

# State, Class & Civil Society in Africa

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*Roy Love, Giles Mohan & Tunde Zack-Williams*

In the first week of 2006 the British press reported on two events relating to Africa: one emblazoned on front pages, but of little real significance, and the other tucked away on an inside page, of potentially greater significance. The former was the recruitment of Bob Geldof to the newly branded UK Conservative Party to advise on poverty and Africa. He was appointed for his presumed 'expertise' on Africa even though he is strongly non-partisan in a party political sense, implying that the causes and cures for Africa's underdevelopment are agreed upon between the major UK political parties. However, the appointment of a high profile media campaigner disguises the underlying theme of neoliberal consensus across the political spectrum in the UK and indicates that any change of government will bring about little change in policy towards the developing world. Thus, the point is not that there are many better qualified experts *in* Africa and beyond, but the Conservatives (like New Labour) are happy using concern for Africa as evidence of their ethical credentials. 'Caring for Africa' is proof positive of your humanity and respect of human rights, while all the time treating vast swathes of the globe with derision.

The second event was the report from the Africa Union's Commission on Human and Peoples' Rights which expressed for the first time concern over 'the continuing violations and the deterioration of the human rights situation in Zimbabwe, the lack of respect for the rule of law and the growing culture of impunity' (quoted in *The Guardian*, 4 January 2006). The report urged another 'Bob', Robert Mugabe, to allow an African Union delegation to go on a fact-finding mission to Zimbabwe. At the time of writing this editorial the response of the Zimbabwe government was not known, but whatever the outcome, such criticism from a body under the AU marks an interesting development. Both reports indicate that there is no better time to reaffirm the need for critical, sophisticated and well researched analysis of Africa.

This general issue brings together papers on Nigeria, Kenya and Tanzania to argue that questions of state, class, and ethnicity are vital for a full understanding of the continent. On one hand, this is evident in African responses to external intervention, where aid conditionalities and other political pressures are in a direct line of descent from colonial forms of control (with varying degrees of success) which in so many ways have predetermined the characteristics of the post-colonial state and hence the environment in which class dynamics and popular protest evolve. On the other hand, there are many internal sites of struggle for social, economic and human rights, very often related to land (as in Zimbabwe and Kenya) in which the intersecting roles of ethnicity, 'indigeneity' and emerging class formations call both for incisive analysis and for the public exposure of exploitation and violation of the rights of the most vulnerable by those bodies most legitimately placed to do so. These are the major themes in the papers which comprise this issue.

Ebenezer Obadare's paper focuses on the boycott of Nigerian mobile phone operators to consider the extent to which mobile telephony can be seen as a likely democratising force in the country. The boycott of September 2003 was directed primarily at the international and national mobile phone providers who were criticised for inefficient and overpriced services. The protest was also directed at the state, which was seen as partly culpable and also weak for not keeping the corporations in check. As such, the demonstration was part of a broader dynamic within Nigeria of popular protest against simultaneously excessive and weak state intervention. The question remains whether the technology enables new forms of democratic practice or if such protest is truly liberatory. While a journal such as ROAPE should welcome protest against usurious corporations, such a demonstration could be seen as simply seeking more efficient capitalism as opposed to an alternative to capitalism. However, that the protest took such a novel form is an interesting development for Nigeria and beyond.

Janet Bujra's paper also seeks to develop a more complex analysis of an aspect of Africa's political economy and society. Focusing on the HIV/AIDS question, she argues that a relational class analysis is absolutely vital for appreciating the differential patterns of the disease. Specifically, she focuses on how class inputs into the incidence of HIV/AIDS and, secondly, how there is a differing class response to the disease, with implications for class relations and how they are developing. Bujra's call for a more nuanced class analysis argues against the inadequate operationalisation of the concept in most surveys work, especially of the official type, leading to a predominance of 'indexical' approaches. Nevertheless, even with these drawbacks, much evidence indicates that the early stages of the disease tend to have impacted more on the better off groups, but these are groups which, on learning more about HIV, are able to take private measures to limit and control it within their class grouping. In the meantime, as the epidemic spreads it affects more of the 'lower classes' who are less able to delay its effect and limit its further spread. Paradoxically, much of the international donor money to counteract AIDS also becomes part of the class formation process in providing employment in the formal sector for administrative and professional workers. The theoretical discussion is augmented by an illustration of how better off families in Kagera in Tanzania responded to requests for assistance from a small self-help women's group from poorer households, raising questions about the functional nature of charitable donations by an emerging bourgeois class.

The next three papers all focus on Kenya, are drawn from a conference held in Oxford in 2004 and 2005 and share a number of important themes around the colonial legacy on post-independence Kenyan development. Usefully they feed the critique of colonialism as rational and stable, which is used to argue that the post-independence period is characterised by irrational rule and chronic instability. In different ways the papers demonstrate that colonial authority was always a dynamic compromise which left in place institutional legacies that shaped, but did not determine, post-independence politics and policy.

Daniel Branch and Nicholas Cheeseman provide a critical analysis of the state in Kenya. Using the bureaucratic-authoritarian theories originally devised for Latin America they track the evolution and activities of the bureaucratic state in Kenya. However, they point out that the Kenyan situation was very different from Latin America, because the former had nationalist popular support whereas in the latter, military regimes sought to engender such loyalties. The analysis shows that the state

structures were based on colonial structures, but these were transformed after independence. What is striking is how the colonial state was temporary, contradictory and chaotic, which are criticisms usually reserved for the postcolonial state. They also reverse another dominant discourse by examining how order is maintained rather than the usual focus on disorder within African polities. They also show that such authority has been strong in both urban and rural areas, rather than being just an urban phenomenon.

Miatta Fahnbulleh's paper picks up on questions of the state and is an historical study of how postcolonial industrial and development policy was shaped by factors inherited from colonialism. In particular were structural constraints in the economy and the policy options deemed legitimate. Together, these generated high unemployment, which has been an enduring problem of the past four decades. The paper shows how there was an element of path dependency as subsequent governments sought to enact policies to alter the situation, although decision-makers must also be held responsible for the enduring problems.

Gabrielle Lynch provides a very detailed local history of the Rift Valley region to examine the dynamism and politicisation of ethnicity. She starts by arguing that contrary to histories claiming that colonial authorities inevitably 'invented' and 'fixed' ethnic identities these identities were (and are) in fact highly malleable. Also, rather than seeing politicisation of ethnicity as something reserved for factions within the state, her detailed ethnographic history reveals the role of more everyday African agency in mobilising ethnicity for resource claims, most usually land. An interesting contemporary development is how claims to 'indigeneity' are no longer simply an intra-state matter but savvy organisations are using international rights discourses and connections to place pressure on the Kenyan state to recognise resource claims.

## **Kenya: The Turning Point**

*Daniel Branch & Nicholas Cheeseman*

Dramatic events have been experienced in Kenya in the last few months, events which may with hindsight represent key turning points in the political system, both its formal mechanisms and its actual workings in a classically clientelist model. These key moments are best interpreted in their broader historical context, a context which is admirably sketched in by several of the articles in this Issue. One of the key moments was the Referendum on a draft Constitution, which will certainly mark a turning-point in the long process of revising the colonially-imposed constitution of 1963. The Constitutional Review process and the referendum in November 2005 are treated in a Briefings by Wanjiru Carolyn Kamau and Lionel Cliffe. One central characteristic of the working of the Kenya system has been the high levels of corruption, which the new government was elected in 2002 in the hope of reversing. But in the new year startling revelations gave chapter and verse of how far it is still endemic. Although presented sometimes as a model of peace and stability, another basic characteristic of Kenya politics has been persistent violence. The urban dimension of this were explored by Katumanga in the last Issue. In this one, Mwangi explores the rural dimensions in the peripheral, pastoral areas of the North.

On the morning of 23 January 2006, Kenyans awoke to new but not wholly unexpected revelations into the Anglo-Leasing scandal. The public had known since 2003 of the existence of a fictitious 'ghost' company used to redirect public funds into private pockets during the issue of defence contracts. Following this, any lingering doubts as to the extent of corruption under the National Rainbow Coalition (NARC) government of President Mwai Kibaki were extinguished in February 2005. Then John Githong'o, the Permanent Secretary responsible for investigating corruption, left Kenya in frustration at the obstructions placed in his path during his efforts and in fear of his life. The reports of January 2006 spoke of attempts made in 2004 to cover-up the Anglo-Leasing affair by the then Justice and Constitutional Affairs minister, Kiraitu Murungi, and implicated other leading allies of Kibaki. The Vice President, Moody Awori, and Kibaki were both thought to have full knowledge of the affair. It seems that the purpose of Anglo-Leasing was to raise funds for the defeated 'Yes' campaign during the constitutional referendum of November 2005 and the upcoming 2007 general election ('The Anglo-Leasing Truth', *Sunday Nation*, 22 January 2006).

By the afternoon of 23 January 2006, the attention of the Kenyan media had been distracted by a desperate search for survivors and casualties amongst the rubble of an office block in central Nairobi, which had collapsed while under construction. To those who witnessed the aftermath of the 1998 bombing of the US embassy, the coverage of American, Israeli and British rescue teams intermingled with civilians digging with their bare hands was eerily familiar. This time, however, it was not international terrorism to blame, but shoddy design and corruption within the city's planning department.

In 1998, as in 2006, the media were previously engrossed in a major corruption case involving major figures in the incumbent regime. In March 1998, the trial of Kamlesh Pattni and four civil servants finally began five years after the first reports of a significant scandal first broke. The defendants stood accused of defrauding the Kenyan government of over \$300 million through the manipulation by a company known as Goldenberg International of the re-export of gold and diamonds. Recent estimates have suggested a figure closer to \$600 million may be more accurate. During the investigation and trial, both President Moi and his former Vice President, George Saitoti who is currently the Education minister, were implicated in the case. With the trial unresolved at the time of the NARC election victory in 2002, Kibaki appointed a judicial commission led by Appeal Court Judge Samuel Bosire to investigate and recommend prosecutions. Although the commission's public hearings were completed in November 2004, it was not until January 2006, and in the same week of the collapsed building and reporting of the Anglo-Leasing scandal, that its initial findings were leaked to the press. These initial reports suggest the earlier suspicions of the involvement of Moi and Saitoti were accurate ('Top State Officials Hatched Scheme', *Daily Nation*, 27 January 2006).

With this recent confluence of events, it is difficult to dispute the relevance to Kenya of Alphonse Karr's observation: 'The more things change, the more they stay the same.' As most African states approach the fiftieth anniversary of independence, increasing numbers of academic studies are adopting the perspective of the *longue durée*. Few of the events and trends we witness in contemporary sub-Saharan Africa are without precedent. Debates in Kenya regarding constitutional reform, the structures and influence of the state, ethnicity, land policy and economic development have their origins in the earlier post-independence and colonial

periods. Taken together, the papers argue the case for a view of the present and recent past in Kenya that stresses continuity and prolonged processes of gradual change rather than a sequence of distinctive periods delineated by ruptures to historical trends. In so doing, an alternative approach is offered to arguments that stress the specificity of post-colonial African states.

Although not a formal collection of conference papers, many of the ideas developed here were raised and discussed at two conferences on Kenyan politics and history organised under the auspices of the African Studies Centre at Oxford in 2004 and 2005. Both these events and the following papers illustrate the necessity for multi-disciplinary approaches to questions of historic and contemporary relevance. Furthermore, the papers are testimonies to the virtues of academic collaboration and collegiality, which lend this edition a great degree of coherence. No doubt that is partly due to the unseen influence of Gavin Williams. At one time or another, not least during the preparation of the papers here, several of the authors have benefited from Gavin's advice as a teacher, colleague and friend, for which we are grateful.



# The Politics of Control in Kenya: Understanding the Bureaucratic- executive State, 1952-78

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*Daniel Branch & Nicholas Cheeseman*

**Colonial rule in Kenya witnessed the emergence of a profoundly unbalanced institutional landscape. With all capacity resided in a strong prefectural provincial administration, political parties remained underdeveloped. The co-option of sympathetic African elites during the colonial twilight into the bureaucracy, the legislature and the private property-based economy meant that the allies of colonialism and representatives of transnational capital were able to reap the benefits of independence. In the late colonial period these elites not only attained the means of production, they also assumed the political and institutional capacity to reproduce their dominance. The post-colonial state must therefore be seen as a representation of the interests protected and promoted during the latter years of colonial rule. Under Jomo Kenyatta, the post-colonial state represented a 'pact-of-domination' between transnational capital, the elite and the executive. The ability of this coalition to reproduce itself over time lay in its capacity to demobilise popular forces, especially those elements of the nationalist movement that questioned both the social and economic cleavages of the post-colonial state. Whilst Kenya may have experienced changes to both the executive and legislature, the structure of the state itself has demonstrated remarkable continuity.**

In December 2002, the National Rainbow Coalition (NARC) swept to power promising 'comprehensive political and economic changes in Kenya.' These reforms included the rapid 'completion of the current constitutional review process' (NARC, 2002:vii), which was finally completed in March 2004 after much infighting amongst the coalition. It was not until July 2005 that the draft of the new constitution was finally presented to parliament for debate and amendment. The draft that parliament ultimately put forward for public approval by referendum was very different to that agreed at the National Constitutional Conference. Most contentiously, the redrafted constitution retained the powers of the president and central government (Kenya, 2005). As Raila Odinga, an opponent of the redrafted constitution, argued, 'The power of the President has not been devolved. Instead, power has been concentrated on the President' ('Too Much Control Vested in the President', *Daily Nation*, 12 October 2005). Controversially, the draft approved by parliament substantially reduced the responsibilities of the proposed office of prime minister, intended to act as a check on presidential power. Less attention was paid to the proposed fate of the bureaucracy, despite the importance of the prefectural provincial administration to Kenyan politics. While MPs acceded to the demise of

the provincial administration, they agreed that the body would be replaced by an elected district administration that would remain answerable to central government ('Narc Wins Crucial Vote to Change Bomas Draft', *Daily Nation*, 22 July 2005). Disagreement over the draft constitution split the already fractious NARC coalition. Ahead of the referendum held in November 2005, cabinet members openly campaigned against one another. Ultimately, the 'no' campaign emerged victorious, with 58 per cent of those voting rejecting the new constitution.

With the defeat of the proposed constitution, Kenya's existing 'top-heavy' constitution remains in place. The alliance between the bureaucracy and the executive, which has dominated governance for the past century, has survived the most recent assault upon its privileged position. The longevity of this alliance cannot be explained solely by a sequence of historical events. Instead, a deeper structural and theoretical approach is necessary. This paper represents an attempt to carry out this project by locating the Kenyan post-colonial state in the universe of authoritarian regimes and by delineating its distinctive qualities. In so doing, we borrow heavily from the literature on bureaucratic-authoritarianism to develop an understanding of how the post-colonial state was shaped by processes of class formation and institutional development during the colonial era. We argue that the Kenyan post-colonial state represents a particularly strong combination of administrative and executive power underpinned by an alliance of elites. In the immediate post-colonial period the legitimacy of the executive and the coercive capacity of the administration resulted in the consolidation of a highly resilient 'bureaucratic-executive' state. This bureaucratic-executive state, we suggest, should be seen as an outlier among sub-Saharan African states because of its strength in both urban and rural areas. In making this argument we are challenging the claim, explicitly stated by Zolberg and often implicitly assumed elsewhere, that African states can control the 'centre' but not the 'periphery' (Zolberg, 1966 & 1968; Chabal & Daloz, 1999; Jackson & Rosberg, 1982).

In developing an understanding of the bureaucratic-executive state it is imperative to escape the intellectual confines inherent in the adoption of the temporal categories of 'colonial' and 'post-colonial' (for an example of this approach see Cooper, 2002). Avoiding this constraint provides a necessary corrective to the tendency of some studies of post-colonial states to 'oddly privilege colonialism' by describing the irrationality and disorder of post-colonial states without a comparable examination of the colonial period. Such an approach, Ranger argues, tarnishes the post-colonial state through 'an unintended implied contrast with a period of relative stability and competence' (Ranger, 1996:273). Of course, we must also beware of any re-evaluation of the state in Africa that simply projects notions of post-colonial instability back into the colonial era. Chaos is fast becoming the normative state of African politics. We do not believe asking 'Why has Kenya not experienced a full-blown civil war?' (Kimenyi & Ndung'u, 2005) is a particularly useful analytical approach. In contrast to the prevailing and generalised focus upon disorder and criminality (Bayart, 1993; Bayart, Ellis & Hibou, 1999; Chabal & Daloz, 1993), this paper is a study of order within a particular African state, or at least the political aspiration for order.

We understand order to be 'the recognition of patterned regularity in social and political life' (Lieberman, 2002:698), and to be an aspiration of governments during the period in question rather than a description of the lived experience of the various regimes. In 1966 Daniel arap Moi attempted to excuse the political biases of Kenyatta's regime by claiming that 'even if it's a political Government, it is an

orderly Government, it is not a Government of disorder' (quoted in Gertzel, Goldschmidt & Rothchild, 1969:126). This desire for order encapsulated an intolerance of dissent, the maintenance of profound social inequality and a determination to maintain control for its own sake (Throup & Hornsby, 1998:42-47). Whether or not order actually characterised the political system is another question, as the periodic but carefully targeted recourse to the tool of political assassination suggests. However, while the Kenyatta regime made increasing use of nepotism and the extra-legal powers of the provincial administration (Gathaara, 1982), only after 1978 did the Kenyan political system begin to resemble the informalised models outlined in recent scholarship (Chabal & Daloz, 1999:1).

In understanding post-colonial continuities in the Kenyan case it is important to recognise that states can be Janus-faced - chaotic and ordered at the same time. As Berman has written, 'The most striking characteristic of the colonial state was the ambiguous, indeed, contradictory character of its structures and processes' (Berman, 1992:141). For Cooper, in modification to Foucault's capillaries where power is endlessly diffused, colonial power was arterial:disseminated in irregular spurts. In most colonies, the state's influence was most keenly felt close to ideological and spatial centres of colonial governance (Cooper, 1994:1533). The colonial state could thus be simultaneously powerful and weak. Similarly, Chabal and Daloz have argued that the post-colonial state is 'both strong and powerless, overdeveloped in size and underdeveloped in functional terms' (Chabal & Daloz, 1999:9). The extent to which post-colonial states can be therefore said to be substantially different from their colonial predecessors, either by being 'Africanised' or in their capture by society, appears questionable.

We follow Lonsdale and Berman in understanding the state as 'the historically conditioned set of institutions in any class society which, more or less adequately, secures the social conditions for the reproduction of the dominant mode of production, in this case capitalism' (Lonsdale and Berman, 1979:489). Here our focus is two specific institutions, namely the bureaucracy and the executive. Whilst we recognise that the formal institutions of government constitute but one actor in the theatre of politics, institutions are particularly useful for our purposes, because they lend themselves well to attempts to theorise the development of the state over time. This is neither the first attempt to develop such an understanding nor the first recognition of the importance of colonial institutions to post-colonial developments in Kenya and beyond (Firmin-Sellers, 2000; Gertzel, 1970:1-31; Mamdani, 1996; Mueller, 1984). However, this paper breaks new ground by developing a theoretical understanding of the Kenyan post-colonial state that supports a more direct comparison between the Kenyan state and other examples of authoritarian rule.

Although beyond the scope of this paper, we do not dismiss the ability of Kenyans to manipulate, subvert or simply ignore the state and its institutions. Recent historical, anthropological and empirical-based political analyses have extensively detailed the practice by Africans of 'agency in tight corners' (Lonsdale, 2000). Yet there is a need to periodically reconsider just how tight those corners were. Our intention is to explain the enclosure and asphyxiation of formal political space so as to defeat challenges to an elitist political and economic settlement. It is this process which forced opponents of colonial and post-colonial Kenyan regimes to seek the imaginative and alternative vehicles to express their discontent that have been discussed elsewhere. The Mau Mau insurgency of the 1950s is perhaps the most extreme demonstration of this phenomenon, but informal and less publicised methods of political protest are equally valid examples (Haugerud, 1995).

## The Post-colonial State

Scholars' awareness of the post-colonial continuities in the structure of the political-economies of African states first emerged with the dependency theorists of the 1960s (see for the Kenyan example see Leys, 1975). Subsequent studies have been less willing to adopt the vocabulary of neo-colonialism, preferring instead to identify post-colonial discontinuities (Young, 1994:9-10). Nevertheless the case for viewing contemporary African politics in the *longue durée* remains compelling. We remain unconvinced that 'From whatever point examined, what we are witnessing in Africa is clearly the establishment of a different political economy and the invention of new systems of coercion and exploitation' (Mbembe, 2001:93). Kenya presents an example of the manner in which the capacity and knowledge structures of government developed during colonial rule continue to shape the post-colonial state. As Mbembe concedes, 'post-colonial African regimes have not invented what they know of government from scratch' (Mbembe, 2001:24).

Theorising the development of the Kenyan state demands a comparative approach to conceptualising patterns of state formation in Africa. Following Allen, we argue that Kenya belongs to a category of 'centralised-bureaucratic' regimes along with, at different times, countries such as Tanzania, Zambia and Senegal. Such regimes are marked by the retention of clientelism, the centralisation of power in an executive, the displacement of the party by a bureaucracy answerable to the head of state, and the downgrading of representative institutions (Allen, 1995:305-306). Within this overarching classification there is sufficient space, and indeed the necessity, for nuanced exploration of the specificities of the Kenyan case and consideration of variations within the 'centralised-bureaucratic' model. This we do here by drawing upon and modifying the Latin American model of 'bureaucratic-authoritarianism' which we discuss below.

Berman has already described the colonial state in Africa as 'one of the most striking examples of bureaucratic authoritarianism' (Berman, 1992:144). It is true that the post-colonial Kenyan state shares many features with the 'bureaucratic-authoritarian' states of Latin America. However, the Kenyan case, in common with many African states, differs from the Latin American model in several distinctive ways: the emergence of the state out of a nationalist movement that became institutionalised in a dominant political party; the position of the executive as a key source of legitimacy for the regime; and the extent to which issues of ethnicity and nationalism complicated issues of class. While not unique, these features have had two profound consequences for Kenya. First, the ruling elite was forced to confront the widespread popular understanding of nationalism as a movement for self-determination. Second, to borrow from Weber, the strength and legitimacy of the executive and the capacity of the provincial administration meant that the Kenyan post-colonial state was bolstered by semblances of both 'rational-legal' and 'charismatic' authority (Weber, 1965). This proved to be a powerful combination and has underpinned the stability and longevity of the Kenyan state. The profound tension between the rhetoric of nationalism and the reality of social and economic domination were common to many post-colonial societies. The distinctive features of the Kenyan state lie in its ability to demobilise these forces through the primacy and strength of the executive and the provincial administration. For this reason we argue that the Kenyan state is best thought of as a type of 'bureaucratic-executive' state that represents an important sub-set in the spectrum of 'centralised-bureaucratic' states. What renders the 'bureaucratic-executive' state distinctive is the highly developed capacity of the provincial administration which works to 'facilitate political control

in the countryside as well as in the cities' (Mueller, 1984:400). As a result, and in contrast to much of the African experience, the picture of limited African governments that have no authority in the 'periphery' is misleading in the Kenyan context (Mueller, 1984:427).

By reshaping the 'bureaucratic-authoritarian' model, we argue that understanding the nature of the Kenyan 'bureaucratic-executive' state requires a careful analysis of the process of institution building and class formation under colonial rule. During this period, Kenya witnessed the emergence of a profoundly unbalanced institutional landscape in which coercive capacity resided with a strong provincial administration and political parties remained underdeveloped. In the process of decolonisation, members of African elites were recruited to man the provincial administration, won seats in the legislature and emerged as large farmers and traders. Together with representatives of transnational capital, it was this group that maintained political and economic control and who were amongst the chief beneficiaries of independence. These elites not only attained control of the commanding heights of the Kenyan economy, they also assumed, through their dominance in the legislature and the bureaucracy, the capacity to reproduce that position. The post-colonial state must therefore be conceptualised as a representation of the interests promoted during the latter years of colonial rule. In the Kenyan case, the post-colonial state represented a 'pact-of-domination' (Cardoso, 1979:55) between transnational capital, the Kenyan elite, the provincial administration and the executive (here understood to be the colonial governor, the post-colonial president and their closest advisors, formal or otherwise). The ability of this coalition to reproduce itself over time lay in its capacity to demobilise popular forces, especially those 'radical' elements of the nationalist movement that questioned both the social and economic divisions of the post-colonial state. Whilst Kenya may have experienced changes in the executive and the political landscape, the basic structure of the state itself has demonstrated remarkable continuity.

### **Conceptualising the Bureaucratic-executive State**

The significance of the provincial administration in Kenyan political life and the closing off of political space suggests parallels to the bureaucratic-authoritarian systems in a range of Latin American countries, including Brazil in the late 1960s, Argentina post-1976, and Chile and Uruguay after 1973 (Collier, 1979; O'Donnell, 1973). Bureaucratic-authoritarianism is characterised by rule by a technocratic elite, the demobilisation and exclusion of the 'popular sector' (any mass association of lower income groups) and the undermining of democracy. The bureaucratic-authoritarian model reflects many of the characteristics of one-party states in Africa. For example, Cardoso writes that 'bureaucratic-authoritarian regimes organise the relations of power in favour of the executive.' He continues, 'the strengthening of the executive involves increased centralisation that undermines the federal tradition, where it existed before. It also involves the elimination or sharp reduction in the role of the legislature. Moreover, the judiciary is controlled in practice, if not in theory, by the Executive' (Cardoso, 1979:41). As in the bureaucratic-authoritarian model, in order to protect their own position the Kenyan ruling elite was forced to demobilise popular forces through absorption. As Cardoso has argued, the 'links between civil society and the bureaucratic-authoritarian regime are achieved through the cooptation of individuals and private interests into the system' (Cardoso, 1979:37). In Kenya, the need to co-opt popular forces was particularly acute, as the nationalist movement had effected mass popular mobilisation. Consequently, the post-colonial

executive was forced to demobilise its own support base in order to be able to reproduce the power relations inherited from the colonial period.

Despite many shared characteristics, the Kenyan state differs from the Latin American model in three ways. First, Kenyan authoritarian rule was not the product of an alliance between the military and the bureaucratic elite, despite the appointment of Kenyatta's allies as commanders of the various branches of the police and general service unit (Tamarkin, 1978:301). Instead, the roots of Kenyan authoritarianism were to be found indirectly in the democratic election of a highly popular executive in 1963. Second, and consequently, whilst bureaucratic-authoritarianism is seen as rule by an institution (the military), the personal position of Jomo Kenyatta, Kenya's first president, was crucial to the development of the Kenyan political system. Finally, in the Kenyan case the very foundation of the state's existence was fundamentally different. Latin American bureaucratic-authoritarianism came into being because of the perceived need, on behalf of the military, to 'reorganize the nation in accordance with the 'national security' ideology of modern military doctrine' (Cardoso, 1979:36) and to 'ensure the restoration of 'order' in society by means of the political deactivation of the popular sector' (O'Donnell, 1979:292). In other words, the bureaucratic-authoritarian state results from the takeover of power by highly selective and coercive interests at the expense of popular forces. This ensures that 'by the nature of its founding, this state entails an anticipated rejection of the basis for its own legitimation' with the consequence that it is almost 'impossible for bureaucratic-authoritarianism to legitimate itself' (O'Donnell, 1979:286).

In contrast, Kenyan authoritarianism never abandoned popular forces entirely. As elsewhere in Africa and Asia, the Kenyan post-colonial state grew out of a nationalist coalition that embodied majority claims to self-determination: it grew out of the victory, not the defeat, of popular forces. The state therefore emerged into the dawn of the post-colonial period with greater legitimacy and popular support than a typical bureaucratic-authoritarian regime. All states experience a 'tension between the underlying reality of the state as guarantor and organiser of social domination, on the one hand, and as agent of a general interest which, though particularised and limited, is not fictitious, on the other' (Cardoso, 1979:28). However, this tension was particularly acute in post-colonial Kenya, and in comparable African states, because independence was supposedly the *raison d'être* of the regime. At the same time, due to the popular legitimacy many prominent members of the new political elite derived from their role in achieving independence, the Kenyan state, and particularly the executive, had far greater non-coercive resources with which to overcome the dialectics of its role. Leaders including Kenyatta, Paul Ngei, Bildad Kaggia and Peter Kigundu had experienced detention under colonial rule. Those that did not, such as Tom Mboya and Oginga Odinga, played critical roles in the constitutional negotiations leading to independence. The mantle of national heroes impelled members of the post-colonial regime to maintain avenues of political participation in order to retain legitimacy, but also made it easier for them to do so in a manner suited to their own particular interests. The danger of permitting a degree of political activity further decreased once the dominant elite had been solidified into the *de facto* one-party state at the end of 1964 by the Kenya African Democratic Union's (KADU) absorption into the ruling Kenya African National Union (KANU). Elections for constituency members of parliament (MP) from a selection of candidates standing on the KANU platform could then be maintained in the knowledge that such competition did not threaten the dominance of Kenyatta and KANU, or the direction of public policy.

These greater avenues of political participation set Kenya aside from many bureaucratic-authoritarian states, with the possible exceptions of the Mexican 'civil-authoritarian' state under the *Partido Revolucionario Institucional* (Institutional Revolutionary Party; see Stevens, 1977; Cotler, 1979:270-272) and the Peruvian 'experiment' of 1968-80 (Lowenthal & McClintock, 1983). Whilst much has been written about bureaucratic-authoritarian states, significantly less attention has focussed on variants such as civil-authoritarianism. All too often such cases are assimilated under the broad 'bureaucratic-authoritarian' label, which strips the variants of their distinctive feature and the term of much of its accuracy (Cardoso, 1979:39-40). As a result, 'although the bureaucratic-authoritarian model explains why leaders may seek not to mobilise a populace but to engender apathy', we must look to the specific characteristics of the Kenyan case for an 'understanding of the institutions and practices favoured' (Widner, 1992:21). Carrying out such a task requires an analysis of the forces that underpinned the creation of the post-transition state. This has already been done in the case of bureaucratic-authoritarian regimes, where O'Donnell has argued that the nature of the resulting state is related to the fact that it is a phenomenon triggered by processes of industrialisation. The structure of bureaucratic-authoritarianism is therefore seen as being closely related to a specific process of economic development. While economic change and class formation was equally important to the emergence of the bureaucratic-executive state, these developments need to be understood in the distinctive cultural, ideological and institutional context of the colonial period.

The Kenyan 'pact-of-domination' was the result of processes intrinsic to the demise of colonial rule. Of particular importance was the creation of a cleavage between Mau Mau supporters and their former opponents, the loyalists. Membership or support of the latter group bound the interests of the executive, the bureaucratic elite (top civil servants, government advisors and the heads of parastatals) and the provincial administration (provincial and district commissioners and their junior officers). Importantly, this elite did not just share the common interests implied by their dominant socio-economic position. Through their control of the provincial administration and the government the elite had the capacity to reproduce their dominance. The supremacy of the provincial administration and the weakness of KANU supported the expansion of the former and the atrophy of the latter. In the absence of dissenting political organisations, the distinctive feature of the bureaucratic-executive state is the effective control of political space by an alliance of the executive and provincial administration. The executive enhanced its position by establishing patron-client relationships with strong local politicians who delivered the support of their ethnically mobilised constituents and clients. This system, which maintained regular elections to create local avenues of accountability, enabled the executive to demobilise opposition forces whilst maintaining a veneer of legitimacy.

### **Founding the Kenyan Bureaucratic-executive State**

The political struggles that developed in Kenya were not simply the product of a well-disguised class struggle. As elsewhere, issues of class formation were intertwined with expressions of ethnicity and disputes over who could claim to be heir to the nationalist struggle (Bayart, 1993:58-9; Atieno Odhiambo, 2003). At the centre of the complex relationship between class, ethnicity and nationalism lay the legacy of the Mau Mau rebellion and, consequently, the lasting influence of the colonial government's attempts to create a loyal middle-class as part of the counter-

insurgency effort. In its attempts to resolve the conflict and in its later preparations for departure, the colonial government passed control of the state to a multi-racial alliance of elites. The manner by which the state reproduced itself during this process subsequently proved to be the keystone of the bureaucratic-executive state. This capacity for reproduction was related to the strength of the prefectural provincial administration, first established in 1900. By independence in 1963, the provincial administration had grown significantly. The demands of two world wars, post-war development policies efforts that ironically initially threatened the influence of administrative officials, the suppression of African political activity and the counter-insurgency campaign of the 1950s all aided its growth in size and influence. The most significant period of expansion occurred in the final decade of colonial rule, in large part because of the role played by the provincial administration in the war against Mau Mau. Between 1951 and 1962 the number of administrative officer posts increased from 184 to 370, greatly enhancing the scope and societal penetration of the provincial administration (Berman, 1990:73-114, 199-218, 347-71).

Under colonial rule, ultimate authority resided with the secretary of state for the colonies in Westminster, but effective power resided with the governor. The governor, as executive, initially ruled in the absence of a strong legislature. As the colonial period progressed, the executive retained much of its power in spite of the emergence of an independent legislative council. The executive was empowered by its control, via the chief native commissioner, of the provincial administration. This enabled the executive to bypass the legislature when necessary. As a result of their role as the instrument of executive agency, the provincial administration quickly developed an extensive portfolio of responsibilities. As Gertzel has summarised 'before independence it could be said that the Provincial Administration had power, authority and influence. They also had three major functions: control, co-ordination and mobilisation of the public for development' (Gertzel, 1970:26). From the late 1950s onwards, the provincial administration was entrusted with responsibility for the running of African Courts, the collection of local taxes and the regulation of elections. As the Chief Secretary wrote in 1960, the provincial administration oversaw 'the general working of the machinery of Government' (quoted in Gertzel, Goldschmidt & Rothchild, 1969:368). Within this range of duties, the most significant was the role of the provincial administration as the primary body charged with maintaining law and order (Kenya, 1954: para. 6).

The provincial administration's theoretical role as the conduit for local grievances was rendered all the more significant because of the paucity of other avenues for African representation. Africans were not appointed to the legislative council until 1944 and African elected political representatives did not achieve a majority in the legislature until 1961. Whilst some form of African representation was possible earlier via the system of local advisory boards established from 1924, 'the Provincial Commissioners and District Commissioners suppressed the native authorities with self-confident paternalism' (Hughes, 1963:26). However, the political role of the provincial administration was not a simple one, as the circle of interests of the metropole, settlers and African subjects could never be squared (Berman & Lonsdale, 1992:77-100; Hyden, 1984:104). As elsewhere (Berman, 1992:152), the colonial provincial administration was critical to the restriction of African political organisations by preventing the raising of funds, refusing permission for public meetings and suppressing protests (Kenya National Archive (KNA) PC/CP.8/5/3, 'Kikuyu Central Association'; KNA DC/MUR/3/1/10, 'Kenya African Union'; Throup, 1988:139-70). Throughout the 1950s it was the provincial administration

which stood at the forefront of the counter-insurgency effort in Central Province (Berman, 1990:347-76).

Besides implementing the villagisation policy and controlling the process of interrogation and detention of Mau Mau suspects, during the Emergency the provincial administration oversaw the promotion of loyalist political and economic interests. With accelerated class formation deployed as a counter-insurgency tactic (Heyer, 1981:102; Sorrenson, 1967:118), rewards granted to loyalists included the introduction of private land titles that guaranteed security of tenure, access to expanding cash crop production, and preferential access to the labour market (Branch, 2005:162-73; Sorrenson, 1967). The government intended to break the alliance of middle and lower peasantry of Central Province that sustained the Mau Mau movement, whilst providing the foundation for local loyalist domination (Berman, 1990:371; Ng'ang'a, 1977:365-84; Okoth-Ogendo, 1976:163; Sorrenson, 1967:118, 166-7). This pattern continued up to independence (Berman, 1990:371; Ng'ang'a, 1977:365-84; Okoth-Ogendo, 1976:163; Sorrenson, 1967:118, 166-7). The outgoing regime intended to use resettlement programmes such as the Million Acre Scheme to 'lance the boil of land seizures and growing lawlessness' (Bienen, 1974:164). Whilst the government wanted to make political capital by resettling poor and landless Africans on former settler property, the Scheme also aimed at strengthening the growing strata of middle-sized farmers and allowing the government to 'reward its own powerful supporters' (Bienen, 1974:165). Although the motivations and outcomes of late colonial land policy have proved contentious, it is clear that the period was critical in the development of a privileged land owning elite sympathetic to British interests (for a range of views on land policy see Bienen, 1974; Coldham, 1978; Cowen, 1982; Harbeson, 1971; Heyer, 1981; Leys, 1975; Sorrensen, 1967).

The gains derived by the African elite from agricultural and land reforms meant little without the protection provided by control of the main institutions of the state. Consequently, formal political power was progressively transferred to this same group during the final years of colonial rule. There were three main features of the attempt to promote 'loyal' African leaders: bias in their favour during elections to the legislative council in 1957 and 1958, preferential treatment in the course of the Africanisation of the provincial administration and the unequal distribution of new economic opportunities. The colonial government manipulated the electoral system to enhance the likelihood of a strong loyalist and conservative presence in political structures with the intention of accelerating class formation in a manner conducive to British interests. To do this, in 1957 and 1958 the regime enforced a loyalty test in areas that had been directly affected by the Emergency, which effectively excluded the more radical elements of the political community. As a result, in 1957 only 7.4 per cent of the adult population of Central Province were registered to vote (Engholm, 1960:421). Their votes were further diluted by the electoral boundaries that penalised the centres of the Mau Mau rebellion. The restrictive criteria for voter registration ensured that the qualitative franchise became, alongside land consolidation, a means through which the colonial regime attempted to consolidate the position of a conservative political elite across the colony (Anderson, 2005:550; Branch, 2005:194-214; Engholm, 1960:391-461).

Despite the termination of the loyalist monopoly on the franchise, elite African politicians retained their dominant position following the polls in 1961 (for an account of this election see Bennett & Rosberg, 1961). Electoral boundaries now favoured the pastoral communities of the Rift Valley, and thus the candidates of the

KADU over those of KANU (Bennett & Rosberg, 1961:47-9). The provincial administration further buttressed KADU by its attempts to ban KANU candidates and leaders from addressing public meetings in Central Province, on the basis that most KANU 'office bearers are ex-detainees and rather a dangerous lot' (KNA VP/9/102, PC Central, 'Handing Over Notes', 8 September 1960:2). In reality, KANU in Central Province was a broad church and contained both loyalists and Mau Mau. First elected in 1957 and 1958 and subsequently re-elected in 1961 and 1963 as a consequence of their conciliatory rhetoric and modernist credentials, the legitimacy of loyalists such as Julius Kiano and Jeremiah Nyagah was further safeguarded by their participation in the negotiations that resulted in Kenyatta's release and independence. The loyalist background of this first generation of elected African leaders was considered less significant than their perceived ability to deliver economic development and political independence.

In order to understand the post-colonial alliance between the legislature, the Executive, and the Administration, it is important to appreciate the process through which elites with similar economic interests came to capture all three institutions. Like the legislature, the provincial administration underwent a significant transformation during the course of the 1950s and early 1960s. The lower ranks had been opened to Africans for the first time in 1947, but they were unable to progress further than the rank of assistant administrative officer. With the onset of the Emergency, the twin necessity to reward loyalists and to cope with extra security demands reinvigorated the growth of African representation within the institution (Branch, 2005:214-27). The new recruits rose through the ranks at great speed and, by early 1965, the entire provincial administration had been Africanised (Gertzel, 1970:36). The context of the Mau Mau war meant recruits from Central Province were disproportionately represented amongst the new cohort. Loyalist appointees were well connected to local elites, highly educated and with prior experience of public service as chiefs or in the lower ranks of the provincial administration (Branch, 2005:222-3). Recruits from elsewhere had a similar background. Andrew Mnyolmo, for example, had been a clerk in native authority courts, a district assistant in the Rift Valley, a member of the Pokot Law Panel and acted as a magistrate in Baringo prior to his appointment (KNA VP/1/102, 'Confidential Personal Report - A.M. Mnyolmo', 23 July 1964). With independence approaching, African elites were finding their way into positions of authority. For those from Central Province, recruitment offered them protection against the ultimately unrealised threat of ex-detainees and made the loyalist recruits essential to the everyday functioning of the state. Collectively, Africanisation of the legislature and the provincial administration established the domination of the state by specific class interests which would come to dominate the post-colonial bureaucratic-executive state.

The new recruits carefully protected the functions of the provincial administration as British rule entered its final months, despite concern amongst the outgoing European administrators in Central Province with the institution's inbuilt political biases. It was suggested by some departing officials that the entire provincial administration should be converted into a more accountable model of local government in order to discard the trappings of imperialism (KNA VP/1/111, DC Kiambu to PC Central, 25 February 1963). Of particular importance was the future of the tribal police (later known as the administration police), the provincial administration's own police force, a central actor in the anti-Mau Mau campaign. The most vocal advocate of retaining the tribal police was John Michuki, the newly appointed district commissioner in Nyeri. Eulogising the Tribal Police's 'unofficial,

liberal outlook', Michuki rejected 'any suggestions that would amount to total annihilation of the Tribal Police Force' (KNA VP/1/111, DC Nyeri to PC Central, 7 March 1963). The new generation of Kenya's governors became convinced of the virtues of a force accountable only to the provincial administration that could straddle hazy legal and political boundaries. Indeed, throughout this period the provincial administration and the rest of the civil service came to be highly valued by the emergent African elite due to its capacity to deliver order and stability (Mboya, 1993:162). On the eve of independence, Oginga Odinga, as minister for home affairs, prevented the disbandment of the Tribal Police or its removal from the auspices of central government (KNA WC/CM/1/13, Minister for Home Affairs, 'Future of the Tribal Police', 21 November 1963). Odinga further retained central government control over the appointment of chiefs (KNA WC/CM/1/13, Minister for Home Affairs, 'Future of Chiefs and Sub-Chiefs', 21 November 1963). Both policies contravened the independence constitution by maintaining a parallel police force and contesting the sole responsibility of the Public Service Commission for the appointment of public servants (Kenya, 1963:111, 135). Consequently, coercive capacity was not decentralised and responsibility for maintaining order remained with the Administration.

The process of decolonisation grafted an African political and administrative elite onto existing European and Asian economic elites. As both African and European elites stood to lose from a shift to a more radical redistributive state, both were concerned to see that the fundamental structures of the economy remained intact throughout the decolonisation process. Despite some tensions, the African elite recognised the advantages of maintaining good relations with Britain and the expansion of foreign investment. The post-colonial executive therefore resisted confiscation of European land and Africanisation of business interests, instead favouring economic continuity. Although there was an influx of African employees into companies during the 1960s, expatriate managers remained in place (Bienen, 1974:142). While many did leave, European settlers were free to remain on their land. Relations with Asian capital were more troubled. However, despite the opposition of several MPs, the government protected the position of Asian capital through its continued commitment to the Kenyanisation, rather than Africanisation, of the economy. In reality, allowing preferential access to economic opportunities to all citizens regardless of race had little immediate effect. In 1967, just 10,000 of the 37,000 Asian middle and higher managers were citizens. By 1970, less than 40 per cent of the Asian population as a whole were thought to hold Kenyan citizenship (Ghai, 1970:126).

The ability of the multi-racial 'pact-of-domination' to protect its interests depended on the capacities of the political institutions under its control. The powers of those institutions taken over by the newly promoted loyal African elite were therefore extended at the direct expense of more independent institutions, most notably KANU. The difficulty of transforming congress-style anti-colonial movements into the foundations of post-colonial governance was common to many African states (Williams, 2003). In Kenya, however, little effort was went into addressing the fragmented nature of the ruling party. Partly a reflection of the fact that Kenyatta 'was not a party man' (Okumu, 1984:50), this condition was also a product of long historical trends. Even prior to Mau Mau, the varied impact of colonialism according to geographical and economic considerations had led to an uneven mobilisation of African political communities, a phenomenon most apparent amongst the peoples of Central and Nyanza Provinces. There, the greater direct impact of colonialism

enhanced access to the colonial infrastructure and thus to superior economic development, albeit unevenly distributed (Atieno Odhiambo, 1995; Bennett, 1957; Ogot, 1995; Throup, 1988). The intra- and inter-ethnic competition that Luo and Kikuyu political and economic development aroused helped to establish the position of local leaders. Given this wider context, the restrictions placed on colony-wide African political activity by the provincial administration only served to institutionalise a system of ethnically based 'boss politics' (Gertzel, 1970:15).

The influence of these trends upon KANU was highly visible after 1963. Any development of a national party structure was fatally undermined. Within KANU, even such basic requirements as central party funds and a widely accepted manifesto had not been developed (Good, 1968). Kenyatta had little incentive to address such problems. The party, unlike the provincial administration, contained significant radical elements that sought to call into question the policy of continuity. It was, therefore, the provincial administration that shared specific class interests with the executive and which represented the path of least resistance to the extension of executive control. Significantly, the existing capacity of the provincial administration enabled the executive to act without consulting the party or the legislature, replicating the direct control of the colonial Governor. This unchecked institutional capability, married to the popularity of many within the African elite and the class alliance that bound together the 'pact-of-domination', created a powerful system which was able to both maintain its dominance and its legitimacy in the immediate post-colonial era.

### **The Post-colonial Bureaucratic-executive State in Operation**

Recognising the strength of the bureaucratic-executive structure, Kenyatta chose to retain its main components (Bienen, 1974:45; Gertzel, 1970:36; Kyle, 1999:204). In order to effect this smooth transition, the executive had to overcome the independence constitution that created a regional system of government with a regionally elected upper house and regional assemblies intended to control independent revenue streams. The immediate pre- and post-independence periods, therefore, saw a battle over the centralisation of authority within the Kenyan state. Ironically, considering his later role as one of the most prominent critics of the post-colonial state, Oginga Odinga was the principal architect of this process. As minister of home affairs, Odinga added to his protection of the Tribal Police and chiefs (see above) by playing a critical role in the successful attempts to resist the decentralisation of the provincial administration until KANU had an opportunity to introduce a new constitution (Odinga, 1967:243). Within this process, the provincial administration was entrusted by the executive with the task of scuppering any attempt at devolved government (Anderson, 2005:557; Mboya, 1993:167).

KANU's desire for greater centralisation of the political system was institutionalised by the establishment of a republic in December 1964, which necessitated new constitutional arrangements. These changes included the abolition of the short-lived regional system of government and the creation of the post of president in place of the prime minister (Ochieng', 1995:107). Not only was the provincial administration once again placed under the direct control of the executive, but the positions of provincial and district commissioners were reinstated with the Office of the President given control of appointments. Equally significantly, the demise of devolution saw control of land transfers, held briefly by regional authorities, revert to the centre (Harbeson, 1971:241). The executive not only sought to replicate the colonial system of rule, but to improve upon it. The continuity of the political system

ensured that the colonial and post-colonial provincial administrations shared significant characteristics. Both were local instruments of executive power (Gertzel, 1966:201; Gertzel, 1970:24, 36). Despite proclaiming neutrality and impartiality, both were willing to become involved in an explicitly biased manner in local political affairs on their own initiative or at the behest of central government, often to the considerable frustration of the population (Gertzel, 1966:203, 205; Gertzel, 1970:23, 27, 39-30; Onalo, 2003:132-3; Oyugi, 1994; Throup & Hornsby, 1998:3, 14). We therefore dispute the assertion that there is insufficient evidence to support the claim 'that the civil service in Kenya operates in a fashion similar to its colonial predecessor – exercising, as a cohesive institution, wide powers over the rest of society' (Hyden, 1984:104).

By the late 1960s, the provincial administration had amassed an impressive list of responsibilities (see Office of the President, 'The Role of the Provincial Administration', May 1966, reproduced in Gertzel, Goldschmidt & Rothchild, 1969:365-7). It assessed and collected graduated personal tax, remained the eyes and the ears of the executive and from March 1965 assumed responsibility for the collection of local authority taxes (Ministry of Local Government quoted in Gertzel, Goldschmidt & Rothchild, 1969:428). Moreover, Administrative officers chaired a great number of local committees, including the Land Control Boards and those responsible for the land settlement schemes. Most troubling for opponents of the regime was the provincial administration's position as regulator of local political activity. Effective power drained from local authorities to the provincial administration. The surviving requirement for all political meetings, even those organised by MPs, to be licensed by the district commissioner was particularly controversial. As J.M. Shikuku argued in parliament in February 1966:

*'the issue of licences was instituted by the imperialist Government and that was because they were afraid of us.'* Shikuku then asked Moi, the minister for Home Affairs, 'Is this Government now, which is an African majority Government, also afraid of us?' (quoted in Gertzel, Goldschmidt & Rothchild, 1969:126).

Gertzel writes that

*by the middle of 1968 the executive in independent Kenya enjoyed the position very similar to that of the executive during the days of colonial rule. The President occupied a position very much akin to that of the Governor, both in the scope of his powers and in the manner in which he could call upon the provincial administration to ensure Central Government control* (Gertzel, 1970:171).

KANU was unable to resist these developments, despite the efforts of many of its members and a popular memory of the colonial origins of the provincial administration and its role in the suppression of pre-independence nationalist activities (Mboya, 1993:163). The relative insignificance of the legislature was particularly difficult to accept. KANU MPs sought to exert greater influence over the provincial administration, principally by insisting that civil servants were party activists. Kenyatta resisted these demands and invoked the rhetoric of bureaucratic neutrality to justify his stance (Gertzel, Goldschmidt & Rothchild, 1969:124). Yet even those close to the centre of the political system recognised that the neutrality of the civil service was little more than a facade (Mboya, 1993:164-5).

