solutions.

THE ORIGINS OF INSIDER/OUTSIDER CATEGORIES IN KENYA

After Kenyan political independence in 1963, the popular label of 'outsider' shifted from the colonial settler to migrants who moved into formerly restricted settler areas. This followed a racially divisive colonial period in which many black Kenyans resided in ethnically segregated reserves under a divide-and-rule strategy that encouraged mistrust and stunted the creation of a collective political consciousness (Kanyinga, 2009).

Following independence, trouble between Kenya's ethnic groups began with disagreements over how to redistribute areas vacated by departing colonial settlers. Those who occupied the land prior to colonial settlement, particularly the Maasai and Kalenjin sub-groups, expected the land to be returned to them. With political allies in the Coast and Western provinces, they also favoured a federal government with exclusive ethno-regional zones, made possible through the continuation of the colonial native reserves policy (Odinga, 1967; Mweseli, 2000).

President Jomo Kenyatta, however, an ethnic Kikuyu from the Central Province, envisaged the development of a capitalist economy based on large-scale agriculture. He therefore resisted fragmentation of settler plantations and dismissed calls for restitution of 'tribal lands.' Kenyatta, along with vice president Oginga Odinga, a Luo, also favoured a unitary form of government with a powerful centre. This is not surprising, perhaps, as the Kikuyu and Luo were the largest ethnic groups in Kenya at the time, while Kalenjin and Maasai were relative minorities.

LABOUR MIGRATION INTO THE WHITE HIGHLANDS

The two main political parties of the early 1960s, Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU), were formed along the majority/minority divide and held opposing views on land reform and inter-tribal migration. Although many 'outsider' Kenyans had already moved into the former White Highlands to find jobs, the Maasai-Kalenjin 'natives' fervently resisted settlement on what they considered to be their land and tried to advance the position politically (Odinga, 1967).

After Kenyatta became president, however, he changed the constitution to provide equal citizenship and residential rights for all Kenyans, regardless of ethnic identity or geographical heritage. In the 'Million Acre Scheme' land redistribution program that followed, thousands of Kikuyu acquired land — and in turn, political power — in the former White Highlands (Berman, 1991; Kanyinga, 2006). It is against this background that land and ethnicity became significant factors in shaping political identity in the multi-ethnic regions of Kenya.

The political events of the early 1960s and how they have been interpreted and retold continue to influence ethnic relations and nation building in Kenya. Long memories of Maasai and Kalenjin exclusion, in particular, are used to mobilize feelings of resentment and justify present-day violence and forced displacement. Although Kenyatta tried political repression, using land as patronage and preaching 'one Kenya one people,' the insider/outsider problem refused to go away during his time in office. After taking over from Kenyatta in 1978, Daniel arap Moi also avoided serious discussion of land-related grievances, though minority politicians often revisited land injustices during election campaigns.

DEMOCRATIZATION AND THE POLITICS OF BELONGING

Moi broke his silence regarding residency in the former White Highlands during the Kenyan democratization process that started in the 1990s. Kalenjin and Maasai politicians — who dominated political power during the Moi era — observed that pro-democracy forces were mostly migrants. This resuscitated the movement toward ethnic federalism, where there was a call

to "let everybody go back to their ancestral land and vote as they please."[1] Migrants in the Rift Valley, particularly the Kikuyu, were characterized as latter-day colonialists who occupied lands, dominated politics and used the law to advance sectarian interests. The solution, so went Moi's campaign, was to eject them from their adopted lands and force them to vote back in Central province.Anti-Kikuyu sentiment in the highlands also extends to their political allies in the central government, creating alliances which are unpredictable and largely only vehicles for contesting elections. Over the last 20 years, for instance, the Luo have interchangeably been labelled as 'insiders' and 'outsiders' in the highlands, depending on when elections are occurring. This unpredictable cycle of inclusion and exclusion has implications for the durability of long-term policy solutions. As returnees say prior to elections, "we don't know if we will be displaced again this time round."[2]

THE 2007 POST-ELECTION VIOLENCE AND SEARCH FOR LASTING SOLUTIONS

Violence broke out in several areas of Kenya after the announcement of presidential election results in 2007. Over 1,000 were killed, while more than 600,000 were displaced internally and were forced to flee to 296 temporary IDP camps within Kenya and a further 12,000 crossed the border in to Uganda and became refugees (OCHA-Kenya, 2008). A peace agreement was signed in February 2008, leading the government to close the camps and help IDPs return home or relocate to safer areas. Dubbed *Operation Rudi Nyumbani* (Return Home), the program had multiple components: funds for relief food and housing; seeds, fertilizer and farm tools to restart livelihoods; and peace-building and reconciliation programs. Destroyed schools, clinics, markets and bridges were constructed and over 30 new police stations were established to boost security in areas with returnees (Kamungi, 2011). Through the implementation of the peace agreement,

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1   This call, used at political rallies in 1991, is often repeated by local politicians in parts of the Rift Valley.

2   Interview with a returnee on Kiambaa Farm, Eldoret, 30 May 2012.

3   Perhaps inadvertently, the 32 new police stations were built on farms to which Kikuyu IDPs were returning, and hence have Kikuyu names. Their proximity and names gives the impression that they are for Kikuyu. Interviews in Kiambaa, Rurigi, Kamuyu, Ya Mumbi and Kondoo in Uasin Gishu, November 2011.

Kenya embarked on an ambitious policy agenda, writing a new constitution, accelerating land reform, establishing a Truth Commission and formulated a national policy on IDPs.

Kenya has also complied with international recommendations set out in the Framework for Durable Solutions for Internally Displaced Persons (Kamungi, 2011), though perceived lack of political commitment and the ethnicization of policy interventions hinder their impact. Many IDPs left camps under government-led efforts, for example, but durable solutions have not been secured due to persistent threats of renewed violence. Local reactions to resettlement programs reproduce claims of exclusion from some victims and favouritism for others. As one respondent stated, "many Kalenjin were victims but were excluded because they did not register or go into camps. Now they are building police stations to protect the strangers from us."[3] Efforts to allocate land to IDPs invoke similar claims that more land is being given to outsiders. In response, ethnic communities have united to block the resettlement of IDPs and refused to attend reconciliatory peace meetings. Slow progress is therefore being made in quantitative terms, but fault lines of violence remain.

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