

IDENTITY AND INSECURITY IN MODERNIZING KENYA

CASE STUDY OVERVIEW



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DENVER

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INTERNATIONAL STUDIES



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This report presents case study findings from a two-year research and policy-dialogue initiative that explores how international peacemakers and development aid providers affect social cohesion in conflict-affected countries. Field research conducted by leading international scholars and global South researchers yields in-depth analyses of social cohesion and related peacebuilding efforts in Guatemala, Kenya, Lebanon, Myanmar, Nepal, Nigeria, and Sri Lanka. Principal case study specialists for Kenya include Fletcher Cox, James Ndung'u, and Esther N'juguna. The project was coordinated by the Sié Chéou Kang Center for International Security and Diplomacy at the University of Denver from 2012 - 2014, and supported by a generous grant from Henry Luce Foundation's Initiative on Religion and International Affairs.

1. INTRODUCTION

Severe post-election violence in Kenya in 2007-2008 caught the country and the international community by surprise. Over 1,500 fatalities were reported across multiple identity-based clashes that created widespread population displacement, especially in Rift Valley. In some cases, IDPs still have not returned to their home districts. In 2012, ethnic clashes escalated in Tana River, an area that had long experienced inter-group peace, also leading to widespread population displacement. Equally shocking was an extreme act of terrorism at the Westgate Mall in 2013 that led to nearly seventy civilian casualties. In 2014, government security forces intervened in clashes in Marsabit County in Northern Kenya and attempted to control ethno-religious riots in Mombasa and terrorist attacks elsewhere along the coast. These social conflicts initially seem disconnected, yet all of them are, in fact, closely linked to the nature of social fragmentation in Kenya. Despite the fact that Kenya is the East African region's most dynamic and fastest growing economy, the country has experienced a range of episodes of identity-based conflict and violence that reveal deep and persistent social fault lines.

Overall, this report argues:

- The nature of social cohesion in Kenya is a direct function of human security (including social, economic, and physical security). In situations of economic and/or political instability, levels of trust erode among ethnic groups, especially between ethnic groups that are in opposing political camps, as determined by elite coalitions.
- Ethnic group affiliation continues to function as a primary form of identity within both urban and rural environments in Kenya, especially during periods of turmoil. This occurs for two reasons: first, because ethnic identity is the social sphere wherein citizens tend to feel most secure, and, second, because ethnicity shapes citizens' perceptions of fear and power. As the principal foundation for social protection, political entrepreneurs refer to ethnic affiliation and manipulate ethnic grievances as the basis for political mobilization.
- Even though robust state and electoral institutions are now in place to try to mitigate the use of "negative ethnicity" by political elites and foster the emergence of cross-cutting, issue-based political coalitions, ethnic politics remains the status quo.

2. STATE-SOCIETY RELATIONS IN KENYA

A key puzzle related to social cohesion in the Kenya case is, if politics remain deeply ethnic and divisive, why were elections so violent in 2007, yet largely nonviolent in 2013? Was improving social trust and cooperation among ethnic groups (horizontal cohesion) a factor? The reports find that the more peaceful outcome in 2013 was not related to significant changes in social cohesion. Rather, respondents suggest that multiple, interrelated factors that generated conditions for peaceful elections in 2013, including pending International Criminal Court indictments, a coalition between former opposition communities (Kikuyu/Kalenjin), conflict memory, and a new commitment by political elites to uphold the rule of law. Even with peaceful elections in 2013, deep mistrust between the two primary political coalitions (CORD and Jubilee) reflects deep tension between two key majority ethnic groups (Luo/Kikuyu).

INSTITUTIONS FOR COHESION: CONSTITUTION MAKING AND DEVOLUTION

In the wake of 2007-2008 post-election violence, the signing of a National Accord in 2008 and the approval of a new constitution in 2010 created momentum for initiating and implementing wide-reaching institutional reforms across Kenya. The four agenda items of the National Accord and new constitutional amendments serve as a framework for reforming governance and security institutions to improve service delivery and make governance much more accountable and equitable across the country. While there has been remarkable progress on institutional reforms and a very progressive constitution was passed by referendum, numerous outstanding issues have beset positive transformation.

For example, institutions intentionally designed to foster social cohesion and reduce ethnic conflict vulnerability have not been as effective as many citizens expected. Political institutions in Kenya remain weak and predatory in nature, as they have often been captured and manipulated by elites to protect ethnic-based, political and economic interests. Apart from the executive arm of government, political institutions have over the years been weakened through constitutional amendments under the Kenyatta and Moi regimes. Despite institutional reforms that focused on the decentralization of power, the executive branch is still largely perceived as the center of all political power. Political parties in particular have failed to represent Kenyans on issue-based concerns, and a weak system of checks and balances allows for high levels of impunity across the governance system.