Despite KANU's incorporation of large numbers of dissenters, their attempts to influence policy were frustrated by the party's impotence and the personal loyalty of

the bureaucracy and a majority of the legislature to Kenyatta. However, the ability of the executive to restrict political space was constrained by popular expectations of *uhuru* and the strength of local leaders. However, with the creation of a *de facto* one-party state at the end of 1964 and the further atrophy of KANU, it became easier for the executive to isolate and control more radical political factions within the ruling party. Elections for constituency MPs were maintained, but the executive adapted this necessary reality to its own needs by establishing a patron-client relationship that co-opted significant political groupings. The increasing dependence of MPs on executive patronage reduced the independent power of the legislature whilst centralising political authority. Of crucial importance to the ability of the executive to command loyalty and thus perform the delicate balancing act between participation and control was the initial legitimacy afforded to Kenyatta as *Baba Taifa*, father of the nation. Kenyatta's personal popularity and influence trumped any configuration of rival leaders, however influential. As one dissident MP recognised in 1966,

*If Jomo Kenyatta was not leading KANU, and KPU started working under Kaggia and Odinga, I dare say there would be an awful lot of people moving to it. But Kenyatta leads KANU* (quoted in Gertzel, Goldschmidt & Rothchild, 1969:157).

The blending of a popular executive with an authoritarian structure of government underpinned the stability of the Kenya post-colony, setting the bureaucratic-executive state apart from its bureaucratic-authoritarian counterpart. In turn, this represents another similarity between Kenya and the civil-authoritarian regimes of Latin America, described by Cardoso as 'a non-military and 'inclusionary' type of regime that has achieved a greater capacity for endurance by giving social roots to an authoritarian system' (Cardoso, 1979:36). In the provincial administration and Kenyatta, the bureaucratic-executive state had both rational-legal and charismatic authority to draw upon, making it a strong and durable pattern of government. As with the civil-authoritarian regimes described by Cardoso, the bureaucratic-executive state was therefore able to demobilise popular radical forces without relying solely on direct physical coercion. Significantly, Kenyatta's authority to rule overrode the failure of the bureaucracy to appear as an independent arbiter, a key factor in the ability of the state to attain legitimacy (Berman, 1992:142). The reach of the provincial administration to the most distant rural areas allowed the executive to monitor political developments and control the distribution of patronage down to the local level (Lamb, 1974:27-53; Mueller, 1984:407). Although for historical reasons the hold of the provincial administration is much weaker in certain areas such as northern Kenya (Aukot, 2005), to date the administration has been strong in those areas in which the authority of the regime has been most threatened. Consequently, the degree of penetration of the provincial administration has empowered the executive to contain peripheral unrest, a critical distinction from other cases Allen (1995) categorises as 'centralised-bureaucratic' regimes. Tanzania and Zambia, for example, never developed such extensive or powerful administrative networks (Hyden, 1984; Oyugi, 1994; Tordoff, 1967; Tordoff, 1980). Consequently, the bureaucratic-executive state must be seen as one of sub-Saharan Africa's more effective state structures.

While many African states may be characterised as 'empirically weak and underdeveloped', such a description is misleading when applied to Kenya (Jackson and Rosberg, 1982:12). In this sense Kenya is an important outlier. While much of the recent literature has focussed on the 'vacuous' and 'ineffectual' nature of the African state (Chabal and Daloz, 1999:14), the Kenyan state apparatus was relatively

extensive and efficient, and gave incumbent regimes a 'monopoly of key coercive sanctions and economic resources' (Mueller, 1984:399). This monopoly enabled the elite to restrain those disgruntled with its conservative economic approach and proactively promote an explicitly elitist ideology. The Kenyan elite felt able to present a political platform tailored to their own vested interests as a set of policies intended to benefit all. In so doing, they achieved a relatively high degree of consensus by appearing 'as agents of a general interest of a community – the nation – that transcends the reproduction of daily life in civil society' (O'Donnell, 1979:288). The manner by which the state was able to see off the challenge posed between 1966 and 1969 by the Kenya People's Union (KPU) and its demands for land and wealth redistribution, is a prime example of this process (Gertzel, 1970; Mueller, 1984).

During the pre-independence constitutional negotiations, African political leaders agreed to the British demand that European land be purchased by the Kenyan government prior to any large-scale resettlement scheme, rather than repossessed (Wasserman, 1976). These attitudes became entrenched within the *modus operandi* of the post-colonial state. The promotion by the departed colonial regime of members of the African elite continued to pay dividends for those whose interests the process of Africanisation was intended to safeguard. Members of the African elite were fiercely protective of their newfound influence and wealth and were thus resistant to any demands for significant structural reforms. The MP for Kitale East, chairman of the Maize and Produce Board and a major farmer in Trans-Nzoia, Masinde Muliro rejected the demands by the KPU for land redistribution. The former schoolmaster, first elected to the legislative council in 1957, believed 'An African socialist is by nature a capitalist' (quoted in Gertzel, Goldschmidt & Rothchild, 1969:83). Muliro's opinions mirrored official policy. Authored by Mwai Kibaki and Tom Mboya, Sessional Paper No. 10 of 1965, *African Socialism and its Application to Planning in Kenya*, committed the state to private enterprise, increasing foreign investment, and wealth creation through economic expansion rather than the redistribution of resources (Hyden & Leys, 1972:393; Kenya, 1965). The post-colonial state was a significant investor in Kenyan capitalist estate agriculture and industry and encouraged further private Kenyan and international capital investment (Swainson, 1980:17). This configuration of interests supported a capitalist development programme. Pre-independence nationalist aspirations for major land reforms were sacrificed for economic and political stability. An elitist process of statecraft restricted to those with access to capital had replaced the popular desire for nation building that had emerged in the final years of colonial rule (Harbeson, 1971:250-1; Swainson, 1980:18).

The 'pact-of-domination' worked effectively to resist the redistribution of land and wealth, but not without significant dissent. The initial acquiescence to British demands on property rights and the adoption of a development agenda based upon private enterprise angered many radical activists inside and outside the government. Following the departure of some European landowners, the availability of land that could be redistributed to ease the political pressure from below was a great resource. However, that there was not enough land for all of the landless, and that the established elite did not wish to give up its own significant holdings, was a source of great tension. The conflict over land redistribution came to be embodied in a struggle between KANU and the KPU. The KPU formed following by the departure of dissident elements from KANU in 1966. In Oginga Odinga and Bildad Kaggia, the radicals had strong regional leaders with a demonstrable commitment to political

nationalism and social equality, primarily in the form of free education and land redistribution (Leys, 1975:214). This was reflected in Kaggia's support base in his home district of Murang'a, which could be 'fairly accurately defined as poor, landless or owning very little land, and predominantly ex-detainee' (Lamb, 1974:135). At political rallies, Kaggia told his audience that Kenyatta 'had taught him that the land belonged to Africans and will never be bought' (KNA VP/1/98, Anon., 'Notes on Political KANU Meeting of 21 February [1966] for Provincial Commissioner'). Such sentiments not only went against prevailing policy, they questioned the very economic and ideological basis of the bureaucratic-executive state. Furthermore, Odinga's support base in Nyanza Province and Kaggia's role as the voice of poor Kikuyu in Central Province and along the eastern fringe of the Rift Valley threatened the geographical and ethnic centres of the regime's power.

In the face of the KPU's challenge, the state supported a process of economic continuity and sought to delegitimise its opponents. Kenyatta stood firmly against the redistribution of land to the poor and landless. Free grants of land ran counter to Kenyatta's own principles (Lonsdale, 2002). Wealth through land was to be earned (Bienen, 1974:164). In 1965, Kenyatta dismissed Kaggia's demands for land redistribution as the selfish begging of the lazy for 'free things' (Lamb, 1974:36). Beneath such condemnations lay the elitist premise that while labour begot wealth, indolence led inexorably to poverty and criminality (Lonsdale, 1992). In asserting that land was to be earned and not given, the president was appealing to a broader antipathy towards egalitarian policies (Gertzel, 1970:86-7).

The twin powers of the administrative/executive axis supported the defeat of the KPU. The considerable public support for Kenyatta enabled him to outmanoeuvre the personal threat to his position posed by a national leader of Odinga's stature and a local figure of Kaggia's influence. Kenyatta personally legitimised a post-colonial state that fell short of many Kenyans' expectations. For all the president's strengths, it was his foot-soldiers amongst the provincial administration that underpinned Kenyatta's position through their ability to regulate political activity and their capacity for unmonitored, extra-legal behaviour (Lamb, 1974:137). During the by-election campaigns that followed the creation of the KPU in 1966, known as the Little General Election, a number of KPU candidates complained of interference by the provincial administration, such as the refusal to grant permits for election rallies (Gertzel, 1970:82, 116, Mueller, 1984:413). Accusations were made in parliament that the provincial administration was threatening KPU voters with expulsion from land settlement schemes, detention and the withdrawal of government loans (Gertzel, Goldschmidt & Rothchild, 1969:158-61). Even after the defeat of the KPU in 1966, the provincial administration was employed two years later to ensure the disqualification on various technicalities of all KPU candidates attempting to stand (Bienen, 1974:259; Gertzel, 1970:165; Hyden & Leys, 1972:394). Such practices continued even in the wake of the demise of the KPU and the return to a one-party state in 1969. During elections that year, the provincial administration apparently used its control of an English language proficiency test in order to prevent known opponents of the government standing as candidates (Hyden & Leys, 1972, 393).

Outside periods of electioneering, the provincial administration exploited its position as the principal agent of development in rural areas. The rural scarcity of economic and political opportunities made the capture of local bodies overseeing development imperative for control. The provincial administration's domination of land, agricultural and educational committees allowed the state to manipulate access to key socio-economic resources at the district level (Lamb, 1974:52; Mueller,

1984:407). Supporters of the regime were thus able to consolidate local power-bases through networks of clientage. In this way the influence of the bureaucratic-executive state was extended to the periphery. With the conflict between the regime and KPU occurring outside of Nairobi, the ability of the provincial administration to penetrate the periphery was critical to its ability to control political space. Consequently, Kenya's bureaucratic-executive state represents the opposite balance of power between the centre and the periphery to that which is often assumed in the literature on African states (for the origins of the centre-periphery distinction see Zolberg, 1966 & 1968). The Kenyan state arguably exerted greater political control in the countryside than in the urban areas (Mueller, 1984:414). This is in contrast to the common assumption that dominant party regimes in Africa can police the capital city and other major urban centres, but have insufficient resources to effectively manage the 'periphery'.

The defeat of the KPU represented a crucial stage in the development of the post-colonial state. Subsequently, dissent was muted and state-level political competition became the personal fiefdom of the elite. Kenyatta's defeat of Kaggia in Murang'a by appealing to Kikuyu values such as self-improvement demonstrated the difficulties of mobilising a popular political force along 'class' or 'egalitarian' lines. It is telling that J.M. Kariuki, the most significant threat to Kenyatta's hegemony in the decade following the demise of the KPU, appealed to few of that party's stated egalitarian values. A Mau Mau detainee, successful businessman and a junior minister in the Kenyatta government, Kariuki was able to enhance his already significant popular appeal by making large contributions to *harambee* (community self-help projects). Kariuki rapidly became a well-known and highly popular politician (Widner, 1992:86-91), but did not speak out against wealth accumulation as the KPU had done. He rather attacked the way in which the Kenyan elite neglected their duties as 'Big Men', most notably their responsibility to support the advancement of others. Consequently, his potent platform combined Kikuyu moral ethnicity and a broad populist appeal. Kariuki represented a different and possibly greater threat to the internal unity of the regime than the KPU, but had no formal institutional support base. His threat was neutralised by his assassination in 1975, the third major political assassination of the post-colonial era after Pio Pinto (1965) and Tom Mboya (1969). The value of carefully targeted political assassinations was again demonstrated in 1990 with the murder of Robert Ouko, then minister for foreign affairs in Moi's cabinet.

Following Kariuki's murder and consolidating trends visible much earlier, intra-elite conflict came to be focused on direct control of the state and avoided the question of the structure of the state and its resources. The bureaucratic-executive state had been consolidated, and there were few among the elite who did not recognise the value of maintaining it. Intra-elite competition could be fierce and all sections of the elite by no means benefited equally from the system of domination. On the whole, however, all benefited sufficiently to ensure that a dominant majority continued to support the system of domination itself, thus preserving the elite consensus. This was particularly evident during the Kenyatta succession, when different factions within KANU jostled for position in a bid to ensure that their representative inherited the presidency. As Tamarkin has argued,

*The struggle for succession was essentially an intra-elite one, the two factions striving to control the regime rather than subvert it. Once the succession was decided, the elite, and the bourgeoisie as a whole, had an overriding interest in stabilizing the regime upon which they thrived (Tamarkin, 1979:33).*

## Conclusion

The bureaucratic-executive state emerged as the result of a specific process of institution building and class formation during the colonial era. These twin processes placed an elite of wealthy 'conservatives' in control of an extensive system of administration and a powerful executive. The resulting 'pact-of-domination' was able to maintain its privileged position by protecting and extending the authority of the president and the capacity of the administration. Unlike its bureaucratic-authoritarian counterpart, this bureaucratic-executive state resulted from the victory of popular forces and so could call on both popular legitimacy and coercive measures to contain opposition. Consequently, the 'conservatives' could demobilise the challenges their economic and political dominance rendered highly probable. Although clearly an example of the set of African 'bureaucratic-centralised' states identified by Allen (1995), the bureaucratic-executive state demands to be seen as a distinctive state formation located within that spectrum. What renders the bureaucratic-executive state distinctive is not so much the 'charismatic' authority of the executive, but the capacity of the regime to monitor and influence political developments through the provincial administration. The control of the bureaucratic-executive state did not begin at State House and decrease with every mile travelled away from the 'centre'. Instead, the provincial administration acted as a conduit for executive power, with the consequence that political space was, at times, as tightly regulated in the 'periphery' as it was in the 'centre', if not more so. It is this that separates Kenya from Zambia, Tanzania and many of the other 'weak' and 'soft' African states (Jackson & Rosberg, 1982:4-12; Chabal & Daloz, 1999:8-16).

The role of the provincial administration is fundamental to an understanding of the longevity of the bureaucratic-executive state. While the dual structure of the executive and provincial administration was underpinned by the coalition of the 'pact of domination', the axis was intimidating and powerful. It was only with the refusal of the Moi regime to share political power and economic opportunities that the pattern of elite consensus was eroded and the question of the appropriate structure of the state became a source of dissent once again. Despite this, the bureaucratic-executive axis is too important for incumbent governments to dismantle. Even in the context of heated political competition throughout the multi-party era the basic structure of the state has remained intact. Under Moi, KANU continued to make extensive use of the provincial administration to ensure victory in the multi-party elections of 1992 and 1997 (Omukada, 2002:84-5). Despite the success of NARC in 2002, the essential components of the 'pact-of-domination' are still in place. As Njoya has commented, 'We now know what 'NARC' means: 'Nothing-Actually-Really-Changed!' (quoted in Wolf, 2005:16). Despite NARC's promise of a new dawn in Kenyan politics, the legacy of the bureaucratic-executive state remains intact. Whilst the regime may have undergone periodic changes, the state itself has not.

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# In Search of Economic Development in Kenya: Colonial Legacies & Post-independence Realities

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*Miatta Fahnbulleh*

**The post-colonial period in Africa saw nationalist aspirations for development entangled with the quest for industrialisation. However, the national experiences of industrial and economic development in this era have been marked by varying degrees of disappointment. Kenya, like much of Africa, has failed to engender the levels of industrial growth and subsequent levels of development to which it aspired. Much of the explanations for Africa's disappointing record of industrial development have focused on two central factors: the structural constraints on industrial development and the policies that were pursued.**

**In many ways, these factors are inherently linked to a colonial legacy. Africa's disappointing record of industrial and economic development cannot be divorced from its historical context. It is thus necessary to consider the extent to which the structures that were in place at the end of colonialism predetermined the pattern of development that would emerge in the post-independence era.**

**When evaluating the post-independence experience of industrial development, two specific colonial legacies stand out as decisive: 'colonial underdevelopment' and the 'policy inheritance'. This article argues that although these legacies were profound, it was ultimately the dynamics of post-independence realities that determined the path of development.**

The post-colonial period in Africa saw nationalist aspirations for development entangled with the quest for industrialisation. Both domestic governments and the wider development community assumed that industrial development was the key to modernisation and overcoming the relative underdevelopment of Africa. Although Africa lacked many of the prerequisites necessary for a more spontaneous process of industrialisation, it was widely believed that with planning and a directed and coherent strategy, government policy could overcome the initial constraints upon industrialisation. However, the national experiences of industrial and economic development in this era have been marked by varying degrees of disappointment. Kenya, like much of Africa, has failed to engender the levels of industrial growth and subsequent levels of development to which it aspired.

Much of the explanations for Africa's disappointing record of industrial development have focused on two central factors. The first relates to the structural

constraints on the process of development. This includes comparatively low levels of income per capita amongst the indigenous population, low levels of human capital, weak infrastructure, and the lack of an indigenous class of entrepreneurs willing to enter the industrial sector. The second relates to the policies that were pursued in this period and their impact upon the process that unfolded. Notably, state intervention and excessive administrative controls of the economy have been made culpable for Africa's poor performance.

In many ways, these factors are inherently linked to the colonial inheritance. Africa's disappointing record of industrial and economic development cannot be divorced from its historical context. Thus, the impact of the colonial legacy on the path of development that would be embarked upon cannot be neglected. It is therefore necessary to consider the extent to which the socio-economic structures that were in place at the end of colonialism predetermined the pattern of development that would emerge in later years. When evaluating post-independence industrial development, two factors stand out as decisive: 'colonial underdevelopment' and the 'policy inheritance'. This article argues that although these legacies were profound, it was ultimately the dynamics of post-independence realities that determined the path of development.

### **Colonial Underdevelopment: The Roots of Post-independence Crisis**

The colonial period witnessed important changes in the structure of the Kenyan economy that had implications for the prospects of industrial development after Independence. The commercialisation of the economy created the basis for consumer demand for manufactures; the growth of agricultural production augmented incomes and stimulated the purchasing power of local consumers; population growth from 5.4 million in 1948 to 8.3 million in 1960, expanded the internal market; and the creation of a significant labour force facilitated further market penetration and established the basis of an industrial work force. In 1942 there were 179,085 registered African labourers in Kenya. By 1952 the total number of Africans in wage employment had risen to 438,702 with 101,568 engaged in commerce and industry (Swainson, 1980:114).

The colonial period also saw the development of an industrial base. At Independence, the manufacturing sector constituted 9.5 per cent of GDP, which was amongst the highest in sub-Saharan Africa at the time (Kilby, 1975:135). During the 1920s a number of processing industries were set up with official assistance. Wheat-milling benefited directly from tariffs and protective railway rates. Similarly, in 1931, an Ordinance was passed giving the government power to give a sisal bag factory a monopoly in the home market to establish a new industry and assist local producers badly hit by falling world prices (Brett, 1973:277). The war and decolonisation eras witnessed further expansion of this industrial base with the proliferation of import-substituting industries. By 1963 Kenya had local factories in a range of sectors including cement, beer, biscuit, confectionary, textiles, shoes, metal and pharmaceuticals.

Although there were important changes over this period, the failure to significantly develop the Kenyan economy remains one of the most profound colonial legacies. Outside the agro-export sector and the European enclaves, the colonial administration did little to radically transform the economy. One striking feature of the colonial period was the deficient level of infrastructural development beyond what was necessary to sustain the system of international trade. Moreover, the alienation of

land for European settlers, the system of discrimination against peasant production and forced mobilisation of an African labour force to service European agriculture undermined indigenous production.

Notably, peasant production for the export sector was constrained for much of this period. In 1946, it was estimated that 72 per cent of the value of Kenyan exports came from coffee, tea, sisal and pyrethrum, and virtually all of this was produced on European estates in the highlands (Colonial Office, 1946:42-43). African farmers were prevented from planting coffee and pyrethrum since producers had to obtain a license to plant these two crops and the government simply refused to grant licenses to African growers. There was also little opportunity for Africans to grow sisal, tea, wheat and sugar – Kenya's other main exports. In these cases expensive machinery was required for either processing or cultivating these crops, making them inaccessible to small scale peasant farmers (Zwanenberg, 1975:40). The only export crops to be grown in significant quantities by Africans were cotton and wattle bark, neither of which was as lucrative as other exports. However, the production of wattle in particular and food produce for the domestic market, notably maize, did enable a proportion of African peasants to accumulate wealth. This process was accelerated after World War Two, as restrictions on the production of commodities like coffee were gradually relaxed (Smith, 1976:124). This trend was reinforced by the 1954 Swynnerton Plan which sought to formally remove restrictions on African farming, promote the cultivation of lucrative cash crops in African areas, initiate land reform, and encourage private property within the reserves (Kenya, 1954).

Although the late colonial period oversaw the development of an agro-export sector that would become the principle engine of growth after Independence, the sector was highly concentrated. Coffee, sisal and tea constituted over 50 per cent of exports in 1965 (Zwanenberg, 1975:189). This dependence on a few commodities, two of which were beverage crops which experience similar movements in international prices, left the economy dangerously vulnerable to the vagrancies of the market and created an unbalanced and weak economic base.

Finally, forced displacement of Africans from the land was at the root of an unemployment problem that would dog the post-independence government and prove decisive in shaping the direction of policy. By the early 1960s it was accepted within official circles that Kenya was facing a major unemployment problem. A statement by the Economics and Statistics Division in 1962 illustrates this well. It argued that amongst the most 'immediate problems now facing Kenya', 'the most important is the mounting levels of unemployment'.<sup>1</sup> Similarly, a report on the future of the Kenyan economy claimed that 'perhaps the most distressing aspect of the present situation is the mounting level of unemployment.'<sup>2</sup>

The colonial economy not only created a weak socio-economic base from which post-independence states could launch their development projects, but it also sowed the roots of socio-economic problems that would prove decisive in shaping the pattern of development after Independence.

### **Industrial Policy: A Colonial Inheritance**

The second decisive colonial legacy was the 'policy inheritance'. State intervention in the productive sectors and administrative controls of the market were features of the colonial economy that would be adopted by post-independence states. The Second World War and the decolonisation era witnessed the first real attempt to

encourage local industries. This period not only established a policy of state intervention to facilitate industrialisation, it also created a policy framework for industrial development that would survive into Independence.

The war prompted the establishment of a series of inter-territorial government committees, culminating in the East African Industrial Management Board, which sought to organise local manufacturing to make up for the loss of vital imports during the war and to meet some of the needs of the British forces. The plants and equipment owned by the Board were brought after 1945 by East African Industries Ltd (EAI). The British government's Colonial Development Corporation held the majority of shares in EAI whilst the Kenyan government retained a minority. In 1953 Unilever brought into the company and assumed full responsibility of its operations.

Much of the assistance and support to the private sector that had been provided by the Industrial Management Board was taken over by the Industrial Development Corporation (IDC). For much of the colonial period, the IDC acted as a finance agency. It prioritised projects that would contribute to the ultimate good of the colony, that would be self-financing, that were not in direct competition with existing private enterprises, and where the possibility of loans from other lending agencies had been exhausted.<sup>3</sup>

In addition to financial assistance, a range of incentives were developed over this period to encourage private sector participation in industry. These included pioneer tax relief, an ad hoc system of custom duty refunds, and the provision of buildings in established industrial estates.<sup>4</sup> The use of import tariffs as a form of protection for local industries was not formalised into a system until 1959. Import protection to firms before 1958 was on an ad hoc basis and the introduction of a comprehensive tariff system was a response to pressure from both local and foreign manufacturing firms.

Since tariff protection worked on an East African basis it was dependent on agreement from all three territories. By 1961, there was apparent frustration amongst Kenyan officials over the failure to agree on protective tariffs.<sup>5</sup> This led to discussions within the Ministry of Commerce and Industry about the viability of quantitative restrictions on imports. A file note from the Permanent Secretary argued that:

*There is little doubt that in appropriate cases, where we cannot get agreement on a tariff, that we will have to press the Secretary of State for permission to use quantitative restrictions in order to help selected local industries against unfair competition from imports.<sup>6</sup>*

However, by 1962 a consensus had emerged that, given the potential pitfalls of quantitative restrictions in safeguarding consumer interests and the loss of import duty revenue, 'import controls to protect local industries is not regarded favourably except in special cases where the alternative imposition of a protective tariff is impractical'.<sup>7</sup>

Industrial licensing was another important form of state intervention in the industrial sector during this period. The policy of licensing had originated during World War Two. The East African Industrial Council licensed desperately needed industries in order to free them from internal competition and to facilitate their creation. The idea was to choose key industrial sectors and then grant wide-ranging and in some cases monopolistic powers to those firms deemed most able to develop an industry. This was formalised with the introduction of the 1948 Licensing Bill

(Tignor, 1989:316). Licensing was initially restricted to the textile and pottery sub-sectors, but was gradually expanded over the next decade and a half.

The decolonisation era witnessed the evolution of institutions and policy instruments that would be inherited by post-independence states. The IDC survived as the main organ of government participation in the industrial sector after Independence. Similarly, the use of financial incentives to attract private capital and the employment of tariffs and industrial licensing to provide temporary protection for nascent industries were practises that were adopted from this period. The colonial era was, thus, crucial in forging the policy and institutional framework that would underscore state policy in the industrial sector after Independence.

### **The Era of Liberalism: The Development Policy Paradigm at Independence**

At its inception the development project embarked upon by the post-independence state was comparatively liberal and, in many respects, continued the colonial policy paradigm. It prioritised the development of infrastructure and social services. The First Development Plan allocated 41 per cent and 12.5 per cent of total expenditure to infrastructure and social services respectively (Kenya, 1964:121-23). It was an explicit government policy that infrastructural development was the principal remit of the state. In a memorandum to the Cabinet Development Committee in 1963, the Minister of Finance and Economic Planning argued that:

*The development of roads, schools, irrigation facilities, public utilities, and related kinds of capital formation must be the principal direct and indirect responsibility of government partly because the economic returns are not directly realizable or will occur in the distant future and partly because many sources of international capital for such construction are more readily available to governments than to private enterprise.<sup>8</sup>*

Although infrastructure was prioritised, the Kenyan government did recognise the need for the state to assume some developmental role in the directly productive sectors; at Independence, this was limited to the agricultural sector. In the First Development Plan, agriculture was allocated 20.9 per cent of total public sector expenditure, excluding land consolidation and land settlements funds. In contrast, commerce and industry together were only allocated 3.9 per cent. Thus out of a total public sector expenditure of K£132.2 million, K£27.6 million was allocated to agriculture as compared with K£5.1 million to commerce and industry (Kenya, 1964:121-23).

Even though the government accepted the importance of industrial development within its broader strategy, it was felt that this would be the principal focus of the private sector. On this point the First Development Plan is explicit:

*If the factories required for rapid industrialisation and economic growth are to spring up throughout the country, the government's limited resources must be supplemented with domestic, private and foreign capital. The Government's policy towards investment and industrialisation is therefore basically positive and non-restrictive, characterised by encouragement and support where needed, in order to secure a maximum rate of economic growth (Kenya, 1964:235).*

Similarly, in a memorandum prepared by the Economics and Statistical Division for the Cabinet Development Committee in 1963 it was concluded that:

*Since government funds are fully committed in the provision of such things as roads, schools, public utilities, health services, and so on, it cannot yet afford to add all the costs of industrial operation to its bill. In any case the government is not geared to dealing with the day-to-day problems which arise in industrial operations.<sup>9</sup>*

The government's industrial strategy was thus geared towards facilitating private enterprise expansion in the sector. The 1964 Foreign Investment Promotion Act established a system of incentives for foreign capital. It guaranteed the repatriation of earnings and capital without restrictions. It also entitled holders of Approved Enterprise Certificates to a number of concessions, including a 20 per cent capital cost allowance in the first year of operation, and remissions and drawbacks of duty paid by manufacturers on imports used in production. Finally, the government provided domestic industry with protection through tariffs and industrial licenses.

In addition, the state aimed to provide financial assistance to the private sector. The ICD, later renamed the Industrial and Commercial Development Corporation (ICDC), became the main government agency for stimulating small industrial and commercial enterprises under African ownership and management. It was primarily a financing institution which operated a revolving loan fund of £50,000, with extension services provided for recipients of the loan. The ICDC was mandated to provide direct investment or loans to African industrialists for establishing, developing, modernising and improving the conditions of industrial concerns; to extend credit and guarantee facilities to African traders to increase African participation in commerce; to participate in joint ventures with foreign investors by subscribing for and holding shares with the aim of transferring them to Africans when they acquired the necessary capital to obtain them; and later to establish and develop industrial estates in Kenya by creating the necessary infrastructure and erecting factory buildings to be leased to African industrialists and joint venture projects.<sup>10</sup>

The Development Finance Company of Kenya (DFCK) was another agency through which the government participated in the industrial sector. It was established in 1963, shortly before Independence, as a limited liability company by the government of Kenya, the Commonwealth Development Corporation and the German Development Company. Instead of participating directly in the DFCK, the Kenyan Government became a shareholder via the ICDC, which in principal removed the cooperation between the partners from the political arena (Vinnai, 1973:3).

Where the ICDC concentrated on smaller projects, the DFCK aided projects requiring capital in excess of £20,000. Its main role was to stimulate the flow of private investment, indigenous or foreign, by providing loans or share capital for large industrial ventures. As far as equity investment was concerned, the DFCK was not allowed to gain a controlling interest in aided ventures, essentially prohibiting the establishment of subsidiary companies.

The development framework adopted in the early-post independence period had its antecedent in the decolonisation era. The government focused on creating the foundations for industrialisation and accelerated development. This was achieved through huge investments in infrastructure and social capital; the provision of financial incentives and protection for the private sector; and moderate state intervention in the productive sectors. This development framework appears to have been successful. Kenya boasted GDP growth rates close to 7 per cent and an impressive manufacturing growth rate of 11.5 per cent during this period.

## Forced Radicalisation: Confronting Economic Realities

A gradual radicalisation of this initial paradigm was witnessed from the late 1960s. This process of radicalisation manifested itself in two ways: first, in the state assuming a more active role in stimulating and accelerating the process of development; second, in greater emphasis being placed upon the need for rapid industrial development. A file note on the establishment of the 1968 Industrial Estate programme alludes to this changing orientation. It argued that:

*The establishment of the Industrial Estate indicates the direction our development [policy] is leaning. We are steadily moving into development with greater emphasis on industry ... we must admit that this is an industrial age. If we are going to have a strong and balanced economy, we must have a strong industrial base.<sup>11</sup>*

Similarly, the creation of the New Projects Committee in 1968 can be viewed as an attempt by the government to have greater impact upon the direction of industrial development. The committee was responsible for considering all applications for new industrial projects and ensuring that approved projects conformed to the government's developmental priorities.

The launching of the Industrial Estates Programme in 1968 can also be seen as part of this more proactive development framework. Five industrial estates were planned in Kenya. The rationale behind the programme was that the ICDC would nurture inexperienced entrepreneurs by providing them with factory accommodation, financial assistance, and advisory services. Projects were devised by the ICDC's technical team and allocated to selected entrepreneurs on the basis of their relative industrial experience. These projects included: a foundry for the production of quality casting, diesel engines, pumps, agricultural implements, electric motors and generators; a plant for the manufacture of small lathes, bench drills and bench grinders; the manufacture of spare parts for cycles and automobiles; and the manufacture of sewing machines. Projects were chosen on the grounds that they were:

*Considered essential both from the point of view of import substitution, but even more so because of their role in the training and development of experienced technical personnel from whom we should gradually build locally oriented technology ... the development of the above industries and the training institutions should form part and parcel of an integrated plan of development. They are chosen because of their multiplier effect in industrial development and training.<sup>12</sup>*

The first explicit manifestation of this shift in orientation was, however, the 1970-4 Development Plan, which stated that:

*Government aims to increase its own participation in the growth of industry, both in terms of the promotion of new projects and in the financing of them. The government is, on occasion, able to take a wider view of industrialization than a single private investor. Linkages between projects may make them viable when carried out together, whereas they might not be viable if considered separately. The government is in a unique position to consider such complementary projects.<sup>13</sup>*

In accordance with this policy, the Industrial Survey and Promotion Centre (ISPC) was established in 1970 to initiate, stimulate and promote industrial development systematically.

In order to understand this process of radicalisation, it is necessary to look back at the socio-economic constraints that predated Independence. Understanding the impact of these constraints elucidates upon the factors that propelled the adoption of this more transformationist posture. Kenya faced a number of constraints that were pertinent to most newly independent African states. Amongst these was a scarcity of financial and human capital, limited domestic markets, low levels of income per capita and inadequate infrastructure. However, in addition to these wider constraints, it can be argued the Kenyan government identified a particular problem which it perceived to be the most pressing of its time. The search for a panacea would emerge as one of rationales for the direction that policy would take.

Kenya's most pressing problem was unemployment, the roots of which were sown in the colonial period. In a memorandum on the growth of the economy in 1963, the Ministry of Finance and Economic Planning argued that with a population growth rate of 3 per cent, Kenya had one of the highest population growth rates in Africa and, indeed, the world. The impact of this growth was particularly apparent in Kenya's ten largest urban centres, which had witnessed an average annual population growth rate of 5.8 per cent. Given Kenya's large reservoir of unemployed labour, one of the challenges facing the government was the absorption and productive utilisation of this ever increasing labour supply. Moreover, the memorandum claimed that in an economy with excess supply of labour one criterion for assessing economic performance was the rapidity with which this excess supply was being absorbed. It concluded that, on this basis, Kenya had performed poorly over the past decade.<sup>14</sup>

The solution to this problem lay in accelerated economic development. This entailed a transformation of the agricultural sector, with greater attempts to exploit under and unutilised land. This was the basis of the 'Back to Land' movement which comprised an expanded programme of land registration and consolidation, and an expansion of extension services and agricultural development credit.<sup>15</sup> However, it was apparent that an increase in agricultural land use was insufficient to address the problem. A cabinet memorandum in 1965 argued that:

*Even an accelerated consolidation programme is not likely, alone, to solve the unemployment problem ... further, as more and more land is taken up the opportunities to create jobs in this way will diminish and increases in mechanisation and productivity on utilised land will tend to reduce the labour force needed in agriculture ... development of commerce and industry must therefore proceed both in urban and rural areas in order to lay a basis during the next several years for a sharp acceleration in the growth possible ten years hence.*

Given that only 17 per cent of all land in Kenya could be classified as high or medium potential land that was suitable for agriculture, it followed that population pressure would rapidly exhaust the possibilities of agricultural employment. Thus industrial development in both rural and urban areas became increasingly necessary.

## **From Growth to Crisis**

During the first decade of Independence, the Kenyan government maintained an impressive record of macroeconomic management. A cautious financial policy was pursued which saw inflation and external debt kept within manageable levels and avoided major balance of payments disequilibrium. The government was also able

to reverse the fiscal position that it had inherited at Independence. It turned the deficit in the recurrent budget into a sizeable surplus, increased its development expenditure sevenfold, and reduced its relative dependence on foreign aid. Government recurrent revenue grew at an impressive average annual rate of 15 per cent between 1965 and 1973 (World Bank, 1975:217). Total tax revenue increased from K£39.8 million in 1964/5 to K£265.9 million in 1976/7. This was a result of an increase in direct taxes from K£14 million to K£108 million and an increase in indirect taxes from K£39.8 million to K£265.9 million, helped in large part by the introduction of a sales tax.<sup>16</sup>

Impressively, by developing world standards, the government financed 80 per cent of its total (recurrent and development) budget out of recurrent revenue. By the mid-1970s, government revenue accounted for 23 per cent of GDP, an exceptionally high ratio for the developing world. Thus, although recurrent expenditure increased by 11 per cent per annum, the Kenyan government's good revenue performance enabled it to meet its expanding recurrent expenditure whilst making a substantial contribution to development expenditure.<sup>17</sup> Up to 1970-1, the Government did not have recourse to borrowing from the Central Bank, instead for much of this period it had a positive outstanding balance with the Central Bank.<sup>18</sup>

A high degree of price stability prevailed during the 1964-72 period with the increase in consumer price index being less than 2 per cent in most years. Price stability, in tandem with government's efforts in fiscal and development fields, contributed to an impressive savings performance in aggregate terms between 1964 and 1972. Gross domestic savings as a proportion of GDP averaged 19 to 20 per cent in most years during this period, again a level of achievement matched by few developing countries.<sup>19</sup>

Furthermore, Kenya was able to maintain a balance of payments equilibrium, with the balance of payments recording a surplus for much of this earlier period. From the beginning of 1968, foreign exchange reserves accumulated rapidly. In every quarter, except one, the reserves increased. By the end of the first quarter of 1971 these reserves had nearly trebled, and totalled K£89.1 million. In turn external debt was kept low: debt service charges on external debts in 1976/7 amounted to less than 4 per cent of government expenditure, to 1 per cent of monetary GDP, and to 2.3 per cent of the value of exports (Hazlewood, 1979:143).

This macroeconomic record was accompanied by growth rates close to 7 per cent from 1964-72. Kenya thus represents a model in which accelerated development was pursued in the context of macroeconomic stability. This impressive macroeconomic performance distinguishes it from the general perception of macroeconomic mismanagement that has characterised many African states. Kenya was able to maintain a sound macroeconomic framework for over ten years. This achievement alone suggests a level of economic competence that is rarely acknowledged in the African context.

Kenya's impressive record faltered in the second decade of the post-independence period. From 1972-82 the growth rate averaged 4.8 per cent. Although this was high in comparison to much of Africa, it was a significant decline from earlier periods. Kenya's economic performance during the 1970s was dominated by variations in the country's international terms of trade (World Bank, 1983:4). The early 1970s saw a deterioration in Kenya's barter terms of trade which was reflected in a series of balance of payments crisis.

**Table 1: Index of Barter Terms of Trade in Kenya, 1964-80**

Year	Index (1964=100)
1964	100
1965	98
1966	98
1967	97
1968	96
1969	94
1970	100
1971	93
1972	94
1973	91
1974	80
1975	73
1976	86
1977	113
1978	97
1979	89
1980	82

Source: World Bank, *Kenya: Into the Second Decade*, (Washington 1975:70); World Bank, *Kenya: Growth and Structural Change*, p. 4. Data from 1973-1980 shown in the source at 1972=100 have been converted to 1964=100 to make it comparable with earlier years.

The first of these emerged in 1971. This was followed by a more severe crisis in 1974, led by the rise in petroleum prices. The import bill in 1974 grew by 68 per cent with the value of oil rising 3.5-fold and that of non-oil imports increasing by nearly 50 per cent.<sup>20</sup> This also coincided with the aftermath of a severe drought in 1973. The overall balance of payments position changed from a surplus of KSh183 million in 1973 to a deficit of KSh538 million in 1974.<sup>21</sup> The unfavourable developments in 1974 lent urgency to the need for corrective measures. In July 1975, the government undertook a three year programme supported by the IMF which sought to attain a target growth rate of 5 per cent, to eliminate balance of payments assistance, whilst implementing structural policies such as a shift of public and private investment towards agriculture, a reform of tariff structure, a gradual elimination of fiscal incentives for cer-

tain types of investments, and a possible modification of Kenya's interest rate structure.<sup>22</sup> The programme was later abandoned following improvements in the terms of trade in 1976.

A beverage crop boom in 1976-7 saw the value of exports rise by 31 per cent and an improvement in the terms of trade.<sup>23</sup> This sharp turnaround in the balance of payments position in 1976 and the substantial overall surplus that emerged was largely due to a 130 per cent rise in export prices for coffee, higher tea prices and the impact of improved weather conditions on coffee and tea production. Imports grew in nominal terms by only 11 per cent and in real terms continued to decline.<sup>24</sup> Foreign exchange reserves increased by 80 per cent and reached record levels.<sup>25</sup> Sensing a change in its fortune, the government seized this opportunity to embark upon an ambitious development programme. However the boom was short-lived, and Kenya with its ambitious economic policy, had to cope with the over-commitments incurred during the boom years.

In 1978, heavy rains caused a substantial drop in coffee production, and, coupled with an almost 45 per cent reduction in the price of coffee, led to a major reversal in the balance of payments.<sup>26</sup> The current account of the balance of payments moved from a surplus in 1977, to a deficit in 1978 equivalent to 12 per cent of GDP, as exports earning declined whilst imports increased by almost 30 per cent. Foreign exchange reserves dwindled from the equivalent of almost five months import cover at the end of 1977, to barely two months at the end of 1978.<sup>27</sup>

This situation was exacerbated by the closing of the East African market to official Kenyan exports in 1977. At Independence, intra-East African trade occurred within a full customs union which had existed between Kenya, Tanzania and Uganda since 1937. Imbalances in intra-state trade, which had been consistently in Kenya's

favour since 1956, were a source of antagonism between the three territories. The 1967 Treaty for East African Co-operation established the East African Community (EAC) and introduced a number of measures to reduce imbalances in trade between members. However, there continued to be friction on different issues. The adoption of import licenses, in addition to conflict in other spheres of co-operation, brought this tension to a head. Following the breakdown of talks between the partners, the EAC collapsed.

The closing of the East African market had an adverse impact upon manufacturing exports. Exports as a percentage of gross manufacturing output decreased from 22 per cent in 1972 to 11 per cent in 1978 (World Bank, 1983:13). More generally, exports to Africa declined from 39.9 per cent in 1973, to 22 per cent in 1977. This was largely due to the collapse of exports to the East African market which fell from 28.7 per cent in 1973 to 12.3 per cent in 1977.<sup>28</sup> By 1979 exports to Tanzania amounted to less than 1 per cent of total exports compared to a peak of 10 per cent in 1976, whilst exports to Uganda declined by a third in nominal terms between 1976 and 1979 (World Bank, 1983:26).

### **Economic Paradox: Radicalisation in the Face of Economic Crisis**

The economic crises of the 1970s witnessed an intensification of the process of radicalisation that had begun in the late 1960s. One manifestation of this was increased state participation in the productive sectors. In 1967, state enterprises constituted 2 per cent of the total number of establishments and 15 per cent of value added. By the end of the 1970s the state sector had expanded substantially, with a marked increase in joint state-private sector ventures (Swainson, 1980:208). At the beginning of the 1980s there were 200 parastatals, 81 fully owned by the government, 45 majority-owned and 99 with minority ownership (World Bank, 1983:41). This represented a doubling of state involvement from 1976 alone.

Increased radicalisation at a time when the government was in the midst of economic turmoil appears to be somewhat of an anomaly. However, it would be far too simplistic to dismiss this as another symptom of the economic mismanagement that is often assumed to characterise post-colonial Africa. The economic competence exhibited by the Kenyan state in the first decade of independence is deeply inconsistent with this. The adoption of a more radical agenda in such adverse conditions is rooted in the politics of this era. Independence came with inflated expectations about the development of the country, and more specifically the improvements in the standards of living of its population. By the early 1970s, the achievements of the preceding decade had fallen far short of this. Impressive growth rates had failed to translate into significant reductions in poverty and income inequality. The economic crisis highlighted the reality that earlier periods of growth had failed to address deep seated socio-economic problems. Moreover, it magnified the problems of unemployment, income inequality and poverty and reinforced the need for a more radical posture.

Indeed, it is no coincidence that this period ushered in a change in the domestic agenda with greater emphasis on re-distributing the benefits of economic growth, equality and poverty reduction (Kenya, 1974). The ILO Report on *Employment, Incomes and Equality: A Strategy for Increasing Productive Employment in Kenya*, *Sessional Paper No 10 of 1973 on Employment* and the *1974-8 Development Plan* were all a product of this new preoccupation (See ILO, 1972; Kenya, 1973, 1974).

The policies of this period were underscored by other developments in the political arena. The economic hardship of the early 1970s translated into increasing political dissent and public criticism of Kenyatta and his Kiambu clique (Miller, 1984:51). The assassination of Joseph Mwangi Kariuki in 1975, a Kikuyu MP who had become renowned for his populist politics and his outspoken criticism of Kenyatta's political clique, created an outlet for popular discontent. Although the political situation was stabilised, this underlying political unrest gave greater urgency to the need to address socio-economic problems. Thus instead of interrupting the radicalisation that had begun at the end of the 1960s, the economic crisis intensified this process. The subsequent increase in state participation can be seen as an attempt to propel the growth and transformation of the economy, to generate employment, and to give renewed impetus to the Africanisation programme. In short, the state was endeavouring to address the perceived shortcomings of the first decade of independence.

This shift in the development paradigm ultimately explains the government's more ambitious expenditure programme following the 1976-7 boom. The surplus generated from the boom was to be directed into transforming the structure of the economy and addressing its socio-economic weaknesses. This was a gamble. Had it paid it off, perhaps history would have judged the move as farsighted and courageous. In light of its failure, however, it can only be judged as misconceived and reckless. The tragedy is that this decision to embark upon an ambitious development project in the face of economic crisis in fact exacerbated the situation.

The expansion in government expenditure during the mid-1970s was unmatched by sustained increases in government revenue. Although revenue rose sharply in 1977, further increases in expenditure in 1978 were accompanied by a decline in revenue. As a result, the budget deficit and the need for government borrowing reached record dimensions. This imbalance intensified the crisis of the late 1970s and contributed to economic decline in the 1980s.

### **Responding to Crisis: The Changing Nature of Industrial Policy**

The post-independence state inherited the policy framework for industrial development from the colonial era. Notably, the system of incentives and the use of protection to stimulate industrial development were adopted from the earlier period. However, the economic crisis of the late post-independence period had a significant impact upon the evolution of industrial policy.

The post-independence period saw the proliferation of administrative controls of the economy. Although the increased use of market controls have been strongly associated with government's protectionist policies, in reality, this was driven less by an industrial strategy and more by the need to mitigate economic problems. The 1971 balance of payments crisis precipitated a shift towards greater administrative control of the economy. Sharpley and Lewis argued that it was not until this crisis that import licensing became an important policy instrument (Sharpley, 1984:60). The subsequent balance of payments crises of the 1970s led to an intensification in the use of this policy tool and the introduction of other administrative controls.

In his 1972 Budget Speech, the Minister of Finance argued that although he was reluctant to impose import restrictions because they might 'distort the pattern of production ... and lead to high domestic costs' they were deemed essential since the need to 'safeguard the foreign exchange reserves was ... imperative' (Hazlewood,

1979:152). The crisis also prompted the Kenyan government to move from its relatively liberal foreign exchange regime to a more controlled regime. In a letter from the Permanent Secretary of Treasury, the feasibility of Kenya's liberal foreign exchange policy was called into question:

*Developments in the world economy at the present time, and, in particular, the attempts by many of the major industrial countries to conserve their own foreign exchange by the introduction of overseas investment controls, however, cause us some concern and lead us to wonder how long we can continue with the liberal policies we have pursued in the past. ... recent changes in the regulations have tightened up control of capital remittances overseas made by migrants and as my Minister announced in the Budget Speech, we propose to introduce regulations to govern the payments of hotel and tour bills by tourist in the form of foreign exchange.<sup>29</sup>*

This resulted in the Central Bank imposing restrictions on credit for certain imports and tightening exchange control on travel allowances and certain remittances.<sup>30</sup> Moreover, as late as 1975, the Industrial Protection Committee discussed the issue of bans on imports. The overall conclusion from the discussion was:

*That in several cases an import ban provided excessive protection to monopolies which might affect the firm's efficiency and that, if necessary prohibition of competitive imports should be resorted to only in exceptional circumstances. Members of the committee were also cautioned that sometimes the request for a ban on imports reflected a firm's inefficiency in management. Some efficient firms it was noted, did not worry about the competition against their products from similar imports on the domestic market.<sup>31</sup>*

However, by the end of the 1970s some bans on imports had been introduced as part of the crisis management strategy. Moderate levels of market control had existed in both countries from the colonial period. Tariff protection, industrial licensing and subsidised prices were part of the industrial strategy of both the colonial and the liberal post-independence era. However, it was essentially the need to address balance of payments crises that led to the introduction of greater administrative controls of the market. This in turn became a self reinforcing process with initial controls necessitating and justifying further controls. For example, import controls created a need for further price controls to counter inflationary pressure on scarce goods. Indeed, it is telling that quantitative restrictions on imports, the most criticised form of protection, were introduced at the height of economic crises in order to conserve foreign exchange. Ultimately, this resulted in a level of intervention that the state was simply not equipped to deal with.

## **The Colonial Legacy & Post-independence Realities**

The socio-economic context inherited at Independence had a profound influence on the direction that development policy took. The colonial period left the post-independence state with a massive developmental deficit to fill. More significantly, it saddled the Kenyan government with a disquieting unemployment situation. It was the search for a panacea to this problem that precipitated the radicalisation of policy and the new emphasis upon forced industrialisation. However, the intensification of this process in the context of economic crisis was a product of the dynamics of independence. This, in turn, contributed to a protracted crisis that would span into the 1980s. Similarly, the policy inheritance shaped the development paradigm of the early post-independence era and established a framework for industrial development. The system of state intervention that had been adopted from

the colonial era was, however, moulded in response to the crisis of the later period. Ultimately, the proliferation of excessive market controls would distort and strangle the economy, culminating in the economic malaise of the 1980s.

