ROOTS AND ROUTES OF POLITICAL VIOLENCE IN KENYA’S CIVIL AND POLITICAL SOCIETY: A CASE STUDY OF MARSABIT COUNTY

Addressing and Mitigating Violence

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Struggles to influence the balance of power and the distribution of economic resources in Kenya have a long history of violence: national and local, actual and threatened, physical and psychological. Levels of violence vary from place to place and year to year, and seldom break out into full-scale clashes or war. Nonetheless, different forms of violence combine with politics to form a resilient chain that exerts powerful control over people’s lives and resists straightforward policy prescriptions or easy practical resolutions.

It is sometimes assumed that state-building is a solely national- and international-level process. This leads to a focus on political elites, emphasising the influence of high-level policy and practice without recognising the agency of other levels of power. Existing approaches to policy aiming for peaceful political settlements do not sufficiently engage with the role of ordinary citizens in forging and transforming the emerging political and social order. Consequently, policy recommendations for dealing with persistent political violence miss strategic points of influence.

This study pulls together an interpretation of recent events in Marsabit, a town 550km north of Kenya’s capital, Nairobi, drawing on the accounts of a range of differently positioned citizens, few of whom occupy elite positions. We penetrate generalisations that are commonly made about ‘marginalised people’ in Kenya and demystify ‘ethnic community’, a concept widely used to foment violence. People’s stories mostly begin with the relatively occasional ‘innocent killings’. Innocent people, often children and women, are killed without explanation and with no clear motive. Nothing is stolen. The people killed have done nothing wrong and the perpetrators are never found. Local people explain the murders as attempts to set one community against another in a cycle of revenge that cements political voting blocs.

Small wars are a second form of violence in Marsabit County. They have involved some 200 killings in the last five years, along with arson and evictions. They are facilitated by the international border, across which perpetrators, mediators and victims move with ease. Local people say that politicians instigate the wars and they point out that government is slow to intervene.

Another element of the violence chain is economic boycott, which although apparently legal, can be linked to hate speech. One group, angry about loss of political and economic power through the newly devolved institutions, boycotts another. Some of their leaders explain that they aim to undermine devolution.

While most people speak of the good effect of historic peace declarations brokered by customary leaders and supported by government and NGOs, they explain that these declarations are not working to resolve persistent political violence. Highly localised efforts by local citizen groups are also understood to have some effect. We came across three such organisations, all run by women. One was praised for its balanced efforts to create dialogue and support victims of violence to find justice, another was successful in gaining membership across the divided ethnic groups and a third, a neighbourhood group of housewives, quietly got on with breaking the boycotts on neighbourly interaction. These initiatives are pragmatic, but too small to have traction against a resilient system of power.

The failure of formal state and customary security and justice bodies to tackle the problem of political killings, arson and divisive speech is significant in the eyes of all our respondents. It demonstrates that leaders accept, or can do nothing about, the medium and message of the killers. Thus local people make their accommodation with it: women and children try not to go out at night and home guards keep a watch on the road.

The citizens of Marsabit town reject the notion that the intermittent violence is due to northern backwardness. Our interlocutors explained that while it is taking a particularly Marsabit-like form, the violence is persisting because of a very modern battle over the fruits of devolution.
It appears that strategic violence is used to shift voter constituencies, prevent groups from gaining a share of the economy, and support ethnic clientelism and patronage.

The new constitution appreciates separation of powers, but legislation has yet to put in place adequate implementation modalities to make it happen in places like Marsabit. It is prone to local capture, yet assumes that public norms of fairness will constrain bad behaviour. Such an assumption may be overly optimistic, given the shape and history of Kenya’s political settlement, locally and nationally.

Recognising that no one institution or group is strong enough to confront the problem alone in Marsabit and elsewhere, we propose that devolution policy should incorporate a programme of systematic restorative justice. Restorative justice is a mode of law that gives precedence to resolution. Such a programme should aim to create formal and funded cooperation between state and customary legal institutions and include genuine citizen’s groups, such as the women’s neighbourhood groups we met during the study. These combined institutions should be fully empowered to deal with innocent killings, arson, political eviction, hate speech and small wars as they arise. The process should involve detailed discussions as to points of moral and legal alignment, support collaborative investigation of any violence, and should make and implement formal rules and sanctions for dealing with cases. Only by taking control of the law will the pro-peace elements of society also take control of the violence.