Local governance reform or “devolution” also highlights critical issues related to the current dynamics of state-society relations within Kenya. The devolution process has been designed to restore trust in centralized government leaders and structures (vertical cohesion), as well as provide new avenues for crosscutting participation in county-level governance (horizontal cohesion). Insights from key respondents suggest that devolution will, over time, improve social cohesion, especially if local political behaviors begin to change and actors learn about and employ new institutions to hold leaders to account.

However, if underlying structural drivers of fragmentation such as poverty and exclusionary politics are not addressed adequately at all levels of governance, devolution risks reproducing exclusionary cultures at the county level. County government structures will shift the focus away from the all-powerful presidency to some degree, but growing aversion towards the national government will continue to undermine state-society relations. Devolution, if not properly operationalized and reflective of good governance principles, could undermine social cohesion and increase conflict vulnerability. For example, recent conflict dynamics in both Mandera and Moyale reflect potential linkages between the devolution process and the escalation of inter-ethnic violence.

3. INTERNATIONAL INTERVENTION IN KENYA: ENGAGING SOCIETY IN PEACEBUILDING

International donors view Kenya as a pivotal state for regional stability in the Horn of Africa and Great Lakes regions. Donors view stability in Kenya itself as a key requirement for security and stability throughout the region are thus working to relieve pressures that generate instability, such as including election related violence, financial crises and economic instability, climate change and desertification, youth unemployment, and increasing localized violence and human insecurity. As such, the larger UN strategy is guided by three strategic program areas: 1) governance and human rights; 2) empowerment of poor and vulnerable populations, and; 3) sustainable and equitable economic growth. Within this larger framework, peace and reconciliation serve as “crosscutting” issues. The UN sees its approach as complimentary to the government’s development strategy, which has become known, as “Vision 2030.” Through UN funding mechanisms, over the past five years, \$635 million dollars have been directed toward achieving these three main outcomes.

With this support, Kenya now has multiple bureaucracies in place to try to better manage conflict-inducing social cleavages. For example, the current peace infrastructure in Kenya, supported by UNDP and others, was designed after the provincial administration structure. Additionally, the Provincial Peace Forum (PPF), District Peace Committees (DPC), Divisional Peace Committees (DvPCs), and Location Peace Committees (LPCs), along

with sub-location and village peace committees, contribute to a robust peace architecture in Kenya, supported by UNDP and the “UWIANO platform.”

Additionally, the National Cohesion and Integration Commission (NCIC) has emerged as the principal formal bureaucratic institution at the helm of nation-wide efforts to change inter-ethnic group attitudes in Kenya and construct a more cohesive, peaceful national identity. Taking up a broad and challenging mandate to foster a more inclusive national identity and greater inclusion of minority groups within government bureaucracies, the NCIC conducts and funds multiple programs, including national televised dialogues, peace education to foster non-violent forms of conflict management, and support for CSO initiatives to foster ownership and sustainability for local, “ground up” initiatives geared towards social cohesion. Banners designed by the NCIC to promote peace and “unity in diversity” (pamoja) are displayed prominently on billboards and overpasses throughout the country.

A strong case can be made that the UN has been very successful in promoting human rights and political rights norms, as well as helping to construct new formal institutions and bureaucracies that have the potential to help reduce the propensity for violent inter-group conflict. The new constitution in Kenya has been touted by many as being one of the most progressive constitutions in Africa. Multiple international actors, technical advisors, and donors supported the constitution building process. The document includes a very progressive bill of rights that guarantees freedom of expression, conscience and belief, gender equality, and media freedom. The constitution also guarantees parliamentary seats to marginalized groups and prohibits discrimination.

Overall, multiple formal institutional reforms have been made that should contribute to addressing historical grievances and generating positive levels of trust toward the state. The formalization of peace architecture at state level, however, has been problematic. Most peace building and institutional development either circumvents the state or remains local and informal. Even though formal, bureaucratic institutions and rule of law are promoted and protected within the new constitution, traditional, ethno-centric social order remains the dominant form of socio-political organization. A progressive constitution laden with international norms is now in place but actors and institutions have not yet embraced its values and principles.

- Formal institutions carefully designed to address historical grievances, reduce ethnic exclusion, and foster cohesion are in place, but they have yet to reshape attitudes, behaviors, and values within “everyday” life in Kenya and even within “everyday” life of political bureaucrats. Corruption, identity politics, and a general lack of trust preclude the political inclusion necessary to fostering sustainable social cohesion.