This article argues that the colonial period had two decisive legacies: economic underdevelopment and the 'policy inheritance'. Although the impact of these legacies was profound, they were necessary but not sufficient to shape the pattern of development that would emerge. Ultimately, it was the dynamics of post-independence realities that would drive the path of development. Radicalisation in the context of economic crisis and the proliferation of administrative controls of the economy were a product of the post-independence experience. Both played a decisive role in cementing and exacerbating the economic decline in Kenya. The post-independence experience of development can thus be seen as a conjunction between the colonial legacy and the post-independence reality.

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# Negotiating Ethnicity: Identity Politics in Contemporary Kenya<sup>1</sup>

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**Ethnic identities are best understood as complex and contested social constructs, perpetually in the process of creation (c.f. Berman, 1998). It is with the perpetual processes of evolution, devolution, change and conformity of ethnic identities, often perceived to be cultural givens, that this paper concerns itself. Ethnicity is a politically relevant signifier in contemporary Kenya, and drawing on evidence from Kenya's Rift Valley Province and Western Province, the paper looks at the ways in which 'modern' Kenyans can, and do, contest, revive, create, negotiate and renegotiate their ethnic identity. The paper reveals how ethnic communities can both contract and/or expand, and how individual actors and groups can draw on selective memories and histories to justify their 'migration' from one community to another; while the relevant content of ethnic units is open to both debate and contestation.**

**The paper provides detailed evidence of the fact and nature of ethnic construction, deconstruction and creation in the Kenyan postcolony and reveals how processes of ethnic negotiation and renegotiation are ultimately fuelled by the desire to stake claims to, and access resources controlled by the Kenyan state and external agents. Ultimately, the negotiation and renegotiation of ethnicity is inexorably intertwined with common perceptions of how political representation and redistribution actually works in Kenya, and with the perceived opportunities for advancement in both domestic and/or international arenas and forums.**

A consensus seems to have emerged among Africanist academics that, while pre-colonial ethnicities, were fluid and negotiable, ethnic identities became increasingly rigid and singular during the colonial period. Academics argue that as a result of colonial administrative and economic practice, ethnic groups were categorised and labeled, and a colonial view of 'tribal Africa' was imposed, invented (Ranger, 1983), or imagined (Ranger, 1993; Iliffe, 1979). Although an idea of 'tribal' Africa resulted from the twin processes of colonial invention and African imaginings, this does not mean that ethnic units, their size, composition, content and allies, are fixed and unchangeable. Rather, ethnicities are 'in an endless process of transformation' (Waller, 1993:302); the 'ambiguous, constantly contested and changing results of cultural politics; the outcome of an endless process in which they are always simultaneously old and new, grounded in the past and perpetually in the process of creation' (Berman, 1998:311-312).

From this we can conclude that the notion of 'an ethnic community' is impossible to tie down or clearly define. No clear formula exists of what constitutes such a group,

of what delimits membership and non-membership. However, there are a number of common elements associated with ethnicity as used in common parlance, including a level of linguistic and cultural similarity and geographic concentration, or at least a recognised 'home' area. However, just as a common language or culture can be used to assert unity, so distinctions of dialect and small variations in custom can be used to assert difference. When one explains the forging and maintenance of a sense of ethnic community, linguistic and cultural similarities must go together with an idea of shared interests, from which a discourse of important similarities and unimportant differences can flow. However, an ethnic community is not an interest group per se. Not only does it embrace ideas of intra-intelligibility, of shared language, cultural norms and social institutions, it also requires an idea of blood ties and a shared past, of common descent and a history of union. Such shared pasts do not have to be historically accurate, but they must hold a resonance with cultural traditions. An ethnic history cannot simply be invented from thin air; it must draw, however selectively, on memory and on histories, both written and oral.

That there is no clear formula for categorically declaring A, B, and C, to be an 'ethnic group', but not X or Y, is part of the terms' utility. It allows academics and other observers to simplify their analyses by introducing a common referent for social groupings. The mutability of the term also enables agents on the ground to debate, contest and negotiate ideas of brother, cousin, friend, and foe; to forge new communities and alliances, and to question common perceptions regarding group boundaries, content and membership. It is this room for negotiation and re-negotiation which has, in part, enabled agents of all kinds to make use of the concept of ethnicity as a framework of action in different arenas, over different periods of time.

This paper will take the notion of ethnicities as complex and contested social constructions, 'perpetually in the process of creation', as its starting point. The aim is to reveal the ways in which ethnic boundaries, their relevant contents, allies, and members are actually contested and negotiated in Kenya today. Revealing, not only how ethnicities may evolve, but also how individuals and communities can, within limits, choose their ethnic identity, relevant ethnic history, and ethnic allies. Evidence is drawn from a number of case studies from Kenya's Rift Valley Province and Western Province, but the analysis has a wider resonance. I start with the Sengwer community in the northern Rift Valley.

### **The Case of the Sengwer & their Struggle for Kapolet Forest**

The Sengwer or Cherangani community are concentrated around the Cherangany Hills in the Northern part of Kenya's Rift Valley Province in a border area where three Districts, West Pokot, Marakwet and Trans Nzoia Districts, meet. Their numbers are unknown. According to David Yator Kiptum, Sengwer leaders previously estimated the community's number at around fifty to sixty thousand, but now believe it is likely to be around thirty thousand, perhaps bolstered to fifty thousand if one includes others in Diaspora.<sup>2</sup> The Sengwer's existence as a distinct ethnic group is currently both accepted and denied by the Kenyan Government. They were given a census code number, 081, at the last minute in 1999 after a census boycott was initiated.<sup>3</sup> But there is no recognition of the community in the list of ethnic groups available to Kenyans when applications are made for a national ID card. Those who see themselves as Sengwer are often told when applying for an ID card, that they should choose to be a member of one of the neighbouring communities: Pokot, Marakwet or Keiyo.

Recognition of the Sengwer as an ethnic unit by the British Colonial Administration was just as patchy. The British initially recognised the Sengwer. In the early twentieth century, the Sengwer were frequently linked with Kenya's dispersed groupings of Ogiek or Ndorobo due to perceived commonalities.<sup>4</sup> The ethnic labels Ogiek and Ndorobo are used interchangeably, and are generally associated with forest dwelling, hunter-gatherer communities, who traditionally did not keep cattle, and who are commonly believed to be indigenous to the area. The term Ndorobo is a Maasai word for a poor people without cattle.<sup>5</sup> However, the official status of the Sengwer appears to have slowly dwindled as they became increasingly associated with the neighbouring Marakwet, and to a lesser extent Pokot and Elgeyo. Today, when recognised at all, the Sengwer are usually regarded as part of the larger Kalenjin grouping and are cited most frequently as a sub-section of the Marakwet. For example, Benjamin E Kipkorir, referred to the Sengwer as one of the 'six 'principal' political (and probably) dialect groups' that comprise the Marakwet group (Kipkorir, 1982:71), a statement echoed by Henrietta Moore (1986:16),<sup>6</sup> and Andrew Fedders and Cynthia Salvadori (1979:63).

At the beginning of 2005, a group of so-called Sengwer were forcibly removed from Kapolet Forest, on the border of Trans Nzoia and West Pokot Districts. The official announcement was that the Government was removing illegal squatters who were endangering the environment by felling trees for timber and clearing areas for cultivation in a gazetted Government Forest and vital water catchment zone. However, the deeper and more contested local politics is much more complex and revealing of local identity politics. After outlining the Sengwer struggle for land since the early 1990s,<sup>7</sup> attention will turn to how this case study, together with other examples, reveals the spaces available for the negotiation and renegotiation of ethnic identity in contemporary Kenya.

In 1993, President Daniel Arap Moi promised Kapolet Forest and three quarters of Milimani Farm, an Agricultural Development Corporation (ADC) Farm in Trans Nzoia District<sup>8</sup> to the Sengwer as settlement schemes. The manner in which this promise was made was very much in keeping with President Moi's ad hoc policy-making style (Morton, 1998). At the official opening of the controversial Turkwel Hydro Electric Power Station on 6 October 1993, and in keeping with established genres of client political performance, Sengwer dancers entertained the President and petitioned him for land. The next day, after a further request for land by a community elder, President Moi, in front of an audience, directed the then Rift Valley Provincial Commissioner, the late Mr I. Chelanga, to see that the Sengwer were settled in Kapolet Forest and on Milimani ADC Farm.

Demarcation of Milimani Farm began in 1995. By the end of 1996, most of the plots had been allocated, but not to Sengwer. In March 1997, a group of over a thousand Sengwer invaded Milimani Farm, declaring that other communities and Government officials had benefited from the allocation process. The invaders remained on the farm for two months. During this period, some community members camped outside State House, Nakuru, in the hope of gaining an audience with President Moi. In the end, a compromise was reached between community leaders and the administration: the invaders would leave Milimani Farm and be settled in Kapolet Forest. The Sengwer agreed to the deal, with a certain degree of bitterness, holding that they had a right to both Kapolet Forest and Milimani Farm. In the end, it appears that in the face of threats, and a take it or be left with nothing stance by the Government, Sengwer leaders persuaded the invaders to leave the farm and to accept relocation.

The area commonly referred to as Kapolet Forest is made up of Trust Land and gazetted Government Forest.<sup>9</sup> Phase I of the Kapolet settlement scheme began in 1998, and involved Trust Land areas. In 2000, Phase II began, but very little progress was made in processing land division and the area was never degazetted. In 2003, a Government Notice was issued, which declared that anyone living in a gazetted forest area illegally should leave by the end of the year. The Notice was later extended to the end of March 2004. After the March deadline, a forester visited the area. According to a local source, the forester told people that they had no right to be in Kapolet, that trees were to be planted in both phase II and phase I areas, and that people would be evicted unless they could prove ownership.<sup>10</sup> In October 2004, a delegation visited the Trans Nzoia District Commissioner (DC) and, according to the same source, the delegation was told that even those Sengwer who had already been settled by the Government had no rights in Kapolet Forest, that people could not even collect dry wood, and that they had only been given the land because of 'politics.' The implication of this statement was that the original allocation was the result of ethnic patronage; Moi favoured the Sengwer because they are perceived as belonging to the larger Kalenjin cluster, from which Moi hails. After this rather unfruitful visit to the DC, the Sengwer invaded the Phase II area.

However, the majority of invaders came from deep in West Pokot District, and not from the areas in which the Sengwer have historically been concentrated. Moreover, they were people who, until relatively recently, had self-identified as Pokot. The Pokot are usually listed under the umbrella term 'Kalenjin' and are concentrated in West Pokot District and the western part of Baringo District. These 'Sengwer-Pokot' began meeting and corresponding with Sengwer around Kapolet Forest on a regular basis at the beginning of the decade, when people in West Pokot District became aware of the Kapolet Forest Settlement Scheme. Their claims of 'being Sengwer' were linked to claims of Sengwer ancestry. According to a local source these Sengwer-Pokot had been assimilated into the Pokot community but knew that their parents or grandparents were Sengwer.

In a Memoranda submitted to the Constitution of Kenya Review Commission by the Sengwer Indigenous Development Project on 10 July 2002, attention was brought to a relocation of Sengwer in the mid-1930s by the British colonial authorities. A District Annual Report from the time records how,

*Following ... the establishment of Native Forest Reserves in ... Marakwet District, it became necessary to move certain Cherangani families from the forest areas if reservation was to be made effective ... The Cherangani agreed to evacuate the Forest areas, and to surrender all rights thereto – provided they were allowed to move into West Suk ... After consultation with, and agreement by the Suk Elders, the move of the Cherangani to West Suk was sanctioned and took place ... The conditions upon which the move to West Suk was agreed to, were, that the Cherangani should become merged with the Suk, and receive no separate tribal recognition, and that they should be subject to Suk Chiefs, and Tribal Custom. To these conditions the Cherangani agreed.<sup>11</sup>*

A memorandum in a District political record book of the time adds:

*It was obvious early in the proceedings that the Cherangani wished to move into Suk, on the terms of remaining a separate tribal entity from the Suk, with their own Chief or Headman. The DC, Kapenguria, was unable to agree to the move on such conditions in view of the complications which would arise from having Cherangani officially residing in two separate*

*districts and under two separate Provinces. He would only reluctantly agree to the move at all ... provided that the Cherangani in question agreed to surrender their tribal identity, and become entirely merged in the Suk, subject to Suk Chiefs, Headmen, and Native Tribunals, and bound by Suk Native Law and Custom ... on re-assembling the Cherangani agreed unanimously to the conditions laid down, and the move was accordingly approved.*<sup>12</sup>

It is to such Sengwer, moved by the Colonial authorities, or independent migrants, that the Sengwer-Pokot associate themselves, and it is these communities which comprised the majority of people who invaded Kapolet Forest in October 2004. In the short run, the invasion was a partial success, with the administration agreeing to settle Sengwer in two sizeable areas of phase II already cleared of forest cover. This acquiescence on the side of the Government followed threats by Sengwer leaders to take land in Trans Nzoia District by force, land that the Sengwer, along with a number of other communities, claim as part of their 'ancestral lands'.

The situation was confused further by the fact that while some Sengwer-Pokot brought a number of their Pokot relatives, friends and neighbours with them into Kapolet Forest, other Sengwer-Pokot were followed by uninvited Pokot. It is, according to Sengwer leaders, these two groups of Pokot 'intruders' who were responsible for the mass clearing of trees, which forced the Government to remove people from the phase II area at the beginning of 2005. Since then, insecurity has increased with reports of cattle rustling and the murder of two forest officers. Blame for this rising insecurity is being placed firmly with the Pokot community; Sengwer leaders claiming that the Pokot are 'using cattle rustling as a tool to chase other communities' out of the area.<sup>13</sup>

This narrative is a contested one. According to Andrew Rotino, the Mayor of Kapenguria, and a Pokot, the series of events unfolded somewhat differently. To summarise the Mayor's account: the British pushed the Sengwer and Pokot up into current West Pokot District in the 1920s. As a result, both communities became mixed up in the Pokot area. Kapolet is the ancestral land of the Sengwer and they mobilised themselves to grab this land. At the same time, many Pokot can identify themselves as Sengwer through their clans. In October 2004, the Sengwer invited those who identified themselves as Sengwer from West Pokot District to join them, enlarge their numbers, and force the Government to listen to them. These Sengwer from West Pokot District invited others to join them, as they could not leave their friends behind. The problem was, that once in Kapolet, people wanted to sideline those who were not Sengwer. At the same time, one Sengwer was illegally taking money from some Pokot as payment for an expected place on the list of right-holders in the settlement scheme. The Mayor further argued that people were not moved out of Kapolet at the beginning of the year by the Government, but by Sengwer, dressed up as security personnel, and mobilised by their leaders to remove non-Sengwer from the area. In comparison to Sengwer leaders, he wished for the unity of the Pokot and Sengwer, and for the Government to consider giving the land to both of the communities.<sup>14</sup> The Mayor of Kapenguria's final recommendation is unlikely to be acceptable to Sengwer leaders who have long fought for a settlement scheme of their own.

These narratives of local level politicking are interesting and instructive on a number of levels. First, they expose how land debates have become increasingly complicated over time as the Government fails to stick to a hard and fast land policy, the administration fails to issue title deeds, and layers of conflicting claimants grow.

Secondly, these narratives expose the ambiguities, tensions, and contradictions that existed in British colonial policy and administration. If one views British colonialism as a clear set of ideas, processes, rules and regulations that were proscribed and duly carried out, it appears bizarre that a colonial administration which placed such emphasis on Africans being tribal, could at the same time ask people to become members of a different tribe. However, this apparent inconsistency was not a one off. In the same area a series of Colonial DCs from the 1930s on, became concerned with the presence of non-Pokot Africans in West Pokot District. The problem was not essentially their presence, but the fact that they refused to become Pokot.<sup>15</sup>

The issue for colonial administrators on the ground was one of administrative expediency. For a political system that used local chiefs and headmen to control its subjects, the question of how to control subjects who had no recognised and incorporated leadership was of pressing concern. The answer was quite simple, barring a radical change in colonial administration, such people had either to move back 'home' or become members of their host community, thus rendering themselves the subjects of local chiefs and headmen. Another example of this expedient approach to questions of tribal identity is that of the Ogiek and the problem that these dispersed, forest-dwelling communities posed to the Administration. In 1929, the Colonial Government appointed a Committee to examine the 'Ndorobo question'; defining Ndorobo as 'a general term including most kinds of hunting people ... usually scattered families with no tribal organisation', the Committee recommended that 'wherever possible, the Dorobo should become members of, and be absorbed into, the tribe with which they have the most affinity' (Colonial Office, 1934: 2131; 2133).<sup>16</sup>

These ambiguities of the imagined and forcefully produced ethnic categories of colonial administration provide an important background to current debates about political identity in Kenya. An administrative code based on a belief in the solidity of ethnicity, and the difficulties of its actual implementation as administrative practice, have combined with histories of inter-marriage, migration, ethnic incorporation and cultural borrowing, to create confused and complex narrative segments that provide contemporary political actors with 'a multiplicity of enunciative procedures put into practice concurrently by the actors' (Bayart, 1993:37). In the case of the Sengwer, community leaders have been asserting their difference from their neighbours, the Marakwet and Pokot, at the same time as they question the existence of a broad Kalenjin ethnic grouping, while simultaneously hinting at the existence of an alternative alliance, composed of Kenya's 'indigenous peoples'. In short, a twin process of simultaneous ethnic contraction and expansion is being played out.

### **The Expansion & Contraction of Ethnic Communities**

In the last twenty years there has been a marked tendency in Kenya for communities to emphasise the fact that they are distinct. A few examples from the Kalenjin grouping alone include the Sengwer, Endorois (Anderson, 2002:298-299), and Ogiik communities. Other examples from contemporary Kenya include the Tharaka, Suba, and Giriama, and a number of Abaluhya groups. It is tempting to refer to this process as one of ethnic fragmentation. However, the idea of fragmentation somewhat misleadingly suggests that a) there is an obvious unit, which b) breaks down into separate sub-units leading to c) the whole ceasing to exist. The idea of 'asserting difference' on the other hand, allows for the dual possibility that units may claim

that they are distinct while affirming *or* denying the existence of a greater, corporative community or alliance.

Among the Sengwer, an articulation of ethnic difference, espoused in contests for symbolic and material resources, has developed in the last few decades. These leaders believe that the reason educated men are unable to find jobs, and the community is eking out a life on poor quality land with little government or NGO assistance, is primarily because the already small community is divided between three constituencies in three different districts. They feel marginalised by larger neighbours, who appear to care little for their predicament, and politically encumbered by the fact that they lack any community representative higher than a Deputy Mayor.<sup>17</sup> Local recruitment drives for government service opportunities are one source of concern, according to local leaders:

*The community is discriminated (against) in West Pokot, Marakwet and Trans Nzoia districts (where) only members of Pokot, Marakwet, Nandi and Luhya ethnic groups are considered, because either the districts belong to them or they are the dominant group.*<sup>18</sup>

Instead of arguing against perceived systems of ethnic patronage, Sengwer leaders argue for the creation of a Sengwer constituency, or for an increase in the number of nominated MPs who would then be elected to Parliament by identified ethnic minorities.<sup>19</sup>

Issues of access to, and control of land are also of vital importance. Sengwer leaders view Kenya as a country comprised of many Nations, and call for the recognition of Sengwer 'territory' and for Sengwer control of resources within these 'ancestral lands'.<sup>20</sup> Leaders dissatisfied with local experiences of scarce political and productive resources have come to attach great significance to the history of the Sengwer as a distinct ethnic unit and to small dialect and cultural differences between 'them' and their neighbours, a political stance that John Lonsdale has aptly labeled 'political tribalism' (1994).

Another ethnic identity currently being negotiated in Western Kenya is that of the Mount Elgon Ogiek or Ogiik. In 1970, the Kenyan Government initiated a process of relocation of people from Chepkitale, a moorland area above the forest line at the top of Mount Elgon, adjacent to the Kenya-Uganda border. They were moved lower down the mountain to an area known as Chebyuk. The relocation, according to official proclamations, was carried out for the benefit of the Chepkitale people, in an attempt at state incorporation of an isolated community. The process of allocation became, and remains, an issue of much debate and contention. At times, tension in the area over the identity of allocattees and size of land parcels in Chebyuk has become violent; houses have been burnt, and local residents injured and even killed. The problem is that the Government has carried out a number of fresh allocations over the years, each one being dogged by claims of bias, corruption and injustice, such that, today, people who live in the area are still insecure in their ownership, while multiple layers of claimants have grown.<sup>21</sup>

Recently a new dimension has been added to the allocation issues at Chebyuk, with some leaders of those claiming to be 'from Chepkitale' asserting that they belong to a different ethnic group than their neighbours. They are not Sabaat<sup>22</sup> they claim, but Ogiek or even Ogiik. The term Ogiik referring to an indigenous people, similar to the Ogiek of the Rift Valley forests, except that while the Ogiek are hunter-gatherers, the Ogiik are pastoralists, although the term Ogiek is also often employed to refer to this

community 'from Chepkitale'.<sup>23</sup> Others deny this assertion of difference holding that the only valid distinction is that the Chepkitale people are 'Mosop', those who live high up, and as a result of their relative isolation, remain truer to the culture of the original Sabaot.<sup>24</sup> Some individuals have gone further and argued that Chepkitale leaders are confusing their people for personal and/or political gain. Regarding political motivations, it has been argued for example that, the Chebyuk Settlement Scheme 'was created to promote internal wrangles amongst the Sabaot people and to divert attention from (their) Trans Nzoia and Bungoma claims',<sup>25</sup> suggesting that some Chepkitale leaders have been captured by outside interests.

While some debate the idea that the people from Chepkitale are Ogiek or Ogiik, distinct from their Sabaot neighbours, others take a halfway position. The idea that some Sabaot are also Ndorobo or Ogiek was articulated for example, by one Arap Kasisi in his evidence before the Kenya Land Commission on 8 October 1932. Kasisi asserted that he is Konyi (one of the groups commonly listed as a sub-group of the Sabaot), and that while 'part of the tribe ... have always lived up on the higher slopes of the mountain above the forest', and while they now have stock when they used not to, these people from above the forest (i.e. from Chepkitale) 'are part of our tribe – we are all Dorobo' (Colonial Office, 1934:2080).

At times it appears that the term Ndorobo is invoked more as a claim to indigeneity, than as a reference to the socio-economic characteristics commonly associated with this identity (hunter-gatherers). Since neighbouring communities are all regarded as having migrated into the current area from the North and West, statements of being Ogiek or Ndorobo can be deployed as a basis for claims to original residency. However, the idea of 'an indigenous people' is, like the idea of any *clear* and *bounded* tribe or ethnic group, unsustainable due to complex and extended histories of migration, intermarriage, interaction and assimilation, not to mention the specific contexts from which the term 'indigenous' stems.

Regarding the Chebyuk settlement scheme, little consensus exists as to the ethnicity of the rightful claimants. Questions of local ethnic identities are confused further by the fact that the composition and origin of the Sabaot grouping is itself disputed.<sup>26</sup> In this area of Mount Elgon District it is not quite clear who people are, or where the supposedly fixed and bounded lines of ethnic group lie.

The assertion of difference on behalf of the Sengwer and Ogiik has also been linked by some with a denial of 'being Kalenjin', and with the forging of closer ties between proclaimed 'indigenous' communities. While Sengwer and Ogiik admit that they speak a dialect that belongs to the Kalenjin cluster of languages, some question the relevance of the term 'Kalenjin', declaring it to be a mere political alliance formed in the mid-20th century to provide certain leaders with a support base.<sup>27</sup> Arguments are then made that the Sengwer are different to other Kalenjin sub-groups because they are hunters and gatherers, who have lived in the area since 'time immemorial',<sup>28</sup> while the Kalenjin communities came from the North and settled around Mt Elgon on the Kenya-Uganda border before they parted ways through a series of migrations.<sup>29</sup> Through such appeals to historical memory, the Sengwer have distanced themselves from the broader Kalenjin alliance, and associated themselves with the Ogiek. This rejection of 'being Kalenjin' reflects dissatisfaction with the Moi and Kibaki regimes and a perception of imbalance in the workings of ethnic patronage networks.

While an 'alliance' of indigenous peoples is in its very early stages, the Sengwer and Ogiik have come to act in coalition with a number of Ogiik groups. The Sengwer began forging links with the Ogiik around 2002 and even submitted a joint memorandum with them to the Constitutional Review Commission.<sup>30</sup> The interaction of these professed 'indigenous' groups indicates another area of potential negotiation, choice and innovation: ethnic amalgamation. An inherent part of the process of amalgamation is debate about relevant ethnic content. For example, some Sengwer have chosen to emphasise their historic links with the forest and other 'Ogiik' groupings, over their linguistic and cultural similarity to their Pokot and Marakwet neighbours. However, negotiation of ethnic content can also occur independently of ethnic amalgamation, for example, within Ogiik communities who must debate the meaning of 'being Ogiik' when 'members' no longer reside in forests and keep cattle.

The choice of language employed by the Sengwer and Mount Elgon Ogiik is highly significant. Leaders have consciously employed the 'global discourses' of 'marginalisation', 'minority rights', 'indigeneity', and 'environmental protection'. These discourses have enabled these political actors to enter new international arenas of action, including the internet, international conferences and African Commission on Human and Peoples Rights.<sup>31</sup> These discourses have also strengthened their community claims via references to international human rights legislation,<sup>32</sup> and have enabled political actors to forge links with new allies, representatives and patrons, including NGOs like Minority Rights and Survival International. For example, members of the Enderois community, usually regarded as a sub-section of the Tugen, which is in turn regarded as a sub-section of the Kalenjin, have worked with Minority Rights to submit statements on the 'The Human Rights Situation of the Enderois of Kenya' to the African Commission on Human and Peoples Rights.<sup>33</sup> This move onto the international stage is linked with the leadership's growing dissatisfaction with local and national level political processes. By stressing their existence as an indigenous minority, while claiming to have special knowledge and the ability to protect local environments, Sengwer, Ogiik and Enderois leaders have gained access to new international forums, enabling community representatives, blocked from the Kenya Parliament, to enter new domains of action and cultivate new channels of patronage.

Numerous examples exist of Kenyans deciding to forge or create larger ethnic communities, with their own language, territory and history, at different points in the twentieth century. Examples include the Abaluhya, Sabaot and Kalenjin. The term Abaluhya stems from the name used by a number of linguistically similar communities for a fireplace around which community elders gather, and was coined as an ethnic referent in the late 1920s (Ogot, 1981:9). The term Sabaot was coined in the late 1940s.<sup>34</sup> Its exact meaning is unclear since almost every person in Mount Elgon District gives a different story about the origin of this appellation. One recurring theme does emerge; the term was of recent origin and was coined by leaders in an attempt to unite or re-unite a number of linguistically similar communities.<sup>35</sup> The term Kalenjin means 'I say to you' or 'I tell you', and was again used as a conscious instrument by Africans to forge a closer sense of community between a number of officially recognised tribes referred to collectively as the 'Nandi-speaking' peoples (Kipkorir, 1982). A more recent example of an attempt to build a broader ethnic alliance is KAMATUSA, or the Kalenjin, Maasai, Turkana and Samburu Alliance initiated in the mid 1990s by a group of Kalenjin politicians. Although this was cast as a political alliance, it was firmly based in a discourse of

cultural similarity, each of these communities commonly being defined as Nilo-Hamitic groupings with a pastoralist tradition.

In each of these examples, a new incorporative identity was built using real cultural and linguistic similarities. However, conscious steps were also taken to increase the level of cultural and linguistic similarity. For example, in each case, bar KAMATUSA, a language committee was established and attempts made to develop a standardised language. In each of these cases, the processes of categorisation, invention and imagination, were the product of African agents, albeit African agents working within a framework of British colonial administration and ideology. These cases therefore stand as important counterweights to those analyses which highlight the role of European agents (colonial officials, missionaries and anthropologists) in the creation of 'tribes' to the neglect of African agents.

The boundaries of each of these alliances are not clear-cut. Whilst there is general agreement, for example, that the term 'Kalenjin' embraces the Nandi, Kipsigis, Elgeyo, Marakwet, Tugen, Sabaot and Pokot (although even the latter hold a somewhat peripheral position), it is more difficult to decide whether the Sengwer, the Sebei (who are based in Uganda but often grouped together with the Sabaot), the Terik (who are sometimes bracketed together with the Nandi), and/or the Ogiek should be included. However, unlike with the Mijikenda community where the number of sub-units is limited to the number nine, or the nine towns of the Mijikenda,<sup>36</sup> the number of Kalenjin tribes is not fixed. It is therefore possible to count all of these communities as Kalenjin, or to mix and match them. A. T. Matson in his book on Nandi Resistance also adds another possible contender, the Tatoga of Tanzania (1972:2-3), while a lecturer at Egerton University also suggested the Barabaig of Tanzania.<sup>37</sup> In turn the boundaries of each of the sub-groups of the Kalenjin are complex and contested, leaving ample room for negotiation and debate about individuals' 'true' ethnicity. Moreover, many clans cross over sub-Kalenjin boundaries. Therefore, clans with the same name and totem are found in different Kalenjin sub-groups, providing another means by which members of one community can associate themselves with members of another.<sup>38</sup>

## **Membership & Questions of Inclusion & Exclusion**

While boundaries can be altered, membership and non-membership within a bounded ethnic unit can also be negotiated. At the beginning of 2005, a Committee of community elders compiled a list of the rightful allocatees for the Phase II area of Kapolet Forest. On one level the process was apparently easy. The question of who is, and who is not, Sengwer is clear-cut. People know who the Sengwer from West Pokot District are; people know each other's family histories and trusted local leaders can be instructed to compile lists of names. When asked about how the Committee was going to make sure that only Sengwer were allocated land, it emerged that once the list was complete, an oath was to be administered, to insure the 'true' identity of the list members.<sup>39</sup> This idea of an oath appears to be an admission that people could pretend to be Sengwer, but it also suggests that an oath could be used, not necessarily to test Sengwer-ness, but as a rite of passage, through which Sengwer-Pokot could solidify their claims to Sengwer ancestry. Negotiation of ethnicity when membership is understood in terms of descent is possible because people can re-interpret their lineage allowing mixed Sengwer-Pokot to emphasise Sengwer-ness based on the argued identity of grandparents.

This example of choice and negotiation, limited and structured by the past and the present, but also based on common perceptions of ethnic community or tribe, is not unique. Another example is that of the people of Lembus, in Koibatek District, who have at times in the past laid aside their common identification as Tugen to claim an association with their Nandi neighbours to the west. Here again, use is made of colonial history. In the late 1890s and early 1990s, when the British conducted a military campaign of conquest in the area, many Nandi are said to have fled into Lembus Forest, seeking refuge with their kin (Matson, 1972). Some latter day inhabitants of the area reasserted this history in the 1980s, in what appeared to be an attempt to divorce themselves from the politics of Baringo District, from the leadership of Daniel arap Moi and from the obligations they faced from their poorer neighbours on the plains of Baringo to the east and north. Lembus is now a heavily cultivated and relatively wealthy area where regular demands from distant 'kin' for access to pasture, especially during dry periods, are increasingly commonplace. Some of those in Lembus can also claim links with the neighbouring Elgeyo. Before the area was excised as a timber concession, in 1904, the extensive forest glades were used for grazing by Nandi, Elgeyo and Tugen communities. This complicated history of movement and integration makes the forest a particularly contested site of ethnicity, a place where people can lay claim to several different brands of Kalenjin identity (Anderson, 2002).

The potential to interpret one's lineage and choose one's ethnic identity is also revealed by the example of Masai political leadership. According to Marcel Rutten almost all of the formal Masai political elite 'have mixed origins', although 'some are considered to belong more to the Masai society than others' (2001:431). George Saitoti, the current Minister of Education, and former Vice-President, is perhaps the most famous example, as noted by Africa Confidential, 'Saitoti, now identified as a Masai, started life as a Kikuyu and was known for years as George Kinuthia Muthengi' (26 May 1995). Debates over ethnic identity do not necessarily cease, when individuals publicly associate themselves as A or B. Saitoti's Kikuyu heritage opens him to criticisms of being an 'outsider', a 'fake', and a 'puppet' of outside interests. In turn, in Kapolet Forest, it seems likely that people's ethnic identities will continue to be debated and contested; even today the position of invited Sengwer-Pokot and their Pokot friends in the area is uncertain.

## **Debating Ethnicity**

Debates over ethnic boundaries, content and allies can, and at times do, become extremely heated. While some communities may be willing to accept new members as a bolster to their numbers and political weighting, others may reject hangers-on if they view them to be a drain on community resources. At the same time, members of ethnic communities often resist assertions of difference by members of sub-groups. This resistance can occur at a number of levels. In the case of the Mount Elgon Ogiek, tensions have boiled over into violence on a number of occasions,<sup>40</sup> but there has also been a war of words between culture-brokers as a struggle for authorship of ethnic realities is played out. For example, early in 2005, Godfrey Kipsisey, a Sabaot who works for the Bible Translation Center in Nairobi, wrote a letter to a Chepkitale leader, Dr J. Changeiywo, denying the existence of any distinction between the people of Chepkitale and other Sabaot. Kipsisey asked Changeiywo 'as a fellow Sabaot to think of posterity and (his) own position in the community', continuing with the question: 'Do you want to remain a respected icon and a man who told the truth or a liar who peddled lies to the whole world in the name of "Ogiek rights"'.<sup>41</sup>

Last April, Dr. J. Changeiywo posted a bulletin on the Ogiek web site in reply, declaring Godfrey Kipsisey to be 'the enemy of Chepkitale people and the truth'. According to Dr. Changeiywo,

*Kipsisey and his group have decided to champion deceit and slander against the Chepkitale Ogiek leaders and members of their community, They have decided to use all the machinery and means available to cover-up the existence of the Chepkitale Ogiek so that when they will be carrying out genocide against the Chepkitale people, no one will know and raise protest or complain about it ... They should be told to stop intimidating the Chepkitale Ogiek leaders through writing letter [sic], passing anonymous telephone calls and misleading the International Community. Denying the existence of Chepkitale Indigenous People (Ogiek) in Mt Elgon is genocide of the highest degree.<sup>42</sup>*

The employment of the highly emotive term 'genocide' and Changeiywo's concern with the views of the International Community is itself significant, highlighting the importance of international audiences and forums that have provided new opportunities for those dissatisfied with local and national level politics. What is most interesting about such arguments is not who is correct or who is less biased, but that it is possible to debate and contest ethnic boundaries, often assumed in everyday discourse to be primordial, or to have been imagined, invented, and clarified in the colonial period. Thus, despite years of colonial categorisation and indirect rule, followed by post-colonial regimes which continue to document ethnic identity, and in which ethnic big men remain politically dominant, ethnic communities, their boundaries, allies, content and membership, are largely negotiable. Negotiation at the hazy edges of perceived groupings is perhaps the most recognised space for ethnic choice, like the Gikuyu/Maasai example, but choices also exist regarding questions of an ethnic core; relevant differences and similarities; brothers, cousins and allies; and family histories.

### **Conclusions: Identity Politics in Contemporary Kenya**

Perhaps a more important development during the colonial period than the increasing rigidity of ethnic or tribal identities was the prominence that such identities gained. During the colonial period, Africans were encouraged to think and act ethnically (Iliffe, 1979), leaving a colonial legacy of control heavily reliant on local ethnic big men (Berman, 1998). In turn, people's experiences and perceptions of the Kenyatta and Moi regimes (1963-1978; 1978-2002) did little to diminish the importance that ordinary people attached to questions of ethnicity. In brief, while many Kenyans denounce tribalism and call for non-ethnic leaders, a general consensus seems to exist that in the main, political actors, leaders, and their supporters think and act along social lines actualised as tribal. The common good in Kenya, if one can call it that, is development and access to land. However, while the former is often understood to be discrete and divisible, the latter is often considered in the sense of rights to ethnic 'territories' (Medard, 1999). Development thus comes to be understood as the bringing of gifts to an area – the construction of a road, hospital, school or factory, and jobs for community members in government service, while access to land becomes linked with the idea of territorial units, or spheres of ethnic influence. Residents of other communities are often referred to as 'guests'; a status easily lost when 'guests' gain title deeds or become involved in local politics, or when a window appears for the transfer of land ownership from 'guests' to 'locals'.

A high degree of ambiguity surrounds questions of ethnic identity. It is this ambiguity and the room for the negotiation and renegotiation of ethnicity, which makes it such a valued political resource in the dramaturgy of Kenyan politics. On the one hand ethnic politics is seen as an affliction leading to burnt homes and inefficient resource distribution. At the same time, the African sense of community is often held up with pride in contrast to the declared individualism of the West. Kenyans of all kinds gain social status by being wealthy and generous. Furthermore, Kenyans face significant social stigma for being selfish and for not assisting their kinsmen. It is not just that leaders will lose support bases, but that church leaders may well lose their congregations or professionals may be cursed or labelled as users of witchcraft, if they do not help out others (cf. Austen 1993; Geschiere, 1997). Acts of generosity and the maintenance of links with one's rural home are thus about the development and maintenance of support bases through the building of social status and cultivation of images of civic virtue (Lonsdale, 1994).

The fact that many Kenyans understand issues of ethnicity to be central to local and national level politics leads to a tendency amongst Kenyans and outside observers alike to view everything through an ethnic lens. People pick up on the bits and pieces of evidence that fit an ethnic logic and force other bits to mould to its shape. Questions of ethnicity are often central to the political reality in Kenya, but the simplification of everything down to 'ethnic politics' obscures other possible dimensions and nuances of political networking and action. This simplification of political dynamics means that to many an anti-corruption crusade becomes an ethnic witch-hunt; a policy to invest in marginal areas becomes an attempt to draw certain minorities into an ethnic coalition, whilst policies to invest in high capacity areas appear as food for the Kikuyu. In turn, for many, a lack of development and/or land is seen as being simply the result of the marginalisation of their 'community', by other 'tribes', or by members of a broader ethnic grouping. As shown in this article, feelings of marginalisation can lead community leaders to assert their difference to their neighbours, and in some cases to forge new alliances to strengthen their voice. The argument, therefore, unfolds thus: we cannot expect politician X to fight for, protect and promote our interests because we are not of his community. Moreover, instead of arguing against the system as perceived, against systems of ethnic patronage, for example, these actors show an acceptance of the system, declaring that what they need is a representative of their own who will fight for, protect and promote their interests.

Ethnic identities in Kenya are thus not clear-cut and unproblematic, but are ambiguous and open to negotiation and renegotiation. Local ethnic alliances can both contract and expand, even simultaneously depending on the nature of the ends being pursued. The Sengwer provide an excellent example of these twin processes. While Sengwer leaders have distanced themselves from the politics of Marakwet, West Pokot and Trans Nzoia Districts and their 'Kalenjin' neighbours, the Sengwer have forged a new alliance with other 'indigenous minorities'. These developments reflect a simultaneous retreat from District level politics matched by a rush towards the international stage, Sengwer leaders having embraced the international discourses of minority rights, marginalised minorities and the notion of indigenous communities as owners of specialised local knowledge. Leaders are thus utilising new discourses and channels outside local established patronage networks, to make old demands. In the process deploying one possible reading of complex 'ethnic' histories and current realities, to create an identity that seems to best serve their interests in a political environment where one's ethnicity is viewed as central to one's ability to access political and productive resources.

Recognition and analysis of these local realities of contested and shifting alliances is central to understanding Kenyan politics at the national level. Processes of forming and sustaining ethnic coalitions have dominated Kenyan politics throughout the post-colonial period. The Kenyan African National Union (KANU) and the Kenyan African Democratic Union (KADU) were, from their formation in 1960, fragile coalitions of ethnic communities, brought together initially by two conflicting logics of an independent Kenyan state (Anderson, 2005). Moreover, with the return of multi-party politics in the early 1990s, and the heightened competition and increased benefits of defection that this change has brought, the processes of forming and sustaining a winning coalition have become even more central to national level politics in Kenya. Parties are to a large extent, ethnic coalitions, but these coalitions are not formed from obvious and clear-cut ethnic blocs. Instead, each ethnic grouping has the potential to break down, reform, or ally with new partners. The local level politics of which are vital to understanding why the social groupings of 'being from' Nyeri, Murang'a or Kiambu, for example, hold a significance equal to that of 'being' Kikuyu or KEM (Kikuyu-Embu-Meru) in Kenyan politics.

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## Endnotes

1. Special thanks to Dr. Claire Medard, with whom I conducted many of the interviews referenced in this paper, and whose insights into Kenyan politics have greatly influenced both the subject matter and conclusions of this paper. Thanks also to David Anderson, Gavin Williams and Robert Blunt for their comments and editorial advice.
2. Unrecorded Interview with David Yator Kiptum (Executive Coordinator of the Sengwer Indigenous Development Project), Tuesday 8 February 2005.
3. Memoranda submitted by the Sengwer Indigenous Development Project to the Constitution of Kenya Review Commission, 10 July 2002. No ethnic data were included in the published 1999 Kenyan Population Census.
4. For an example of this, see evidence of DC, Elgeyo, Mr. J. G. Hamilton-Ross, and the European Settler, Mr. A. C. Hoey, Colonial Office, 1934, pp. 1052 and 1995.
5. For more details on the Ndorobo or Ogiek see Blackburn, 1976; Kratz, 1980; and Kimaiyo, 2004.
6. Henrietta Moore holds that there are five sub-sections of the present Marakwet.
7. This overview has been compiled from cross-referencing the following sources of evidence: Unrecorded Interviews with David Yator Kiptum on the 8 February 2005 and 10 March 2005; Recorded Interview with Richard Kiptum (Councillor for Talau, West Pokot District and Deputy Mayor of Kapenguria) on 17 March 2005; Unrecorded Interviews with Sammy C. Letema on 1 April 2005 and 13 April 2005; Memorandum submitted by the Sengwer Ethnic Minority Hunter-Gatherer Indigenous Peoples (SEMHGIP) to the Constitution of Kenya Review Commission on 10 July 2002; Open letter from Dickson K. Rotich and Amos R. Chesuswa to President Mwai Kibaki, 15 October 2004, 'Sengwer Land Grievances Call for Your Urgent Intervention', [www.ogiek.org](http://www.ogiek.org); *Daily Nation*, 24 March 1997; *The People*, 4-10 April 1997; *Daily Nation*, 13 May 1997; *The People*, 13-19 June 1997.
8. Also known as Riaman or Duke of Manchester Farm.
9. Trust Land refers to land held in trust for a community; Government Forest was created instead for the protection of the environment.
10. Unrecorded Interview with David Yator Kiptum, 10 March 2005.
11. West Suk District Annual Report, 1935; West Suk was renamed West Pokot District in 1961, Pokot being the preferred ethnic referent among the local ethnic majority.

12. DC, West Suk District, 'Memorandum regarding the movement of certain Cherangani Dorobo from Marakwet District to West Suk', 14 September 1935, KNA/DC/WP/3/23, Political Record Book: Suk-Marakwet Boundary, 1931-1953.
13. Open letter from SEMHGIP, signed by Charles K. Kiberen and David Yator Kiptum, to the Permanent Secretary, Ministry of Provincial Administration and National Security, 20 April 2005, 'The deterioration of security in Cherangany Hills around Kapolet Forest in Trans Nzoia District', [www.ogiek.org](http://www.ogiek.org). For similar analyses of cattle rustling and violence in the Kapolet area in 2005 see; Open letter from SEMHGIP to the Permanent Secretary, Ministry of Provincial Administration and National Security, 27 March 2005, 'Rising insecurity in and around Cherangany Hills'; Memorandum from SEMHGIP to President Kibaki, 'The Government should immediately bring to an end Pokot territorial expansion through cattle rustling in the North Rift Valley', 7 April 2005; 'Update from the Sengwer Trouble Zone', 21 April 2005; David Yator Kiptum, 'Update and Field Report', 24 April 2005; and David Yator Kiptum, 'Field Update and Call for Help', 25 April 2005. All available at [www.ogiek.org](http://www.ogiek.org). For an account of similar 'insecurity' in the Cherangany Hills from the 1930s to 1950s see Anderson, 1986.
14. Unrecorded Interview with Andrew Rotino, 18 March 2005.
15. See for example the Annual Reports for West Suk District from 1931, 1934, 1937, 1938, 1941, 1947, 1948, 1949, 1950, 1951, 1952, 1953, and 1954, which all include references to the problem of 'alien tribes'.
16. For more details on colonial response to the 'Dorobo question' see Breen, 1972a and 1972b. Another example is of the incorporation of Dorobo and Tugen in Lembus Forest, in current Koibatek District. For more details see, KNA/PC/NKU/2/1/30, Lembus Right-Holders, 1937-1956.
17. This conclusion is based on Interviews with David Yator Kiptum, Richard Kiptum, and Sammy C. Letema, and the Memorandum submitted by the SEMHGIP to the Chairman of the Electoral Commission of Kenya, 28 February 2005.
18. Letter to the then Head of Civil Service and Secretary to the cabinet, Dr. Richard Leakey, on 4 November 1999 by Leleu Laima, W.K.Kipkwen and B.R.Ngesemwo, quoted in the Memorandum submitted by the Sengwer Indigenous Development Project to the Constitution of Kenya Review Commission, 10 July 2002.
19. Memorandum submitted by the Sengwer Indigenous Development Project to the Constitution of Kenya Review Commission, 10 July 2002. The Memoranda lists Kenya's indigenous ethnic groups as including: Ogiek, Sengwer, Elmolo, Ilchamus, Enderois and Watta, p. 27.
20. Memorandum submitted by the Sengwer Indigenous Development Project to the Constitution of Kenya Review Commission, 10 July 2002.
21. This brief overview was compiled from: Recorded Interview with Dr Johnson Changeiywo (Secretary of the Chepkitala Indigenous Peoples Development Programme); Recorded Interview with Wilberforce Kisiero (MP for Mount Elgon, 1979-1997), 5 February 2005; Unrecorded Interview with Eliud C. Chelasha (Councillor for Chebyuk), 24 November 2004; Unrecorded Interview with Moses Chesari (Teacher at Kapsokwony Boys Secondary School), 24 November 2004.
22. The Sabaot are usually included under the umbrella term 'Kalenjin'.
23. Recorded Interview with Dr J. Changeiywo, 27 November 2004.
24. Unrecorded Interview with Pastor Chemoswet (Radio Presenter, BHB), 5 January 2005.
25. From an unpublished book by Kipsisey Kap-Sobett (a.k.a Godfrey Kipsisey), 2005.
26. Recorded interviews with: Wilberforce Kisiero, 5 February, 2005; Philip Chebois (Chairman of the Council of Elders, Mount Elgon District), 7 February 2005; and Samuel Kimkung (President of the African Court in the 1950s), 10 February, 2005.
27. Unrecorded interview with David Yator Kiptum, 8 February, 2005.
28. These claims are reflected clearly in the names of Sengwer organisations: The Sengwer Ethnic Minority Hunter-Gatherers Indigenous Peoples and The Sengwer Indigenous Development Project.

29. For the history of the Kalenjin as a once united tribe who moved down from the North, and then dispersed from Mount Elgon see Orchardson, 1971; Were, 1967; Chepkwony, 1997; Sambu, 2000. For a rejection of this somewhat linear history see, Mwanzi, 1977.
30. Unrecorded interview with David Yator Kiptum, 8 February 2005, and information posted on the Ogiek website, [www.ogiek.org](http://www.ogiek.org).
31. See for example, 'Statement on the Human Rights Situation of Endorois of Kenya', 36th Session of the African Commission on Human and Peoples Rights, 23 Nov-7 Dec, 2004, [www.minorityrights.org](http://www.minorityrights.org).
32. See for example the preamble to the Memorandum submitted by the Sengwer Indigenous Development Project to the Constitution of Kenya Review Commission, 10 July 2002, which makes references to a number of Declarations of Human Rights including those of the UN and UNESCO.
- 33 36th Session of the African Commission on Human and Peoples Rights, 23 Nov-7 Dec, 2004, [www.minorityrights.org](http://www.minorityrights.org).
- 34 The earliest reference to the term Sabaot, which I have found, is North Nyanza Annual Report, 1949.
- 35 Recorded Interviews with; Wilberforce Kisiero, 5 February, 2005; Fred Surei, 6 February, 2005; Philip Chebois, 7 February 2005; and Samuel Kimkung, 10 February, 2005.
36. The number nine has been fixed as the number of groups constituting the Mijikenda, although some confusion still exists regarding the nine constituent tribes. For more details see Willis, 1993.
37. Conversation with Dr. Daniel Kandagor, 15 September 2004.
38. The Mayor of Kapenguria's reference to clans in his explanation of the link between some Pokot and the Sengwer is an excellent example of this.
39. Unrecorded Interview with David Yator Kiptum, 10 March 2005.
40. For example, the violence that erupted on the 14 February 2004 and 2005.
- 41 Letter from G. Kipsisey to Dr. Changeiywo; several references are made to this letter in press releases posted by Dr J. Changeiywo on [www.ogiek.org](http://www.ogiek.org).
42. Dr. J. Changeiywo, 'Press release', 24 April 2004, [www.ogiek.org](http://www.ogiek.org).

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# Kenya: Conflict in the 'Badlands': The Turbi Massacre in Marsabit District

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*Oscar Gakuo Mwangi*

**Before dawn on 12 July 2005, about 1,000 heavily armed bandits made a series of raids in the Didigalalo-Turbi area some 130 kilometres from Marsabit Town. At least 53 people, including 21 primary school children, were killed. The bandits left a trail of destruction at the trading centre and Turbi boarding primary school and burned to the ground the nearby group of dwellings. Area residents narrated how the armed raiders surrounded them and went for the primary school where Class Eight pupils had gone for their morning preps. They recounted how nine pupils from the primary school were sprayed with bullets in cold blood as they huddled together on the dusty floor of the houses where they had sought refuge. An elderly woman residing in one of the two houses was also killed. Others were hacked to death by panga-wielding raiders whose intentions appear to have been aimed at massacring the entire village. An infant had his head smashed on a rock. More than 100 people were badly injured some and were rushed to hospital in Marsabit Town by traders.**

The traders were, however, prevented from taking more of the victims to hospital by the bandits who repeatedly returned to the village mounting six sporadic raids throughout the day. The death toll in this attack would have been higher had it not been for two administration policemen and three home guards who put up resistance before running out of ammunition. During the raid, the bandits also stole about 3,000 cattle, 5,000 sheep and 4,000 camels (*Daily Nation*, 13 July 2005:3; *Daily Nation*, 14 July 2005:5; Njeru, 2005:11).

In a revenge attack, ten people were killed at Bubisa trading centre, which is about 80 kilometres from Turbi. The ten, all members of a church group, were hacked and speared to death. They were pulled out of a church vehicle by a mob and killed as their Italian parish priest watched in horror. The priest was spared only because he was not a member of any of the warring communities. His pleas to the mob to spare the lives of the ten people went unheeded. The attackers accused the group of belonging to a community that killed their kinsmen at Turbi (DN, 2005b:5).

All told, 95 people – 23 of whom were children – were killed over two days in the massacre and revenge killings. About 6,200 people were displaced, out of whom 1,200 were children. Eleven primary schools were affected by the violence, and surviving pupils required security since most were too traumatised to return to school. Sixty-six children were orphaned by the massacre in Turbi alone. Many of the traumatised victims needed counselling. Given the region's inadequate facilities in offering counselling services, civil society organisations at both grassroots and national levels, appealed to qualified counselling personnel nationwide to

volunteer their services to those affected. About 12,000 animals were stolen out of which less than 50 per cent were recovered (*Daily Nation*, 19 July 2005:3; Njeru, 2005:11).

Marsabit is one of the arid and semi-arid districts of northern Kenya largely inhabited by pastoral communities. Violent conflicts among and between pastoral communities in the region have resulted in the loss of hundreds of lives, an indication that the state has failed in its responsibility of providing security and development in these regions. These are the 'forgotten badlands' of Kenya the country since the state's presence is almost negligible. This particular violent conflict pitted the Borana and Gabra communities against each other. It also had cross-border dimensions into Ethiopia.

### **Violent Conflict & Human Security in Kenya's 'Badlands'**

Kenya's forgotten 'badlands' cover 80 per cent of the country's land mass, and account for 70 per cent of national livestock production, whose estimated value is US\$1 billion (Kenya, 2004:vi). The areas contribute about 16 per cent of the country's Gross Domestic Product (GDP). However, violent conflicts involving pastoralists have become widespread and increasingly severe in northern Kenya. Dependent on livestock for their livelihoods, pastoralists are largely nomadic or transhumant. Access to pasture and water is essential for the survival of their livestock. These resources are, however, becoming increasingly scarce and over-utilised, yet they have to be shared amongst the pastoralist's communities. Conflicts associated with competition over scarce resources, stock theft, and large availability of illicit arms, are widespread in the region and becoming of increasing concern. Stock theft in the 'badlands', for example, costs the Kenyan economy over US\$130 million annually (Pkalya et al., 2003:10; Goldsmith, 2005:9; Kerrow, 2005:9).

Violent pastoral conflicts in northern Kenya's 'badlands' have escalated not only in terms of the level of violence, but qualitatively: killing itself is an aim, deliberately targeting both women and children, often involving rape – traditionally this would have been taboo. It often has a commercial motive: there is a national and indeed regional livestock trading network. The participants are different today: hired fighters and warriors of specific ethnic groups as well as members of foreign liberation fronts. These are liberation movements based in neighbouring countries that are waging wars against their governments. As well as those on the raids, they include those who have invested by providing arms. Locally-based arm sellers supply weapons, sometimes on credit, to fighters or warriors. They acquire readily available light weapons and ammunitions from neighbouring countries, particularly Ethiopia, Somalia and Sudan that have experienced political unrest and internal wars. Other sources of weapons include those supplied to the locally-based Kenya Police Reservists, which find their way into the hands of these fighters or warriors. Some conflicts are more overtly political: prime movers may be politicians and warlords rather than businessmen or elders and prophets of specific ethnic groups. With regard to timing, traditional conflicts normally occurred after drought, during periods of serious impoverishment, following age-set initiations, and at the beginning of the rainy season. While commercial raids occur when livestock prices are high in large markets, in the case of political conflicts, timing is dependent on strategic considerations – for example cross-border raids and insurgencies (Kralti and Swift, 1999:16-18; Pkalya et al, 2003:55-56).

Conflict patterns in northern Kenya have become gradually more vicious and less controllable and are characterised by complex causality: stock theft; proliferation of illicit arms; inadequate policing and state security arrangements; the diminishing role of traditional governance systems; competition over control and access to natural resources such as pasture and water; land issues; political incitements; ethnocentrism; increasing levels of poverty; and idleness amongst the youth. Conflicts are aggravated by the failure on the state's part to understand traditional grazing boundaries. Further, the increasing failure of the state to provide adequate physical security has led to most pastoralist communities establishing armed militias to protect themselves. These communities lack confidence in the state's security apparatus given the corruption and indifference amongst security officers in the region. Administrators also lack proper understanding of the pastoralist communities (Ndegwa, 2001:2; Pkalya et al., 2003:10; Kerrow, 2005:9).

Violent conflicts have had very negative economic and social consequences and adversely effect human security: loss of human life and property; displacements of large sections of the affected communities; disruption of socio-economic activities and livelihoods; heightened tension and hatred among communities; environmental degradation and threat to water catchment areas; increased economic hardships; increased levels of starvation and severe malnutrition among displaced groups; and increased dependency syndrome on food relief. A total of 164,457 people have been displaced by conflicts in pastoralist areas in these regions; seventy per cent of them constitute women, and children below 14 years of age. Many women have also been widowed and children orphaned by the conflicts, increasing their susceptibility to poverty and human rights abuses. School enrolment rates are far below the national average while mortality rates are high. Further, water and sanitary services are inaccessible to the majority of pastoralists (CCR, 2002:23; Pkalya et al. 2003:10-11).

### **The Pattern of Violent Conflicts in Marsabit District**

To capture the nature, causes and impact of violent conflict in the district, it is important to understand its physical environment, and socio-economic activities. Much of the district is on a plain lying between 300 and 900 meters above sea level which slopes gently towards the southeast. The west and north plains are bordered by hills and mountain range; hill masses also protrude from the northern plains. The area around Lake Turkana is rifted and forms part of the Great Rift Valley system. The district is dominated by seasonal rivers.

Marsabit is located in the driest region of the country. It receives 200 mm to 1000 mm of rain annually for the lowest and highest elevations, respectively. The district is ecologically divided into four zones. Human settlement is concentrated around the humid and sub-humid mountain areas. Here, the main source of livelihood is agro-pastoral farming. Approximately 75 per cent of the district is classified as rangeland and the main form of land use is extensive grazing. Eighty per cent of the district's residents are pastoralists who derive their livelihood from livestock as well as livestock-based industries. About 10 per cent of the total population practice subsistence agriculture while 7 per cent is involved in commerce. The remaining are salaried employees (Pkalya et al. 2003:20-21; Haro et al. 2004:286).

The district's proximity to Ethiopia has increased contacts with Oromo groups, leading to conflicts over grazing resources. The infiltration of the Oromo Liberation Front (OLF) – a guerrilla outfit that has been waging 'low-intensity' war against the

Ethiopian government into the regions where Marsabit borders with Ethiopia – has introduced another dimension of conflict commonly referred to as insurgencies (Ibid. p. 54).

Pastoralist communities are in constant conflict especially during the dry spell when livestock tend to concentrate in the limited sections with pasture and water. But people no longer raid just to replenish their stock but to kill and maim while enriching themselves. Commercialisation of livestock raids has taken its toll in the district. The players in the conflicts in Marsabit include Rendille, Gabra and Turkana, who all live in the district, and Borana (from both Kenya and Ethiopia) communities as well as the Samburu who attack into the southern part of the district.

The economic and social impact of conflict in the district are many: reduction of farming activities, concentration of livestock in small areas where there is water and pasture, stock theft, looting and destruction of property, reduced business activities, environmental degradation, inaccessible health services, increased number of school drop outs, displacement of people, stalled development projects, and highway banditry. The impact has resulted in widespread poverty and adversely affected human security. Hunger is often severe and could last for as long as eight months, particularly between January and April and from September to December; food is available only between May and August. For the rest of the months, affected communities receive relief food from the state, civil society organisations and other aid agencies. The same is replicated during times of conflict (Ibid. pp.56-57).

Traditional conflict resolution measures have, however, been effected to contain the problems of violence and deaths caused by stock theft. The Modogashe Declaration, for example, was passed in 2001 by pastoral communities in Eastern and North Eastern provinces. Its objective is to address compensation for deaths during stock theft. It provides a framework for return of stolen livestock and even compensation for victims killed by bandits. The declaration states that for each man killed, 100 head of cattle is to be paid as compensation by the community where the bandits or invaders come from. In the case that a woman is killed, 50 cattle are to be paid while in the case of injuries 15 cattle are paid. In northern Kenya districts such as Isiolo and Wajir, the declaration is still in force and few cases of stock theft occur. It also worked in Marsabit until 2004 when the District Commissioner (DC) declared it had no legal backing. The Declaration is administered and enforced by respective district peace committees (ITDG, 2003: 12; DN, 2005a:3).

### **The Turbi Massacre: State Failure & Human Security**

Reacting to the massacre, several civil society organisations, political and religious leaders blamed the state for failure to provide security. They emphasised that violent conflict in Marsabit and neighbouring districts was primarily a function of the state's failure to provide adequate development and security in the region since the country's independence in 1963. All post-independent governments, they said, had neglected the region, subjecting area residents to insecurity and human rights abuses. The Chairman and of the Law Society of Kenya (LSK) and the Secretary-General of National Council of Christian Churches in Kenya (NCCCK) emphasised that the state had not done enough to ensure security in the region. The Chairman of the Kenya Human Rights Commission (KHRC) argued the fact,

*That hundreds of criminals can terrorise a town for hours without the intervention of the country's security forces is a clear indication that the Government has little or no authority in the north-eastern region (Daily Nation, 14 July 2005:3).*

The former Chairman of LSK, also felt that,

*It is quite obvious that the Government has to show more presence in the peripheral areas of this country ... The politicians, who thrive on ethnic violence, must cease to do so, and the livestock industry of the people from these areas boosted (Daily Nation, 16 July 2005:4).*

Twenty-eight Catholic bishops expressed shock at the killings and described them as barbaric. In a statement sent through the church's top decision-making organ, the Kenya Episcopal Conference, the clerics said nobody had the right to kill another 'for whatever reason' (*Daily Nation*; 2005:4). They urged the state to be more responsive to the needs of area residents and to provide adequate security in the region. The bishops also urged residents of the affected districts to avoid ethnic hatred and conflict, and insisted that local leaders preach and practice peace as a means of conflict prevention and resolution (*Ibid.* p. 4). The European Union (EU) also expressed concern at the violence and urged the government to restore law and order. In a statement issued by the United Kingdom presidency of the EU on behalf of all member states, it said civilian life, especially women and children, should be protected (SN, 2005a:4). Members of parliament (MPs) from the region, in particular Marsabit and Moyale districts, also criticised the state. They argued that the state had the available means to end the killings but had failed in its primary responsibility of maintaining law and order and ensuring that there was peace in the region. One MP accused the provincial administration of siding with some of the clans involved in the conflict (*Daily Nation*, 14 July 2005:3-4).

The violent conflict that occurred in Turbi is an indicator of the state's failure to provide security and development in the region and to establish effective early warning systems. This lack of institutional capacity or lack of political will to provide development and security, whether personal, community, human or political, in regions that make up most of the forgotten 'badlands' in the country has culminated in grave consequences that have led to the loss of innocent lives. The Turbi Massacre was planned and executed with military precision. Most of the casualties were women, children and elderly men (Njeru, 2005:11). The state did admit that it was partly to blame for the violence that has rocked Marsabit and Moyale districts. In the case of Turbi, the Eastern Provincial Commissioner (PC) admitted: 'It is true ... that we were slow in responding to the request to send in the GSU personnel and it is very painful' (*Daily Nation*, 16 July 2005:4). The state's weakness in handling such crises was also pointed out by one commentator who stated that:

*The Government, read police and military, can only respond after an attack ... And quite often, the raiders outwit them ... More accurately, the security forces allow themselves to be outwitted by the raiders ... And once the heat dies off, leaders and Government officials will go back to their usual routine, until the next incident occurs. And that is where they are failing us (Murunga, 2005:8).*

The state's security apparatus is outwitted physically and psychologically in terms of target areas, escape routes, and livestock recovery. The state often attempts to adopt a military solution to a developmental or political problem usually resulting in disastrous consequences. The main focus should be on addressing the deep-

rooted hatred that gives rise to such massacres or adopting effective conflict prevention and resolution mechanisms (Ibid. p.8). The response to the massacre is taken as a clear indication of the lack of capability that to provide adequate security and in turn a lack of basic infrastructure.

In fact, it took over 12 hours for the report of the Turbi Massacre to reach Marsabit Town. Security forces were dispatched to the affected area on the same day. By dusk they had killed ten of the bandits and recovered 5,000 sheep, 60 head of cattle and 10 camels. As the death toll rose, President Mwai Kibaki announced a security operation to track down the bandits and ensure there was peace in the region. Two thousand soldiers, troops from the paramilitary General Service Unit (GSU), and police officers were flown to Marsabit and the neighbouring districts to track down the heavily armed bandits. Military and police helicopters were also deployed to enhance aerial surveillance and assist the ground forces (*Daily Nation*, 14 July 2005: 2-4; *Daily Nation*, 15 July 2005:2; Kerrow, 2005:9). Local residents were however sceptical, emphasising that the security personnel were unlikely to arrest the bandits since most of them had already crossed over into Ethiopia. Residents and leaders accused the police and the army of taking hours to respond to the attack and of initially treating it too casually. The initial small group of security officers sent to Turbi from Marsabit Town following the massacre, residents pointed out, were no match for the large number of well-armed raiders (*Daily Nation*, 15 July 2005:2-3).

The state's failure in the case of violent conflicts in the 'badlands' is partly due to the fact that it is accorded a low degree of popular legitimacy by area residents. In the case of Turbi, the state was irresponsible and insensitive in heeding the advice of area leaders and residents. The utter disregard of community leaders' views by the state's security apparatus was responsible for the failure to prevent violence. Area leaders and residents warned the state that tension between the warring communities was building in the district since January 2005 due to sporadic killings that were arising more than retaliatory attacks. These sporadic conflicts should have sent early warning signals to the government to put in place conflict prevention measures and provide adequate security in the area. Leaders and residents emphasised that this would have averted the violence at Turbi (DN, 2005c:3; Kerrow, 2005:9). Leaders from the area had been anticipating an attack for some time and that is why most of the young and middle aged men were not at the scene when the bandits struck and killed innocent children and women. Sources say the men were in the field where they had anticipated the battle would be fought. One MP said he was informed of the imminent attack and went ahead to call a press conference on 22 June 2005 where he accused some Marsabit politicians of using the OLF to kill his people and destroy their property. He pleaded with the local security committee to send in the GSU to deal with the problem of mercenaries from the OLF but the provincial administration disregarded his pleas. Nineteen days after the press conference, the bandits attacked Turbi, demonstrating a weakness in both the state's intelligence and crime prevention systems. The Parliamentary Committee on Security announced that it would visit Marsabit on a fact-finding mission over the wave of violence in the area. Its Chairman said that it would investigate weaknesses in the intelligence and crime prevention systems before reporting back to Parliament (DN, 2005e:3; Njeru, 2005:11). Many area leaders and residents, therefore, not only question the legitimacy of the state in providing personal and community security, but also and more importantly, its role in conflict prevention.

Though the state acknowledged that it was partly responsible for the violence that occurred, it defended itself against accusations that the Turbi massacre was an

outcome of its gross negligence in the region. The state shifted the blame on political ethnocentrism, emphasising that it had held a series of meetings with local leaders and their communities which were aimed at easing ethnic tensions, prior to the massacre. The Government of Kenya spokesperson said that a series of meetings to defuse tensions among clans in the region had been taking place since January 2005 where the clans were urged to stop engaging in violence and assist the state instead by restoring order in the region. The state emphasised that the hostilities were fuelled by political leaders in the area. The Assistant Minister in charge of Internal Security said the state was aware of the hostility particularly among the politicians. He noted: 'We had done our part to bring them together but it does not appear to help' (DN, 2005b:4). In a ministerial statement on the Turbi Massacre and related killings, the Minister in charge of Internal Security pointed out that the atrocious acts were a culmination of ethnic and political hostilities and tensions that had been building up in the district in the previous months. He emphasised that the state's security apparatus had made a series of attempts to reconcile and encourage harmonious co-existence among the hostile communities in the district, and that it was concerned that some leaders had been making irresponsible statements bordering on incitement to violence. The irresponsible statements, he said, had served to heighten tensions in the district. The state appealed to MPs and other local leaders to desist from making inflammatory, reckless, and divisive utterances. The Eastern PC also said politicians from both Borana and Gabra communities were to blame since they were not committed to peace initiatives (DN, 2005b:5; DN, 2005d:4).

Ethnopolitics, particularly political ethnocentrism, therefore, also contributes to state failure in the region. The state's inability to create or enhance societal cohesion, and consensus among leaders and residents of various ethnic communities, has also led to its failure in fulfilling its basic functions. Ethnic and political intolerance, and hostilities among political leaders from the region, indicate that political ethnocentrism was also a major contributing factor in the Turbi Massacre. MPs from the region traded accusations over the perennial violence between the Borana and Gabra communities, claiming that the killings were political. The MP for the area was accused by fellow MPs from neighbouring communities of failing to condemn previous attacks by his own Gabra people against theirs, particularly the Borana. Responding to the accusations, the MP also blamed fellow MPs from the region claiming that they were actively involved in the violent conflict (DN, 2005b:2-3). He pointed out: 'The Government is aware of activities that have been taking place in the district and it knows who has been working with foreign militias' (Ibid. p. 4). The MP further said it was important that the politicians be investigated so that the truth is established. The Parliamentary Committee on Security also acknowledged the hostile political differences among the area MPs when it held meetings with the Marsabit District Security Committee and all MPs from the district. This was prior to the attack. Civil society leaders and organisations urged the state to take stern action against local leaders who were fuelling ethnic and political animosity (DN, 2005b:3; DN, 2005e:3). Having placed blame on political ethnocentrism, the state began investigating the political dimensions of the conflict and, in the process, the three MPs from the district were summoned by police to record statements over the massacre. The MPs voluntarily recorded statements but accused the state of political persecution and the police of planning to use them as scapegoats over the killings (DN, 2005e:1; DN, 2005g:3). While it is acknowledged that pre-existing and on-going political feuds contributed towards the Turbi Massacre and related killings, the state should avoid faulting political incitement for its own shortcomings if it is at all serious about providing security to residents in the region (Goldsmith, 2005:9).

The legitimacy of the state also becomes questioned when it is unable to create societal cohesion and consensus among warring pastoral communities. It is also the case when it is unable to put in place effective conflict prevention mechanisms.

The state's vulnerability to external political forces is also a contributing factor to its failure in the region. In the case of Turbi and surrounding areas, an external force that was a contributing factor to the violent conflicts and subsequent loss of lives was the OLF. Area residents, grassroots organisations, local leaders and social commentators attribute the cause of the Turbi Massacre to external forces, particularly the OLF, and the general elections held in Ethiopia in June 2005. According to the residents, all the raiders came from neighbouring Moyale District and included suspected elements of the OLF. The fundamental objective of the Oromo liberation struggle, which is led by OLF, is to exercise the Oromo's people's inalienable right to national self-determination. The Oromo (Ethiopian), Borana and Gabra are part of the wider Oromia community that straddles across the Kenya-Ethiopia border. The claims of the residents were supported by the local leaders who pointed out that the bandits came from a neighbouring country. In its ministerial statement, the state also acknowledged that some of the bandits are believed to have crossed over to Ethiopia (DN, 2005b:2-5; Goldsmith, 2005:9; Munene, 2005:5; OLFa, 2005:11).

The activities of OLF, backed by the Oromo-speaking communities – the largest 'nationality' in federal Ethiopia are, arguably, a source of conflict in the region. OLF military activities have negatively impacted on the security situation in northern Kenya. OLF sees itself as pursuing the right of self-determination and has proved to be a thorn in the flesh for the Ethiopian government (Munene, 2005:5). However, as one conflict and peace-building consultant with the Centre for Minority Rights pointed out:

*In Ethiopia, the Oromia community feel marginalised and have always wanted a Borana state. The trouble is that the Gabra refused to join in the initiative while the Borana agreed and this has created enmity that spills across the border and involves their brothers on the Kenyan side (Ibid. p.5).*

The June 2005 elections in Ethiopia reportedly sparked off the initial exchange of recent attacks. Groups opposed to the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) government of Prime Minister Meles Zenawi of Ethiopia accused the Gabra of migrating across the border to vote for the government and launched a raid on Forolle – a small settlement on the Kenya-Ethiopia border; this was followed by attacks on Borana settled in the Huri Hills. This sequence of events is consistent with reports from Ethiopia where observers in the country's elections noted that the opposition, which was both surprised and encouraged by the number of votes it garnered, shared responsibility for the post-election riots (Goldsmith, 2005:9).

OLF, however, denied any role in the massacre. It emphasised that exacerbating ethnic conflict between the Borana and Gabra communities of Oromo, living on both sides of the Kenya-Ethiopia border, was a technique of counter-insurgency used by the EPRDF government to discredit OLF. It argued that EPRDF attributed its losses in the June 2005 general election, especially in the South, to the activity of OLF, thus devised this campaign to cross the border and instigate this particular conflict between the two groups in Kenya. OLF stressed it has neither strategic nor temporary interest in provoking Kenyans and their government, nor any motive to commit such atrocities on their kin and kith across the border, even though some

news media in Kenya had, allegedly, reported that it massacred innocent Kenyans (OLF, 2005b:1-2).

In an apparent contradiction of the claims that the bandits came from Ethiopia, the Government spokesperson emphasised that the attacks were the product of historical banditry and revenge missions among communities in the region, and ruled out an external hand in the killings at Turbi. He noted that, 'The Government would like to point out that this was a local issue. It is time we dealt with our problems instead of blaming others'. The spokesperson, nonetheless, noted that diplomatic contacts with Ethiopia had been put in place in case the bandits had slipped into the neighbouring country (*Daily Nation*, 14 July 2005:2).

The problem of boundary dispute and scarcity of resources, is arguably, yet another source that led to the violent conflict at Turbi. This is partly due to the state's failure to provide sound environmental and natural resource management policies. This is, however, debatable given the nature of the killings. The question of boundary dispute is intricately intertwined with that of competition for scarce resources, particularly pasture and water, as the warring communities dispute the boundaries that identify the location of water points. At two separate meetings held at Sololo on 16 July 2005 by the Eastern provincial security committee, and chaired by the PC, the issue of the boundary between Moyale and Marsabit cropped up. The meetings were called to find answers to the genesis of the clashes. A councillor from Moyale requested the provincial administration to clarify on which side of the border Turbi village lay. The civic leader claimed that the water point at Turbi, the primary school and other social amenities had been developed by his constituents but they were pushed out by the previous Kenya African National Union (KANU) government through the influence of a local politician from a neighbouring community (Njeru, 2005:11). The civic leader emphasised that:

*We are still bitter for having been thrown out of our area. It is common knowledge that it is us who developed the area and drilled the water hole ... We want you, Bwana (Sir) PC, to tell us whether Turbi is in Moyale or in Marsabit (Ibid. p.11).*

Turbi and the surrounding area is ideal livestock pasture and has several water holes. The fight over these water holes has pitted ethnic groups in the area against each other as the competition for scarce resources increases. However, a number of contradictory observations suggest it is also the most convenient scapegoat in the case of the Turbi massacre. The Borana and Gabra are traditional allies who speak the same language; the Gabra are camel people while the Borana raise cattle. Both communities maintain a long standing symbiotic relationship that includes mutual assistance during episodes of environmental stress. They have adopted various modes of survival and arrangements of sharing critical resources during such crises. During the long drought of 1999-2001, for example, many Gabra migrated across the border and the very parties involved in the Turbi conflict peacefully co-existed in the Borana plateau. The Borana of Marsabit are actually agro-pastoral farmers and urbanites who do not usually compete for pasture. Marsabit town and its environs are now the main foci of competition between these groups (Haro et al. 2004:287; Goldsmith, 2005:9). It is in this context that the issue of competition over scarce resources, in the case of the violent pastoral conflicts in Turbi and surrounding areas, becomes debatable.

The state's immediate response in providing and ensuring human security needs was minimal. It only provided, alongside civil society organisations and interna-

tional aid agencies, relief food to the displaced. It did not assist in burying the dead nor even to set up an emergency fund to assist the bereaved, displaced, and those whose houses were destroyed by the attackers. Had the state responded immediately and provided adequate security in the area, less people would have died in retaliatory or revenge killings (DN, 2005c:3; DN, 2005g:3). The conflicts negatively impacted on the economic well-being, food security, health, personal, community and political security of the area residents in general, thereby endangering their human security.

## **Conclusion**

The Turbi Massacre and related killings are largely the result of the state's failure to fulfil its basic functions and responsibilities in the 'badlands' of the country. The state does not have the capacity or political will to provide meaningful security and development in the region. Ethno-politics and external political forces also contribute to this failure.

The nature of this particular violent pastoral conflict indicates that it was more political than traditional or commercial. A large number of people were deliberately killed – many of whom were women and children. Many of the attackers were from a specific ethnic group and included members of OLF. Given that it was planned and executed with military precision and that the state had been forewarned of the attacks indicates that the timing of the conflict was strategic. The fact that the violent conflict occurred one month after the general elections in Ethiopia is a further indication that its timing was strategic.

The state must enhance its capacity or political will to provide development and security. To reduce its vulnerability to ethno-politics, the state must create and enhance societal cohesion and consensus among the warring communities especially among their leaders. This can be partly achieved by putting in place effective conflict prevention, management and resolution mechanisms particularly at the grassroots level. This will create the necessary conditions for the political leaders to engage in mutual cooperation rather than conflict in matters related to development and security. But community participation in such security arrangements with the state is essential.

The state must also put in place necessary developmental and security arrangements that will reduce its vulnerability to external political forces. Given the expansive and hostile terrain of the 'badlands', the state should set up and provide adequate communications and transport infrastructure that will enable it to rapidly respond to cross-border insurgencies or raids. Infrastructural development must be accompanied by an increase in the provision of broader development initiatives.

The state must ensure that it guarantees food security of the regions' residents through the implementation of appropriate agro-pastoral farming and range management techniques that involve community participation. This will reduce dependency on food aid. The state must also provide environmental security through the implementation of appropriate or sound natural resource management techniques that also involve community participation. This is likely to reduce the problem of competition over scarce resources. By guaranteeing personal, community, food, health and environmental security, the state will be in effect guaranteeing human security. The general populace will, therefore, be in a position to accord it a

higher degree of popular legitimacy. This in turn strengthens the state's capacity to fulfil its basic functions of providing development and security in the 'badlands' of the country.

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# The Gender of Wealth: Markets & Power in Central Kenya

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*Amrik Heyer*

**It is illegal to uproot coffee. But nowadays in the farmsteads of Murang'a district, at the heart of the coffee producing belt of Central Kenya, one can see many crops other than coffee growing between the coffee bushes, while coffee itself remains untended. In particular, the dark green with which coffee has painted the hillsides is now broken by light feathery leaves of banana trees. Coffee is the crop of men, but bananas, as a food crop, are the crop of women. Bananas grow best in coffee producing areas and their increasing importance is now a major challenge to coffee. So much so, that, despite their association with women, men are now moving into the banana market, and in the process, transforming relationships between gender, wealth and power in rural Kenya.**

This paper investigates the social and political regulation of markets in Central Kenya, to understand the significance of two commodities to social transformation during the 20th Century. Through a comparative analysis of coffee and bananas, the paper explores the topography of the state, as an institution of control and regulation, an arbiter of market possibilities and an arena for the construction of social identities. In resisting the force of state-controlled relationships, men and women in rural Kenya construct alternative pathways (Appadurai, 1986), manifest in old and new markets largely outside the orbits of the state, new loci of identity and re-configured axes of social differentiation which invade the demarcations of state control, and diminish its discursive power over rural communities (Mackenzie, 1998).

Through the identification of specific social pathways this paper illuminates the multifaceted and dynamic nature of global processes and local identities (see also Guyer, 1987; Ferguson, 1999; Berman & Lonsdale, 1992). In their relationships and actions, individuals position themselves in relation to contemporary developments, not simply through an over-determined linearity or a formless plurality, but through socially embedded orientations, defined by contrasting ideas about 'modernity' and 'tradition', 'global' and 'local', male and female, youth and age (Ferguson, 1999, Holtzman, 2004). These orientations give collective force and direction to the agency of individuals, even as they are transformed. For example, in its analysis of coffee markets in central Kenya, the paper explores the way in which older landed men have constructed a distinct orientation to contemporary processes, understood in relation to metaphors such as 'development', through which they have successfully controlled the rural socio-economy since independence in 1963. After the 1980s however, their dominance has been challenged by younger men and women. Through the transaction of newly successful commodities such as bananas,

younger men and women have activated alternative models of power and meaning to construct new pathways, through which they shift relationships between gender, wealth and power in their localities and beyond.

### **Coffee & Community: the 'Development' of Gachocho**

Gachocho lies about 5 kilometres above Muthithi market, and is particularly well known as a coffee growing area. Mama Mbugwa, a clothes seller in Muthithi market, remembers Gachocho when she was a little girl. At that time the area was covered in forest and bush and there were wild animals such as hyena and elephant at the bottom of the garden. But after the 1950s, the variegated forest of the highland country was cleared and replaced by the uniform dark green of coffee. It was christianity and the chiefs, ambivalent as they were, which set Gachocho on the road to prosperity. Gachocho has been highly influenced by Anglican christianity, which associated itself, in the words of Baba Simon, a farmer from Muthithi, with ethics of 'cleanliness, prosperity and progress', and pitted itself against what were portrayed as the regressive forces of 'tradition'. The missions were responsible for education and the avenues this opened to employment; as Greet Kershaw writes (1997:133), '... as soon as they started to look for work all Nairobi men learned that education was capital.' The state, in the form of colonial chiefs, played its part in the prosperity of the area. Gachocho was the home of Kambogo, a prominent early chief who was a contemporary and friend of Njiri, one of the most famous and ruthless of the colonial chiefs. Mwangi, a great grandson of Kambogo, told me how the chiefs of that time were despised; many of them took land and women by force and became immensely rich. No one dared to oppose them or they would be killed.

Its association with church and state paved the way for the present wealth of Gachocho, but it was the introduction of coffee in the 1950s by the colonial government that really set Gachocho on the road to prosperity. From its inception, coffee growing was associated with the state. The refusal of the colonial regime to let Africans grow coffee was one of the main issues behind the formation of the political movement which culminated in the Mau Mau rebellion of the early 1950s. Murang'a district was one of the strongholds of the guerilla army who fought the British, and coffee was first introduced in the area during the war as a 'sweetener' to stop people from joining the Mau Mau guerilla fighters. Those who grew coffee at this time were seen as the 'home guard', people who had betrayed the fighters and were siding with the colonial government.

Eliud wa Kabugwa was employed by the colonial government as an elder of the law courts in Muthithi well before the Emergency was declared in 1952. He started growing coffee in 1956, a few years after it came to the area. *Mzee* Kabugwa described how the whites were very strict about the planting of coffee; 'you were only allowed to plant 100 plants in a year to prevent you from becoming rich too quickly and providing competition for Europeans'. He protested about this to the District Officer whereupon 'five whites came with the D.O. and uprooted many of my plants just as they had uprooted Koinange's coffee.'

Coffee production expanded rapidly in Central Province when limits to production were relaxed after the Mau Mau at the end of the 1950s. This coincided with the build up to independence which saw an intense rivalry between two main political parties, one supported by the British, Kenya African Democratic Union (KADU), and the other representing the main Kikuyu and Luo vote, Kenya African National Union (KANU), under which independence was eventually achieved. According to

Baba Wangeci, a teacher from Gachochi, when coffee first began to establish itself in Gachochi at the end of the 1950s it was very unpopular because it was said to be a KADU crop and people who grew it were putting themselves at risk because of the strong KANU sympathies in the area. Baba Wangeci's grandfather, an assistant chief at the time of independence, forced his subjects to grow coffee because he saw that it would be very valuable in the future:

*people believed that at Independence all would become rich and that the Wazungu (Europeans) would be forced to give up their land and the Wahindi (Asians) their shops. But this turned out not to be the case so people were very grateful to my grandfather.*

The same thing happened in Gachochi when coffee prices began to plummet in the 1980s. People threatened to uproot their coffee and to plant food crops instead. The Moi government, fearing loss of revenue, had made the uprooting of coffee illegal. Duncan Gachohi, grandson of Kambogo, was a sub-chief in Gachochi at the time. He persuaded the people not to destroy coffee, arguing that in time the price would rise. The perceived prosperity of Gachochi today is in part attributed by local residents to people like Duncan Gachohi as well as other pro-government influences like the colonial chiefs, administrative officials and the early missions of the area.

Although those few who grew coffee were initially associated with the colonial regime, after independence in 1963 under the Kikuyu presidency of Kenyatta, coffee growing became widespread. However, its capacity to transform land into wealth was still dependent on access to capital, cementing the power of a landed, male loyalist group, established in pre-independence years and supported by the political structures under which independence was achieved (MacKenzie, 1998; Kitching, 1980; Branch & Cheeseman, this vol.). Coffee was always the crop of men; it was their capital earned through employment which bought the seedlings and paid for the inputs that successful coffee farming required. Those who benefited most from coffee were those who had integrated themselves most into the colonial regime. In Gachochi, many of these were the mission educated 'standard fivers' of the 1940s who, I was told, were 'our bosses'. Many of them became teachers, in those days relatively wealthy compared to others, who had the capital required for coffee farming. Men like Baba Warugoro used the capital from their teaching profession to develop coffee and then the capital from coffee to start a business. Baba Warugoro now has a successful retail shop in Nairobi as well as his coffee farm in Gachochi.

After Independence, coffee became the major metaphor for prosperity underpinned by the state and the ethic of Anglican christianity. Growing coffee was associated with the concept of *maendeleo* (development), which was linked to the notion of 'progress' and its associations with 'civilisation' and 'modernity' inspired by the colonial missions (Comaroff & Comaroff, 1997). 'Development' was the flagship under which communities were re-constructed after the independence war, synonymous economically with government-controlled export crops, politically with the Kikuyu allegiance to Kenyatta's state and culturally with a construction of Kikuyu ethnicity as nationhood (Heyer, 2004). The re-building of communities under the 'development' umbrella also entailed a patriarchal construction of gender, where women as wives were firmly relegated to the realm of reproduction and guardianship of their husband's land and assets.

In the 1970s, the income from coffee brought unprecedented wealth to coffee farmers in places like Gachochi. I was told that when farmers would go to their banks to be informed how much money they had in their accounts, they would be furious with

the bank manager because they thought that the ludicrously large sums were an insidious ploy to take away their land! The coffee boom of the 1970s did not last and in the 1980s prices began to fluctuate dramatically on the world market. This was exacerbated by political and bureaucratic procedures caused in part by the ineptitude of farmers who failed to take control of the marketing of coffee. The coffee board became riddled with loopholes, and coffee money was siphoned off by middlemen and by the machinations of politics and corruption.

Again, the fluctuations in coffee markets were conceived of in relation to the state. People blamed the downfall of coffee on President Moi, who succeeded Kenyatta in 1978 and hailed from the Kalenjin ethnic group. They say he 'ate the coffee money'. Correspondingly, the upturn in coffee prices in the 1990s was attributed to the efforts of the Kikuyu politician Kenneth Matiba, who was a leader of the opposition which led the way to the multiparty era in 1992 and paved the way for the electoral victory of President Kibaki, another Kikuyu, in 2002. Despite the lessons of the previous decades, I was told that people are once again more hopeful about the future of coffee under Kibaki's presidency. Part myth and part fact, perceptions of the link between coffee, community and state is encouraged on all sides. For instance, the government-controlled coffee board legitimates itself at the local level in terms of one of the most deep-rooted standards against which community ethics are measured: that of famine: 'cash crops are nice' said Mama Mbugwa, 'if there is drought the government will give maize.' The coffee board will give coffee farmers maize on credit in times of hunger. In this way the allegiance of farmers can be commandeered even when coffee is not only unprofitable but actually entails loss.

### **Contesting Coffee: 'Male' Wealth & its Reproduction**

From the start, the accumulation of wealth in areas like Muthithi was dependent on female compliance in the combined role of wife and farmer. The development of land depended on investment of money, which was generally obtained through employment. Men depended on their wives to manage their land and to look after it while they themselves worked to earn money, often away from home. Michael Chanock describes how the withdrawal of women's labour for cash crops at key junctures could spell disaster, leading to an emphasis on marital ties (Chanock, 1985:14). Women's labour was commandeered through marriage and especially through male control over land. Male command over land was strengthened through a collusion between the state and Kikuyu elders in the earlier half of the century, cemented through the process of land registration in the 1950s, which eroded a complex series of rights and obligations through which women controlled land and its productivity (Mackenzie, 1988; Kitching, 1980). In effect, this collusion made it almost impossible for women to own land, except through purchase. This has been challenged in recent decades resulting in a government bill which stipulates that daughters must inherit land equally with sons. The bill is strongly contested however, and many women still do not push for their rights in land for fear of being ostracised by their families. Women have reclaimed some power for themselves by diverse strategies ranging from outright conflict to finding avenues of accumulation outside the orbits of state organisations (Mackenzie, 1998; Heyer, 2004; White, 1990). This is often resisted by men, making the household a powerful node of conflict (Heyer, 2004).

The regulation of export crop markets and of labour as instruments of political, gendered and ethnic power has always been judged against its capacity to deliver.

Whereas women's food crops are responsible for the reproduction of the household, export crops like coffee are supposed to provide the income through which men pay for large expenditures such as education and farming inputs, which render the household productive. Profligacy or failure on the part of older men is thus subject to challenge by women – and younger men – through recourse to the longstanding benchmark of household prosperity (Lonsdale, in Berman & Lonsdale, 1992). Currently, the increasing failure of coffee and employment to pay for expenses like school fees has undermined the social and economic position of men, intensifying gendered and generational conflicts over control of household economies. These are particularly acute in areas like Gachocho, which have been heavily influenced by state-centered models of society and wealth.

Njoki and her husband grow coffee on their farm above Muthithi. She told me that either she or her husband can go and collect the coffee money from the coffee board; this is generally the case 'where there is love between the couple'. However, 'love between the couple' cannot be relied upon. Mama Mbugwa's neighbour has a husband who is a real drunkard. One day when she went to collect the coffee money, her husband came and demanded it from her; she refused and ran away for the night. Her husband broke down the door to their house and destroyed many things. The next day she gave the money to the school for the children's school fees. 'She is very brave' said Mama Mbugwa.

Mama Mbugwa told me that in the past a woman's work was only to cook and bear children but that now they must do everything. 'I don't know why' she said 'but men have refused their work; they have become proud but this is only foolishness'. Baba Mbugwa's version of the situation was that 'women do all the work because they are inferior'.

The decline in men's sources of wealth has placed a heavy burden on their wives who not only continue to look after the coffee but must also look for other means of income. In the face of current hardships, it tends to be women not men who diversify their income generating activities while men fall into drinking and idleness. In areas like Gachocho however, the ideologies of Victorian and Kikuyu patriarchies have combined through interactions between the missions, the state and local communities, to underpin a particular ideology of 'male' wealth which cannot allow for the re-deployment of 'female' wealth even in times of hardship.

In the early 1980s Mama Mbugwa decided that the combination of her husband's primary school teaching salary and coffee, both declining in value, would not be enough to support her family and educate her children. Despite the fact that in the Gachocho area, the heartland of 'male' wealth, business is frowned upon as the activity of 'harlots', she decided to start selling maize and beans in Nairobi's Gikomba market. By 1988 she was able to buy six lorry loads of stones and was well on her way to building a store on the plot which she and her husband owned in Gachocho. The family's success through Mama Mbugwa's business caused a lot of jealousy. People started telling Baba Mbugwa that his wife had become a 'harlot' and giving him bad reports of her behaviour. Even though she was clearly investing her profits back into her husband's land and assets, they warned that if she continued her business, she would surely run away and leave him.

Despite the success of her business, Mama Mbugwa's priorities always lay with her home. Her business trips often demanded that she leave at the crack of dawn:

*I swept by the light of an oil lamp. I have looked after my cow, I have seen my children off to school, I have left tea for my husband, and I have left my husband there sleeping. Let people talk; I know my work.*

Her own father, who had a reputation for his fierceness, had allowed Mama Mbugwa's mother to do business in the 1950s. When people challenged him he would reply 'I know my home'. Unlike her father, according to Mama Mbugwa, her husband is weak. Furthermore he has forgotten that his own mother also did business in the 1950s taking bananas to Nairobi, and it is to this that he owes his education.

Eventually Baba Mbugwa succumbed to the rumours that surrounded his wife's success. In 1988 he made her stop business. 'I never want to remember that day!' said Mama Mbugwa. Today the family's fortunes have plummeted, and they are now struggling to survive on their father's meager salary. Neither Baba Mbugwa's coffee, nor his teaching salary can mitigate the erosion of his household income, now catering to the demands of growing children. The situation for the family has become so bad that Baba Mbugwa has recently allowed his wife to resume her business activities. However, he will only allow her to do business locally selling clothes, a commodity which is considered respectable. It is too late for Mama Mbugwa to make it in the now-established clothes market where competition from young (unemployed) men is fierce. Thus the business does little to alleviate the family's present hardships, and the last time I spoke to the family in 1994 Mama Mbugwa had all but given up.

In the case of Mama Mbugwa's household, an upward spiral of accumulation is now reversed by the very discourse through which it was generated. Gachocho's development through a model of prosperity based on state-controlled markets and mission-inspired ideologies, cemented the power of a landed male wealthy class, which could not adapt to new conditions demanding alternative outlooks, including the deployment of 'female' wealth.

### **Beyond Coffee: New Spaces of Communal Identification**

By the early 1990s coffee farmers were profoundly disillusioned with coffee as they watched their hard won fortunes slip away with no visible alternatives in sight. This coincided with decreasing employment opportunities on which men relied for sources of investment. The two together have been responsible for the general decline in male sources of wealth, particularly in the coffee producing areas of districts like Murang'a. As a result of the decline in export crops and employment, some men are beginning to diversify into other sources of income, independent of state-controlled export crop markets, and geared rather to local food markets and internationally controlled export markets.

Baba Mwangi is from Kwamiano about the same distance below Muthithi market as Gachocho is above it. Unlike Gachocho, which is given over almost wholly to coffee, Kwamiano is characterised by the mixed farming of coffee and foodcrops. In contrast to the area around Muthithi market, the farms of Kwamiano are relatively large. Kwamiano did not used to be as wealthy as Gachocho, but by the end of the millennium, things were beginning to change.

Baba Mwangi has recently retired from his profession as a mechanic and is now concentrating on 'developing' his land, and I was told that he is rapidly becoming

one of the three richest men in the area. These days Baba Mwangi can earn more from his few macadamia trees than he can from his coffee – which in addition requires much more input and hard work. He has also started pig farming. But it is bananas which really earn him money; five times as much annually as coffee, according to him. Bananas are not the crop of men, nor do they depend on large amounts of capital which must be generated through formal employment. Bananas are the crop of women; not only are they the main source of nourishment for weaning babies, they were also given to the mother of the bride at her wedding as an acknowledgement of the bride's virginity. The growing importance of bananas is potentially shifting the relationship between gender and wealth in the rural areas.

Men's attempts to preserve their economic centrality to rural communities through sourcing new markets independent of the state, is paralleled by new constructions of community through the rejuvenation of the clans (*mihiriga*). In recent times, the clans have begun to form themselves into self-help groups, which are formally registered with the government and geared to 'development' projects. Husbands and wives may join separately, and each new member must pay a small registration fee. These formalised clan self-help groups have nothing to do with the broader framework of the clan, which is still called together at times such as funerals or for sorting out disputes. Membership of the new '*mihiriga*' is dependent on residence rather than kinship, reflecting new understandings of community based on landed rather than moveable wealth (Heyer, 1998). In their new incarnation, the clans are not simply remnants of a bygone era, but contemporary models for the economic and social reconstruction of community.

The concept of 'development' is key to clan identities in the present, invoking ideologies of wealth underpinned by the missions. In contrast to the *harambee* groups (rotating savings groups) which are normally associated with women, the clan self-help groups are often initiated by men although women also play a prominent role. In the formation of clan self-help groups, 'male' wealth is thus constituted into a new expression of community now independent of the state itself.

### **New Routes, Old Paths: the 'Banana' Wives of Kwamiano**

In the past, there was no main road in Muthithi. Instead, the area was crisscrossed by a myriad of pathways and small thoroughfares, which connected not only the neighbouring farmsteads but also the territories of peoples as far away as the Wakamba and Maasai. These routes connected the clans through the movement of women, which was creative of clan wealth through marriage and trade (Heyer, 2004; Leakey, 1977). In the case of the Kikuyu particularly, the disappearance of these myriad routes has paralleled the development of the state as a central focus for social, economic and political identification. Since the 1980s when Kikuyu identification with the state began to weaken, the old 'routes' which were creative of wealth and community in the past, now converge on the Nairobi-Murang'a highway, however, this time through the agency of women not men, to subvert the influence of the state over the rural socio-economy.

Since the late 1980s, to make up for the shortfall in their husbands' incomes, the women of Muthithi have once more begun to 'take to the road' in trade. Women's trade routes to Nairobi are not a new thing. Rather, they have responded to the cyclical rise and fall of 'male wealth' particularly in the latter half of the century. Trade became big in the 1950s, a time when men's earnings were disrupted by armed conflicts and the emergency measures imposed by the colonial state during the

struggle for independence. At the same time, the roads to the capital were being reopened, making business between Murang'a and Nairobi both profitable and relatively easy. The subsequent success of coffee and the returns from men's employment stemmed the growth of women's independent business activities. Their husbands' incomes could now support women's households and pay for the education of their children. This continued to be the case throughout the 1960s and 1970s when the coffee market was booming. Nowadays, said Cucu wa Marigu, a banana trader from the Muthithi area, 'there are many problems not like in the past and so women have to do business.'

Just as in the mid- and early half of the century, it was bananas that gave women the capital to sustain their households and pay for education, so today it is bananas once more that are rescuing a flagging rural economy. Today, the squeeze on the economy faced by the households of Muthithi and its environs is counterposed by the profitability of bananas in the growing consumer markets of Nairobi, replicating the creative tension between 'problems' and opportunities that paved the way for the business activities of wives after the end of Mau Mau. It is mainly widows who start in the banana business – 40 per cent of the banana sellers in Mukuyu market outside Murang'a town are widows. Cucu wa Chomba is from Muthithi. After her husband died in the 1960s, she decided to *guthii barabara* (take to the road) trading bananas to Nairobi. In the current decade, newcomers to the trade whose husbands bring in little or no income may as well be widows with only their husbands' land to show for the assets of marriage.

Mama Murigu started business in 1978 'because of hunger'. Her husband, who worked as a mechanic in Nairobi, about 80kms from Muthithi, stopped sending remittances. She told me that she didn't know how she was able to start but 'God gave me the money to start and showed me how.'

The recent engagement of local farming wives in the export of bananas is a response to the decline in 'male' wealth. In *lieu* of their husbands' financial contributions, these women take on the responsibility for the larger cash expenditures of the household, geared not just to its reproduction, but also to productive investments such as education and farm in-puts, conventionally the domain of men. Today, when men are no longer capable of providing education for their children, their wives, like their own mothers before them, will take to the road to 'educate their children with their backs'. This exposes the plasticity of the so-called gendered division of labour which has structured capitalist relations over the course of the century.

A major centre for the banana-trader-wives is Kwamiano bus stop, about five kilometres below Muthithi, where the traders congregate from neighbouring farms and wait for a *matatu* (minibus) to take them to Nairobi. The area is known for its large farms and is good for both coffee and food crops. Today, Kwamiano has another reputation; it is becoming known for the high number of businesswomen (banana traders) from the area. The unusual number of businesswomen from Kwamiano and its environs has to do not just with the depletion of men's incomes from the downfall of coffee and employment; it is also connected with the influence of the Presbyterian mission in the area and the presence of a large secondary school which has been there since colonial times.