ENGAGING THE RELIGIOUS SECTOR IN PEACEBUILDING

In Kenya, inter-religious institutions and inter-religious councils are well established across the country and have very high levels of capacity to contribute to cohesion. Religious actors have been involved in addressing social needs of communities particularly in the areas of health, education, relief and overall delivery of basic social services. Religious institutions, particularly churches and Faith Based Organizations (FBOs), have played a crucial role in providing basic services for communities in marginalized areas due to the absence of the state. Religious actors have played a key role in conflict resolution and transformation especially in matters of reconciliation, faith-based trauma and psychological healing in a post-war context. Moreover donors, NGOs, and CSOs have engaged with religious actors to build upon existing relationships of trust with communities, take advantage of capacity to mobilize internal human and financial resources, and develop more extensive networks among FBOs and CSOs at the local level.

One of the primary challenges facing the engagement between donors and religious actors, like most partners, is the problem of short-term funding. Additionally, the question of measuring impact on personal transformation such as trust in actors from other ethnic or religious groups and the reduction of inter-group fears is equally challenging for donors as it often does not fit with indicators provided to gauge success of programs.

- Peacebuilding programs that engage religious actors aim to take advantage of their local networks, knowledge, and capacity, but are often the first to get cut when donor priorities shift, or new, seemingly more pressing, conflicts emerge in other location or other states. The fact that there are scarce resources for preemptive peace work being done by churches and FBOs often causes this set of actors to spend a very significant amount of time competing for scarce funding, rather than engaging in local peace work.

4. PRINCIPAL FINDINGS

Principal findings from the research project identify five key factors that have the potential to improve social cohesion in Kenya:

- First, everyday cross-cutting social interactions are prevalent in Kenya. Improvements in human security are likely to continue to foster deepening of cross-cutting social engagement within multiple social spheres, including religion, culture, sport, education, and business. Constructive, rather than destructive, group competition can occur within these social spheres, and could continue to foster cohesion, especially if Kenya's relatively dynamic economy continues to grow rapidly and steadily. Increasing urbanization and economic growth, therefore, even if they do not fully disrupt attachments to traditional ethnic identities could function to reduce parochialism and fragmentation as actors develop shared economic interests within growing urban centers.
- Second, conflict memories, critical junctures, and influential leaders have the capacity to foster social cohesion in Kenya. Memories of the high cost of ethnic violence can function to foster future cohesion. However, at the same time, historical memories can be manipulated by political elites, and competing interpretations of conflict events can be a driver of fragmentation and conflict. Notwithstanding, critical junctures or key historical moments still have the capacity to improve cohesion in Kenya. Unified responses to extreme acts of violence can foster cohesion among ethnically divided communities through inclusivity in response and effective subsequent reforms.
- Third, in the wake of shocking post-election violence, Kenya has successfully reformed a number of key state institutions and has been able to increase inclusivity in governance. Even though these institutions have not yet fully changed entrenched behaviors such as clientelism and prebendalism, these new institutions could continue to generate cohesion over time. The extent to which this will happen depends on the extent to which people develop trust in formal institutions, especially in institutions designed to foster "national cohesion," as well as local accountability mechanisms and institutions for governance accountability at the county level, such as the new Social Budget Observatory Framework.
- Fourth, local civil society institutions in Kenya also have capacity to foster cohesion. Inter-religious institutions and inter-religious councils are well established and generally respected across Kenya. Their effectiveness, however, seems contingent upon overcoming "political capture," bureaucratic inefficiencies, and limiting cases where religious leaders are implicated in social injustices. Local peace structures and local traditional groups also have seen some success in limiting violence and promoting horizontal cohesion in terms of inter-group governance of local resource conflicts. Again, divisive politics at the local level can quickly undermine their efficacy.
- Fifth, the presence of well-established peace-building infrastructure under the coordination of the NSC through the new peace policy and the NCIC (with its national cohesion mandate) provide a high level of potential for advancing the national cohesion agenda in Kenya. The key for success of

these institutions will be extending the agenda from national level through to grassroots institutions, and the extent to which they can become immune to political manipulation. The fact that there is good will among international development partners to support domestically led social cohesion initiatives, especially those targeting actors at the grassroots level, provides positive prospects for supporting social cohesion in Kenya.

Critical roadblocks to advancing social cohesion remain in Kenya. Elite behavior is deeply tied to clientelism, in which state resources, jobs and contracts are allocated on an ethnic basis, which continues to feed inter-ethnic competition and stereotyping. As long as political appointments and competitions remain high stakes, divisive political narratives, ethnic stereotyping, ethnic group bashing and propagandizing, and “hate speech” will continue. Whether or not “unity in diversity” will be realized in Kenya, depends greatly upon whether or not domestic political elites truly decide to turn rhetoric about “cohesion” into reality.

Entrenched forms of marginalization, exclusion, and inequality also stand in the way of progress toward cohesion in Kenya. Periphery areas within Kenya have long experienced the highest levels of poverty and underdevelopment. With discovery of resources like oil, the state is now paying more attention to the periphery through flagship projects aimed at entrenching and safeguarding the interests of the state but, as some respondents suggest, this process is disguised as taking services and infrastructure to the people. These forms of extractionary “development” will likely function to deepen the cleavage between the “hinterlands” and the “center” (Nairobi). At the same time, rising resource scarcity could increase competition based on ethnic mobilization.