Just as the Anglican mission led to a high premium placed on education in the Gachocho area above Muthithi market, so too with the Presbyterian mission in

Kwamiano below. The distinctive feature of Kwamiano as opposed to Muthithi market has been the interplay between the shortfall in male incomes and the incentives of education generated by the Presbyterian mission. This is what differentiates the banana traders of Kwamiano from the Catholic wives who live around Muthithi market, many of whom remain caught in a subsistence trap which does not impel them to branch out into full-time business. Wangeci, who teaches in the Presbyterian secondary school in Kwamiano, told me that the children of the area are exceptionally unruly because of their businesswomen-mothers who neglect their homes for their trading activities. Ironically, it is the education of their children which has prompted these women to start larger-scale businesses in the first place.

As wives and businesswomen, the Kwamiano banana traders re-enact the old 'routes' through which women engendered wealth in the past: they re-invest their profits in the homes and assets of their husbands' clans. In this way, the Kwamiano banana trader-wives are different from the full-time businesswomen who come from Kiambu and forgo both marriage and land. They are also different from those rural wives who simply act as sustainers of their households and guardians of the land and wealth of their husbands, women who are known to take the view that if they travel frequently for business their children will get jiggers. In their trading activities, the banana trader-wives call on an older model of social construction, whereby the movement of women as traders and brides was not only generative of clan wealth, but also of relationships between clans on which collective identification was based (Heyer, 2004). In this respect, they indicate the ways in which capitalist processes are still thinly veined by the routes through which wealth and society were engendered before the colonial encounter.

### **Banana Republic? The In-roads of Female Wealth**

In the recent referendum on 20 November 2005, which rejected the government's new constitutional proposals, the banana was appropriated as the mascot of the government faction where it symbolised the agenda of a Kikuyu ethnic constituency led by Kenya's current president, Mwai Kibaki. The recent invocation of a feminised version of Kikuyu identity in the realm of state politics is reminiscent of Kenyatta's call to the *mbari ya Mumbi*, the creator-mother of the Kikuyu, which underwrote the construction of the state as an enclave of landed Kikuyu male wealth and power in the 1960s and 70s (Heyer, 2004). At the same time, bananas signify a series of connections which are directly threatening to social, economic and political interests of the contemporary state. This is apparent in the state's relationship to the banana markets of central Kenya, which contrasts starkly to history of the state's involvement with coffee.

Bananas do not have the same importance as tea and coffee for the national economy, because they do not provide a large proportion of Kenya's exports abroad. However, they are increasingly important economically within Kenya itself, especially in places like Murang'a where they are now a major local product,<sup>1</sup> and thus, like coffee, they are subject to political interference. This was evident from the 1980s during the government of Daniel Arap Moi. Farmers reacted to the downturn in coffee prices by planting bananas and other crops between the coffee bushes. Apparently, Moi's rejoinder in 1988 was to ban bananas from crossing the Chania river which separates Murang'a from Nairobi. The ban was short-lived, and today bananas cross the Chania in their thousands. More recently, the government of the Kikuyu president Kibaki has demonstrated its own lack of support for 'post-coffee'

commodity markets and their constituencies. In an article on the Murang'a banana trade (*Taifa Leo*, 6 December 2005), farmers complain that the roads are in poor condition, hiking up transport costs and lowering profits; there are no banks in the area to handle the surplus from the banana trade (coffee surpluses were handled through the infrastructure of coffee cooperatives); last but not least, farmers urge the government to get rid of brokers (many of them unemployed younger men) who diminish the profits of wealthy elders.

If farmers who now plant bananas instead of coffee are neglected by the state, traders, many of whom are farmers themselves, are penalised more actively. In a recent attempt to bring under state control an emergent 'informal' entrepreneurial elite and their clients, often from the urban underclass, the government enacted a new set of legislation. One such law established tighter controls on *matatus* (mini-bus taxis that provide the main source of transport in Kenya), which has limited the transportation of goods. This has resulted in increased opportunities for extortion at police check points so that it is now much more expensive for small and medium level traders to transport commodities such as bananas. Equally serious for farmers and traders has been the recent demolition of almost all roadside kiosks in the main areas of Nairobi. This has not only cut the number of retail outlets for Murang'a bananas; it has also removed an important source of investment for 'banana' income.

John Mwangi Wanderi, a trader from Murang'a, brings a couple of bunches of bananas to sell everyday in Nairobi. With the profits from the trade, he built a kiosk in the wealthy suburb of Westlands, which has now been demolished. He told me that many kiosk owners have now gone back to the rural areas, trying to scrape together a livelihood in a sphere of declining opportunity. There have even been cases of suicide.

In neglecting the infrastructure in banana growing areas, failing to control the trade in favour of landowning producers as well as curbing the investment arenas, retail points and transport of this 'independent' commodity, the state is alienating wealthy farmers and entrepreneurs. This may be seen as a result of the timing of banana markets, during a period a period of political disfavour for the Kikuyu but this cannot explain the attitudes of the current government, who can little afford to lose the central Kenyan vote. As a food crop, sold through local markets, bananas undermine the state's organisational control of agricultural produce. Income from bananas is invested in urban enterprises that are only loosely controlled by the state. Bananas are associated with women who tend to operate largely outside the formal arenas of the state and with rural women, who are supposed to stay at home to sustain their households and safeguard their husbands' land and assets and not to engage in independent entrepreneurial activities.

In the context of the banana trade, 'banana-trader-wives' challenge the state's control of production and markets. This is a factor behind the problems faced by the Muthithi banana-trader-wives who sell at Githurai market on the outskirts of Nairobi. According to Mama Nyambura, Githurai was good initially, because there were many buyers and not many people selling. However, the traders who live in Githurai started complaining about these 'country women' who undercut their business. The council supported the full-time traders of Githurai against the 'country women' who straddle the frontiers that the state has so clearly tried to demarcate. In 1994 the council opened a new twice-weekly market for 'country women' which was not nearly as profitable as the main market, because they were

limited to selling on particular days on which they faced much greater competition, and which did not coincide with the best days for buying. The state-derived hardships of the Muthithi banana traders have been greatly increased by the attitudes of the *matatu* touts in the early 1990s. According to one trader, the *matatu* touts overcharge and will often make women, like the banana trader-wives of Kwamiano, wait for days before they will transport them and their goods to Nairobi. On the other hand, *matatu* touts say that 'these "country women" don't know how to pay.' Due to the problems with the *matatus*, many of the banana traders have stopped going to Nairobi altogether. The tension between the touts and the banana traders is an aspect of the general competition between young men and businesswomen, where the lack of jobs has prompted men to enter a world of entrepreneurship once dominated by women. This alone cannot explain the attitudes of the touts to the Muthithi banana traders, who are often literally their mothers:

*Charity is a banana broker in Muthithi market. Like many of the other Muthithi wives, she has a son who is a tout. I met Charity one day when she was on her way back from the local chief's office where her son had just been arrested along with some other matatu touts for being careless with people's loads. Charity does not know how she will afford the bribe of 2,000 shillings to get him out.*

With the weakening of the relationship between state, wealth and power from which Kikuyu men in particular benefited in the past, young men today are suffering an anxiety about their very identity. Both the banana trader-wives and the touts trek back and forth from the city. For the women, their journeys evoke the 'routes' of the past through which wealth and society were engendered. For young men betrayed by their 'expectations of modernity' (Ferguson, 1999), they are more like a kind of 'rootlessness' or even 'routelessness'. It is commonly said of these young men that they have 'lost their route'. The *de facto* dependence on their mothers, which these young men now experience, and the undermining of their role in relation to women in general, leads the touts to obstruct the independent entrepreneurship of women, even as these women are engaging in the trade precisely to alleviate the hardships which their children must face. Once when I was with Cucu wa Marigu at the bus stop, the touts only finally agreed to take her rather than some of the other women who were waiting 'because she prays for us.'

Bananas and Murang'a women threaten both the rural/urban divide and state-sanctioned male control over the rural economy because they are given priority over coffee and threaten the revenues of the state. Furthermore, the banana trader-wives of Muthithi, now generators of wealth in their own right, threaten to shift the relationship between gender and wealth in rural communities. In this they present a visible challenge to men and their arenas of wealth and power. As landowners and farmers, men have attempted to capture the profits now generated by bananas through re-defining these as a 'cash-crop' and therefore within the legitimate sphere of male control. However, the cultural pathways of bananas mitigate against their capture by a wealthy male elite. As the crop of women, bananas are primarily associated with the well-being and sustenance of the home, especially of the young. Thus, men cannot 'drink' banana money as they did with coffee. In addition, I was told, brokers cannot buy more than one or two bananas from the man of the house without making sure that the woman is also involved. With bananas as the new 'cash-crop', it appears that women have much greater control over household economies – so much so, that it is now women who give men 'pocket money' for leisure pursuits such as drinking. In contrast to coffee, women's control over the income from bananas is aided by the fact that it is not channeled via state-controlled

institutions into the bank accounts of men: instead, and in common with other 'new' cash-crops, bananas are paid for directly in cash.

In their relationships with husbands, *matatu* touts and the state, the banana trader-wives confront an 'anxious virility' (Mbembe quoted by Rowlands, 1995:39). From the turn of the new millennium, this has been resolving itself into new entrepreneurial and conjugal partnerships between men and women. John Mwangi Wanderi, for example, does business jointly with his wife. She buys the bananas from the farmsteads and he takes them to Nairobi. This business partnership is increasingly common among the younger generation, lending a new significance to marriage which now reconciles a gendered division of wealth initiated in the colonial period. Despite the promise of new commodity markets and new forms of cooperation, 27 per cent of the population of Maragua still rely for part of their income on periodic famine relief and casual labour, testimony to the overall decline in the area's economy (*Taifa Leo*, 6 December 2005). The new strategies employed by men and women to mitigate the pressures they now face, cannot altogether reverse this scenario, worsened by declining profits due to competition resulting from the success of the Central Kenyan banana 'boom'.

### **Alternative Spaces of Communal Identification**

A high proportion of the banana traders in the Muthithi area are Catholics, and many attend the large and old Catholic church next to Nairobi's Gikomba market. This enables the traders who trek back and forth from Nairobi to go to church daily, knitting together their rural and urban lives. The values of the Catholic Church in relation to gender, state and wealth are more in harmony with the position of the banana trader-wives than those of the Protestant churches. In the Protestant churches, conservative models of gender with man as the breadwinner and head of the household, do not accord well with the realities of these businesswomen-wives, whose husbands and their 'wealth' fall far short of the current expectations of rural households. The moral vision advanced by Protestant churches, which imprisons women in a model of virtue based on rural wifeness, makes it hard for the banana traders to uphold the flexibility they require to straddle successfully the boundaries that their wealth-generating activities entail. The importance of the Catholic church for banana trader-wives is especially striking in Kwamiano, where the Presbyterian church is dominant. The fact that so many of the banana traders are Catholics, has led traders from this area like Mama Nyambura, to convert to Catholicism.

In its explicit relationship with 'tradition' and identification with the poor, the Catholic church has been counter-posed to the ideologies of 'progress', 'modernity', 'development' and 'civilisation', through which the Protestant missions cemented a relationship between male landed wealth and the contemporary state. Instead, the Catholic church has a specific policy of 'enculturation' which was described to me as the integration of Christianity with traditional culture. Within the space provided by the Catholic church, the banana trader-wives are evolving a new ethos behind wealth and productivity where the invocation of 'tradition' resonates with memory of a period when women's active agency was creative of wealth. This new model of rural wealth contrasts with state-centered discourses of 'prosperity' and 'progress'. Instead, the concept of 'enculturation' allows banana trader-wives to weave together 'modernity' and 'tradition', rural and urban, enabling them to ride the waves of opportunity and crisis, which have characterised their experiences of capitalism and state.

## Conclusion

In its analysis of two commodity markets in central Kenya, this paper looks at the way in which the construction of masculinity through a specific set of relationships to state and capital has been counter-posed to a feminised 'underbelly' (Heyer, 2004). This has given rise to contrasting pathways, articulated through concepts such as 'development' and 'enculturation', which define engagements with agricultural commodity markets, access to assets, and relationships to the state. The relations between Gachocho, Muthithi, and Kwamiano illustrate the way in which these pathways have also contoured the geography of central Kenya, such that the ridges which demarcated the territories of the old *mbari* (subclans) are now differentiated by their contrasting relationships to capital and state. In their productive and entrepreneurial endeavours, actors demonstrate the force of these orientations in the transformation of local as well as national social and political dynamics.

Coffee was always controlled by the state, and was fundamental to the creation of a 'viri local bourgeoisie' (Comaroff & Comaroff, 1997). In the post-independence years, the productive potential of coffee for local farmers has been eroded through the contradictions inherent in state-controlled capital, geared to the interests of local and metropolitan elites (Berman & Lonsdale, 1992; Branch & Cheeseman, this vol.). The state's regulation of coffee markets opened 'unofficial' avenues of accumulation which undermined the coffee economy, imploding the foundations for a discourse of (male) wealth and progress that has characterised rural societies in central Kenya since independence (Mackenzie, 1998). This has resulted in the recent exploration of diverse market possibilities and new spaces of communal identification through which older landowning men attempt to retain their powers, as their capacity to define a prosperous collectivity is challenged by the recent entrepreneurship of younger men and women.

In the banana trade, a new reliance on local food markets is now catering to the sustenance and productive capacities of rural communities, enabling them to ride the crises of wealth and power consequent on changes in national and global political economies. This new 'cash crop' is channelled through distinct commodity pathways which differentiate bananas from coffee, shaping the dynamics of production and trade and their capacity to transform relationships of gender and power. In rural households, women as farmers now have greater control over household economies, even where land is still owned by men. As traders, women now generate the capital required to invest in household productivity as well as sustenance, thus linking the present socio-economy with older, pre-colonial models of female agency and power. Income from bananas is frequently invested in the burgeoning urban 'parallel' economy largely outside the spheres of state organisation and thus presents a major challenge to the state as a gendered sphere of power and control. The increasing involvement of young men as brokers, transporters and traders of bananas threatens the dominance of landed male elders. Lastly, bananas as a food crop do not require large amounts of investment, which previously necessitated urban migration and a gendered division of labour. They have thus opened a space for young men and women to operate in tandem through business partnerships, and engender new pathways through which to negotiate the vicissitudes of their contemporary realities.

The fluctuating gender of wealth in Central Kenya, mirrored in a versatile agro-ecology, reflects the unpredictable nature of state and market processes (Guyer, 1987). During the 20th century, the volatility of markets and the inherent weaknesses of the state have combined in many parts of Africa to destroy hopes of a stable prosperity to

which many might have aspired (Ferguson, 1999). In an overall context of declining prospects, this paper examines the recent strategies employed by men and women to negotiate periods of opportunity and crisis that have tempered the history of rural communities across time and space. In their present form, these strategies expose the diverse ways through which actors have engaged globalised processes such as capitalist development and state formation, counteracting a linear view of social change in which the power of agency is diminished.

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## Endnote

1. According to a recent article in *Taifa Leo* (6 December 2005), Maragua district produces 38,204 tons of bananas annually, bringing an income of KShs764m.

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# Class Relations: AIDS & Socio-economic Privilege in Africa

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Janet Bujra

**A critical consideration of the way social class is defined in studies of HIV/AIDS in Africa exposes the inadequacies of 'indexical' accounts in which class is reduced to a statistical category (the predominant mode of analysis in epidemiological research). It compares this to relational accounts which view class as a set of dynamic interactions between groups struggling to assert or defend social positions relating to livelihoods. Arguing that class relations frame both the transmission and the response to the AIDS epidemic in Africa, it looks at the evidence which can be drawn from both indexical and relational accounts of the particular significance of class in this situation, noting its crucial intersection with gender relations and taking Tanzania as its key case.**

*The HIV virus is particularly comfortable where wealth and poverty co-exist – it thrives on inequality (Msimang, 2003:109).*

It is one of the paradoxes of the seemingly inexorable development of the AIDS epidemic in Africa, that whereas patterns of prevalence and impact reflect a range of social inequalities (as health and disease do anywhere), HIV/AIDS is also a great leveller. One of the reasons for this is the universal fact that no cure has yet been found, so all are vulnerable; but additionally in this case, Africa's abysmal level of development has for long left the majority of its people, whether rich or poor, without access to the life-prolonging drugs which have turned AIDS in developed countries into a manageable problem. Although this is now beginning to change – most particularly in South Africa where a struggle against the state and big pharmaceutical companies has led to the importation of cheaper generics and a promise of treatment for all; and in some other African countries where foreign aid is supporting limited programmes of anti-retroviral distribution – the long period of incubation of HIV means that those presently dying from the disease reflect the situation as it prevailed up to a decade ago, with wealth and social position offering no prophylactic. The rich and famous are infected along with the poor and nameless.<sup>1</sup>

The levelling effect of AIDS has led many commentators to ignore the way in which 'class' inequalities are reflected in this crisis. The focus has been on other social divisions to which AIDS also speaks – most notably gender inequities, but also those of generation or location (rural compared with urban). If we want to understand or intervene more effectively in the AIDS crisis, then class needs to enter the analytical frame and it matters how 'class' is defined. I argue here that as much consideration needs to be given to a relational as an indexical definition (elaborated below). I consider what can be drawn out of both indexical and relational accounts of class in Africa, drawing particularly on the Tanzanian literature and on research carried out in Tanzania between 1995 and 2000.<sup>2</sup>

## The Seduction of Statistics

The statistical record on AIDS in Africa is huge, albeit often based on estimated figures drawing on limited data accumulated in resource-starved conditions. Such data is collected by African governments and/or by international agencies, including private foundations, and was initially framed within a predominantly biomedical discourse. Amongst the reams of biomedical statistics are to be found occasional correlations of HIV prevalence or AIDS deaths with socio-economic indices.

When epidemiologists speak of 'socio-economic differences' it is in terms of quantifiable indicators – these encompass gender, generation and race but also 'class' indicators such as income, occupation, education, literacy or quality of life.<sup>3</sup> Basing their accounts on survey data, they rest their analyses on the positivistic assumption that 'the numbers speak for themselves'. There is little or no effort expended on the 'why' questions and they rarely follow up their surveys with qualitative work. On the whole, they cross-tabulate single indices with HIV or AIDS rather than exploring the links between them.

It is worth asking why such data regarding HIV/AIDS is included in studies which are anchored in medical rather than sociological discourse. Ainsworth and Semali, in a paper on Tanzania (1998), suggest that consideration of 'socio-economic correlates' has a threefold purpose: better targeting and effectiveness of preventive efforts; assessing the economic impact (on production and on the costs of treatment); and devising better coping strategies. Whilst using the same language of 'measures', the National Institute of Mental Health (2004) in the US justifies the linkage of socio-economic indices with health (and particularly HIV/AIDS) in slightly more sociological language. They note that,

*choice of SES [socio-economic status] measure should depend on how researcher believes SES is linked to health damaging exposures, health protective resources and ultimately to health – e.g. is it exploitation, few tangible resources, lack of prestige or a combination that causes poor health? (2004:1).*

This formulation begins to expose the difference between an indexical account of class (based on quantitative indicators) and a relational and sociological understanding; so too does Msimang's comment, quoted at the head of this paper. It is not wealth or poverty in themselves which are at issue, but their inter-relationship *as social inequality*.

Whilst indexical accounts can be shown to have limited explanatory value, their pervasiveness has given them a taken-for-granted aura in both the literature and policy formulation process around HIV/AIDS, and it is worth looking more closely at their inadequacies

## Indexical Accounts of 'Class' & AIDS

### Poverty as Explanation: a Vulgar Version of Class Analysis

For many of those who cite socio-economic variables as a factor in the transmission of HIV, 'poverty' seems to substitute for class. Not only is 'poverty' wheeled out by many international organisations as the context for the AIDS epidemic in Africa, but it may also be cited as an explanation:

*The HIV epidemic has its origins in African poverty and until poverty is reduced there will be little progress in reducing transmission of the virus or an enhanced capacity to cope with its socio-economic consequences (Cohen, 2004:5).*

Under Thabo Mbeki's presidency in South Africa, 'poverty' was initially favoured over HIV as the explanation for AIDS. It is worth noting the caution that is now being expressed by epidemiologists:

*... it is difficult to tell whether poverty causes AIDS or vice versa – or whether another variable, such as war, inadequate health and poor education, explains the relationship (Bloom et al. 2001 cited in WHO, 2002).*

'Poverty' is here set up as a real category, susceptible to straightforward measurement, when it is actually a contested concept. First, poverty is a relative term and can only be defined in relation to wealth – but wealth generally remains the hidden comparator in such analyses. Second, the measurement of 'poverty' is highly contested – there is the debate between absolute measures and relative measures, and there is a huge literature about indicators of poverty – whether these be in terms of quality of life or reduced to the common denominator of income (money, and in international terms, the American dollar). Third, the boundary issue is rarely addressed. The line which divides 'the poor' from the rest is generally drawn in a fairly arbitrary manner (one dollar a day? Why not two? Or 75 cents?), though occasionally the money equivalents are derived from the costs of the basics of life (again the definition of what these are, and how they might vary by country, social group or period has caused endless debate<sup>4</sup>). Essentially, in the indicator 'poverty', we have an indexical account of reality rather than a relational or sociological one.

We need to ask what it is about *impoverishment* (i.e poverty as a process) that leads people into risky sexual behaviour, if that is the conclusion we wish to draw. And if we wish to understand how to change this situation, it may be necessary to ask what causes the impoverishment in the first place. The conceptual language of 'poverty' is inadequate to this purpose, as are static indicators of its significance.

### **Education as a Proxy for Class**

In addition to poverty, the other variable which is often cited in epidemiological studies of HIV/AIDS is education. Ainsworth and Semali (1998) in a much cited work refer to several Tanzanian studies which use level of education as proxy for 'socio-economic status'. This is a not an unreasonable equation, given that in Africa the well-educated still enjoy some prestige and it is mostly the better-off who can sustain children through to higher levels of qualification which are then the passport to well-paid jobs.

However, the reason why epidemiologists pursue such correlations is not to link education to class level but usually to imply that lack of formal education can be equated with ignorance, in particular of the causes and means of protection against the HIV virus and thus 'the poor and uneducated have higher infection rates' (Ainsworth & Semali, 1998:2). It is then often concluded that education is the solution to the problem and that the uneducated should be targeted. I have suggested elsewhere that this reasoning is doubtful, given the ways in which knowledge of AIDS has been spread through word of mouth and the media rather than through formal teaching, and also given the limited impact of formal

educational programmes on the capacity of the most vulnerable to protect themselves (Bujra, 2000b).

Ainsworth and Semali's reason for raising this point is to challenge it in another way: 'at least in the first decade of the HIV/AIDS epidemic in Africa, HIV did not follow this pattern' (Ainsworth & Semali, 1998:2) – the better-off and more educated were actually *more* susceptible than the poor and uneducated.

### **The Changing 'Class' Character of the AIDS Phenomenon?**

From the literature, it would appear that there has been a global shift in terms of the socio-economic patterning of HIV/AIDS but with Africa trapped for longer in an earlier mode. Bloom puts the case more generally: 'it seems plausible that the rich are more at risk in the early stages of an epidemic ... the poor at an increasing risk as the epidemic progresses' (Bloom et al. 2001, cited in Garbus, 2003:33). A decade earlier Berer was citing statistics which seemed to support the same argument:

*In 1985 some 70 per cent of Brazilians with AIDS had university degrees. By 1989 that figure had dropped proportionately to thirty per cent. In Zaire, physicians and manual workers seen at a Kinshasa hospital were equally likely to be HIV-positive in 1984. In 1986 the prevalence among the manual workers had doubled, while the level among the physicians had remained constant (Berer, 1993:48).*

Berer recognises a shift here but concludes that 'HIV infection will continue to affect the upper and middle classes, but it is also another of the diseases of poverty' (Ibid. p.48).

'Class' here is being understood as socio-economic status, with the evidence based on indicators such as education, income and 'wealth'. The reference is to a set of status categories which are being held to coincide to produce 'class' groupings. However, the assertion that the patterns are changing suggests that these are more than analytical categories. Some awareness, behavioural change or organisational effort must have occurred to explain such dramatic patterns of change. Since there is a tendency for medical models of change to focus on individualised enlightenment and transformation (whose aggregation is then measured), this more collective shift is rarely considered.

To approach this question in a relational way we need to address the logic of linking high socio-economic status with risky sexual behaviour. In the literature it is sometimes related to the greater mobility and social freedom of the better-off and to their higher levels of 'disposable income' (Bloom et al. 2001). But having more 'non-regular sexual partners' is also statistically linked to higher educational levels in Africa (WHO study cited by Ainsworth and Semali) and affluence and education are generally linked in such studies. This sits uneasily with the assumption that over time the more educated learn better avoidance techniques, cutting down the number of partners and using condoms more consistently (Ainsworth and Semali, 1998:2; Garbus, 2004:42); that mobility is maintained, but its costs in terms of sexual behaviour are diminished through the power which knowledge brings. It is notable that despite considerable evidence of the higher prevalence rates amongst the more affluent and educated in Africa, there is never a suggestion that they be targeted to change their ways (compare sex workers or 'youth' who are prime targets for such action). And the evidence that those of high socio-economic status are modifying their behaviour is less than convincing, as I suggest below.

## **Relational Views of Class & the Question of AIDS**

Sociological accounts of class are often grounded in indexical data, but they generally interrogate such data to address questions about the relationships amongst class-defined groupings. It is worth returning to classical definitions of class to emphasise this point. For Weber class is defined by market positionality, by wealth and income and by social prestige and power – but these indices produce more than abstract social categories; they create groups which are aware of their position in society and may act to transform it – as for example in the emergence of capitalist society. For Marx (to take the other distinctive approach to class analysis), the concept is held to relate directly to the relations of production in society but more particularly to processes of exploitation through economic power. The Marxist distinction between ‘class in itself’ and the more consciously aware and organised ‘class for itself’ is parallel to Weber’s view of classes as more than simply statistical categories.

If Marx and Weber shared this sociological starting point, the context for their analyses was also the same – i.e. capitalist societies (though both had a general model that was applied to earlier or other societies as well). They diverge in many other respects. Weberian accounts of class (filtered through Durkheim and structural functionalism) fed more heavily into contemporary sociology and by extension into the epidemiological understandings already noted. A vocabulary of class emerged which was simplified into upper, middle and working classes and was focussed on status distinctions more than on the structure of capitalist society. Marxist analysis, with its emphasis on economic structure and political action and its designations of proletariat, petty bourgeoisie and bourgeoisie, was eventually marginalised. In either case, there is considerable debate around the relevance of capitalist class categories or ‘Western’ occupational labels to the African setting with its low levels of industrialisation and history of recent colonialism (see e.g. Copans, 1985; Lubeck, 1987; Bujra, 2000a).

Despite these reservations, I want to argue that a sociological and relational definition of ‘class’ is vital to understanding both the transmission of and response to HIV/AIDS in Africa and that this has little to do with class as socio-economic *status* and more to do with class as economic and social *power*. The limited extension of capitalist relations of production and property in Africa and its servitor role in global capitalist accumulation have not produced societies with a large wage-labouring class directly exploited by a bourgeoisie whose power has been consolidated. We are witnessing processes of class formation in a context more appropriately described as primitive capital accumulation. Peasant/subsistence cultivators, though still the majority, are subject to increasing and brutal pressure from encroaching capitalist farmers and multinational agrocultural (see Bryceson, 2004). A small industrial/commercial/financial sector, dominated by multinational capital, has called into being a minority wage-labouring class who are usually migrants from rural areas. There is the consolidation of a ‘political class’ which controls the state through often parasitic forms of accumulation such as land grabbing and corruption, and which is served by an artificially inflated category of state functionaries. Other elements such as salaried or independent professionals, the growing army of domestic servants or the burgeoning petty commodity producers of the urban informal sector, are dependent upon other class fractions for their survival. Conceptualising class difference in this way derives from a Marxist perspective, though it is worth emphasising that Marxist class analysis is not straightforwardly read off from occupational indicators. Class groupings are

discerned by reference to their position in relation to production and their alignment in social and political struggles.

Indexical accounts often collapse the differences between petty commodity producers and wage labourers into terms like 'the urban poor', or conflate peasant with capitalist farmers, or fail to distinguish between professional wagedworkers and 'businessmen', collapsing both into a category of 'the middle class'. When it comes to analysis of the AIDS epidemic, it is these latter indexical categories that are more commonly used, thus disguising exploitative relations between classes and conflicts between class fractions. Whilst there is recognition of the contrast between low rural and high urban levels of HIV prevalence in Africa, the question of why and how this has happened is not considered. Primitive capital accumulation in land and partial processes of proletarianisation, with consequent separation of families through labour migration and the emergence of commercialised sex – all processes relating to class formation as well as the transformation of gender relations – now help to reproduce current patterns of HIV prevalence. The recording of high prevalence in mining areas and along major transport routes indicates the way HIV transmission reflects the penetration of market and capitalist relations. Even the flowering of petty entrepreneurialism links the emergence of class relations with HIV transmission as is noted in one trader's account of fishing camps around Lake Mweru in Zambia:

*People come here from everywhere [to buy salt fish for trading] – Zimbabwe, South Africa, Nigeria, Malawi, Congo. When they meet, well you know what nature does. Wherever there are people, there are temporary marriages. Men cannot stay without their wives for very long and women may be desperate, so they sell themselves. HIV starts here and moves on (The Guardian, 7 January 2006).*

Sexual networking (the transmission belt of HIV) reflects two class related tendencies: first, through partnering and marriage for the social reproduction of emergent class fractions and second, through extra- and non-marital liaisons as an assertion of economic (and to a degree more broadly social) power. We have been used to thinking of sexual power (especially as exploitation or oppression) as a phenomenon gendered male, but men are also divided in many ways, with one of the most significant being their class positionality.

Class formation and the progression of AIDS are linked in Obbo's ground-breaking work on Uganda, in which she traced the changing patterns of sexual networking in one of the most affected areas (Rakai) linking them to AIDS deaths (Obbo, 1993). In the early days, sexual networking was expanded in tandem with the explosive growth of trade and smuggling between Uganda, Tanzania and Kenya, with traders and their wives (especially in polygamous marriages) and sexual partners the first to be struck down. A second wave also affected the more affluent and educated: businessmen, bankers, civil servants – 'people with money and power to put them in risky situations' (Ibid. p. 951). It is clear that the initiators were mainly men, and that the women with whom they shared such situations were generally of a different class – sex workers, often from impoverished rural backgrounds, on whom men expended their 'disposable income'. These relationships can reasonably be described as class relations, with considerable (purchasing) power on the part of male customers, the power to demand sex without condoms and to keep the price low (this is not to say that sex workers do not themselves have some leverage). As the death toll began to rise, behavioural changes were noted: 'the tattered appearance of

“sex workers” at bar lodges in Masaka and Rakai towns suggested that many men were avoiding risky behaviours’ (Ibid. p. 952).

However another kind of sexual networking persisted, in what Obbo describes as ‘the [small] world of elites’. Men and women, who had usually been at school or University together, or who shared work locations or membership of the same religious or social associations had intermarried (the social reproduction of emergent classes). At the same time some were also engaged in intra-class liaisons, affairs with ‘people who were known and presumed safe’ (Ibid. p. 952). Deaths within this known group were now also inducing fear and ‘men increasingly stayed at home’ (Ibid. p. 953).

From what was then Zaire (now DR Congo), Schoepf offers case studies of women in both the sex-worker and the elite liaison situation, each experiencing the threat of HIV infection (1993). Looking at sexual networking from a different angle she also notes that:

*AIDS is not only a disease of poor women engaged in sex work or long-distance lorry drivers. Men and women in these occupations are at very high risk ... However, they do not form bonded groups. Their social networks extend into virtually every social milieu and along the trade routes to all but the most remote villages* (Schoepf, 1993:1).

Sexual networking both expresses class solidarities but also, as a commercial activity, puts a price on sexual relations across classes. Its current outcomes in HIV transmission expose these relations.

Besides transmission we also need to look at class-defined response to the epidemic. Following the contraction of state welfare systems in the wake of structural adjustment (see Poku, 2004), it appeared for a time as if the role of the state in strategies for prevention and treatment would be eclipsed by an influx of non-governmental organisations working in the AIDS field, generally funded by international agencies. In the short run such organisations became, amongst other things, a site for the reproduction and expansion of a class fraction of professional wage labourers (Bujra and Mokake, 2000). The levelling effect of AIDS (with heterosexual intercourse as the key mode of transmission and neither rich nor poor initially able to prevent the inexorable progress of the disease) has not led to a classless solidarity amongst all those affected. Despite the denial of life-prolonging drugs to nearly all, the better-off marked their exclusivity through better care and nutrition and had a greater facility to protect themselves. Some of the better-off afflicted did reach out to those in rags, but philanthropy is double edged – it both obliterates class distinction whilst it marks class boundaries.

## **The Tanzanian Case**

### **The Epidemiological Account of Socio-economic Indicators for HIV/AIDS**

In Tanzania, as elsewhere, research on AIDS has been framed by a predominantly medical discourse, with concern for the social determinants of the disease playing a minor role and such determinants presented in indexical mode. However, early local case studies, based on survey data, offer occasional citations of socio-economic indicators which confirm patterns already noted. Soderberg et al. for example (1994), writing of a very large (4,840) sample of blood donors in south-west Tanzania (Ilembula), note the usual higher levels of seroprevalence in more urbanised areas,

especially those 'on-road' (major traffic routes). There is also a specific reference to occupation – farmers (mainly peasant cultivators) are reported as *least* likely to be infected. We are left to speculate as to the reasons for this, though there is the implication that they are amongst the least mobile and least wealthy in the population and hence least likely to have the opportunity for risky behaviour.

Another study (Kwesigabo et al. 1999) reports on data from north-western Tanzania (Kagera: the region of highest prevalence near to the Ugandan border). This sampled all hospital patients over a three month period in 1992 (1,422 cases). A breakdown of the sample in terms of occupation (listed without comment!) delivers the following striking contrasts:

<b>Occupational Category</b>	<b>% in Sample</b>	<b>% HIV Positive</b>
Civil servants	14	45.5
Businessmen/women	7.6	41.3
'Peasants'	50	36.9
Other, inc not stated	27	44.8

Adapted from Kwesigabo et al. 1999

Obviously the categorisation of occupations here is sociologically clumsy. 'Peasants' probably included at one extreme some who were employers of labour producing for the market; at the other extreme there was a majority who were basically small peasant or subsistence cultivators – in class terms quite different. As is suggested in Obbo's account, petty capitalist farmers will have more disposable income to marry second wives and to cultivate liaisons or to visit sex workers. The category 'other' is very large and distorts the whole table. Nevertheless, it is notable here that, as in the previous example, those with the highest status and resources also have the highest level of infection. Tibaijuka, also reporting from Kagera, confirms that 'the majority of the victims were from relatively well-off families', businessmen or traders with multiple partners (Tibaijuka, 1997:968).

Ainsworth and Semali also focused their work on Kagera. Their survey drew on a different kind of sample, taking all those who had died in the area during the period 1991-4, of whom nearly 40 per cent had a diagnosis of AIDS, and adding in all the adult members of the same households who remained alive. This allowed for a threefold comparative basis from which they drew the following conclusions about those who had died from AIDS: they were more likely to be female and to have died younger than those dying from other diseases; they were slightly more educated and much more likely to be non-'farmers' (note again the use of this conflated term<sup>5</sup>), especially white-collar workers or traders than either those who had died from other causes or were still alive. Presumably because fishermen were here selling their catches at good prices, 'male fishermen and female merchants/traders have a significantly higher risk of dying of AIDS compared to farmers' (Ainsworth and Semali, 1998:10). So from this study too, the greater prevalence amongst higher socio-economic categories is confirmed and a link is also made between occupation, gender and the transmission of HIV. What is lacking is any exploration of why these statistical patterns emerge.

A more recent overview of studies of HIV/AIDS in Tanzania by Lisa Garbus (2004) cited a wide range of similar work, though the statistical record on which she draws is notably sparser than her parallel account of South Africa (Garbus, 2003). That

which exists is based on sociologically limited categories – studies which report that ‘the rich’ are more likely than ‘the poor’ to access health care by bringing their children to clinics, having them vaccinated or paying attention to their nutritional status (based on a 2003 study by Schellenberg et al. in southern Tanzania). The more highly educated were also more likely to mention condoms as a protective measure and to insist that they would use them.

The implication that this is due simply to their greater levels of health knowledge needs to be questioned. The imposition of user charges and the cut-backs in the health service following structural adjustment means that the vast majority of people cannot afford to access a considerably diminished public health care system – income as much as knowledge is implicated here.

Conversely the usual categories amongst the poor are cited as vectors for the transmission of HIV: sex workers and food retailers, especially those working in areas of high male incomes such as mining who were suffering high rates of prevalence (from a WHO study reported in 2003 of the gold-mining area round Lake Victoria). A case where class exploitation more clearly enters the picture as a factor in the spread of HIV/AIDS is Garbus’s reference to a 2003 TAMWA study of domestic servants from fourteen regions of Tanzania: sixty per cent of women reported having sex with male members of families employing them, of whom half had been forced.

Garbus notes that Tanzania’s GDP per capita is one of the lowest in the world and that ‘Tanzania’s industrial sector is one of the smallest in Africa’ (Garbus, 2003:20). Though she does not link these two factors, she does report that Tanzania’s industrial sector is feeling the pinch of AIDS sickness and deaths: ‘business closures related to the HIV/AIDS impact have been noted’ by the Tanzanian Chamber of Commerce and Industry and by the government. These have been occasioned by falling revenue following loss of skilled labour and higher recruitment and sick leave costs (Ibid. p. 58). Big companies like Brooke Bond and Standard Chartered (foreign multinationals) and Tanzanian Breweries (originally a parastatal, now privatised, one of the largest industries in Tanzania) had HIV/AIDS policies (Ibid. p. 85) though the practical import of these is not described. Reading between the lines here, it is possible to see that the wage-labouring class is being badly hit by the epidemic but that this is also impacting on the owners of industry and threatening the accumulation of capital (for a recent review see Bujra, 2004). Since wage-workers are usually migrant workers, the transmission of infection to rural areas is a common consequence of sexual liaisons in towns.

In 1992 the first World Bank study of Tanzania had noted a paucity of national data relating HIV/AIDS to socio-economic variables. A very recent study (THIS, 2005) remedies this by reporting on an extensive national sample survey of the population at large. Interviewing over twelve thousand (with women slightly more than half the sample) they broke down their sample into the usual variables of gender, rural/urban residence and education, but also added ‘wealth’. This indicator involved the listing and quantitative measure of household assets – consumer durables, residential condition of house and access to facilities like water or electricity. Then ‘individuals were ranked according to the total score of the household in which they resided. The sample was then divided into quintiles from one (lowest) to five (highest)’ (Ibid. p. 9). This is a measure of personal wealth (not capital), though it actually disclosed the relative poverty of the vast majority. The measure tells us nothing about sources of income or about social relations between people of different

levels. Occupation is not one of the indices in this study – though the claim is made that 71 per cent of men and 63 per cent of men were in ‘agricultural occupations’ (Ibid. p. 21). It is clear that the vast majority of those interviewed were relatively poor peasants whose subsistence would not have come through wage employment, and whose ‘assets’ were minimal. Some respondents would have been entrepreneurs or self-employed craftspeople, whilst others were wage labourers, and amongst these would have been relatively highly paid professional workers. The division of respondents into ‘wealth quintiles’ effectively disguises even the resource inequalities between these different social categories as, by definition, each quintile has an even number of members.

Leaving this aside, what we can draw from this extensive study does not contradict earlier and more particular research findings. Unsurprisingly, wealth and educational levels coincided again here, and the higher the wealth quintile the more likely the respondents were to claim fewer sexual partners, to claim to have used condoms in risky sexual encounters (extra- or non-maritally) and to have been for HIV testing – all suggestive of future-oriented and responsible behaviour which would be anticipated in ‘educated people’. The authors take the responses at face value, though it is likely that such respondents would have been more likely to know what answers were expected and more articulate in asserting their moral standing. However, this study also incorporated an HIV testing element, and from this it can be seen that it is those in the highest quintile who had the highest rates of prevalence. The authors do not even comment on this finding, but it is clear that their presumption that education and wealth would be protective is confounded. What is more, youth of this highest wealth quintile conceded to more risky sex than any other category, whilst the young women amongst them were more likely to have had sexual relations with men ten or more years older than themselves and more of them also reported that they had been coerced into sex. Two speculative conclusions might be drawn here. First, is that the pattern of higher prevalence being associated with higher wealth is not just an early historical aberration – it continues to be reproduced. And second, there is a chilling intersection of socio-economic position with gender relations here, suggestive not just of greater disposable income and power amongst better-off men, but of young women who are struggling to find acceptable outlets for their sexuality in situations of relative freedom. Given the geographic mobility of socially mobile populations there is also perhaps a pattern of loosening customary controls.

## **Relational Accounts of Social Class & AIDS**

Epidemiological categories of socio-economic status are generally based on the aggregation of individualised data, but one study cited by Garbus describes ‘community risk’ rather than that of individuals. Following work in Northern Tanzania, high community risk was linked to ‘a relatively robust and mobile economy [in which] the local population comes into contact with a larger sexual network, some of whom may already be infected’ (Garbus, 2004:17, based on work by Bloom et al. 2002). Viewing communities as collective actors often leads to calls for ‘community empowerment’ in the struggle against AIDS (e.g. UNAIDS, 2004), whereas what is most striking about ‘communities’ is that they are divided on the lines of gender, class and other social divisions (Bujra and Baylies, 1999) – they cannot be held collectively to be at risk. Lwihula et al. in an early study of Kagera (Lwihula, 1993) showed that local people saw not ‘communities’ but ‘young businessmen’ trading in illegal goods across the border, and their philandering

ways, as an explanation for the spread of the disease. It is the link between class and gender that is striking again here – masculine power gaining an added impetus through an emergent entrepreneurial class category.

Setel's more sociological study of Kilimanjaro showed how 'the term "business-man" had taken on pejorative connotations in many contexts – particularly in light of AIDS' (Setel, 1996:1173) – such men were usually young, often in conflict with their elders and their footloose lifestyles were 'replete with opportunities for sexual excess'. Setel explores the emergence of this class category in terms of a transformation of rural modes of production, an increasingly class-differentiated peasantry, and with it a collapse of customary modes of socialisation and social control. AIDS in this area was linked to discourses of 'cultural change and loss', especially 'a decline in the moral character of manhood' (Ibid. p.1176).

That a similar process can lead to women being regarded as especially blameworthy is explored (sociologically) by Weiss (1993). Haya women from Kagera have migrated for generations to large towns in East Africa where they operate successfully as sex workers. These women are migrants in the sense that they return home with savings to purchase land. In the customary system, their access to land would have been via fathers or husbands within a patrilocal pattern of marriage residence (see also Tibaijuka, 1997). Land ownership offered women a rightful place to build their graves – and increasingly their deaths were from AIDS. Men viewed their independent capital accumulation with disfavour and linked it with their blame of women for spreading disease. At the same time men, are also independently mobile (as traders and entrepreneurs) and mobility has come to have a class significance:

*Automobiles ... are not only highly charged representations of class differences in Kagera, they are also central icons of the very process of class formation (1993:21).*

In these sociological accounts we have more grounded and relational analyses of class formation and of the intersection of class with gender, linking both to the spread of HIV. They go beyond statistical correlations and, through grounded research, pose questions about the transmission of HIV in terms of relations between class-defined groups, behaviour and its rationalisations.

It would be surprising if emergent class groupings did not also play some part in the response to the AIDS epidemic, focused as this has been in the latter part of the 1990s on NGO activity. I have already mentioned the ways in which the increased funding of NGO AIDS action allowed for the consolidation of petty-bourgeois elements, whilst arguing that philanthropy is also a mode of class control. In Dar es Salaam we noted that some of the first sufferers came from affluent backgrounds:

*Despite the seemingly obvious association between AIDS and poverty in Dar es Salaam, AIDS activism was not generated in such contexts. It came out of the leafy suburbs and the campus, the social milieu of the educated and the comfortably-off, those whose world was shattered by the realisation that their income, their modern knowledge and familiarity with scientific facts could not protect them from this invisible killer (Bujra and Mokake, 2000:154).*

Noting the dedication and creative commitment of many of the individuals involved, an understanding in terms of class transformations was proposed:

*... the emergence of welfare NGOs represents the privatisation of the provision of public goods. Those who run NGOs would formerly have been employed by the state (funded through taxes*

*and foreign aid); now they must freelance to earn their keep. The object of their class concern (the poor, the powerless, the sick and uneducated) cannot pay for services previously provided in a limited way through the public purse, or for their innovative expansion. This petty bourgeoisie must thus transform itself. They become private entrepreneurs touting for funds in the world aid market (Bujra and Mokake, 2000:156).*

Setel remarks that NGO staff are viewed as:

*privileged members of the urban establishment who have simply and cynically cashed in on the epidemic ... another local saying with a double meaning states that 'AIDS is business' (Setel, 1996:1176).*

He also comments on the class attitudes of some of these workers – their messages were put across in 'highly moralistic terms', leading youth in particular to feel that 'their behaviour and life-styles were denigrated by people who saw themselves as morally and socially superior' (Setel, 1997:216). The survival tactics of youth in times of economic crisis put them at risk, whilst their educators saw this as moral laxity rather than as an outcome of social hardship.

We observed similar exchanges in Dar es Salaam, with a similar process whereby 'victims' of one socio-economic category are transformed into clients of another, represented by NGO staff. 'The AIDS organisation becomes a stage on which class relations are symbolically marked out at the same time that they are occasionally transcended' (Bujra and Mokake, 2000:167). I also argue that one of the dynamics going on here is 'a class project of uplift and enlightenment' (p.166) though clients may resist the implications of this.<sup>6</sup>

### **Lushoto & the Limits to Philanthropy**

Material collected in a rural area of Tanzania (Lushoto, in the North-east, 1995-2001) as part of a larger Gender and AIDS project, showed that there were limits to philanthropy, though not to class attitudes in the context of AIDS. We carried out a baseline survey in each of six local areas in Tanzania and Zambia, of which Lushoto was one (Baylies and Bujra, 2000). The survey of 100 local people was designed as a structured sample, divided evenly between men and women, with inclusion of age categories and finally a division in terms of 'socio-economic status'. The methodology used here suffered from many of the faults already described above; it used socio-economic indicators rather than documenting class difference per se because the dimensions of the latter could not easily be agreed for such a wide-ranging study and in advance. However this data was then backed up by in-depth ethnographic work. The measure used in the survey to determine the position of particular interviewees had to be based on observable data and was therefore prone to subjective evaluation. We set up divisions of 'upper', middle and 'low' based on the appearance of house, surroundings and apparent lifestyle. Fourteen per cent of our sample was to be sought out from the 'upper' category.

In Lushoto I was working in a mountainous rural area near to the district capital (Bujra, 2000b). One village, composed of a series of hamlets strung across the hills was the focus. The people were predominantly peasant/subsistence farmers, mainly Muslims of a single ethnic group (Sambaa). A few men were growing coffee or other cash crops and there were a sprinkling of shops, a couple of bars, a sugar pressing workshop (for making beer), and a small maize grinding mill. The village was on the steep upper slopes with nearly every square inch under cultivation but

with considerable soil erosion. On the lower slopes outside the 'village' there was better land, especially in a few valley bottoms, and here larger farms had been carved out, originally by German settlers, but now occupied by African small capitalist farmers. It was not easy to find our quota of 'high' level interviewees, amongst whom half had to be women (nearly all wives of rich men) and two young people (still dependent on rich fathers). We found a few in the higher hamlets and descended to the lower slopes to fulfil our quota.

Reanalysing the data now in terms of this variable, I note that it did have some value in so far as high socio-economic level was linked to other variables. Compared to middle and low categories, these people had a higher educational level, with one in five having had some secondary education and none were without education at all (compared to nearly 30 per cent in the lowest category). In terms of their mode of livelihood, two owned factories (timber, saw-mills); one was a professional wage-worker, the others were engaged in commercial farming and cattle husbandry, combined in some cases with trade or shop ownership. They were also three times more likely to be Christians than the lower categories and though predominantly still Sambia, nearly thirty per cent had been born outside and were of other tribal origins. Both Sambia and others had often come to this area to take up professional or administrative jobs and then bought land.

In terms of AIDS it was notable that the higher the socio-economic status, the more likely it was that the respondent would acknowledge knowing someone with (or who had died of) AIDS (71 per cent of the high group, only 28 per cent of the low group), thus confirming a picture of the higher socio-economic groups suffering greater prevalence. This person was also far more likely to have been a close relative (rather than an acquaintance). Although they tended to present themselves as of respectable moral standing and suggested that faithfulness and the avoidance of 'immoral' behaviour was the main form of protection from this disease, they were also more likely to agree that condoms could protect – twice as likely as the lowest group. They were marginally more likely to acknowledge that they had used a condom themselves (36 per cent compared with 25 per cent).

None of this tells us anything about the relations between classes – and it is fair to point out that direct class relations were limited. Even though some of the large farmers employed labourers, these were more likely to come from the local town than from up the hill. Sambia village people avoided wage labour so long as they were able – in our sample only 11 per cent were wage-labourers of whom just over half were casual farm labourers. Comparing the educational qualifications of men and women in the high category, it is clear that they were marrying people of similar standing. Unless they were from the village, they had not chosen spouses from there. A process of class cultural reproduction was clearly in evidence here, expressed through marriage choices, educational attainment and style of life (furniture and ornamentation of houses, leisure activities of younger people and so on).

Our research project entailed a dimension of action research and towards the end of the research I became involved in supporting the establishment of a girls' group intended to support young women in avoidance of risk. The group was set up together with a prominent village woman who happened to be a Christian, moderately well-educated. To find funding for the group's activities (the establishment of a small plot for growing vegetables, an opening ceremony at which they were to perform a play about AIDS and to which village leaders and dignitaries from the town were invited, etc.) we decided to look for 'benefactors' (*wafadhili*) amongst

the better-off on the lower slopes and in the nearby town as well as those in the village who were trading crops or owning shops. Despite the fact that this category was more affected by AIDS than those who were much poorer, our efforts were almost totally unsuccessful. A few excerpts from field notes give an indication of the stratagems which were devised to avoid giving to this worthy cause. We visited an elderly man, the owner of two timber factories, operating lorries and cars and living in a substantial house built of bricks and tiled, on the lower slopes. The room in which we had interviewed him had a telephone, easy chairs and a large coffee table, photographs, carvings, a bookshelf full of books, embroidered curtains etc.

*We avoided making an outright demand for money but made it clear that we needed help and that even 'two tins of maize seed' would allow the girls to start their garden. The old man's face took on a carefully blank expression as we went along. [When we invited him to the opening ceremony and said that we were also inviting the local MP]... he suddenly became animated and said how helpful [the MP] had been to the (Lutheran) church choir, buying them instruments and also arranging for a recording session in Dar<sup>7</sup>... When I heard this I was more hopeful ... for the old man [had] evidently got the point we were making obliquely, that he might give us something. There was a pause – a long pause. And then he said: 'Welcome again'... Another long pause and he went out – ostensibly to check whether they could come to the ceremony or not. He came back, saying that unfortunately that day they were invited to Mtae with the choir, etc etc, but as they wouldn't be able to come he thought a little something might help – and he dug his hand in his pocket and brought out – Sh1000! (c £1.15). I then asked him if we might put his name down as a benefactor, but he said not to do this now, maybe later (author's field notes, 1996).*

We visited another elderly man whose wife we had interviewed, a commercial farmer with a large stone built house and well-tended garden with a fountain bubbling water. A Landrover stood outside. The house was comfortably decorated in a similar way to the previous one.

*He said that he would try his best to come [to the opening ceremony], but we left the second house empty-handed too. Indeed when I was saying that the girls needed only two tins of maize seed to plant but it was difficult because their parents had none to spare because of last year's disastrous harvests, the old lady said that they had got 'nothing' too! Actually they have some very good valley land and they are growing a great variety of crops on it, using hired labour (author's fieldnotes, 1996).*

There was also the middle-aged businessman and his wife with a farm, vehicles etc.

*F's house ... is very large and set in lovely gardens, with a dog. We knocked at the front door and it was opened by F himself. [He invited us in but, despite our explanations he was unresponsive to our pleas for help] ... we gave him the invitation, but he did not drop his cold manner. After a while his wife joined us, a very fair woman, almost white, and three small grandchildren. Their house is beautiful inside, with panelled wooden floors and panelling part way up the walls, nice furnishings and carpets, polished cupboards and tables, soft lighting. The wife seemed warmer and greeted E with something like pleasure, and E began to explain [our purpose] again. Then the wife said that we were doing it all wrong – we should have written a letter straightforwardly to ask for money ... When we said about the girls going off to towns and being in danger she said, with the sweetest of smiles, that she 'didn't think – well it was just that some girls were like that, they would misbehave anyway – it's their way' ... And when we told her about the vegetable plot she sneered and said that there was no profit to be had from a plot, better they do something else. Eventually she said that she had some thread somewhere [for a sewing project], she would look for it and let us have it [she never did]. But*

*as for a donation – that depended on 'bwana' [her husband]. He meanwhile had gone out, looking bored. We thanked her and ... left (author's fieldnotes, 1996).*

This was our experience throughout. These people may already have been donating elsewhere, though none took the opportunity to disclose this, and their class attitudes to the afflicted from other classes are suggestive. They may also have feared the stigma of association with an AIDS cause. In the town we managed to elicit the two tins of maize seeds and a small donation of some flour from two shopkeepers and a teacher (all women). When it came to the opening ceremony none of those in the high socio-economic category whom we had approached and formally invited attended. A collection was taken and a few dignitaries from the town contributed sums of 50p or so and the large audience of impoverished villagers<sup>8</sup> also put in small amounts. We collected in total TSh2,300 (about £2.40)! Big money did not come to this group until they were adopted by foreign NGOs.<sup>9</sup>

It seems clear that, in this area, those with 'disposable income' preferred to spend it in ways other than the support of potential fellow sufferers from a fatal and devastating disease. It is also clear that they were deliberately distancing themselves both socially and emotionally from their impoverished neighbours, their behaviour in this respect contrasting with the early AIDS activists in Dar es Salaam. There might be many explanations for this, but surely one of them is class interest. By and large these are people in the accumulative stage of class formation rather than the consolidated phase – when expression of class position through philanthropy or as a bid to rescue or co-opt the lower orders might become more important.

## **Conclusion**

The AIDS epidemic in Africa is properly perceived as a tragedy and those affected by it as victims of tragedy. I have tried to show here that class analysis is very significant to comprehending and addressing the AIDS crisis and in particular the dynamics of its levelling as well as its divisive character. But in order for class analysis to be usefully employed we need to move beyond positivistic methods culminating in indexical accounts of class and towards a more relational and sociological understanding. Class defines itself in dynamic interactions; it is more than a set of static statistical categories – and this is reflected in relation to AIDS as indeed much else. My argument here has been that class formation and consolidation in the context of the extension of capitalist relations of production frames both the transmission and response to HIV/AIDS in Africa. On the one hand, it is evident that massive geographical movements of population in response both to coercive pressure (land alienation, taxation) and to the need to secure livelihoods (initially predominantly affecting men but later also women) have led to novel processes of class formation as well as transforming gender relations. Taken together, these processes created situations of risk once the HIV virus entered the picture. On the other hand, there is a particular issue about social mobility. As higher class groupings are formed through entrepreneurial activity, commercial farming or the creation of a professional cadre of wage-labourers, such categories begin to consolidate by intermarrying (often later marriages), planning education for their children, and developing class cultural attitudes to justify their rewards. In the process their social isolation from other categories becomes more marked. This has its consequences for the transmission of HIV as social controls over sexual behaviour are attenuated and women make bids for more sexual autonomy, whilst men may use their greater disposable income to buy sex or additional wives. But it is

also at this class level that philanthropy emerges as a way of confronting a problem which affects all to different degrees.

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## Endnotes

1. In South Africa Chief Mangosuthu Buthelezi was reported as having lost two of his adult children to AIDS – more unusually he had openly acknowledged the cause of their deaths (*Sunday Telegraph*, 5 Sept 2004). Nelson Mandela also announced his son's death from AIDS, and a few other African political leaders (in Malawi and Zambia for example) have been open about their personal tragedies, as well as popular or notable figures such as singers (in Uganda and Nigeria), or the white South African Judge, Edwin Cameron, who announced his HIV-positive status to the world.
2. An ESRC-funded project on gender and AIDS, comparing Tanzania with Zambia. A collaborative effort with Carolyn Baylies of the University of Leeds and a team of local scholars, it comprised in-depth studies in six localities. The results were published in Baylies and Bujra (2000).
3. For UNAIDS in 2000 for example, age, gender, level of development, drug use and risky sexual behaviour were linked statistically to the rise in HIV prevalence; for the UNFPA in 2004, age, sex and 'quality of life' are cited as variables. Both of these sources also cite 'poverty'. More specific African country studies lay out a wider range of socio-economic indicators. In a study of South Africa by Lisa Garbus of the AIDS Policy Research Centre at the University of California (2003), poverty is joined by illiteracy, race, occupation, employment status, gender, age, mobility and a host of other indicators correlated with HIV/AIDS, some of which could be understood as 'class' variables but whose main appeal is that they are quantifiable.
4. In one South African study cited by Garbus, poverty was measured by what the money was used for, with a scale ranging from 'not having enough money for food and clothes' to 'having disposable income for luxuries' (Garbus 2003:37). HIV prevalence was said to decline as one moved up the scale, except for Africans.
5. Obbo's account is careful to distinguish between 'rich farmer', 'farmer' and 'farmhand', though she does not draw any conclusions from this in terms of 'mating patterns' (1993:954).
6. Another angle on the class basis of discursive power is cited in Bujra and Baylies 1995 (p.195-6), based on work by Schoepf.
7. I discovered later that the MP was also a Lutheran. Though invited, he did not attend the girls' group celebration or contribute any help.
8. The majority of the audience were women and children who have little access to cash. Most villagers live in houses of mud and wattle with thatched roofs, often lacking windows or proper doors and with minimal furniture. To judge from cases of AIDS deaths, the class relations through which those in this village were likely to contract HIV were mediated through migration to urban centres as traders, as wage labourers or as petty commodity producers (of food or sexual services).
9. An extended account of the young women's group, considered from a gender and generational angle is to be found in Bujra 2000b.

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## Briefings

### **Kenya & the War on Terrorism**

*Wanjiru Carolyn Kamau*

During the past ten years, Kenya has endured a surprising amount of terrorist activity and has borne much of the brunt of international terrorist violence in Africa. This violence included an episode in 1998 when a car bomb exploded in the middle of bustling downtown Nairobi, killing 213 people, and wounding and maiming more than 4,000 more. The target of this attack was the US embassy in Nairobi. Another car bomb targeting the US embassy in Dar es Salaam, a major city in neighbouring Tanzania exploded simultaneously, injuring 85 people.

In 2002, the bombing of an Israeli-owned resort in the coastal town of Mombasa resulted in 18 dead.<sup>1</sup> Three Israeli guests and twelve Kenyan dancers from the Mabumbumbu Giriama troupe were killed in a blast after three bombers detonated their four-wheel-drive SUV packed with explosives.<sup>2</sup> In a simultaneous attack, a gang launched a missile aimed at an Israeli jet taking off from the Moi International airport also in Mombasa. The missiles, reportedly launched from another SUV outside the airport perimeter fence, failed to hit the aircraft and were found on farmland up to 40km away.

This essay explores what happens when the global war on terror, as led by the US and Britain, collides with the politics of democratic transition in Africa, and

Kenya in particular. Specifically, I analyse the unwavering response of Kenya's civil society in rejecting the Suppression of Terrorism Bill. Kenyans widely perceived this legislation, proposed by the four month old coalition government, as the government's submissive response to pressures by the US and Britain. This paper works to capture the moment when a very vocal civil society successfully rejected the influence over Kenyan politics that these major powers have exerted.

I begin with an exploration of the impetus for anti-terror legislation and then describe the Suppression of Terrorism Bill that the government proposed. I then explore the nature of civil society's responses to the proposed legislation, and turn to the political science literature on transitions to explain the ability of civil society to force the government to withdraw the legislation from parliament despite incredible pressures from foreign donors to see the legislation passed. I conclude with a brief discussion of democracy and the importance of a vocal civil society that remains vigilant even after a transition from dictatorship. Indeed, with the wave of democratisation currently sweeping across the continent, the Kenyan case provides helpful insight into the role of civil society in the consolidation of new democracies.

### **Domestic & International Calls for a Response**

The terrorist attacks in Nairobi and Mombasa left Kenyans feeling particularly vulnerable. Even though the attacks were focused on foreign interests, it is

Kenyans who bore the brunt of these attacks. The government faced increasing pressure from domestic sources to investigate and prosecute suspected terrorists. In response to calls by the public, the Minister for Home Affairs, Moody Awori, declared that the 'threat of terrorism had dealt a big blow to Kenya's economy and must be fought by all means' (Africa News Update). Statements such as these from prominent government officials sought to ease Kenyans' fears about repeated attacks.

International commitments also meant that the government was under pressure to act decisively. Kenya has signed and ratified all 12 international conventions and protocols relating to terrorism (Office of the Coordinator for Counterterrorism). In addition, the United Nations Security Council Resolution 1373 sets a fierce and ambitious legislative and administrative agenda for all UN member states. This resolution was passed soon after, and in reaction to the tragic attacks on key US institutions on September 11<sup>th</sup> 2001.

US and British government restriction of their citizens' ability to travel to Kenya until anti-terrorism legislation was enacted also augmented international pressure on the Kenyan government to act. The presidents of Kenya and Tanzania complained that the travel restrictions and bans amounted to 'economic sanctions' against the East African states as they depended, to a large extent, on tourism as a hard-currency earner (Kuhenga, 2003).

The travel restrictions translated into severe economic pressure on the newly elected government as it was running low on funds to implement expensive campaign promises. It is in this context that the Minister for Justice and Constitutional Affairs, Kiraitu Murungi, asserted that, 'terrorism is threatening the economic recovery programme of the Government. In these circumstances, the

Government is determined to take all possible action to fight the menace' (Muriuki, 2003). The new government had made promises such as implementing free primary school education for all children and income from tourism was diminishing precisely when the government needed this money the most.

Thus, calls from the Kenyan public, commitments to international conventions, the equivalent of economic sanctions by the US and Britain which led to a lack of funds to implement its programmes, all pressured the Kenyan government to propose anti-terror legislation.

### **The Proposed Legislation**

In the face of this pressure the newly elected coalition government took action. On 30 April 2003 the government introduced the Suppression of Terrorism Bill (Supplement No. 38 of the *Kenya Gazette*). Almost immediately the Bill came under attack from members of civil society who primarily rejected it as violating the Kenyan Constitution, legalising the violation of human rights, and particularly targeting Kenyan Muslims as terrorists. The Bill was accused of being a vulgar reproduction of the US Patriot Act. Opponents of the Bill, comprising diverse members of civil society, organised protest rallies around the country to educate Kenyans on the evils of the Bill.

### **Violating the Kenyan Constitution**

One of the major campaign promises of the coalition government was to introduce a new Constitution to the country within 100 days of taking office. Responsible for studying the flaws of the existing Constitution and gathering the views of Kenyans from all walks of life, the Constitution of Kenya Review Commission was also charged with drafting a new Constitution that would better reflect the wishes and values of all Kenyans in the post-independence era. The

new Constitution was to replace the Lancaster House Constitution which the country inherited from Britain at independence in 1963.

The Suppression of Terror Bill was proposed at a time when the country was in the process of drafting a new Constitution and at the time of the Bill's tabling in parliament, the country was embroiled in a bitter battle over the importance and inviolability of the Constitution. These debates about the nature of the Constitution filtered into the conversations about the proposed Suppression of Terrorism Bill. Indeed, one of the major reasons cited for the Bill's rejection was that it violated the existing Kenyan Constitution. One Constitutional Review Commissioner, Githu Muigai, described the Bill as 'an excellent example of the kind of law that we should never enact' (Africa News Update). Muigai continued to lament that the law

*had been drafted by people with no understanding of the Kenyan Constitution or criminal law and was contemptuous to the country's governance* (Africa News Update).

Other commissioners on the Constitutional Review Commission, Mr. Isaac Lenaola and Mr. Ahmed Isaak said that 'the Bill should be rejected on the basis that it was unconstitutional' and, if enacted, would legitimate the harassment of innocent people. These sentiments were echoed widely across the country as those calling for a rejection of the Bill cited it as violating the existing Kenyan Constitution. These comparisons of course made mention of the ways that activists in the US were also taking exception to the US Patriot Act for its violations of the US Constitution.

### **Violating Human Rights**

The proposed legislation was also rejected on the basis that it legitimised a violation of the human rights of Ken-

yans. The government was roundly criticised for 'proposing a law that violated even United Nations conventions' (Africa News Update). Among the most vocal opponents who cited a violation of human rights were Amnesty International and the Law Society of Kenya, the umbrella professional organisation for law practitioners in Kenya. In a press release Amnesty International stated that the organisation,

*is seriously concerned that Kenya's Suppression of Terrorism Bill 2003 contains measures that violate Kenyan law, human rights treaties to which Kenya is a party, and may result in human rights violations* (Amnesty International).

The potentially overwhelming power of the police was most frequently cited as one way in which passage of the law would inevitably lead to violations of human rights.

One of the claims made against the Bill was that it allowed for problematic police searches and extra-judicial actions against suspected terrorists who would have no recourse within the law. Speakers at a forum on the Bill sponsored by the Law Society of Kenya (LSK) criticised the sweeping powers the Bill would give police for the arrest and holding of terrorist suspects without allowing them to contact lawyers and relatives (Wahome Thuku, 2004).

Indeed, police officers would be allowed to use force and even kill suspected terrorists who resist arrest under this Bill. Furthermore, police would have 36 hours with a suspect before the suspect is allowed access to legal advice or to any other person except a Government doctor. The suspects do not necessarily have to be detained at a gazetted (known to the public) police station. The minister in charge of national security would have powers to order the detention of suspects in any other place. As one commentator noted,

*our security and intelligence apparatus is hopelessly ineffectual and ill-prepared to track down and apprehend terrorists before they attack. Under the present circumstances, passing such legislation on terrorism would be gratuitous and would only have the effect of increasing the already immense discretionary powers our police enjoy (Kagari, 2004).*

Kenyans were concerned at conferring even more power on a police force that had not shown restraint in the past.

The provisions of the Bill that further empowered the police harkened back to the days of the British colonial administration as well as the Kenyatta and Moi regimes which were notoriously violent and saw the deployment of police to brutally silence opposition. It is in this context that the Kenya Human Rights Network declared that,

*having critically examined the provisions of the Bill, we are convinced that its enactment will present a grave, serious and tremendous blow to human rights and civil liberties of Kenyans and effectively halt the democratisation process (Africa News Update).*

*The very recent history of a dictatorship based on police coercion of citizens was at the centre of concerns about the law's legitimisation of human rights violations. The Bill's provisions struck a historical chord and Kenyans remembered how, during Moi's rule, the police had been granted immense powers to deal with 'enemies of the state' and frequently held and tortured dissidents in secret without bail or any access to the outside world.*

In addition to concerns about more general human rights violations, the proposed law was also understood to pose a threat to the human rights of Kenyan Muslims. As the BBC reported,

*Kenyan Muslims, who make up 30% of the country's 31 million people, have been*

*expressing fears that the Bill targets them (BBC, 2003).*

Particularly insidious to the Muslim community was a section of the Bill that seemed to introduce a dress code or at least outlaw certain dress. Reports by the BBC reflected the concerns of Kenyan Muslims stating that,

*the Bill also outlaws the wearing of clothes that are closely associated with extremist groups (Ibid.).*

Part Three, section 10 of the Bill held the stipulation that,

*a person who, in a public place wears an item of clothing, or wears or carries or displays an article in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a declared terrorist organisation is guilty of an offence (Government of Kenya, 2003).*

The Bill makes clear that such person may be arrested. This provision left Muslim Kenyans vulnerable to the whims of police officers who could decide that donning any religious garb constituted support for a terrorist organisation.

Leading the charge that the Bill targeted Muslims in particular was the Supreme Council of Kenyan Muslims (SUPKEM). Supkem chairman Prof. Abdulghafur El-Busaidy said:

*Muslims bore the brunt of police harassment on suspicion of sheltering terrorists (Africa News Update).*

With Muslims already feeling particularly targeted, provisions such as the one regarding dress led to further feelings of oppression at the hands of a Christian majority. Indeed Muslims and other Kenyans had suffered greatly under the Moi regime and the transition to the Kibaki regime held much promise. Provisions of the Bill that violated the existing Consti-

tution and human rights regulations, and particularly those expanding police powers and attempting to regulate dress were seen as a regression to the dark days before the country's 'second liberation'.

It is important to understand opposition to the Bill as broad and extending beyond groups who were understood to be particularly targeted such as Muslims. As a member of the Law Society of Kenya, Harrison Kinyanjui lamented, 'this law violates rights of all Kenyans and foreigners and not just those of a particular religious group as feared' (Africa News Update). Further, the words of Presbyterian minister Rev. Timothy Njoya to a crowd gathered at a protest rally best capture the reasons for public opposition to the Bill. He mourned that,

*the proposed legislation turns back the clock on the gains Kenyans made in the areas of freedom and human rights, and violates the current constitution (Majtenyi, 2003).*

## Not Made in Kenya

A variety of critics agreed that the Bill was in the interests of, and probably drafted by, western powers – the US and Britain in particular. Across the spectrum of those opposed to the Bill there was concurrence that the Bill was not a home-grown solution to the problem of terrorism in Kenya. The British press reported that,

*legal experts and human rights groups in Kenya have dismissed the Bill as an absurd imitation of the US Patriot Act 2001, the South African Terrorism Bill 2002 and Britain's Anti-Terrorism, Crime and Security Act 2001 (BBC, 2003).*

These suspicions were born out of provisions of the Bill that granted inexplicable power over Kenyan officials to foreign governments and the actions of the US and British governments as they re-

stricted their citizens' travel to Kenya. One clause of the Bill causing it to attract heavy criticism as 'foreign-made' would have eased the extradition of Kenyan suspects to other countries without the normal safeguards and allowed foreign security forces to operate in Kenya. At the time the Kenyan media reported that,

*section 34 of the Act gives foreign states authority to directly compel the Commissioner of Police to make available terrorism intelligence and logistical support for their pursuits in the country. It also requires our Attorney General to promptly 'execute' any request from foreign states to track down, attach or forfeit any suspected terrorist property located in Kenya. Failure or delay in complying requires an explanation to the foreign state by the AG (Murunga, 2003).*

Particularly stunning and repulsive was the fact that Kenya's Attorney General owed an explanation of his/her actions to a foreign state. This is the same Attorney General who, in the years of the Moi regime, had never given Kenyans any explanation for selective and undemocratic application of the laws of the land.

The government even admitted to the influence of foreigners when the Justice Minister Kiraitu Murungi agreed that, while the Bill was meant to address the terrorism threat in Kenya, it had been drafted with help from other countries. He conceded that, 'there is no way you can reinvent the wheel ... governments all over the world assist each other in drafting Bills'. Still the government worked hard to convince Kenyans that the Bill was more home-grown than a foreign import.

Those citing the Bill's foreign origins were fully vindicated when, as soon as the government tabled the Bill in Parliament, the first British Airways flight to Kenya in slightly over a month arrived at Jomo Kenyatta International Airport with

more than 200 tourists. Previously, the UK had banned direct flights to Kenya – diverting British Airways flights to Uganda or Tanzania which had both already drafted anti-terror legislation.<sup>3</sup> The local Kenyan press reported that,

*the Bill has been cited as one of the conditions for removal of US and British restrictions of travel to Kenya which included a ban on British flights to the country (Africa News Update).*

The banned flights, in addition to the travel advisories warning tourists against visiting the country had severe economic ramifications that reverberated deeply in the Kenyan economy which was, and remains, dependent on tourism as a major foreign exchange earner.<sup>4</sup> As mentioned earlier, the presidents of both Kenya and Tanzania had complained that these warnings constituted economic sanctions against their countries.

In all, members of civil society alleged that the Bill rolled back the democratic gains of Kenyans who had recently rid themselves of a despot. Emerging out of Kenya's 'second liberation' from the Moi dictatorship, diverse elements of civil society came together to challenge the government and in the end the government was forced to withdraw the legislation from parliament and to return to the drawing board. The Kenyan government has since brought five revisions of the Bill to Parliament and all of them have been rejected after major outcries from civil society. Civil society has so far prevailed in its opposition to the proposed legislation.

### **Foreign Influences on Kenya Politics**

This episode raises broader issues about the precise role of foreign countries in democratic transitions, and especially major donors – specifically their role in the Kenyan case. Bratton and Van de Walle (1997) contend, for instance, that

'although international factors played an important part in explaining democratisation, they remained secondary'. This contention has been widely challenged by scholars of transitions, many of whom base their arguments on their analysis of the Kenyan case. Studies on the Kenyan transition after 1992 argue that it was more driven by foreign (particularly US and British) interests than by domestic activists. Brown (2000:v), for instance, argues that it was a direct suspension of donor aid that forced Kenya's authoritarian leadership to hold elections. He writes that donors facilitate the democratic transition by 'raising the cost of continued authoritarian practices and helping build democratic institutions and local capacity'. Nyinguro (1999) also uses the Kenyan example to emphasise the important role that the US played in the democratisation process:

*The US used both its hegemonic position as the sole superpower and influence in the donor community to rally international pressure for democratic reform in Kenya. It also deployed its diplomatic and economic leverage it had accumulated over the years as one of Kenya's major donors and diplomatic patrons to apply pressure independently on the Moi regime.*

In general, the scholarship on the Kenyan transition makes clear the incredibly powerful role that foreign donors play in shaping the emergence of a post-Moi regime. This influence the foreign donors had on the Kenyan political scene continued into the new Kibaki administration. The US and Britain in particular had helped the opposition into power and it was widely understood that the new government would follow the wishes of their benefactors. It was in this context that the new anti-terror legislation was understood nationwide. Activists opposed to the legislation claimed that the proposed law went too far in placing the country's politics in the hands of foreigners. The *Daily Nation* reported that 'groups allied to the Kenya

Human Rights Network said the Bill was 'unacceptable as it puts the country's sovereignty at the whims of US and British governments' (Wahome Thuku, 2003). In the words of another commentator opposed to the Bill,

*We do not have to behave like lemmings, and blindly follow the path laid by other countries in their war against terror* (Kagari, 2004).

Recognising the decisive role that the US and Britain play in the IMF, opponents of the Bill also saw it as the government's attempt to secure IMF funding. 'Of what use is qualifying for IMF loans while we are bound and gagged, slaves with no rights, citizens of a Republic without sovereignty?' complained one unidentified activist. This sentiment reflected the sense across the country that the Kibaki government proposed the anti-terror legislation to please their backers (the US and British government) who had supported their opposition to the Moi regime.

With the powerful evidence of the close dependent relationship between the Kibaki regime and the US and British governments, how can we understand the ability of domestic activists to force the new government to shelve the proposed anti-terror legislation? Foreign donors had been able to exert decisive pressure on the Moi regime, forcing him to leave office. They had also actively supported the Kibaki opposition that was now in power. The expectation then, is that the Kenyan government as a whole, and the Kibaki regime in particular would be more receptive to foreign pressure, and especially pressure from the US and Britain, than to its own domestic activists.

The anti-terror legislation is therefore interesting because it presents us with a case of US and British interests losing out to the pressure applied on the Kenyan government by domestic activists.

Indeed it is telling that as the Kenyan government is responding to foreign pressure by proposing this legislation, there is an almost unexpected reaction by civil society which has up until this point been in support of the Kibaki government. This reaction is so intense that it has the effect of causing the new government to withdraw the anti-terror legislation from parliament. How then are we to understand the actions of the Kibaki government in bending to the will of domestic activists at the grave risk of angering its foreign backers?

The impact of foreign powers seems to have different abilities at different moments during the transition process. Indeed as Brown (2000:vi) argues,

*political conditionality is inherently most effective in prompting political liberalisation in an authoritarian country, less effective in ensuring a full transition to democracy and least effective in promoting consolidation. It becomes progressively more difficult for donors to focus their limited leverage effectively as the political reform agenda becomes more broad.*

In the Kenyan case foreign donors have not had the same ability to influence they had earlier in the liberalisation process. By this stage domestic actors have become strong enough to provide an effective counter-balance to foreign donors in the political arena.

A well-organised civil society that is not afraid to challenge the government on issues of policy has proved crucial to the government withdrawal of the anti-terror legislation. The same organisations that had risen to challenge the Moi regime now have the organisational capability to rise up against the Kibaki government's policy. In the first few months of the new government organisations such as the Law Society of Kenya and the Kenya Human Rights Network had stood silent and watched to see if it would make good on campaign prom-

ises to respect human rights. When the government brought the anti-terror legislation to Parliament these organisations saw a clear violation of human rights and mobilised to challenge the government. Clearly, had these organisations demobilised after the election of the Kibaki government, they would have been unable to offer such a quick response to the proposed legislation. These organisations were able to organise public rallies and educational forums to educate the public and members of parliament about the Bill.

The ability of activists to stop government from following the will of foreign donors, and act without fear of persecution or a government crackdown might point to the conclusion that Kenya has achieved a stable democracy. However, it is important to exercise caution before embracing this conclusion. The resistance to anti-terror legislation is merely one moment of political struggle where a government didn't automatically get its way. A consolidated and stable democracy constitutes many such moments. The anti-terror legislation seems the first incident to jolt civil society out of its complacency with the new government that it helped bring about. It will take years, and many more moments of successful challenges to state power and its foreign backers before Kenyans can truly rest assured of a stable democracy.

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## Endnotes

1. Reports from the BBC, CNN, the Kenyan *Daily Nation* and the UK's *Guardian* newspaper all report different numbers of Kenyans, Israelis, and terrorists dead.
2. The Kenyan news media later reported that the employees of the hotel were pleading with the government to force the owner of the hotel, Mr Yehuda Sulami, to pay them their salary arrears and terminal dues. Staff Reporter, 'Bomb

Hotel's Former Staff Demand Salary Arrears', *Daily Nation*, 1 December 2003.

3. Human rights groups in Kenya point to the legislations of India, Pakistan, Uganda and Tanzania as being misused for political purposes and by governments in power to persecute their political opposition which is labeled 'terrorist', Michelle Kagari, 'Anti-Terror Bill an Affront to Human Rights', *Daily Nation*, 18 November 2003.

4. In an interesting turn of events a local insurance company began offering 'anti-terror' insurance coverage to tourists and tour companies in the East African region that was now seen as highly vulnerable to terrorist attacks.

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**Editor's Note:** On the US militarisation of Africa see Daniel Volman in ROAPE nos. 98 (December 2003) and 32 (March 2005); Jean-Christophe Sevant in no.95 (March 2003) and Sandra Barnes in 104/5 (June-September 2005). In the next issue of ROAPE Jeremy Keenan will be looking at security issues in North Africa; Michael Klare & Daniel Volman will be looking at 'America, China & the Scramble for Africa's Oil'.

However, while this global military industrial complex is encircling the globe – see the 'noubases' website for shocking documentation of US military scrambling all over Latin and South America as well as the Pacific – there is another, covert element which is just as evil: the so-called 'contractors'/mercenaries and the brokers who trade in arms. Contributions please to [editor@roape.org](mailto:editor@roape.org).

And in our ongoing quiz to see if you're paying attention, in 1986 it took 15 cows to buy an AK-47; how many does it take today? The prize will be our ROAPE Reader or two back issues of your choice.



## Kenya's Constitutional Reform Referendum

*Lionel Cliffe*

In November 2005 Kenyans went to the polls to vote for or against a draft constitution, a majority rejecting the proposed document. This marked the most recent stage in a long-drawn-out process. Kenya's (still) existing constitution had been drawn up at its own Lancaster House Conference in London in 1962 and had been in force though under threat at some crisis moments since Independence in 1963. The only significant amendments to it were the move to a one-party system in the 1970s and then, under after widespread demonstrations and sustained pressure from civil society – and from international donors' threats – the amendment in 1992 to allow registration of other parties. This latter change heralded in a new period of civic political activity and competitive parliamentary and presidential elections in 1992, 1997 and 2002. But like the other few changes it only amended one small part (Section 2A in this case) of the overall document.

Thus Kenya is still saddled with what is essentially a colonial document: produced in London with the Kenya delegates under pressure to accept the formula, underwriting property rights, enshrining the centralised authoritarianism of the (settler-) colonial state. Activism spear-headed by the particular vigorous civil society organisations in Kenya in the 1990s was frustrated at every turn by the Moi government, which still felt it necessary to concede a Constitutional Review Act in 2000. This provided for a suitably long period of public debate and even political education about the issues, and put the drafting in the hands of a Commission with civil society members as well as representatives of the Executive and Legislature. But the Commission and the task of writing remained

contested terrain throughout the four years of work before it delivered a draft in October 2004.

The contestation was a three-way struggle: between the government (including the new Kibaki government elected in 2002), parliament and the political parties, and the civil society bodies – with politicians even of the opposition parties as likely to oppose the last as support their efforts. Indeed even after the Commission's draft had been submitted, efforts to undermine it persisted and were finally successful when Parliament decided that it was the sole body that should draw up and approve a constitution. So although there was a referendum which did limit their having the final say, the voting was on a new draft put together by the Government. It was referred to as the Wako draft, after the Attorney General (both in the Moi and Kibaki governments). As some commentators remarked 'the politicians high-jacked the process'.

In the campaign some members of the government as well as other MPs opposed this new draft and mobilised against – under the banana voting symbol, against the 'orange'.

## **The European Union in the IGAD-Subregion: Insights from Sudan & Somalia**

*Marie Gibert*

The partnership between the European Union (EU) and the African Union (AU) in Darfur is attracting renewed, and critical attention on the former's growing political role in Africa. The EU is a major aid provider in Africa and has tended, since the beginning of the 1990s, to expand its exclusively developmental role to a more political one through a greater involvement in security issues. In the Horn of Africa, however, most former colonial powers have only maintained loose links with their former colonies, with the obvious exception of France in Djibouti. The Horn's very strategic location has slowly made it a US *chasse gardée* where the EU and its member states often remain behind the scene. Since the 9/11 attacks it has been one of the regions most closely observed by Western intelligence. Counter-terrorism issues have clearly influenced US politics in the region. This Briefing will examine whether the EU shares these and other US concerns.

### **Europe's Development Aid: A Political Tool?**

Many observers have underlined the uniqueness of the link between Europe and the states of Africa, Caribbean and the Pacific, the so-called ACP. The first Lomé Convention, in 1975, was hailed as a new departure in North-South relations: it was put forward as a path-breaking 'partnership of equals'. Sudan and Somalia were then listed among the least developed ACP states that would need special attention and have, ever since, remained on this list. European aid was, under the first three Lomé conventions, 'softer', both in financial terms and in general conditions, than

that of the other donors or of the international financial institutions. Lomé, however, failed to fulfil its promises: the reality of the Convention has been that both aid and trade provisions have acted to confine ACP countries to the export of certain primary commodities (Hewitt, 1989).

At the end of the 1980s, Lomé slowly submitted to the international development policy trends. An unprecedented political element was introduced in Lomé IV (1990), which acknowledged that a democratic environment was favourable to economic development (Lomé IV, article 35b), while respect for human rights became a conditionality in Lomé IV bis (1995). Still, at the end of the 1990s, the Lomé Conventions had failed to adapt to the international economic situation. The Cotonou Agreement, signed in 2000, therefore introduces an important degree of 'normalisation' by subjecting the EU-ACP trade arrangements to WTO rules and democracy, good governance and respect for human rights conditionality (Cotonou Partnership Agreement, articles 8 to 13).

## **Somalia & Sudan: The Central Conflict Issue**

In the Horn of Africa, the EU has remained relatively absent from the political and developmental scene, especially if one compares its involvement there to its actions in other regions. In spite of this background position, however, the EU followed a rather clear pattern borne of the region's many conflicts. Neither Sudan nor Somalia could fulfil the political conditions tied to the ACP-EU agreements of the 1990s. EU relations with both countries were therefore limited to humanitarian assistance in response to emergency needs and to an often timid support to peace negotiations. In Somalia, the EU modelled its level of involvement in the peace process on that of the US: no EU official has been assigned full-time responsibility for the process, and political support to the conference has been largely delegated to a European Commission regional advisor with competing responsibilities elsewhere. The EU has certainly been more active in Sudan but its contribution to the resolution of the conflict remained well behind that of one of its member-states, the United Kingdom, or of the US and Norway.

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## **IGAD Member States**

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The seven member states of IGAD – **Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda** – cover an area of 5.2 million sq. km and have a population of more than 160 million. The IGAD region is very rich culturally due to its numerous ethnic groups, languages and religious practices. The average population growth rate of 2.5 % is one of the highest in the world and nearly half of the population is under 14 years of age.

The region is highly affected by internal and external conflicts, therefore the joint peace and conflict prevention efforts of IGAD member states are crucial for a sustainable development of all countries.

The region has abundant resources, which when properly developed and tapped could secure economic prosperity for the people, in particular, the rich endowment of rivers, lakes and forests, the large livestock stocks and the high agricultural production potential. IGAD provides the political platform through which the Governments of the member states pool resources and coordinate their efforts to initiate and implement regional programmes and projects to tackle development challenges facing the region. As one economic block, IGAD region will have added advantage to effectively compete in the global economy.

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Progress made in the peace negotiations in both Sudan and Somalia has however led the EU to reconsider its position and mention the possibility for both countries to enter the Cotonou Agreement. Cooperation in Somalia is defined by the 'Strategy for special aid to Somalia' that recommends flexibility, strict neutrality, contacts at local level and a multi-sectoral strategy, from humanitarian aid to relief through rehabilitation to development. EU Member States have reviewed the political situation since early 2001 and initiated an internal reflection on 'conditions which need to be met before a legitimate authority in Somalia could sign the Cotonou Agreement', thus implying that until further notice, the aforementioned arrangement should be maintained (EU Relations with Somalia, EU website, 2003). The EU has recently allocated about 85 million euros to organisations offering services in Somalia, but further aid depends on political stability and the Somali Transitional Federal Government's capacity to put an end to its endless wrangles.

In November 1999, the EU and Sudan started a political dialogue aimed at addressing concerns about human rights, good governance and rule of law and democratisation.<sup>1</sup> Parallel discussions were held in 2002 and 2003 with the Sudan's People Liberation Movement/Army (SPLM/A). The agreement signed in January of this year gave the green light for a resumption of development cooperation between the EU and Sudan (EU Relations with Sudan, EU website, 2004); 590 million euros stand available in the European Development Fund and will help provide a substantial and immediate peace dividend. The Commission, however, has also made clear that the resumption of cooperation will be progressive, taking into account the effective implementation of the Comprehensive Peace Agreement and the evolution of the situation in Darfur. A special envoy on Darfur, Mr Sten Rylander, has been part of the Darfur

mediation team for the past year, while an EU Special Representative, Mr Pekka Haavisto, was appointed in July 2005 in order to ensure maximum effectiveness of the EU's contribution to the peace processes.

## **Development & Conflict Resolution**

The security conditionality the EU had introduced in the delivery of its development programmes in Sudan and Somalia from the beginning of the 1990s was formalised and theoretically grounded by Western donors and NGOs during the following decade. Development was not just about concluding trade agreements and building infrastructures; political stability and democratisation had become new essential conditions for its realisation. The EU began serious reflection on peace-building and conflict prevention in Africa in 1993. In December 1995, Council conclusions on 'Preventive diplomacy, conflict resolution, and peacekeeping in Africa' were adopted, which reflects an 'exclusive approach' according to which the EU should mainly support national activities of EU member states, as well as African initiatives. These conclusions were also meant, however, to serve as a basis for a more comprehensive policy that could open the door for an operational follow-up (Landgraf, 1999). The very first European crisis management military operation was led in the Democratic Republic of Congo in 2003, proving that the EU's resolution to enhance its conflict resolution capacities in Africa had not weakened.

## **Regional Integration for Peace & Development**

In spite of this success, however, the EU and its member-states are increasingly reluctant to send troops or intervene directly in conflicts (Keane, 2004). Thus, the EU encourages the development of African intervention capabilities and

mediations (Landgraf, 1999) – the principle of ‘African ownership’ – and has developed what could be called ‘multilateral subsidiarity’: the African Union and regional organisations such as IGAD should intervene as soon as they can. When this is not possible, however, or when rapid intervention or financial support is needed, the European Union will be ready to lend its support. The support lent to the African Union for its mission in Darfur (AMIS) is the very illustration of both the desire to tackle the issue of conflicts in Africa and the unwillingness or incapacity to send troops to Africa (Monaco and Gourlay, 2005).<sup>2</sup>

This insistence on peace-keeping interventions by African regional organisations is part of a general European and international focus on regional integration in Africa as a solution to Africa’s economic and political crises. The Cotonou Agreement, which runs over 20 years, should lead to Economic Partnership Agreements (EPAs) between the EU and ACP regional organisations, in spite of the many reservations expressed by analysts and African trade negotiators.<sup>3</sup> The EU has lent the same support to regional peace processes. The EU and its member states, as members of the IGAD Partners Forum and the IGAD Standing Committee on Somalia, actively supported the IGAD peace processes (EU Relations with Somalia, EU website, 2005). The EU has often been willing to unblock funds to support the IGAD or the talks that led to the May 2004 agreement on a monitoring mechanism in Darfur. However, there again, reservations are numerous. Regional solutions are certainly desirable, but the EU has ignored that the region’s civil conflicts often involved neighbouring countries. The interconnectedness of the conflicts in the Horn has been analysed in-depth but has not led to better communication and coordination between the European in-country delegations in the region.

## **‘New Wars’ & International Terrorism: The Supposed Link**

After the shock caused by the attacks on the World Trade Center and the Pentagon in September 2001, finding answers to the questions why and how these attacks, and international terrorism in general, took place became pressing. The link between internal conflicts, criminal networks and international terrorism is the one most often emphasised and one that is of interest here, as Somalia and Sudan are directly concerned. Some authors mention an obvious link. For Mark Duffield, the key-word is ‘networks’: terrorism is based on the same networks as the ‘new wars’ of the last decades. War economies, terrorist networks and criminal syndicates have increasingly become interconnected among themselves and with legitimate businesses and established systems (Duffield, 2002). A number of UN reports have also established linkages between money laundering or the trade of rough diamonds from conflict areas and the financing of terrorism (United Nations Action Against Terrorism, 2004). These networks – whether they support terrorist or rebel groups – are said to have reached an unequalled level of integration in the society and, therefore, of camouflage (Duffield, 2002). However, most reports published by NGOs and state administrations and based on field observation remain very vague on the linkage between the criminal networks that sustain the new wars and international terrorism. They do mention possible common networks but don’t trust themselves in going much further (International Crisis Group, 2002).

## **Sudan & Somalia: Safe Havens for Terrorism?**

Sudan has a long history of suspected sponsoring of terrorism: the Sudanese regime was accused of harbouring Libyan terrorists as early as 1985. Sudan welcomed radicalised veterans of the Af-

ghan war and provided a home to Osama Bin Laden from 1991 to 1996. The Sudanese regime has always denied having had any relations with the al-Qaeda leader and accepted, in 1996, to expel Bin Laden, although it thought it better to keep him in the country where he would be under control (Rose, 2002). It is, however, assumed that the al-Qaeda leader has created business linkages that have persisted after his departure. Al-Qaeda would also enjoy an unknown level of popular support within Northern Sudan, where demonstrations of support have been modest but persistent. All these elements have made Sudan a priority focus for US investigations immediately after September 11<sup>th</sup>. Sudan responded positively to the cooperation demands expressed by the US administration but remains on the list of suspects (Morrison, 2001; US Department of State, 2005).

Somalia has quite other reasons to attract Western suspicion. It was known to American intelligence that al-Qaeda had sent Islamic proselytes – possibly mujahhedins – to Somalia from Sudan in 1991-1992 and that these proselyte movements organised a welfare organisation called Al-Itihaad Al-Islami. Al-Itihaad and other such Muslim charities enjoy considerable popular legitimacy in central Somalia for the social welfare they have created (Morrison, 2001). Supported by wealthy Saudi elements, Al-Itihaad is alleged to have been closely associated with violent al-Qaeda operations against US personnel and is listed by the US Department of State among terrorist groups (United States State Department website, 2004). Somalia's anarchic state would also be a safe haven for al-Qaeda members who need to transit through Somalia while organising operations in other countries of the region (Morrison, 2001). Finally, some remittance businesses are suspected of being an efficient financial link between the influential Somali diaspora and the Muslim associations: the US has frozen

the assets of the leading company in financial services and telecommunications, Al-Barakaat, following September 11<sup>th</sup> (Menkhaus, 2002).

Proof of these allegations is however lacking, although this would never be officially acknowledged. Observers note that most reports produced by American intelligence on Sudan during the 1990s were the product of disinformation. The Clinton administration therefore listed Sudan among state sponsors of terrorism and obstinately refused to change its mind in spite of Sudan's cooperation offers and pressure from the US intelligence community to accept these offers. The US administration finally agreed to send a joint FBI-CIA team to Sudan and the team gave the country a clean bill of health in the summer of 2001 (Rose, 2002). Suspicions concerning Somalia and Al-Itihaad are, according to Ken Menkhaus, just as ill-founded. Holding fixed territory proved to be a curse for Al-Itihaad, as it made it a sitting target for neighbouring Ethiopia, which is firmly committed to fighting Islamic extremism. For the past seven years, the organisation's strategy has therefore been to integrate into local communities and work within legitimate sectors. Above all, Al-Itihaad has mainly been focused on a domestic, not global, agenda and the bulk of its members have nothing to do with terrorism and al-Qaeda. Menkhaus further underlines that Somalia is a notoriously difficult place for non-Somalis to operate in secrecy (Menkhaus, 2002). There is no more evidence of ties between the remittance companies and Al-Itihaad. The move against Al-Barakaat has never been clarified and is questioned by Somalia analysts. Somalia may be a growing transshipment zone into Kenya and a short-term safe haven for foreign terrorists, but its implication in terrorist activities has been modest compared with countries such as Pakistan, Indonesia, Egypt, Yemen and even Kenya (Menkhaus, 2004; Crisis Group, 2005a).

## **The War on Terror, a Political Instrument in the Horn**

It was not difficult for the Horn's leaders to quickly assess the political advantages they could get out of the 'war on terror'. Ethiopia was the first to play the counter-terrorist card to influence the regional political game. Its intelligence services maintain a significant presence in Somalia and Ethiopia has not hesitated to use the supposed terrorist threat to oppose Somalia's first Transitional National Government (Markakis, 2003). The new Transitional Federal Government (TFG), since its formation in October 2004, has been very keen on exploiting the terrorist threat for short-term political gain. Suspected terrorist acts are now at the centre of the Somali peace process: Each deadly incident in Mogadishu is interpreted by the interim president Yusuf and his allies to demonstrate that the capital is not safe for the TFG to be based there, that foreign troops are required for its security and that its political adversaries support terrorist networks. The scramble by faction leaders to find al-Qaeda figures for American reward money has created a real industry in abductions. Many Somalis are dedicated to the containment of terrorism but now strongly resent counter-terrorism measures (Crisis Group, 2005a). Western governments have generally shown little sympathy for the Ethiopian and TFG position, but this local 'war on terror' is likely to trigger more damage than the terrorist networks it aims at stopping.

Surprisingly and in spite of its presence on the US list of states sponsors of terrorism, the 'war on terror' has played a much less central role in the Sudan peace process. US President Bush repeatedly stressed to the government of Sudan that ending its support to terror was no substitute for ending the civil war inside Sudan. The domestic mobilisation, in the US, on the war in Southern Sudan may well have helped reduce the risk that the

quest for peace would be sacrificed to counter-terrorism (Rogier, 2005).

## **The EU & Counter-Terrorism in the Horn**

The lack of proof of the existence of wide terrorist networks in the Horn and the consequences, in the region, of the 'war on terror' have not prevented the US from suspecting the region of being a highly strategic region in the 'war on terror', nor from expanding its presence in the region, with a new military base in Djibouti (Botha, 2004) and a strengthened counter-terrorist cooperation with Kenya, Ethiopia, Djibouti, Uganda, Tanzania and Eritrea (Joannidis, 2004). The EU supports the US counter-terrorist and monitoring operations in the region: a European maritime force, the Euromarfor, has taken part in the 'Enduring Freedom' operation in the Horn of Africa (French Ministry of Defence, 2003) and member states – including the UK, France and Italy – have reportedly sent intelligence missions to the region (Crisis Group, 2005a). The EU, however, seems much more cautious when it establishes its list of terrorists since it first distinguishes terrorist persons and groups – and thereby underlines the difficulty to determine when an effective organisation is established – and restricts its list to 45 persons and 46 groups, while the US State Department lists 78 terrorist groups worldwide. Interestingly, neither al-Qaeda nor Al-Itihaad appear on the EU's list (Council of the European Union, 2004), a fact that tends to underline important disagreements between the American and European intelligence services and foreign policies.

Moreover, the EU has slowly reverted its attention from failed states supposed to be safe-havens for terrorist groups to its own domestic scene. Since the Madrid and London attacks in 2005, European policy and intelligence, which had been focusing on veterans from Afghanistan and Arab fundamentalist circles, have

realised that the attacks would not be possible without the cooperation of Muslim immigrants, often having lived in Europe for many years, who are well integrated and well educated. These small groups of terrorists based in Europe do not account directly to al-Qaeda – whose survival is questioned by most European intelligence agencies (Stroobants, 2004) – but have taken up Bin Laden's idea of a 'global Jihad'. They rely on elaborated economic networks hidden behind successful, small and quiet businesses (Gehriger, 2004), a strategy that is an exact copy of Bin Laden's own attitude in Sudan from 1991 to 1996 (Jacquard, 2002). Moreover, the European states have clearly decided to focus their attention on strengthening their own security policies and cooperation in matters of intelligence rather than on chasing supposed terrorist networks on unknown fields. Although 9/11 is mentioned in the summaries of nearly all European foreign policy and development documents, only a rather limited part of the EU's counter-terrorist agenda is now devoted to external affairs.