Historical narratives and grievances also will continue to stand in the way of social cohesion so long as injustices are unaddressed. Additionally, religious identities retain the capacity to continue fostering fragmentation. In general, it appears that religious institutions help unify ethnic groups at the local level, especially where they provide equitable access to public goods (health and education). At the national level, however, religion tends to divide more often than it unites. Contentious debates around Islamic courts, spillovers from state failure in Somalia, and symbolic terrorism foster insecurity and inter-group fear, a key factor that deepens hatred and mistrust among ethno-religious groups. The persistence of attacks with religious undertones will continue to deepen the cleavage between Christian and Muslim communities within the political sphere.

5. RECOMMENDATIONS

Building cohesion among deeply divided social groups and between groups and the state is a very long and tedious process. Not only are gains in social cohesion hard to measure, when there are improvements, they can easily and very quickly be undermined by violence, economic stagnation, or even the rhetoric of few political elites, “playing the ethnic card” in the pursuit of power.

Development, social cohesion, stability and peace are deeply political issues, but international actors tend to try to deal with “political substance in apolitical ways.”¹ How can external actors truly deal with deeply entrenched elite behavior without overstepping the boundaries of domestic sovereignty? What are subtle ways IOs can leverage their skills to truly address the forces that foster deep social divisions in Kenya? To engage more effectively in the pursuit of social cohesion, the assessment team makes the following recommendations:

- Leverage local knowledge and build on local pillars. A key problem for international actors operating on the vertical level (to improve state society relations), in the words of one respondent, is that they are, “using modern formal institutions to solve social problems, but such institutions conflict

¹Research Participant 9, Interview with the authors. Nairobi, Kenya, July 17, 2013.

with traditional social order.”² Success will require, “leveraging of local knowledge and building on local pillars” – such as churches and local institutions, as building upon “local pillars” is key for peace. External actors need internal legitimacy before they can function to help address root causes of conflicts between conflicting parties; this requires donors to trust local knowledge and to support informal, local institutions that have such capacity.

- Invest in multi-year, long-term social cohesion initiatives. Building social cohesion is a long-term process that requires years of investment to achieve desired change in state-society relations as well as relations among diverse social groups. Increasingly, donors are emphasizing value for money (which is very important) and only willing to invest where there are minimal socio-political and economic risks that may have negative implications on funding (in other words, it seems that donors are becoming much more risk averse). Indeed, situations of social fragmentation are quite unpredictable and therefore considering the accompanying complexities donors need to undertake long-term investments whilst progressively reviewing their assistance to provide for adequate time for change to happen. This should be accompanied by appropriate planning for exit strategies that guarantee significant level of sustainability and ownership of initiatives.
- Link the social cohesion agenda to broader development plans of counties in need of support. Most peace building initiatives mainly involve dialogue type activities that aim to improve relations both at vertical as well as horizontal levels. However, most societies experiencing conflicts also lack access to very basic needs (e.g. water, security, shelter, health, etc.) and peace, alone, cannot address what many communities consider as important aspects that can improve their quality of life. Considering the finding that social cohesion is a function of human security, citizens can only feel secure within a social sphere that helps to provide for and meet a broad range of needs that are critical for their survival and flourishing. Therefore, social cohesion initiatives should be integrated within development plans and frameworks within countries in need of support to address social fragmentation.
- Cultivate political will, accountability, and ownership. Whereas international assistance for strengthening social cohesion has succeeded in some instances in rebuilding divided societies, donor assistance does create institutional inertia that can lead to corruption, in some contexts. In some cases, donor projects function as “cash cows,” often serving the interests of elites, rather than the masses. Therefore, donors must always be aware of the risks of corruption and demand very high levels of accountability and transparency and simultaneously insist on match funding especially where funding is provided to government institutions. This can help to demonstrate political will and ownership among recipients of donor support.
- Mitigate against the risk of political manipulation of ethnic or religious identity. Donors must ensure they initiate their own independent conflict and context analysis, not only so that they are conflict sensitive in their approaches toward strengthening social cohesion, but also so they can avoid the potential risk of manipulation of expectations from recipients. This will also ensure high level of validity of local knowledge (based on multiple sources) as opposed to over-reliance of information generated only by those they support. From a strategic point of view, the actualization of their foreign development objectives will constantly be informed by evidence-based actions. In addition, this will make it possible for donors to support genuine, locally supported initiatives that lead to positive outcomes for communities and donors.

² Research Participant 2, Interview with the authors. Nairobi, Kenya, July 15, 2013.