## Conclusion

The EU's power to bring more nuances and peace onto the international scene, however, remains limited. The regional organisation is a political entity of enormous complexity which suffers from the divisions between its institutions and from the opposing positions adopted by its member-states. The EU tends to have what Charillon calls a 'gap diplomacy': it intervenes in complementarity with its member-states and with the US, or where they do not claim a sphere of influence (Charillon, 2002).

The EU's policy in the Horn of Africa also lacks some consistency. The EU is often eager to promote the IGAD and the African Union in the region. On the conflict resolution side, the EU seems to lack a regional vision of the Horn and

has failed to offer regional solutions to the conflicts, other than encouraging IGAD mediation. Moreover, it is highly doubtful whether IGAD, or even the African Union, have the capacity to implement the very ambitious programmes the EU has in mind.<sup>4</sup> It may even prove risky to push them too far too fast. The same can be said of the often emphasised link between peace and development. The EU has now introduced political conditionality in all its development programmes, arguing that an unstable political situation is not conducive to economic development. It has, however, ignored many critics' call that its trade agreements with the ACP countries also take this link into account and be more conflict-sensitive.

Finally, the EU constantly seems to oscillate between following international trends and defining its own agenda. Its counter-terrorism coordinator, Mr de Vries, was proud to announce in June 2005, that the EU member states had pledged to increase the international aid with 20 million euro by 2010 to help the UN meet its Millennium Goals and to help developing countries combat poverty and reduce the potential for radicalisation and recruitment into terrorism (De Vries, 2005). But its potential certainly rather lies in its capacity to attract international attention to other, less topical issues. The international refusal to recognise the independence of Somaliland, the most peaceful part of Somalia, will have to be tackled and the EU – which works with the Somaliland administration as a responsible authority (Bradbury, Abokor & Yusuf, 2003) – could certainly play a role there and fight away the Western and African old fear of an African balkanisation.

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## Endnotes

1. Meanwhile the US favoured sustained pressure on the Government of Sudan until peace negotiations proved conclusive. This deep disagreement subsequently led US envoy Senator Danforth to seek European support for a multilateral peace process (Rogier, 2005).

2. It is difficult to assess the effectiveness of the AU/EU partnership in Darfur because it is so recent. Most observers however agree that the mission remains too limited – in terms of troops, equipment, mandate and funding – in spite of the EU's considerable financial backing. For a detailed analysis of this partnership, see the Crisis Group Africa Report n° 99, 'The EU/AU Partnership in Darfur: Not Yet a Winning Combination', 25 October 2005.

3. One main reservation concerns the full reciprocity in the tariff treatment the EPAs would grant the EU: It runs counter to the promotion of intra-African trade. Another is that it will lead to the fragmentation and weakening of existing regional organisations. For a more detailed analysis of the EPAs, see R. Gibb (2000), 'Post-Lomé: The European Union and the South', *Third World Quarterly* (31, 3) and P. Goodison (2005), 'The European Union: New Start or Old Spin?', *Review of African Political Economy* (103), pp. 167-176.

4. I am not denying the excellent results achieved by both organisations on conflict resolution issues. The very fact that IGAD has survived the multiple divisions between its member-states is in itself an achievement. But international donors have tended to focus on this aspect solely, although what is expected of the AU and IGAD is the implementation of a complete and far-reaching institutional reform programme.

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## The Urban Digital Divide: A Comparative Analysis of Internet Cafés in Johannesburg, South Africa

*N. Hyde-Clarke*

Improved interaction with the information society is thought to enhance a state's economic status in the contemporary system. Much has been written of the digital divide between countries, yet little has been researched on the digital divide within the economic capitals of countries themselves. This is particularly true of those on the African continent. South Africa is considered to be one of the most technologically advanced states on the African continent. Yet, within South African society there is a schism between those able to afford and access online material, and those who are not. Due to large income disparities, some people living in cities are unlikely to engage with the information society at all. This is particularly evident in the country's economic hub – Johannesburg.

The South African government has encouraged private business enterprises to step in and facilitate technological transfer in South African society. The introduction of internet cafés appears to offer an opportunity that could allow previously marginalised groups the ability to 'surf', send email and conduct research. This could mean greater participation in the information society. However, uneven growth rates within Johannesburg often means that people residing in some suburbs (often the wealthier ones) have more access and are given more opportunities to engage with the global information society than others. Although a large Black middle class is emerging, the digital divide within Johannesburg society still appears to have racial undertones. What also makes this study of interest to observers is the influx of foreigners from other African states –



thereby possibly altering the nature of the division as explained by existing arguments.

This study analyses the behaviour of users in two internet cafés in the greater Johannesburg area. The two case studies operate in very different environments. Statistics SA provided the following information about the economic status of people living in these suburbs in the 2001 Census Report.<sup>1</sup> The first, the Milky Way Internet Café, is located in Rosebank. In 2001, it was determined that this suburb housed about 1,079 people, 20% of whom were unemployed. Of those employed, the average income per person ranged between R3,201.00<sup>2</sup> and R12,800.00 per month, and 23% earned over R26,000.00 per month, for that year. The second case study, The DM Business Centre and Internet Café, is located in Troyeville, an inner-city suburb. In 2001, Troyeville housed 3,508 people, of which 59% were unemployed. The average income per person, for those who were employed, ranged between R801.00 and R3,201.00 per month. At that time, only 11% of the people residing in Troyeville were earning more than R3,201.00 per month.

The study should prove valuable in determining whether there are any similarities in internet use in two seemingly different sectors of South African society. It could be used to establish whether there is a narrowing of the gap within urban areas of Johannesburg. It was decided to analyse private enterprises, and not government-sponsored programmes, as private enterprises would be more likely to exist in a larger range of suburbs. Government projects are most often found in low-income areas. The data analysed in the case studies has been acquired from interviews conducted with personnel from the two internet cafés in May and July 2005.

## **South Africa in Context**

On average, approximately 1,45% of the African population has internet access. This is especially dire when one considers that this figure includes South Africa, considered to be the most developed country on the continent, which accounts for 26,2% of that figure (Internet World Statistics, 2005:1).

In developing countries, the lack of infrastructure, lack of necessary skills and literacy, and the inability to access global networks mean that the vast majority of the population continue to be excluded or marginalised. The lack of software and information about the Internet, and how to use it, is rarely available in minority languages. This hampers access in developing countries where most people are at best second-language English speakers (OECD, 2004:5). For example, in South Africa, which has eleven official languages, only 8,2% of the population are first language English speakers (SA Statistics, 2005). Yet, the majority of software is only available in English. There is an initiative to translate programmes and to create web browsers in local languages.

The World Bank classifies South Africa as a middle-income country. South Africa has a population of over 44 million. Over nine million reside in the Gauteng province, with just less than half living in Johannesburg. Johannesburg is the economic hub of South Africa, contributing 16% to the national economy, and 40% to Gauteng. The average annual income per household is R31,048.00 – generally 57% higher than that for South Africa as a whole (Integrated Development Plan, 2003/4:2).

A survey in 2000 discovered a divide within urban areas themselves. This was attributed to income disparities in cities. Predictably, people with higher incomes (especially those earning more than R20,000.00 a month) had more access to

communication technologies than those in a lower economic strata. Also, it appeared that the apartheid legacy continued to influence who had access and who did not. White South Africans were more likely to have computers, followed by Indians, Coloured and lastly, Blacks (Langa, 2002:132). Given the considerable differences in income within Johannesburg society, it is expected that the gap between the two groups will grow. Interestingly, this survey concluded that there was little difference in internet access between males and females.

### Internet Cafés

Given the ability to use access to the internet as a business enterprise, it is not surprising that many African entrepreneurs are establishing internet cafés as commercial entities designed to offer access to both computers and the internet as a service to the public. Yet, simply by offering access to a larger population, they do in some way contribute to the growth of ICT usage in a country. Also, it should not be forgotten that this access is available at an hourly rate and may still be beyond the reach of poorer communities.

Internet cafés could intentionally, or by default, act as training centres, encouraging and enhancing computer literacy and skills. Their very existence increases awareness of the internet, although this awareness does not necessarily extend to increased use of the internet 'for educational, commercial, social or political purposes' (Nnafie, 2002:1).

It should be mentioned, however, that the success and viability of internet cafés could be short-lived – even in areas where they offer a vital and much-needed service. This aspect may be attributed to a variety of factors, some of their own making and others beyond the control of the businesses themselves. These may include:

- Charging unrealistic amounts for services (particularly in low income areas);
- Unreliable power supply;
- The lack of inexpensive and high capacity connections: bandwidth available;
- High competition;
- A telecommunications monopoly;
- Inconsistent ICT policies. (Nnafie, 2002:1-2).

In addition to these, there are two other aspects that need to be considered. The lack of security, or increase in criminal activity in certain suburbs, will also pose a challenge to new and established internet cafés in Johannesburg. Similarly, as the standard of living in certain suburbs increases, the people living there may become able to afford their own computers and access to the internet, thus the need to use the services offered by an internet café may diminish.

### Case Study 1: The Milky Way Internet Café

The Milky Way Internet Café is the oldest internet café in Africa. It opened in Yeoville on 15 December 1994. It was part of a public internet access drive, sponsored by PCB Technologies – an IT company involved in installing and maintaining PC-based systems and Local Area Networks since 1985 (Gillespie, 1999:1).

Yeoville was one of the first Johannesburg suburbs to be opened to all racial groups after the collapse of the apartheid system and the cessation of the Group Areas Act and the Black Communities Development Act.<sup>3</sup> It therefore afforded the opportunity to engage with ICTs to a large multiracial group.

A few years later, the Milky Way Internet Café closed its branch in Yeoville. According to an interview conducted in May 2005, the cost of the services seemed

to discourage local usage: 'R35.00 an hour was deemed too exorbitant.'

The Milky Way Internet Café is now situated in Rosebank, an affluent suburb housing a number of four or five star hotels. The café offers the following services: 14 computer workstations; 1 multi-media workstation; laser printers; scanners; permanent internet links; LAN; four UTP port access counters; Wireless Access Points; a presentation lounge; and a committee room with a DVD Audio system. The cost to use the equipment starts at R15.00 per 15 minutes or part thereof, and thereafter R35.00 per hour. In the evenings, after 19h00, the cost is halved.

On average, approximately seventy to eighty people frequent the internet café a day. Most are South African, although a few are foreigners (from the hotels). The number of foreigners using the café has increased in the past twelve months, a phenomenon largely attributed to the excessive prices the hotels charge for internet access (as much as R80.00 per hour).

The patrons were described as being between 20 and 50 years of age, and all appeared to be financially secure: 'Most of them whip out the Platinum Visa and MasterCard'.

It was estimated that 80% of the patrons were White, 10% Black, 5% Coloured and 5% Asian. Women only appeared to constitute 25% of the customers. It should be noted that all the patrons were described as 'the corporate kind'.

More people use the café as a means of checking emails than using the internet. However, when they do use the internet, it is usually for business purposes: internet banking, business emails, booking appointments with consulates, using search engines, and visiting news sites. It is only after 19h00, when it becomes less expensive to use the equip-

ment, that patrons will 'surf the net' for social purposes, such as playing games, downloading music or visiting chat rooms.

## Case Study 2: DM Business Centre & Internet Café

The DM Business Centre and Internet Café is situated in Troyeville. Previously the home of journalists and artists, this suburb is now one of the less prosperous neighbourhoods near the Central Business District (CBD) or city centre. This is a low-density residential locality, often considered to be part of inner city Johannesburg. In addition to South Africans living in the suburb, there has been an increase in foreigners coming to the area. These people are mostly from other states in Africa, seeking employment in Johannesburg.

The Café has been operational since April 2002. They have 12 computer workstations with internet access using ADSL connections, scanning, printing, photocopying, and a Webcam. They also offer PC repair services and have a public telephone service. The cost to use the workstations starts at R5.00 per half hour. Approximately, eighty people use the workstations in the Café per day. The patrons are described as being between 20 and 45 years of age. They are generally unemployed, or earn less than R2000.00 a month. Few of the customers are South African or female:

*Most of the people (90%) are male foreigners, and are Black as we are operating in a Black people's area.*

Most people use the Café for email purposes, to communicate with relatives – mostly abroad. When they do use the internet, they tend to be looking for employment opportunities, doing research for school assignments or going to chat rooms to find overseas female companionship:

*A few of them browse pornographic websites ... Visiting educational sites is very rare.*

### **Comparative Analysis**

First, it is interesting to note that both internet cafés have the same amount of people utilising their services on a daily basis. It is also noteworthy that they are falling within a similar age bracket. This is comparable to findings around the globe, where the online activity seems to taper off after 'retirement' age (60-65 years). However, although the numbers are similar, the demographics and socio-economic status of the users in the two internet cafés are quite different. Not surprisingly, the users in the affluent area (Rosebank) are predominantly business-oriented and have a high-income status, as reflected by their display of gold and platinum credit cards and their corporate attire. In contrast, the users in the lower-income suburb (Troyeville) exhibit none of the above attributes. Interestingly, the internet café in Rosebank has a more multiracial clientele, whereas the DM Business Centre seems to cater exclusively to Black Africans.

Christopher (2001:455) attributes the continuing racial differences between suburbs in Johannesburg to the manner in which races integrated after the dissolution of the Group Areas Act in 1991. According to this argument, the first and most prominent areas where other population groups entered formerly White zones were central-city flats or apartments. In contrast, there was originally less integration in formerly White suburbs, due to the limited availability of mortgage bond finance. Thus, the centre of Johannesburg became the destination for many previously excluded people. This argument may be used to explain the different race demographics in the two case studies, as Troyeville is close to the CBD, whereas Rosebank is more of a housing suburb outside the CBD.

It is a concern that more foreigners are using the internet café in the lower income area, than Black South Africans. In wealthier suburbs, one could make the argument that this is because more South Africans own home computers and have their own internet providers; however, in lower income areas this argument is not feasible. Thus, one has to wonder about the local skills and knowledge of the benefits of access to ICTs. This trend also points to the increase of African economic refugees and foreigners with work visas in Johannesburg. It points to a possible 'brain drain' within Africa to South Africa. Thus, there could be an importation of ICT skills into the city. The arrival of African foreigners also changes the economic composition reflected in the 2001 Census Report. This is worth further investigation.

In both cases, the internet café is being used predominantly for commercial purposes. In Rosebank, the use is aimed at expanding existing business contacts and activities, whereas in Troyeville, it appears to be aimed at establishing business contacts and activities. The use of the computers in the DM Business Centre and internet café for employment opportunities is in accordance with the expectations of increased access to ICTs, as part of the urban regeneration in Johannesburg. As Sajin (2004:8) argues, citing Ramata (2003), that ICTs can make details of jobseekers available to prospective employers, as well as inform the unemployed of work available in their vicinity. This is pertinent in suburbs such as Troyeville, where unemployment is high. The café itself also offers a place for people to meet and discuss new business ventures.

Both internet cafés do not appear to be catering to the female population in a significant way. This is a concern as it points to the continuing gender gap within the digital divide itself. This is in contrast to other countries such as the US, the UK and parts of Asia including

South Korea and Taiwan where the number of women users appear to be increasing annually. Whether this decrease in South Africa is attributed to a lack of desire to engage with ICTs, or an inability to do so due to social and economic circumstances is debateable. It is also important to realise that advertisements in South African media tend to cater to a young white masculine consumer. According to Du Preez (2004:145) this means that Black women are excluded from the technology twice: first by their gender and second by their race. Thus, the obstacles to access are not only about physical access and proximity of the internet cafés, but also about overcoming the stereotypes surrounding the use of the technology. It is also entirely possible that, in internet cafés such as the one in Troyeville, women may feel uncomfortable walking into and working in a male-dominated environment, where the main activity appears to be 'surfing' for female companionship. Regardless of the reason, this gender disparity must be addressed in the future in order to afford all South Africans the opportunity of participating in the information society.

These phenomena need to be closely monitored in the future, as well as government's responses to technology transfer and skill accumulation in South African society. The study could be extended to include additional suburbs across a wider economic array, allowing for more conclusive results. This research continues to be important in order to ascertain the economic benefits afforded to the majority of the population by increased access to the Internet, and whether such access assists or hampers previously marginalised sectors of South African society.

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## Endnotes

1. It should be noted that concerns were raised about the 2001 Census Report. It appeared that a number of people had not been able to participate, and that some of those who did participate were not all that forthcoming about their employment status, salary bracket or about declaring electronic equipment in their homes for a range of reasons – security being the most cited.
2. The exchange rate fluctuates between R11.00 and R12.00 to the British Pound, and between R7.00 and R8.00 to the Euro.
3. The Group Areas Act of 1951 allocated specific areas of the country to each of the races. The majority of the land (and the most favourable) was reserved for Whites. Other races were relocated to 'reserves'. The Black Communities Development Act, introduced in 1984, zoned urban areas into exclusive group areas.

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## Bye to all the 'B' Stars of Global Pornography of Poverty: Blair, Brown, Bob & Bono

*Tajudeen Abdul-Raheem*

It is the end of one year and the beginning of another. It is customary to look back on the outgoing year, recalling the high and low points while looking forward to the New year with hope and expectations and sometimes trepidation about things foretold or just expected. Many people also engage in ritual New Year resolutions that habitually do not survive the New Year celebrations!

This column will not review the whole year. I am also engaging the good sense gear not to make any predictions for 2006 so as to save myself the trouble of verbose explanation why they did not happen, this time next year. And as for New Year resolutions, I'll save myself both embarrassment and disappointment in one go by not making any. This makes everything that may happen a surprise, whether welcome or unwelcome, a surprise all the same. Instead of a review of the whole of 2005 I will just look at one issue that became almost obsession for me throughout the year.

The year 2005 will go down as one in which so much was promised to Africa, so little was achieved but the subterfuge helped clear any lingering scales on our eyes that foreign-do-gooders will help fix Africa. We were told several times by all kinds of do-gooders that 2005 was Africa's year. These expectations were based on a dubious coincidence outside of Africa. During 2005 the British Prime Minister, Tory Blair, assumed both the Presidency of the European Union and Chairmanship of the G8 Rich Vultures' Club and promised to make Africa his priority. Prophet Blair, who did not officially visit Africa (except for an ob-

ligatory photo call on Mandela on his way to the holiday paradise Island of Mauritius and another holiday in Egypt) throughout his first term as Prime Minister decided that, to cleanse himself of the blood of innocent Iraqis that he helped his buddy, Bush, to exterminate, Africa was his salvation.

Leading British NGOs led by OXFAM who even had one of their former top ranking officials ensconced in Downing Street as an Adviser, saw Blair's missionary view of Africa as a wonderful opportunity for funding opportunism and willingly went to bed with Blair. Their shameless embrace of Blair is only comparable to the grotesque scandal of Western journalists becoming embedded with the Anglo-American imperialists in their illegal occupation of Iraq. These NGOs now have to search their souls during 2006 and ask if their collusion with power was worth it. But since they are not accountable to the people they serve they continue to talk up their treachery as success. What kind of success is this for Debt relief that sees Nigeria paying back over US\$3 billion to Britain alone, a figure more than the total Aid budget of Britain in the same year?

What kind of opportunity for Africa is 2005 when pressures have to be dissipated on making the USA through its UN ambassador, the UN-hating Bolton, to accept not to eliminate the acronym, Millennium Development Goals (MDGs) set 5 years before. If it took so much effort to defend the acronym alone how much will it take to achieve the goals? If you are still in doubt how bad things are, the recent WTO meetings in Hong Kong put paid to any illusions. There was no movement on the big issues and decisions are delayed for yet another round of negotiations between the cats and mice of the global economy. The cats will not give up their right to eat the mice while the mice have to do everything to escape being gobbled up. It's a clear frontier but many Western NGOs con-

fuse their domestic audience and their conniving Southern activists in facilitating the illusion that some cats are less greedy than others. Many Southern activists know this not to be true but carry on with their northern patrons because their jobs and careers depend on it. The campaigns offer individual poverty alleviation mechanisms without making a dent on the global and national structure of power that impoverishes the masses of their peoples. Whatever Bob Geldof, Bono and other busy-body new missionaries in the west may do, poverty can neither be danced out of town nor be talked out of existence with Prime Ministers and Presidents. It is a poverty of history to think and act as though a few rock concerts will change the situation ... no matter how many billions watch the concerts.

So grim are things that Bob Geldof has now become an adviser to the new Conservative leader, newly cloned Blairite, David Cameron, on Global poverty. Having tried Blair and New Labour the patron saint of Western NGOs have gone for the conservatives! I guess after trying the fake Tory why not go for the real thing? Are Oxfam and their assorted fellow travellers in Africa now going to persuade us that Cameron is the new face of the war on poverty?

It is clear that the British and other Western NGOs make adjustments to their own political environment and find relevance whoever is in power but because our own NGOs are Donor-driven, lacking a social base in our own societies they have proven themselves incapable of doing the same. Therefore, they declare themselves only independent of African governments and are not accountable to African people but dance to the tunes of their funders. I hope that in the New Year these NGOs will start looking more to Africa and Africans rather than false prophets, saviours and messiahs from outside. The fact that the majority of our people survived to see the

dawn breaking on 2006 has nothing to do with what Blair, Brown, Bob and Bono did for them or to them but is the direct result of our will to live and overcome. In saying bye bye to 2005 lets say bye bye to the B stars in the global pornography of poverty that dominated the mulimedia during the year.

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## **DR Congo: End Illegal Exploitation of Natural Resources**

### **Government must act on Parliamentary Commission's Recommendations**

The government of the Democratic Republic of Congo must act promptly on the recommendations of a Congolese parliamentary investigation that uncovered illegal natural resource exploitation and profiteering from armed conflict, said a leading group of international human rights, environmental and aid organisations in London on 21 February 2006.

In June 2005 the Lutundula Commission, a special National Assembly Commission led by parliamentarian Christophe Lutundula, submitted a report on its investigations into mining and other business contracts that rebels and government authorities signed between 1996 and 2003 when Congo was wracked by war. The report found that dozens of contracts are either illegal or of limited value for the development of the country and it recommends their termination or renegotiation. It further recommends judicial action against a number

of senior political and corporate actors involved in these operations.

After eight months of delay, the office of the National Assembly headed by Olivier Kamitatu decided last week to distribute the report to all parliamentarians, though no decision was made on when it would be officially examined by the chamber. Local sources reported the delay was due to pressure by senior politicians named in the report and leading figures of some of the main political parties who wished to bury it before elections scheduled for May. Discussion of the Commission's report by the National Assembly has already been postponed twice and due to a heavy parliamentary agenda, risks being further delayed.

*'For years, Congo's politicians have struck deals that enrich themselves but provide no benefit to the Congolese public. Profits from such deals have often come at the cost of enormous suffering and loss of human lives,' said the coalition of non-governmental organisations. 'Parliament must scrutinise the Lutundula Commission's findings and hold political actors accountable before the elections.'*

Since the start of the transitional government in June 2003, armed groups linked to neighbouring countries and corrupt Congolese government officials have continued illicit economic exploitation in the country. In January 2006, a UN arms monitoring group reported to the Security Council that the competition for control of natural resources continues to fuel the violent conflict in eastern and southern Congo.

The Lutundula Commission report draws attention to the ongoing illegal exploitation and recommends an immediate moratorium on the signing of new contracts until after the elections. To ensure continued parliamentary scrutiny, it also calls for an expansion of its mandate to investigate contracts signed during the transitional period from June 2003 to

present. These recommendations, made eight months ago, were ignored. Meanwhile, political and corporate actors have concluded new mining deals with minimal oversight.

While carrying out the investigation, some members of the commission were threatened and they found politicians, officials, and company executives unwilling to answer questions. Despite support from the World Bank for the Commission's work, a number of countries and international organisations also refused to assist the Commission. Officials from the UN and the Belgian Senate, both of which had investigated natural resource extraction in the Congo between 2000 and 2003, withheld important information regarding some of the illegal deals, citing concerns over confidentiality.

In its report, the commission corroborates the central findings of the UN Panel of Experts and other investigations, which concluded that belligerents were motivated in part by their desire to exploit Congo's mineral and economic wealth. Belligerents used some of their profits to finance further military operations that often involved widespread human rights abuses against civilians and violations of international humanitarian law. The war is estimated to have caused the deaths of four million people in Congo, the highest death toll in terms of civilian lives since World War II.

Set up by the peace accords of 2003, the Lutundula Commission includes representatives of all the major parties to the conflict. The commission assessed the legality of deals entered into by the former belligerents and their possible benefits for the nation. In its first report, the commission recommends that 16 contracts be ended or renegotiated and that 28 Congolese and international companies be investigated for violations of Congolese law. The commission also recommends that 17 persons be pros-

ecuted for fraud, theft and other charges. A second report detailing the financial costs of the war is soon to be submitted by the commission.

*'When the peace accords were signed, all parties agreed to investigate these deals. Now that the commission has found proof of corruption and abuses, Congolese leaders must squarely address the problem', said the coalition of international NGOs. 'Parliament must promptly put the commission's report on its agenda and take action on its recommendations before the end of the transition period.'*

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**The group of international and Congolese human rights, environmental and aid organizations includes:**

Global Witness; Human Rights Watch; Rights and Accountability in Development (RAID); International Crisis Group (ICG); Fatal Transactions; Friends of the Earth-USA; Netherlands Institute for Southern Africa (NiZA); The Rainforest Foundation UK; Broederlijk Delen; Association Africaine de Droit de l'Homme (ASADHO-Katanga); Centre National D'Appui Au Developpement et à la Participation Populaire (CENADEP); Groupe d'Appui Aux Exploitants des Ressources Naturelles (GAERN); Nouvelle Dynamique Syndicale (NDS); Organisation Concertée des Ecologistes et Amis de la Nature (OCEAN).

## The Corner House

Corporate power never stands still. If companies are blocked from getting what they want in one arena, they quickly move to develop new ways of bypassing whatever obstacles are in their way. But they never take the framework in which they act for granted, operating as they do against an endless and varied background of resistance.

Three new articles on The Corner House website describe the new bilateral avenues that some corporations are using to push their investment interests, and some new ways that activists are using to keep them in check.

1) 'Turbo-Charging Investor Sovereignty: Investment Agreements and Corporate Colonialism' (written by Nick Hildyard of The Corner House and Greg Muttitt of PLATFORM, a UK NGO focusing on the oil industry) describes new Host Government Agreements that companies are using to dictate the legal framework under which their projects, such a dam or an oil pipeline, will operate. Oil and gas companies are evolving Production Sharing Agreements that effectively give them almost complete control over a country's natural resources. The article illustrates how corporations are imposing this new era of resource colonialism with examples from the former Soviet Union, West Africa and Iraq. <http://www.thecornerhouse.org.uk/summary.shtml?x=523529>

2) Grassroots movements and national and international non-government organisations have long resisted corporate activities that harm local livelihoods, human rights and the environment. As a result of their activities, the majority of the major international finance institutions now promise that the projects they support – such as dams and oil pipelines – will comply with international envi-

ronmental and social standards ... but nonetheless those standards are frequently flouted. 'Holding Funders and Companies to Account – Litigation and Standards' outlines how some NGOs have documented these violations so as to publicise what's happening and to bring legal cases to court. <http://www.thecornerhouse.org.uk/summary.shtml?x=523531>

3) Another of the few mechanisms available internationally to hold companies to account is the complaints procedure of the OECD's 'Guidelines for Multinational Enterprises', a set of voluntary principles and standards for 'good corporate behaviour'. A joint submission by The Corner House and RAID (Rights and Accountability In Development) to a UK Government consultation on the Guidelines raises several concerns about the complaints procedure and provides a number of recommendations. <http://www.thecornerhouse.org.uk/summary.shtml?x=523532>.

Evidence is growing that the earth's climate could soon change abruptly and drastically. Evidence is also growing that the 'magic bullet' that many governments hope will cut this risk – carbon trading – is failing. Three articles now on The Corner House website present an alternative view of last year's official climate negotiations in Montreal and sketch some of the issues:

1) 'To Keep the Oil Flowing: A Conversation on Carbon Trading' <http://www.thecornerhouse.org.uk/pdf/document/CarbConv.pdf>

This is a rough draft of one portion of a forthcoming special issue of *Development Dialogue* and was distributed at the Montreal climate conference. It describes in a 'question-and-answer' format what is happening on the ground as the fossil fuel economy sets up 'carbon offset' and 'carbon saving' projects around the globe. The authors, many of whom are associ-

ated with the Durban Group for Climate Justice, would welcome comments from readers.

2) 'Climate Talks in Montreal: Can We Save the Planet?' <http://www.thecornerhouse.org.uk/summary.shtml?x=523750>

This article by Brian Tokar that was published in the February 2006 issue of the *US Z Magazine* describes the key issues of global climate change discussed at last year's climate negotiations in Montreal.

3) 'Climate Politics after Montreal: Time for a Change' .

<http://www.thecornerhouse.org.uk/summary.shtml?x=523748>

This article by Larry Lohmann (published in January 2006 by the US online think-tank, Foreign Policy in Focus, and in another version by *Development Today*, Norway) argues that carbon markets are not helping to phase out fossil fuels and are not therefore helping to tackle global warming.

<http://www.thecornerhouse.org.uk>

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## Nestle Taken to Court

On Monday, 6 February 2006, just a week before Valentine's Day, the first court hearing was scheduled for a lawsuit filed against Nestle, Cargill, and Archer Daniels-Midland for allowing forced child labour to be used on their West African cocoa farms. Human rights groups have long criticized the chocolate industry for failing to stop illegal child labour, including child slavery, on West African cocoa farms, but this is the first time the issue is going to court. The charges against the companies include trafficking, torture, and forced labour of children who cultivate and harvest cocoa beans, which the companies import from Africa.

*Valentine's Day chocolate definitely isn't going to taste as sweet when consumers find out it was made with illegal child labour. The chocolate industry has known about this problem for years, and now they're facing the repercussions in court,*

said Kirsten Moller, executive director of Global Exchange, a San Francisco-based human rights group that is party to the lawsuit. Global Exchange and the Organic Consumers Association will hold a creative protest outside the courthouse just prior to the hearing to demand that Nestle stop using illegal child labour and switch to Fair Trade cocoa.

The lawsuit was filed by the Washington, DC-based International Labor Rights Fund and the civil rights firm Wiggins, Childs, Quinn & Pantazis on behalf of a class of Malian children who were trafficked from Mali to the Ivory Coast and forced to work 12- to 14-hour days with no pay, little food and sleep, and frequent beatings. The suit was brought under two federal statutes, the Torture Victims Protection Act and the Alien Tort Claims Act, the same laws that were used to win a settlement from Unocal for human rights violations in Burma.

According to the International Labor Organization (ILO), US Department of State and UNICEF, tens of thousands of children work on cocoa farms in West Africa, particularly in the Ivory Coast. The US chocolate industry agreed to work toward ending illegal child labour on cocoa farms through a voluntary protocol called the Harkin-Engel Protocol. But that protocol expired on 1 July 2005, and the industry failed to come up with system for monitoring and certifying that US chocolate products aren't made using forced child labour.

Global Exchange, Organic Consumers Association and the International Labor Rights Fund have been urging Nestle and other chocolate companies to address the problem of illegal child labour by buying their cocoa beans from farms that are Fair Trade certified. Fair Trade ensures that cocoa farmers receive a fair price for their harvest. Slave labour is strictly prohibited on Fair Trade farms, and farms are inspected to ensure that Fair Trade standards are being met.

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# Playing Politics with the Mobile Phone in Nigeria: Civil Society, Big Business & the State

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*Ebenezer Obadare*

**On 19 September 2003, mobile phone subscribers in Nigeria took the unprecedented step of switching off their handsets en masse. The subscribers took this symbolic step in protest against perceived exploitation by the existing mobile phone companies. Among other things, they were angered by allegedly exorbitant tariffs, poor reception, frequent and unfavourable changes in contract terms, and arbitrary reduction of credits. Among other critical questions, the protest helped bring into focus the following: How is (mobile) technology shaping the democratic momentum in Nigeria? How useful is technology as a mechanism for socio-economic empowerment? Using the boycott as backdrop, this paper provides some tentative answers. It is argued that the boycott ought to be appraised, first, in the context of existing mistrust between citizens and transnational big business in Nigeria; and second, against the background of difficult state-society intercourse which has mostly been characterised by the latter's suspicion of the state's connivance with the corporate establishment. Furthermore, because it gives 'civil society' a combined cause and instrument of protest, mobile phones in the Nigerian context appear to presage the emergence of a new social space of politics and agitation. The paper underscores an ordinarily subsumed 'class' dimension to the protest, illustrating how a struggle about the interests of a section of 'civil society' may have a potential for enlarging the larger 'political space'.**

In this paper, I explore what might be called *actually existing civil society*,<sup>1</sup> exemplified here through a boycott of mobile telephone services on Friday 19 September 2003 by subscribers in Nigeria. Although the boycott went largely unreported in the Western media, it remains, for many reasons, a milestone in the development of oppositional culture in the country.

The first reason is the emergence in Nigeria of the use of modern technology as a tool for democratic activism and consolidation. The boycott consolidates the democratic opposition's previous use of radio technology (Adebanwi, 2001) to generally mobilise against military rule in the country. Second, '9/19' (as it was called in the local press) arguably embodies a new imaginary of popular dissent; in particular, the potential for the mobile telephone to open new vistas in citizens' agitation for both economic and political self-determination in the country. What this means is that while the boycott at issue was specifically targeted at the mobile telephone

companies, it was at the same time much more than that. In a sense, the boycott itself encapsulates a long-standing feud between citizens-as-customers and business corporations in Nigeria (witness for example the yet unresolved saga in the oil 'producing' Niger Delta),<sup>2</sup> and between the same citizens-as-consumers and the Nigerian state. Indeed, the majority of consumers who took part in the protest saw it as a continuation of the larger project of righting wrongs.<sup>3</sup> The following statement by the Chairman of the Unofficial Consumers' Protection Agency (UCPA), Ojemaye Otitoka is an excellent illustration of this position:

*This is the spirit of this campaign. This is the real force behind its eventual success, the spirit of the Nigerian people who are speaking up for themselves finally. Now we are crying against exorbitant GSM (Global Standard for Mobile Communications) tariffs. Tomorrow, using the same methods we will complain about other things*<sup>4</sup> (emphases added).

Third, the public protest against the perceived corporate failings and excesses of the GSM phone companies signifies the emergence of a new outlet of *voice*,<sup>5</sup> and a new modality of engagement by civil society against the state. While we should not overstate the potential of (mobile) technology for democratic activism from the way ordinary subscribers enthused endlessly about the boycott, it was evident that they saw it as nothing less.

The paper is divided into seven sections. In what follows, I look at what might be called the continuing 'dialogue' between technology and society, focusing in particular on the democratic potential of new technologies. This is followed by a historical analysis of the telephone and state power in Nigeria. This section also describes how the telephone has been an index of social stratification. The fourth section traces the global emergence of GSM telephony, while also considering the various factors crucial to the emergence of a mobile culture. At the heart of the paper is the mass switch-off by the subscribers on 19 September 2003. In the fifth section, the paper builds up to that momentous event by looking at the introduction of GSM telephony in Nigeria. The coming of GSM telephony was certain to ruffle the social matter, and in no time, subscribers were pitted against the GSM companies (see below) who appeared solely interested in profit. This section describes in detail the particulars of that 'encounter'. This is followed in the sixth section by a description of the boycott proper, including an analysis of its fallouts both for its organisers and the GSM companies. The paper concludes by exploring the implications of mobile technology for civil society, in particular its relationship with the Nigerian state. Although it concedes that mobile telephony has radically transformed the Nigerian social landscape, evidently giving civil society a new cause and platform for mobilisation, the paper is dubious about the ultimate potential of mobile telephony for social organising.

## **Technology, the State & Democratic Activism**

The literature often describes a 'digital divide' – the gap in technological penetration of society between the global North and South, or more obviously between Western Europe and the United States, and the rest of the world (Thompson, 2004; Yau, 2004; Main, 2001). For Castells, the clearest marker of the difference that exists between the two digitally bifurcated worlds is that while one part may be appropriately described as comprising 'informational societies', the other part may not.<sup>6</sup> If this stratification is accepted – and it seems largely valid – then a clear majority of African countries are not yet informational societies.

This position is supported by pertinent statistics. For instance, according to the United Nations Development Programme's (UNDP) Technology Achievement Index (TAI) which 'aims to capture how well a country is creating and diffusing technology and building a human skill base-reflecting capacity to participate in the technological innovations of the network age' (UNDP, 2001, quoted in Kuvaja and Mursu, 2003:46) most African and other developing countries are still at a rudimentary stage when it comes to using technology (Yau, 2003; Williams, 2004; Cogburn and Adeya, 1999; De Alcantara, 2002). For instance, although its share of global population is about 13 per cent, 'the continent accounts for only a paltry 0.22 per cent of the total number of landline telephone connections in the world, and less than 2 per cent of global PC ownership' (Yau, 2004:14). In general, African countries are consumers as opposed to producers of information and communications technologies (ICTs) (Powell, 2001), and successive African leaders have regarded telecommunications technology with suspicion at best, and hostility at worst.

Two quick examples from Nigeria will suffice. At the height of the opposition to the regime of General Sani Abacha (1993-1998) in 1996, the regime's National Security Adviser, Alhaji Ismaila Gwarzo, obviously worried by the speed at which knowledge of the internet was spreading among the youthful segment of the Nigerian society, publicly contemplated banning the internet or at least blocking popular access to it.<sup>7</sup> The same regime closed down the many telephone and related Information Technology (IT) centres which had mushroomed in different parts of the country. The General's action was widely interpreted as an attempt to asphyxiate civil society by denying it the critical oxygen of information and communication.

Technology, in particular telecommunications technology, has therefore become a crucial site in the perennial struggle to assert state power. It is hardly coincidental that the introduction of mobile telephony in a country like Nigeria has come with the return to civilian rule in May 1999. The truth is that military regimes, with their pathological obsession with dominating the public space, will never voluntarily cede space to contrary social forces; technological liberalisation is seen as threat.

The state plays more than a marginal role in technology development in general, whether we are talking about its innovation, policy, or guidelines for its use. Castells has divided the impact of the state in relation to technology into two, what we might call that of enhancement and stagnation, although a more careful reading would suggest that the relationship between technology, the state and society is actually a dialectical one. While the state tends to overdetermine the use of technology by society, telecommunications technology is seized for various kinds of political agenda, ranging from the progressive, social justice, 'Seattle'-type, to the activities of terrorists acting against the modern liberal state.

The dialectic between technology and society seems, therefore, bound to result in unanticipated consequences. Across contemporary Africa, telecommunications technology, most especially mobile technology, is beginning to establish a huge impact on the social landscape. For example, studies by Tall (2004), Gueye (2003) and Paye (2002) respectively have documented how new information and communication technologies have overhauled diasporic relations and the entire democratic process in Senegal.

If the impact of technology on some aspects of social life is uncertain, the consequences for politics, especially democratic activism, are contested by scholars. Many remain sceptical about the democratic potential of new technologies,

particularly media technologies. Most important, many doubt whether any real changes are possible at all without a shift in the long-standing global North-South imbalance (Cline-Cole and Powell, 2004; Hall, 1999). For Ake (2000), the public sphere brought into being by information technologies has hardly any boundaries, is too fluid, and too amorphous to elicit a sense of sharing in a social entity or to nurture political projects and democratic activism. Kroker and Weinstein (2000) agree, arguing that the new information superhighway 'kills human agency and renders economic justice, democratic discourse, social solidarity and creativity obsolete' (quoted in Adebani, 2001).

Other scholars seem more optimistic,<sup>8</sup> insisting that 'communities built inside machines or on air can be used to improve the ones outside of them' (Rheingold, 2003). Pertierra (2002) argues, for example, that mobile phones, through texting, have provided people with 'more freedom to express themselves in a strictly defined cultural environment' (2002:8). For Finkelstein (2001), new media technologies undergird the emergent concept of electronic democracy, essentially 'the increasing use of telecommunications technology to strengthen transparency, intra- and inter-organisational communication and public participation in governance' (see Kuvaja and Mursu, 2003:18). According to him, electronic democracy transcends merely making information available on the net. Rather, it is about 'changing management and organisation structures to enable citizens' participation and access to information' (Ibid.).

Recently, the optimists' case has been buoyed by the role that new media technologies have played in global political transformations, especially in the developing world, a good example being the 'coup de text', which culminated in the ousting of President Joseph Estrada in the Philippines in January 2001. There is little doubt that the more than 100 million texts that Filipinos exchanged daily (Agar, 2003:109) were significant in the process of mobilisation against the presidency. Rafael (2003) has argued that the insurrection was ultimately not about people power but in reality a reflection of the middle class's influence and power of manipulation. Could this also be true of the Nigerian boycott? The ousting of Estrada is frequently cited as a crucial milestone in the use of technology for the purposes of social advocacy. More important, it has continued to inspire embattled groups elsewhere.

In the run up to the 19 September 2003 boycott in Nigeria, it was common to hear aggrieved subscribers argue that 'if it succeeded in Argentina and the Philippines, it will succeed in Nigeria.' The immediate object of the protest in Nigeria, it must be said, differed in form from that in the Philippines: while one was about using the boycott to force the phone companies to, among other things, reduce tariffs and provide better services, the other concerned using the mobile phone as a tool for political overhauling and regime change. Nevertheless, they were ultimately similar to the extent that the Nigerian boycott was not about the GSM companies alone but, it is argued, also about the totality of the rest of society in relation to the Nigerian state and economy.

New technologies of communication, in particular mobile telephones, appear to expand the existing territory of public expression. This expansion is important for African countries and the developing world where decades of autocracy have led to the progressive stagnation of the public sphere. Restriction of the expansion of new technologies may also energise civil society by critically complementing the raft of issues around which it has usually organised. In this way, they generate a *reason* for,

as well as a *means* of, social democratic activism. Whether they are ultimately useful in reformulating the existing principles of social relations remains, of course, a moot point.

Schmidtke (1998) has advanced four related theses on the relationship of new technologies to collective action and political mobilisation. According to him, new technologies reduce costs for collective action, reduce individuals' costs for engagement and participation, intensify the actors' sense of engagement, and facilitate the formation of collective identity. While this may indeed be the case, how this plays out rests squarely on the immediate socio-political environment in which technology and society interact. As Schmidtke himself has warned, at the end of the day, it is not the medium, but the social and political context that determines the contours of subsequent events. Or, as Cline-Cole and Powell have noted,

*The key issues, therefore, must be seen as revolving around who uses the technology, how the technology is used, and to what end it is used* (Cline-Cole and Powell, 2004:5).

To give this meaning in the current context the following section examines the telephone as part of the imperative to project state power and delineate social boundaries in Nigeria.

## **The Telephone & State Power in Nigeria**

The telephone has been central to the projection of state power in Nigeria. Crucially, it has also been a strong element in social stratification as the possession of a telephone was supposed to be an index of where one belonged on the social ladder. According to one newspaper commentator:

*in Nigeria, such amenities that have long been taken for granted as essential to modern living were preserved as status symbols. Public monopolies like NITEL (Nigerian Telecommunications Limited) were nursed at taxpayers' great expense in furtherance of the trend* (Nnanna 2003).

This 'class consciousness' was arguably the mentality behind the remark attributed to Colonel David Mark, Minister of Communications under the military regime of General Ibrahim Babangida, to the effect that telephones are not for the poor. Given this situation, the question may be rightly asked as to whether the failure of the Nigerian state to provide efficient telephony services is attributable to its familiar bureaucratic anaemia or, perhaps, a conscious policy (a class action?) to starve civil society of a vital source of energy.

Prior to the introduction of GSM technology in the country in 2001, Nigeria was a virtual telecommunications desert. Pre-GSM, Nigeria ranked globally as the third from the bottom in teledensity (average number of telephones per thousand population) after Afghanistan and Mongolia (Oparah, 2003). Although the first telephone call in the country was made in 1901, up until a century later in 2001, Nigeria, with a population of 88 million (according to the disputed 1991 national population census) could only boast a total of 450,000 lines. A majority of these lines were provided by the state-owned Nigerian Telecommunications Limited (NITEL) and a handful of private telecommunications operators (PTOs). Nevertheless, services were invariably abysmal, and NITEL soon joined the National Electric Power Authority in the popular imagination as a spineless bureaucracy (Olukoju, 2004).

In addition, the structure of ownership of the existing lines seems to lend credence to the point made earlier about the telephone as a class marker or social delineator. The 450,000 odd lines were in the hands of less than 90,000 individuals and corporate organisations, many of which had more than 50 lines on their switchboards (Oparah, 2003). Furthermore, as telephones were intimately connected to social standing, new lines were almost impossible to acquire. The waiting time for a new telephone line was somewhere between 8 and 10 years, while the cost (minus installation charges) was about N80,000 (about \$800).<sup>9</sup> This, at a time when the average annual salary in the country was less than N40,000 (about \$400).

Instructively, however, the issue of telecommunications, particularly of telephones, never disappeared from public discourse. Indeed, if anything, other developments in the larger society made its continuous debate imperative. One was the quantum leap in the number of citizens who were compelled by the prevailing economic situation to emigrate from the country. As this diaspora swelled, so did its needs, particularly those related to communication. This, among other factors connected to the impact of globalisation on the domestic economy served to put telecommunications issues on the front burner of public debate. As a result, successive governments felt compelled to pay lip service to the idea despite their apparent insincerity. For example, a core component of President Ibrahim Babangida's otherwise garbled strategy of economic deregulation (Olukoshi, 1993; Biersteker and Lewis, 1996) was a national telecommunications policy.

Indeed, a decree regulating the activities of the GSM companies was promulgated as far back as 1992.<sup>10</sup> However, the policy did not come to fruition under General Ibrahim Babangida and his immediate successor did not fare any better. When General Sani Abacha took over in 1994, he tried to hijack the benefits of the privatisation and commercialisation, particularly those of mobile telephone services. He even created his own cell phone company.

*His own idea was to frustrate other prospective investors out of the market and use his own local and foreign fronts to place his outfit, TELECEL, in the controlling and dominant position (Nnanna, 2003).*

General Abacha was succeeded by General Abdulsalam Abubakar who also saw telecommunications as an extension of state power and awarded numerous telecommunications licences, ranging from direct tele-access to value added services (Otuya, 2003).

Upon being sworn in on 29 May 1999, one of the first acts of the current president, Olusegun Obasanjo, was to suspend all telecommunications licences issued by the previous regime, especially those meant for mobile access. He then set up a panel under an industry chieftain, Christopher Kolade, to audit and reassess all the licences, at the end of which nearly all of them were cancelled. The next section focuses on the coming of GSM telephony in Nigeria, placing it in the context of the global increase in the number of mobile phone users, and the rapid evolution of a mobile culture.

## **The Coming of GSM Telephony**

Having wiped the board virtually clean, the president decided to make public the process of issuing licences to operators. This was in line with the radical *glasnost* that the newly elected regime was trying to promote in a telecommunications market

that had witnessed many profound changes over the previous decade and had in the process become quite competitive.

Cellular telephony was born in the United States, but credit for the simplification of its previously complicated technology is given to the Nordic countries from where it spread to the rest of Europe. GSM was inevitably inserted into the specific politics of the societies where the technology was either developed or refined. For instance, one reason why mobile technology diffused with ease throughout continental Europe was because, in the words of Agar (2003):

*the European Commission, the civil service of the European project, had seen in GSM a political tool of immense value: telecommunications – and particularly GSM – would provide the infrastructure of a Europe ready to mount a convincing economic challenge to the US and Japan, and a pan-European telecoms network would encourage organisations to think European* (pp. 60-61).

The inauguration of the technology in December 1982 in Stockholm, Sweden by engineers and administrators from eleven European countries was, therefore, a profoundly political act. The acronym GSM initially stood for the countries involved (Groupe Special Mobile), but later became the Global Standard for Mobile Communications (Agar, 2003:56). By 1996, GSM phones could be found in 103 diverse countries, from Australia to Russia, and from South Africa to Azerbaijan (Ibid.). In the same year, 7 million people (10 per cent of the population) in the Philippines owned a mobile phone – almost twice the number with landlines.

Many factors were responsible for this sudden explosion in the number of mobile phone subscribers and the evolution of what we might call a mobile culture. The first was cost. As the knowledge of mobile technology grew and dispersed, so did the price of the average phone fall (Ashurst, 2004). As the prices fell, the 'continuous miniaturisation of components' (Agar, 2003:8) which had been a feature of electrical technology, ensured that the phones were increasingly lighter and more portable. By the year 2002, global subscriptions to cellular phones were reported to have exceeded the one billion mark (Agar, 2003:5), although this should not be allowed to occlude the evident disparity in consumption between the global North and South. In 2001, for example, '65 per cent of the world population had no access to telephone and ICTs' and Manhattan and Tokyo each has more telephone lines than all of sub-Saharan Africa combined (Ishemo, 2004:72).

In addition to declining cost (and user-friendliness), other factors made the mobile phone a hit with the consuming public. One of these was symbolic, having to do with the way in which the mobile phone is rooted in the affirmations and processes of the modern self (Myerson, 2001). Perhaps it is more than a coincidence that the mobile phone has become popular in an age which has become obsessed with individuality and assertion of personal freedoms. There is something essentially liberating about owning a mobile phone. For the owner, the mobile phone performs a myriad of 'miracles', central among which are the ability to be multi-locational or trans-locational. As the networks connecting people in the global village become denser, so also does the need for communication increase. One important dimension of this communicative necessity is the capacity to send messages in 'text' form.<sup>11</sup> Indeed, one might argue that this is the main reason behind the global popularity of mobile phones.

Which is not to say that texting does not have its own social drawbacks. Much has been said for example about its perceived tendency to 'disrupt protocols of recognition and accountability' (Ibid, p. 408). Arguably the potential to bypass, negate, subvert, undermine, antagonise, or even complement the state, as the case may be, is encoded into the very ontology of the mobile phone, as it has acquired its global popularity.

This was the global state of affairs when Nigeria began its journey to licence GSM operators in 2001. True to its earlier promise, the federal government threw open the auctioning process for four mobile licences in January 2001. Each licence was auctioned for a whopping \$285m,<sup>12</sup> and by August 2001, three of the GSM operators had begun operations. These were the Zimbabwean-owned Econet Wireless Nigeria Limited,<sup>13</sup> the South-African-owned MTN Limited, and the state-owned NITEL. So popular did mobile technology become, that within a few months, the companies had exceeded their highest expectations. Initially, they had been sceptical about investing in the Nigerian economy, because of its perceived volatility and the country's history of political instability. At the same time, they were unsure about the purchasing power of potential customers.

These fears were to give way to boundless optimism after a few months. For example, by 30 September 2003, MTN could boast in excess of 1.3 million subscribers while its rival, Econet, had more than 850,000. Within the same period, both companies combined had spread their coverage to more than 1,600 cities (Aragba-Akpore, 2003; Otuya, 2003). Within 24 months, with new investments put at \$3.8 billion (about N600 billion) and a teledensity of 2.6 telephone lines to 100 inhabitants, Nigeria's telecommunications sector was rated by the International Telecommunications Union (ITU) as the fastest growing in Africa (Ibid.).

The sudden explosion of GSM in Nigeria was part of a continent-wide momentum. 95.61 per cent of African users of telephones use GSM. Over the past two years, there has been a 101.85 per cent growth of GSM users in Africa, as opposed to a growth rate of 52.49 per cent globally. Vodacom, the biggest African network, has over 7.5 million subscribers, while the total number of African subscribers (all technologies) is 34.3 million. The biggest market is in South Africa with 14.4 million users. This is expected to grow to 19 million by 2006 (Ashurst, 2004:20).

The unexpectedly high number of users naturally translated into profits for the companies. In its first year of operation, MTN declared a pre-tax profit of N11 billion (*Daily Times*, 11 August 2003:10). Naturally, with these profits came certain expectations, especially regarding the quality of services rendered by the GSM companies. Many consumers believed that the companies were simply not doing enough, preferring to cash in on an unsuspecting public to the detriment of good service. The companies disagreed, insisting that they were doing enough within the specific limitations of the Nigerian environment. The following section is devoted to an examination of these claims and counter-claims, as well as the concerted mobilisation for a mass switch-off by various consumer groups.

### **Subscribers vs. GSM Companies: Between Service & Profit**

*It is true that what works elsewhere doesn't necessarily work in Nigeria. Elsewhere in the world, GSM services are not burdened by the kind of poor quality that afflicts Nigerian subscribers ... The question of network overload nonsense does not arise* (Kingsley Osadolor, 2003; *The Guardian*, 23 September 2003).

The above statement captures the depth of emotions provoked by the introduction of GSM telephony in Nigeria. The initial euphoria was soon tempered by public disappointment with the quality of services provided by the mobile telephone companies. There was a clear division between those who specifically blamed the phone companies, and those who held that it was the vaguely defined, yet ubiquitous, 'Nigerian factor' that was making its mark felt.

The disenchantment must be seen against the background of common expectations following Nigeria's return to civil rule in 1999 after 16 years of military rule. Among many anticipated 'dividends of democracy', the coming of mobile telephony was expected to signal a radical improvement in the common lot. At the very least, mobile telecommunication was expected to accomplish some of the 'miracles' associated with its introduction in other parts of the world, for instance, 'abolishing' distance by facilitating the conduct of business and interpersonal relations. Behind this, arguably, was the 'telecommunicative fantasy' (Rafael, 2003) of using the mobile telephone as a means of asserting a new collective identities, remodelling the terms of engagement with the state, and, above all, seeking and achieving social parity with the ruling class which had jealously monopolised communications technology for so long.

It was the inadequacy of the services provided that fuelled the social anger which culminated in the boycott of 19 September 2003. Allied to this was the perceived failure of the state, through the state-established National Communications Commission (NCC), to call the telephone companies to order and impose sanctions as and when necessary. It was even felt in some cases that the companies operated in cahoots with the federal authorities, a factor which made them largely impervious to the agitation of the larger public. Many people were eager to draw parallels between the activities of the phone companies and those of oil companies in the oil 'producing' areas which were similarly notorious for conniving with the state to undermine the interests of the Nigerian public (Frynas, 1998). This seems to support the radical left view of multinationals as agents of globalisation within a skewed neo-liberal order (Bracking and Harrison, 2003; Mohan and Zack-Williams, 1995).

The subscribers' case may be categorised in terms of complaints and demands. The basic complaints centred on the following: arbitrary reduction of credits, uncompleted calls, poor signals (otherwise known as 'no network coverage' or 'network busy'), service breakage, constant changes in contract terms, 'usurious' tariffs (believed to be among the highest, if not actually the highest, in the world), misleading advertisements on new services, oversubscribed networks, problem of interconnectivity among networks,<sup>14</sup> unsolicited diversion of calls, text message failures, artificial scarcity of recharge cards, and surcharging of undelivered text messages.

To ameliorate this situation, the subscribers advocated the reduction of call tariffs to N20 (as opposed to N50) per call per minute across the board, reduction of SIM packs to N5,000 across the aboard, immediate implementation of the per second-billing system (as opposed to per minute-billing) by all operators, free SMS service by all operators, free calls during weekends and off-peak periods, zero payment for all terminated and dropped calls, indefinite access (as opposed to limited but renewable access period) to the GSM network for all subscribers, immediate interconnection by all GSM operators, private telecommunication operators and NITEL, and cancellation of compulsory expiry dates for recharge cards.

From early 2002, these complaints and proposals circulated among subscribers and the wider public through mere word-of-mouth, text messages, phone calls and letters and articles in the print media. The first concrete initiative was a decision by Dr. Deolu Ogunbanjo and Prince Bayo Omotubora to instigate legal action against the two then operating companies, MTN and Econet. This was on 8 March 2002, a date that, in retrospect, becomes symbolic for the formation of the pioneer organisation to champion the cause of mobile phone subscribers in Nigeria – the National Association of Telecommunications Subscribers (NATCOMS). In the words of Dr. Ogunbanjo himself,

*It started when we sued MTN and ECONET last year ... it was after the first hearing that we knew how much suffering Nigerian GSM users were going through. When we got out of the court so many people just surrounded us. It was a large crowd and that was where NATCOMS was formed (see *The Guardian*, 12 November 2003).*

As the campaign against the GSM companies gathered steam, similar pro-customer organisations sprang up, particularly in the run up to the September 19 protest. Notably, nearly all such organisations were formed for the specific aim of mobilising for the protest, as opposed to developing long-term strategies to combat the perceived excesses of the phone companies. After the protest, many of them faded away, leaving the media as the only continuous vehicle of agitation. Examples of the many organisations which mushroomed and have since disappeared from the public view are: the GSM Subscribers' Association of Nigeria, led by Ebun-Olu Adegboruwa, the Unofficial Consumer Protection Agency (UCPA), the Nationwide Action Against Corruption (NAAC), the Concerned GSM Subscribers in Nigeria, the National Association of Mobile Phone Subscribers, led by a university Professor, Bunmi Ayoade, Probity in Nigeria (PIN), and the Telecommunications Subscribers Rights Agenda (TSRA).

While NATCOMS took the legal route, these associations spearheaded a popular campaign to prosecute and defeat the phone companies in the court of public opinion. To complement the strategies listed earlier, they also distributed posters and leaflets and made a representation to the National Assembly where they thought they could count on some sympathetic ears (Osugwu, 2003).

But it was the role of the media in the articulation of the demands that was to prove crucial in the process, thereby helping us to see the media itself in the context of the prevailing economic and social circumstances. The initial message of the protesters was circulated by text and it read, in part:

*From 7 to 14 September 2003, switch off your GSM handsets between 10 a.m. and 12 noon daily. Do you know that the GSM charge of N50 per minute is the highest in the world? In the US, a minute is N20, in Europe N23, in China N18, in South Africa N22 and in Ghana N23. Why N50 in Nigeria? This is a rip off! (Do not believe their story that they pay more for diesel in Nigeria). Right now GSM operators in the UK are about to further reduce charges on airtimes.<sup>15</sup>*

However, this initial call from the Concerned GSM Subscribers was not taken up by the majority of users. Part of the explanation may be that the organisers did not see the need to court the media and woo it to their cause. Not that this would have been difficult: a casual survey of the media would have discovered the widespread disaffection caused by profound disenchantment with the services of the GSM companies. This is evidenced by some of the headlines. The following sample seems

to reflect the overall mood of the media: 'Two years of GSM pains and gains', 'GSM providers rip Nigerians of millions daily', 'GSM is 'Go Spend Money'', 'GSM: Two years, too many troubles', 'The Great GSM rip off', 'Lies the networks tell', 'The GSM Scam', 'Open Robbery', 'GSM Operations: A colossal rip-off', 'Grand Swindling Machine', 'GSM dream turns sour', 'GSM: Network Robbery or 'Network Busy'?'<sup>16</sup>

While protesting subscribers limited themselves to writing letters to the editors and direct articles, the companies actively courted the media. One example of this determined courtship was the decision by the companies to give free handsets and lines to senior editors of media organisations.<sup>17</sup> This was complemented by the huge numbers of advertisements which the companies paid to be published in different newspapers. These two factors made the phone companies briefly popular with the media.

In addition, contrary to the earlier call to action (see above) which demanded that subscribers switch off for two hours everyday between 7 and 14 September, the latter text was simple and canvassed a one-day boycott. The message read thus:

*Let's force GSM tariffs down. Join a mass protest switch off ur fone on fri sept 19 '03. They'll lose millions. It worked in US & Argentina. Spread Dis txt.*

It seems likely that many were attracted to this cause by the 'knowledge' that the method had already worked in other parts of the world, thus making its success in Nigeria feasible. Evidence that the protest had struck the right chord could be seen in the decision of at least two newspapers, *New Age* and *The Vanguard* to feature a countdown to the boycott. While *New Age* encouraged its readers to follow the boycott and related events, and send their views and comments to its website, *Vanguard* created a column to collate arguments and views from the perspective of both the protesters and the service providers. For some reason, however, this column disappeared a few days before the boycott, prompting rumours that the newspaper had been induced to take a dive.

If anything is clear from the discussion thus far, it is that the protesters did not have a monopoly of the public ear. The service providers, if we can call them that in the light of the quality of delivery issues raised by the subscribers, also put their own case across as vigorously as possible. In a curious convergence with some of the claims made by the protesters, the companies also blamed factors integral to the Nigerian state and social environment for their alleged poor services. The easiest target was electricity, the erratic supply of which they blamed for their failure to guarantee reliable signals to their customers. The MTN claimed for instance that due to frequent power cuts, it used over a million litres of diesel a day to power generators at its installations across the country. The same situation apparently also applies to Econet for which the unreliability of power supply, according to Emeka Oparah, its Head of Corporate Affairs, means, for example, that while a base station costs US\$250,000 in South Africa, the same facility goes for US\$375,000 in Nigeria because it has to be reconfigured to make it compatible with the erratic power supply in Nigeria (Oparah, 2003).

As a result, the GSM companies argue, rather than castigate them for charging exorbitant tariffs for their products, subscribers ought to appreciate the unique constraints imposed by the Nigerian socio-political environment. Some of these constraints include the \$285 million paid for licences which the companies claimed were among the highest in the world, and the failure of the federal government to

channel the same money into developing necessary infrastructure as earlier promised,<sup>18</sup> the huge investments in hiring private security services to protect staff and equipment; and the large sums paid out as ransom to liberate kidnapped staff and/or protect installations from damage by social miscreants, known in Nigerian parlance as 'Area Boys' (Herault and Adesanmi, 1997).

Other social constraints which, according to the companies, justified the allegedly high tariffs imposed for services are: the relatively low earnings of Nigerian consumers and the hugely unfavourable exchange rate of the Nigerian Naira to the dollar in a dollar-denominated market; the dependence of the companies on expatriate staff who are necessarily remunerated in hard currency; and the dearth of well-trained Nigerian personnel and the attendant huge corporate investment in the training of new recruits. Finally, the service providers also alleged other hidden cost elements in the provision of GSM services which seemed to justify the allegedly high tariffs. These include connection costs, overheads, taxes and levies, interest charges and amortisation on leased facilities (Oparah, 2003).

The majority of subscribers did not seem to have been impressed by these arguments, saying that as the GSM companies knew well in advance of the vagaries of the Nigerian socio-economic environment, they could not use the same environment as an excuse to either charge high tariffs or justify poor services. In any case, the subscribers were convinced that the companies might have decided to invest in the Nigerian telecommunications industry *because of* the same environmental limitations, given the scope it is known to provide for corporate profiteering. They argue that it is because the companies were in cahoots with the National Communications Commission (NCC), for example, that they persistently got away with their embarrassing services, and that they were only out to profit from customers.

The GSM companies' case was not helped by revelations in the media about repatriation of their profits. The Central Bank of Nigeria expressed concern that the companies' cash flow is not usually allowed to stay for more than a few weeks in Nigerian banks before being converted to foreign exchange for one purchase or the other, thus reinforcing the worry that they may only be contributing to the cost of turnover (COT) of the banks rather than the overall economy (see *ThisDay*, 6 August 2003). This was the evidence many needed to confirm their suspicion that the companies were more interested in profit than in service to their customers. In the next section, I describe the boycott itself and also examine both its immediate impact on the GSM companies and the demands of the subscribers.

### **The Boycott & its Aftermath**

This was the situation in the period leading up to the September 19 boycott. According to the organisers of the protest, an estimated 75 per cent of mobile phone users switched off their phones on that day<sup>19</sup> in apparent compliance with the boycott call, a claim which, if true, would have led to the companies losing millions of Naira.

The companies themselves admitted that a substantial number of customers actually switched off their phones, but insisted that this was fewer than the 75 per cent claimed by the protesters (Eke, 2003). A number of high profile individuals joined the protesters, thus giving their case publicity, as well as a certain moral validation. Two examples are Gani Fawehinmi, a lawyer and social justice crusader, and former external affairs minister, Bolaji Akinyemi. The public attitude towards

the boycott was mixed. Although the print media generally recorded a simple victory for the protesters, it was also apparent that a significant number of people had decided not to obey the boycott for many reasons, including the possible loss of crucial business contacts and scepticism about the possibility of the boycott to achieve the intended ends.

But no one could doubt the dent that the boycott and the fractious debate leading to it had left on the corporate image of the GSM companies, and this, it seems, was more satisfying to the protesters. This perception was confirmed when, in the weeks following the boycott, the companies embarked on a charm offensive intended to win back the larger public and disaffected customers. For example, both MTN and Econet vigorously renewed their commitment to 'corporate social responsibility' by promoting a number of high profile social causes. Both, especially MTN, have become visible in the sporting and educational arenas, and MTN's Book Aid Programme is promoted in the media as its own contribution to Nigeria's search for quality education.<sup>20</sup>

For its part, Globacom, the indigenous-owned corporation which began operations in August 2003 has made a considerable impact in the promotion of soccer. It sponsors the premier division of the national soccer league which has since been renamed the *NFA Globacom Premiership*, and was a constant presence in the media in January 2004 when Nigeria settled for a bronze medal in the 24th edition of the African Cup of Nations football tournament. Many supporters who made it to Tunisia, the venue of the tournament, to cheer on the national soccer team, did so thanks to sponsorship from the company.<sup>21</sup>

The protesters could also point to a few other concrete gains. The major one perhaps is the introduction of per second billing (PSB) as opposed to per minute billing (PMB). Subscribers had complained about this, as it meant that they automatically had to pay for the whole of the next minute for calls that exceeded the previous minute even by a second. The excuse of the subscribers had been that it was impossible to offer customers per second billing until they attained 'reasonable maturity' or at least three years after the commencement of operations. However, following the boycott and the introduction of Globacom<sup>22</sup> which gave its customers the per second billing option on 29 August 2003, Econet and MTN had no choice but to follow suit. Yet, they did not do this without attempting to claw something back – subscribers who opted to be billed on the PSB platform were made to pay a switch-over fee of N300 each (Oluseitan, 2003).

In addition, in an apparent attempt to recoup some of the money they lost in making the PSB platform available to interested customers, both MTN and Econet started charging specified amounts for a range of services that were previously free. For example, access to the MTN customer service centre and the customer's account balance (which used to be free) now attracted N6 per minute or 6kobo per second. To further assuage disgruntled customers, MTN also offered 100 free texts many of which, ironically, did not reach their destinations. One other seemingly positive fallout of the boycott could be noticed in the increased determination of the Ernest Ndukwe-led National Communications Commission (NCC) to ensure that the compliance of the service providers with the industry's basic regulations. To this end, it introduced the idea of establishing a Consumer Arbitration Panel in each of the 36 states of the country to listen to the grievances of subscribers and arbitrate where possible in disagreements between them and the GSM companies. In addition, the NCC issued a firm deadline on interconnectivity to the companies,

although as at the time of writing, the companies were yet to comply despite repeated calls and new deadlines.<sup>23</sup> The process leading to the boycott also called official attention to the plight of consumers, and it is on record that on at least two occasions, the senior officials of both MTN and Econet were invited to the federal capital in Abuja to defend themselves. They were also made to appear before the Senate Committee on Commerce and Communications for the same purpose. The concluding section examines arising issues in the (mobile) technology-civil society-state interface.

## **Conclusion: Mobile Technology, Civil Society & the State**

*GSM phones are a great blessing in our lives ... These new phones provide direct personal contact. We relate to them in a private manner. GSM phones have similarly reduced the distances in our lives* (Reuben Abati, 'How Did We Live Without GSM?', *The Guardian on Sunday*, 11 January 2004).

*Religion was once known as the opium of the people ... A new age has dawned with a new opium known as GSM. In this brave new world of capitalism and globalisation, GSM is the drug that lulled everybody into excited stupor. People are daily going broke in the name of making very expensive phone calls, but like all drug addicts kicking the habit is easier said than done* (Uzor Maxim Uzoatu, 'GSM as Opium of the People', *New Age*, 16 September 2003).

There is no doubt that the introduction of mobile telephony has radically transformed the Nigerian social landscape. By the end of 2003, there were more than two million mobile phone subscribers in the country.<sup>24</sup> This 'transformation' is what the two commentators above speak eloquently of.

Evidently, it has also given civil society, as understood in the paper, a new energy by providing a new *cause* around which to organise, and a new *platform* for challenging both statist and corporatist hegemonies. Furthermore, mobile telephony has come to manifest simultaneously as both the *subject* and *instrument* of agitation, lending a new dimension to the nature of the struggle for the public space in Nigeria. In this way, it ought to be noted that '9/19' was symbolic both in the context of anti-corporatist politics in the country; and the use of technological means (the text message in particular) as a tool for attempting to right perceived wrongs in the domains of both politics and communications. How far this takes us on the road to an overhaul of broader national and global relations of domination remains, as previously stated, to be seen, especially as what civil society appeared to have challenged was the state and corporate hegemony, not the capitalist superstructure of which they are a part.

My analysis here also concerns the relationship between (mobile) technology and social democratic activism. On the surface, it would appear as though optimistic prognoses about the utility of mobile technology for social activism are 'virtually' justified. Through text messaging and concerted media mobilisation, the organisers of the '9/19' boycott were able to call official and corporate attention to the challenges facing mobile telephone users. And while the protest did not bring down a government compared to its claimed contribution in the Philippines, it at least led to a number of decisions which partly redressed the situation of subscribers.

As in the Philippines, it could also be argued that the boycott showed up the very limitations of the use of technology for purposes of social activism. Rafael (2003) has

noted that the Philippine protesters neither challenged the nature of the state nor all-important class divisions, and that eventually President Joseph Estrada was replaced by Gloria Macapagal-Arroyo, his Vice President and daughter of a previous president. In the case of the Nigerian boycott, it can also be said that, the GSM companies had the last word by taking back with one hand what they had given away with the other. But does this suggest that mobile technology is largely ineffectual as a political tool? The answer, a tentative one at that, is that it remains at best a double-edged tool. Instructively, in the Philippines, one of the first steps taken by Gloria Macapagal-Arroyo was to ban 'malicious, profane, and obscene texts' (Agar, 2003:109), a move which more than anything demonstrates her recognition of the potential power of text messaging.

As a means to mobilise political protest, mobile technology seems to be more effective when aligned with other instruments geared towards the same end. Its effectiveness is greatly determined by the prior strength and creativity of the social forces in whose hands it is a weapon. Technology (including mobile technology), it seems, does nothing on its own but is impacted by specific social conditions. To cite Agar's observation about the Filipino experience, 'mobile phones are moulded by the countries they are used in and give form to the nation in return' (2003:110). Thus, for Nigeria, while mobile telephony has come to be seen as a veritable instrument of political struggle, its potential effectiveness is determined by *the way in which it is used*. And while it is definitely a welcome addition to the arsenal of anti-corporatist forces, it may not necessarily fulfil the fondest 'telecommunicative fantasies' about securing total victory in the quest for 'class parity' and social and economic justice.

Following Nigeria's return to civil rule in May 1999, the activist landscape has been rapidly transformed due to the 'defection' of many influential figures to the state sector, a process which, many believe, has led to the relative emptying out and weakening of civil society.<sup>25</sup> As part of the same process, many Non-Governmental Organisations (NGOs) which had sprung up earlier to mobilise against military rule have sought to reinvent themselves, with many leaving Lagos (the former capital and heartland of civic and democratic activism) for Abuja, federal capital since 1991, to seek new opportunities. The short-term result of this process was to weaken civil society and expose it to the depredations of the state.

This was the state of affairs as agitation for the boycott gathered and spread, and it comes as no surprise that many of the public voices that had fallen relatively silent in the previous three years or so saw an opportunity to weigh in on behalf of the public and make themselves heard again. In this sense, the boycott could be said to have presented certain elements in civil society with both a new platform for mobilising as well as a welcome opportunity to re-charge itself.

Many associations sprang up in the heat of the moment to champion the cause of the protesters, but as we have noted earlier, the majority of them have since faded into oblivion, highlighting the critical need for organisational continuity on the part of civil society actors. A few of the organisations continued to pursue the judicial option. For example, on 23 November 2003, an Abuja Federal High Court granted a group, Nationwide, permission to sue the GSM companies for failure to connect their networks (Okenwa, 2003).

An additional point concerns the relationship between civil society and the state. The state was a constant presence in the process which I have outlined in this paper. It came under attack from civil society organisations and concerned citizens who

believed that it had failed to take firm action against the erring telephone companies. Some went to the extent of accusing it of conspiracy with the service providers. The latter, for their part, blamed it for not providing adequate infrastructure (like regular electricity and security) that might have made life less difficult for them and easier to satisfy their customers. They also blamed it for not channelling the huge sums paid for licences into the development of required infrastructure for the communications industry.

In this regard, one contribution of this paper has been to pose the question of the extent to which the obvious failure of the Nigerian state to provide efficient telephony services is attributable to its familiar bureaucratic anaemia or, perhaps, a conscious class-oriented policy to starve civil society of a vital source of energy. What seems apparent, however, is how civil society itself requires a state that is efficient, transparent, firm, and able to enforce compliance with its wishes without degenerating into tyranny. Notably, the GSM companies failed to link up their trunks despite repeated calls from the federal authorities to do so. While it is not unknown for business concerns to try to maximise profit, experience shows that it usually takes the firmness and determination of the state to rein them in. However, in the case of Nigeria, or indeed the majority of African countries, the state and multinational corporations are often united by similar interests.

Lastly, it is also apparent that no matter how determined, civil society, ranged against the immense powers that huge business concerns are capable of mustering, cannot create the desired changes in society alone. It requires a strong state that is resolutely committed to the rule of law and to social transparency.

Finally, although '9/19' may eventually go down in the annals as a landmark in the history of public agitation and customer-corporation relations in Nigeria, care should be taken not to exaggerate its symbolism. While, as shown here, the protest affords a more intimate view of 'civil society', corporations and the state in Nigeria, it remains an open question whether it takes us any further on the road to economic justice and/or social solidarity. For instance, the popularity and relative 'accomplishments' of the protest notwithstanding, it emblemised the existing contradictions in the Nigerian civic sphere such as the relative 'invisibility' of women. Additionally, were the boycott to become a barometer, many of the claims made in respect of new media technologies as a basis for electronic democracy may be just that. While there is no doubt that the boycott has shown the capacity of the mobile phone for expanding the larger political space, the fact that it remains, by and large, an accessory of privilege, if not of the privileged, vitiates any assumptions about its potential for social organising.

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## Endnotes

1. The idea of an 'actually existing civil society' has been used by scholars seeking the empirical specificity and earthiness that most high minded conceptualisations of civil society have consistently lacked. See for example the works of Mamdani (1997), Keane (1998), and Howell and Pearce (2001). Here, civil society will be understood, not unproblematically, as the free association of ordinary citizens in pursuit of a common good.
2. Over the past decade, communities in Nigeria's oil producing delta have been locked in conflict with both the Nigerian state and the oil companies. See for example Okonta and Douglas (2001).
3. The account in this paper draws on personal observation and interviews I conducted with mobile phone users, journalists and other social commentators in the course of field research for my PhD thesis. The paper has also benefited from my prior knowledge of the country as a one-time political journalist.
4. See *The Guardian*, Lagos, 19 September 2003.
5. Here, I draw theoretical inspiration from Albert Hirschman's landmark study of Exit, Voice, and Loyalty (1970).
6. 'Informational societies', he argues, are those 'in which information generation, processing, and transmission become the fundamental sources of productivity and power because of new technological conditions emerging in this historical period'. 'Informational societies', of course, are different from mere 'information societies' in which 'information, in its broadest sense, e.g. as communication of knowledge, (is) critical' (parenthesis added). See Castells (2002, 21).
7. This is not unheard of, as the government of China, for instance, continues to impose varying degrees of restriction on its people.
8. I generally side with the optimists.
9. In the summer of 2005, 1 United States Dollar exchanged for 143 Nigerian Naira.
10. See *The Guardian*, Lagos, 12 November 2003.
11. The first text message was sent accidentally in 1993 by Riku Pihkonen, a Nokia engineering student. At that time, it was not thought to be important. See Agar, 2003, p. 169.
12. The high cost of the licences was to become an issue in the run up to the 19 September 2003 boycott. The GSM companies claimed that the cost was one of the highest in the world, seemingly justifying the exorbitant tariffs which the protesters also claimed were among the highest in the world.
13. As at the time of writing, it was embroiled in a long-drawn takeover bid by South-African based Vodacom, a subsidiary of Vodafone UK.
14. Since the service providers could not agree on the modalities for opening their trunks to one another, making calls between networks was a nightmare for users. One outcome was the quite ridiculous sight of consumers with three different handsets for the three different networks.
15. I received this message on my mobile phone several times in August 2003.
16. This sample of headlines is taken from stories about the operations of the mobile phone companies in various Nigerian newspapers between June and September 2003. Examples of such publications are: *The Guardian*, *ThisDay*, *The Punch*, and *New Age* – all published in Lagos – and the Ibadan-based *Nigerian Tribune*.
17. Personal communication with a newspaper editor, Lagos, July 2003.
18. It is on record that this money was paid into the federation account from where it was eventually shared among the three tiers of government – federal, state and local.
19. It was difficult establishing the veracity of this claim, published in many newspapers.
20. See for example *The Punch*, Lagos, 12 June 2003.

21. One cannot but note the 'non-contentious' and seemingly apolitical nature of the causes supported by the phone companies.
22. Owned by Michael Adenuga, a business entrepreneur. It started operations in the capital, Abuja, on 29 August 2003.
23. The first deadline expired on 20 November 2003.
24. Some perspective is needed here, especially as we are talking about a country with a population of 125 million people.
25. Personal Interview, Tope Toogun, Lagos Nigeria, March 2003.

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## Book Reviews

*Histories of Namibia: Living through the Liberation Struggle*, Life Histories told to Colin Leys and Susan Brown (Merlin Press, London, 2005., viii + 165. Reviewed by Lionel Cliffe.

Here are collected the life stories of 11 Namibians, narrated to the editors during the transition to Independence and just after, although most add a post-script of what their life has involved in the years since Independence. All but one of them 'belong to a generation of activists which made an indelible mark on Namibia's final struggle for independence – people born in the 1950s, schooled in the 1960s, and activists against apartheid by the 1970s.

The editors provide the background against which to situate these stories – the roots of the liberation struggle, the national and international struggles against South Africa's formulae for Namibia, the exile and internal movements and the contexts they offered. But the Introduction does more than rehearse familiar ground. It brings out how colonial practices shaped and constrained the everyday life of young Namibians growing up in the capital and its segregated township of Katutura, in small and large towns or rural areas in the 1960s and 70s, and the changes, especially as education became available, that offered some new life prospects and avenues for political mobilisation. These themes are brought vividly to life by the stories.

The book makes no claim that this batch of stories is in any sense representative. The restriction to English speakers admittedly means it does not reflect 'the great majority of small farmers, or of

women, or of the rank and file soldiers of PLAN who bore the brunt of the fighting' (SWAPO's military arm.. One might add that, in a book whose Introduction sees the division between 'north and south' as 'perhaps the greatest obstacle of all to a national movement', the northern half of the population has only three voices. Partly as a result of this 'sampling' of people with education and from the south, those who suffered the very real atrocities of detention within SWAPO feature more than those PLAN fighters who did not come under such suspicion.

Nevertheless, the claim of 'extraordinary diversity' of experiences is certainly borne out by the collection as a whole, and the richness of these personal accounts is insightful – and frequently moving. They do indeed flesh out the more generalised histories of the period. In particular, they illuminate key aspects of the struggle. For instance, one question that was very much at issue between SWAPO and the South Africans at the time of the case-fire and the transition to Independence was just what presence did PLAN have on the ground in Namibia, then and at previous stages of the struggle. Some evidence of SWAPO operations inside Namibia is found in some of the accounts. One, for instance, describes being part of campaigns to give substance to the decision of SWAPO's high command in 1980 to establish permanent bases inside Namibia. He recounts missions into the 'triangle' in the north where white-owned farms were concentrated, in Damaraland a little further south and even in the remote Kaokoveld in the far north-west and engagements with the South African Defence Forces, but also how such ventures were forced back as the SADF moved into Angola.

The complexity of the relationship between the national struggle and that for women's emancipation is illustrated in some of the stories. One in particular stresses the burden that apartheid imposed on women leaving so many to bring up children on their own. She offers an account of the activities of the Women's Voice in the 1980s a vigorous movement that went beyond the concerns of SWAPO's Women's Council and got abuse from party leaders for its troubles.

Another dimension that the collection brings out is what one of them calls the 'fourth front'. As well as the frequently reiterated slogan of SWAPO that it was fighting on military, political and diplomatic fronts, the 'educational front' was often added. This perspective thereby linked the personal and political agendas – in some instances the personal was the major motive: 'I am going to study, I am not going to join SWAPO in the war', says one only to find he has to join to get access to education. In fact the saga of the search for education again illustrated the vast array of divergent experiences, taking various contributors to studies in Bulgaria, Soviet Union, UK, USA, South Africa and Zambia, several to post-graduate level. These openings were often pursued at great cost. One recounts setting off on foot with 5 Rand in his pocket on a trek that took him to Angola and Zaire, and ultimately USSR and Finland. A woman describes how her determination to seeing through her education lead to her being taken to her degree examinations in South Africa on a stretcher after a bad accident.

Here are rich testimonies that give flesh to the broader political and social processes at work in Namibia over the last generation that deserve to be read – and enjoyed. ♦

## **AISA Addressing the Spiral of Hatred & Wars in Africa**

*John W. Forje*

*Towards the Sustainable Peace: The Theory and Practice of Preventive Diplomacy in Africa* by Hussein Solomon (ed.). (2004., Africa Institute of South Africa (AISA), No.13. 313 pages, ISBN 079830167-8, US\$30 or R120 pb.

*Sudan Peace Process: Challenges and Future Prospects* by Korwa G. Adar, John G. Nyout & Eddy Maloka (eds.) (2004), Africa Institute of South Africa (AISA), Pretoria. 297 pages, ISBN 079880180-5, US\$20 or R90 pb.

*Realising Democracy and Legitimacy in Southern Africa* by Kenneth Good (2004), Africa Institute of South Africa (AISA) / African Century Publications No. 15. 184 pages. ISBN 079830171 6, US\$20 or R90 pb.

No doubt since 11 September 2001, the world has certainly become grimmer and more intolerant, a place of fear and loathing with suspicion of the big brother and dark murmur dogging every day. However, the spiral of hatred and conflict started long before 11 September attacks – a day that terrorism changed the world, perhaps forever. Events of human destruction in Africa have to a large extent been swept under the carpet since 2001. Africa continues to be under theorem of conflict, hatred and destruction. The weapons of human destruction through the help of the technology of violence have and continue to leave its mark on the lives of the people.

By all standards Africa is wracked by conflicts. The virus of wars, abject poverty, genocide, exclusion and underdevelopment reign supreme. From the Biafra war of the 1960s, through the Rwanda genocide a decade ago to the ongoing genocide in Sudan, the undecided situa-

tion in Somalia, the continent remains the most troubled spot in the world keeping aside the War and Politics of Oil ravaging Iraqi and the Middle East nations. To question is simple. The answer, of course, is not that simple.

The three publications in question look at the carnage that most unfortunately continue to rock the continent and the need to put in place a culture of democratic governance as the way forward to arresting the plethora of problems in Africa. Why has Africa become the conflict of 'conflict and genocide' with many of its people on the run? The publications make a conscious effort to understand the causes of conflicts and that the petals of conflicts must be eroded for Africa to claim its rightful place in the ever-evolving global village of the 21<sup>st</sup> century. This can best be done through a legitimate and democratic governance system. At the same time, it looks at the plethora of wars as anathema to the notion of an African renaissance. It argues for serious structural changes within the social structure and institutional set up of the governance system. The democratisation process and good governance must be given a chance for Africa to make its mark on the world scene and usher in an era of a sustainable, quality livelihood to the vast majority of the people.

For an African renaissance to be a reality requires radical and concerted changes on all fronts, articulate leadership, sense of vision and values of human solidarity, which currently is threatened by crass materialism, and pursuit of social goals of instant gratification to use the words of the former President Nelson Mandela of South Africa. The publications from AISA are crying out for a just and enduring solution to the problems of the people in Sudan and the rest of Africa facing similar predicament. It is important that the people of the continent renounce the use of force to resolve differences; disband and disarm terrorist

groups; respect each country's sovereignty and territorial integrity; cease support to any rebel groups; embark on a democratic governance policy that builds on the policy of inclusion, power to the people and equal opportunities for all, and the *respect* for basic human rights.

One may argue that a major problem confronting the continent is that of leadership guided by a governance system that reaches out to all. These books touch on some of these issues in different ways. It is hoped the publications will open new vistas to the people to seek new paths for building a healthy continent. In that direction there is need to build strong political systems, for political systems are somewhat like living organisms in that they change overtime, but more accurately, political systems are what political actors (government leaders and those who choose to influence them. make them, but political actors cannot always do as they wish. In a way, these books are interested in the form of government a given country has.

In this sense, they ask at least three broad questions. What are the purposes of government (*the end of politics*)? What do governments do (*the functions of politics*)? Who exercises political power (*the processes of politics*)? Transitional societies are confronting with a number of clusters of political problems, namely: ambivalence and frustration related to modernisation, internal cleavages based on subnational loyalties, political instability, conflict over natural resources, inequality in the distribution of the wealth of the nation, and prominence of the military in politics. Military rather than political approaches are often deployed in solving socio-economic and political problems of the nation.

Beginning with *Towards Sustainable Peace – Reflections on Preventive Diplomacy in Africa*, dedicated to the 'peace-making' role of Sir Ketumile Masire, former President of Botswana, the 313 page book is a

thought provoking publication spread over seven chapters, analysing the scourges of conflicts in Sierra Leone, Sudan, Democratic Republic of Congo (DRC), Angola and Mozambique. These are countries that to a large extent have known no peace since the attainment of independence. Conflicts, wars and other disturbances remain a serious tragedy on many levels. It is a tragedy because of the thousands of lives lost and families displaced in all these countries. It is a tragedy because of resources diverted to war that would have been better spent on improving the quality of life of the people. It is a tragedy because, instead of building their economies, they are destroying each other's livelihood

Anton du Plessis's section on 'Preventive Diplomacy: Origins and Theory' (pp.10-41) takes a critical look at two tracts of diplomacy from the perspectives of 'peace-making' which is accredited to Second UN Secretary General, Dag Hammarskjöld. The book provides an overview of the origins of preventive diplomacy and gives an account of select theoretical dimensions as the basis for contextualising and operationalising what may be seen at times as ambiguous concept. A concept used specifically to refer to UN involvement in preventing conflict from spreading to super powers and thus igniting a third world war. The second aspect, that of 'Citizen Diplomacy' – refers to the non-governmental organisation role to undertake humanitarian aid, mediation and social improvement. The two tracks converge into what could be labelled 'multi-track' diplomacy. The two do not seek to compete but complement and reinforce each other. In so doing, these publications raise pertinent issues that concern the level of political will on the part of governments to participate in peacemaking and peacebuilding in war-torn countries: whether states have the required financial capability to fulfil this commitment: and what has been the level of voluntary contribu-

tions of states towards the AU Peace Fund?

From Sierra Leone to Sudan through the Democratic Republic of Congo down to Angola and Mozambique the different contributors present a comprehensive analytical discourse of the carnage of conflicts, wars and genocide that continues to ravage the continent, and efforts through preventive diplomacy as a mechanism by which to prevent conflicts from escalating to the level of large-scale violence. The chapter on Sierra Leone by Fred Noyes (pp. 44-99) presents an overall perspective on the opportunities for positive external intervention – diplomatic as well as military, and the role played by the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) – ECOWAS peace-keeping Force and The Economic Community of West African States (ECOWAS). Noyes's argument is that if both regional and international actors had demonstrated greater commitment from the onset, the conflict or war would have been stopped much earlier and human sufferings greatly reduced.

Sudan remains a problem area gradually building up to a more serious form of genocide than what was witnessed in Rwanda a decade ago. Incidentally, given the sensitivities of the conflict, diplomatic interventions, let alone preventive initiatives are still to make the necessary breakthrough in bringing peace to the region. Sudan remains Africa's longest-running war as noted by Paul Nantulya's paper on preventive diplomacy in Sudan. The DRC has been in conflict since its rise to independence more than four decades ago. Uli Mans's article argues that the 'belligerents' commitment to attesting to an accord was fundamentally different to their preparedness to comply with the given provisions of such an accord'. The author goes further to situate the role of the academia in addressing issues of such a nature by asserting:

*the academic discourse on international conflict management is closely surveying the recent events in the DRC. Apart of that academic mission, we need to know what to expect from the international community, the Africa Union and South Africa in the near future, and if we can draw conclusions from the diplomatic milestones and their respective implications is prevented* (pp.180-236).

The last two chapters which focuses on Angola and Mozambique, by Senzo Ngubana / Hussein Solomon and Andre Thomashausen respectively look at issues of elusive 'peace' opportunities to seek durable political solutions to civil wars which were repeatedly missed in the case of Angola. Mozambique remains a case of both the failure of preventive diplomacy and its eventual success. The authors further acknowledge that the resulting General Peace Accord of October 1992 was the result of the African Diplomatic Initiative and the IMF / World Bank who were positively engaged in supporting this diplomatic undertaking. Much credit is also given to the role of the church in gunning for a peaceful process. The Mozambique peace process remains one of the few success stories of conflict settlements brokered on the African continent to stand the test of time (pp. 272-309).

It is an interesting publication on preventive diplomacy – successes and failures – within the African political landscape which students of political science, African studies, international relations, non-governmental organisations, the international community and the general public will find handy and how to move on from past failure to better actions in future. For example, President Thabo Mbeki of South Africa stuck to an approach characterised as 'quiet diplomacy' – indicative of a determination not only to help create peace in war-torn countries like the DRC, Burundi and Sudan, but to also prevent the collapse of the Zimbabwean state. These together

with the efforts of other leaders involved in the peace process gives the way forward for a new continental security architecture dedicated to conflict prevention, mitigation and post-conflict reconstruction much needed in the war-torn areas of the continent

*Sudan Peace Process: Challenges and Future Prospects* is a publication assessing Africa's second carnage after the Rwanda genocide in the Dafur region of Sudan, where tribal realities have degenerated into genocide and the country is being torn apart. The first chapter looks at the issues to the peace initiative process by the non-government authority on development (IGAD) highlighting initiatives undertaken by the Kenyan High Commissioner, under the theme, 'Conflict Resolution in Sudan: Stakeholder Perspective'. Chapter two – 'National, Regional and Global perspectives' looks at regional and international dimensions of the Sudanese's Peace Process, the internal and external contexts of oil politics and political alliances emerging among the different Sudanese stakeholders.

The argument in chapter two on 'war and peace politics' is that the SPLM/A manifesto does not necessarily prefer cessation to unity. However, the question is that of establishing a mechanism to apply an equitable distribution of and wealth. Constitutionalism and democratisation trends in post-war Sudan make up part three addressing the legal implications of the peace process as well as the future of democracy and the South-South dialogue. The authors conclude that the challenge for both Muslims and Christians in Sudan is not to pursue reasons for a new reality, in which Islam and Christianity provide the basis for prosperity and development, instead of reverting to past excuses for conflict and destruction.

Sudan remains a country in crisis and only the Sudanese can best address their

internal problems. Saying this does not imply that the international community should abandon the people to their fate but exert greater pressure through the framework of preventive diplomacy and other conflict resolving mechanisms to enable the people live in peace and harmony in spite of their cultural, religious and ethnic diversities.

This is an interesting case examining not only in a holistic perspective, the prevailing situation and future challenges facing Sudan, but brings into sharp focus for the African Union to become an active partner in the process of conflict resolution and good governance throughout the continent. The authors have deployed the methodological approach of multi-track diplomacy and research to produce what could be seen as an up-to-date critical analysis of the Sudanese crisis. Students of strategic studies, conflict resolution and management, political science and international relations will find the book an added value to their collections and reading

*Realising Democracy and Legitimacy* penetrates into issues of the in-tricks and other vices for derailing the democratisation process by authoritarian forces and corrupt tendencies emanating from inherited institutions as well as from emerging ruling elites. It addresses issues of authoritarian liberalism in Botswana – citizen-based democracy in aspiration; presidentialism in practice in Namibia and South Africa's open politics of capacity building, accountability, and popular participation and ethical government.

To begin with, it is a publication that seeks to interpret the important distinctions that exist between Botswana and its neighbours. It maintains that given Botswana's experience, a growth economy and rising relatively high per capita incomes are not in themselves, as often suggested, a sufficient basis for real democracy. The position taken in respect

of South Africa is that the country holds the best possibility of creating a more open, accountable and participatory democracy than previously known in Africa, or even elsewhere. Development since the collapse of the apartheid system supports this theoretical analysis. A decade after the disappearance of apartheid the optimism for democracy in Southern Africa is growing much stronger. Compared to other African countries, South Africa holds the key to the implantation of democratic government in the continent and the hosting of the Pan-African Parliament, hopefully should be an added value to the nurturing of the basic tenets of democracy in a continent that has known nothing but wars, conflicts, corruption, abject poverty, exploitation, authoritarian rule and poor management. There is need for a holistic and focused approach to the plethora of problems confronting the continent, or else the region may degenerate into a state of civil conflict; there is every indication that this could eventually happen – if not properly handled. The economic situation in most of the countries remain deplorable and could be the breeding passage for further conflicts.

It is a book that concentrates on addressing liberal democracies as practiced in Botswana, Namibia and South Africa, yet at the same time establishing important distinctive differences existing between the three countries. The author argues that though South Africa is the most democratic state within the continent, it does not obscure the severe limitations of the liberal model, and the need to establish other and broader definitions of democracy. It is an interpretative dynamic, interesting and significant book on democracy in theory and practice in Africa. It sends the message that democracy governance, peace and security have evaded the African continent and for some yet, there will continue to be a certain level of fuzziness in its application

## Conclusion

These publications make a serious contribution to African commitments to conflict prevention, management and peacemaking as well as draw attention to the urgent need for the continent to endorse the road map for building a culture of democratic governance, politics of inclusion and social justice for all. The books also send the message of people learning to cohabit peacefully in spite of their cultural diversities and that cultural diversity should be embraced as assets, not liabilities, in the development process.

In different ways, these publications hammer on human security and the democratisation as the key in protecting the vital core of all human lives in ways that enhance human freedom and human fulfilment. The issue of democracy is a catchy word, but democracy to be functional must be home grown, not imported by respecting the fundamental tenets of liberty in all its facets: right to expression, right choose and dismiss elected leaders in a free and fair electoral system, access to all human necessities, among others. The shift from 'state' and 'regime' security approaches to a more 'human-centred' approach has arisen out of the realisation of the need to emphasise day-to-day issues in the security, political and economic discourse of the country, region and continent.

However, the books raise the issue that although state compliance with these commitments is supposed to improve the human security status and democratisation process of African citizens, Africans' involvement in or knowledge about these issues remains minimal at best. Furthermore, civil society involvement has been largely absent. It is therefore imperative that the norms and values underpinning the ideal of good governance be given new scholarly discourses, create a platform for educating and include the broader civil society in the

decision-making and implementation processes of the commitments in building a sustainable African society. A fundamental reshaping of its economies, politics, and societies leading to institutional structures and value systems which prize creativity, innovation and a spirit of enterprise as well as a deep concern for social justice leading to the well-being of the people remain fundamental

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## Books Received

1. *Disabling Globalisation: Places of power in post-apartheid South Africa* by Gillian Hart. Univ. of California Press, 2005.
2. *Eroding Local Capacity: International Humanitarian Action In Africa* by Monica Kathina Juma and Astri Suhrke (eds.) (2005). The Nordic Africa Institute.
3. *Guerrilla Government: Political Changes in the Southern Sudan During the 1990s* by Oystein H. Rolandsen (2005). The Nordic Africa Institute.
4. *The Character of Kingship* by Declan Quigley (ed). Published by Berg New York, Pb £18.99.
5. *Unfinished Business: Ethiopia and Eritrea at War* by Dominique Jacquin-Berdal and Martin Plaut (eds.). Published by Red Sea Press, £19.99.
6. *Suffering for Territory: Race, Place, and Power in Zimbabwe* by Donald S. Moore. Duke University Press. pb £15.95.

7. *Dilemmas of Domination: the Unmaking of the American Empire* by Walden Bello. Published by Zed Books, £12.99.
8. *Reinventing Development: Translating Rights-based Approaches from the Theory into Practice* by Paul Gready & Jonathan Ensor (eds.). Published by Zed Books, £16.95.
9. *The Millennium Development Goals: Raising the Resources to Tackle World Poverty* by Fantu Cheru & Colin Bradford (eds.). Published by Zed Books, £18.95.
10. *Precolonial Nigeria: Essays in Honour of Toyin Falola* by Akinwumi Ogundiran (ed.). Red Sea Press, \$39.99.
11. *Modern Algeria: the Origins and Development of a Nation* by John Ruedy. Indiana University Press.
12. *East Africa: In Search of National and Regional Renewal* by Felicia Arudo Yieko (ed.). Codesiria Books.
13. *Nkrumah's Legacy and Africa's Triple Heritage Between Globalization and Counter Terrorism* by Ali Mazrui. Distributor: African Books Collective, £9.95.
14. *Central Africa: Crises, Reform and Reconstruction* by E.S.D. Fomin and John W. Forje (eds.). Distributor: African Books Collective, £19.95.
15. *African Political Parties: Evolution, Institutionalisation and Governance* by M.A. Mohamed Salih (ed.). Publisher: Pluto Press.
16. *Media and Democracy in Africa* by Goran Hyden, Michael Leslie & Folu F. Ogundimu (eds.). Published by Transaction Publishers.
17. *African Renaissance* by Fantu Cheru. Published by Zed Books.
18. *The New Conditionality: the Politics of Poverty Reduction Strategies* by Jeremy Gould (ed.). Published by Zed Books, £16.95.
19. *Beyond Territory and Scarcity: Exploring Conflicts over Natural Resource Management* by Quentin Gausset, Michael A. Whyte, Torben Birch-Thomsen (eds.). Publisher: The Nordic Africa Institute, £26.95.
20. *Globalization Neo-conservative Politics and Democratic Alternatives: Essays in Honour of John Loxley* by A. Haroon Akram-Lodhi, Robert Chernomas, Ardeshir Sepehri (eds.). Arbeiter Ring Publishing.
21. *Rethinking the Economics of War: the Intersection of Need, Creed, and Greed* by Cynthia J. Arnson and I. William Zartman (eds.). Woodrow Wilson Center Press/The Johns Hopkins University Press, £15.50.
22. *Earth Democracy: Justice, Sustainability and Peace* by Vandana Shiva ISBN 1 84277 777 7, Pb. 15.99. Published by Zed Books.

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**Editor's Note:** If you would like to review books for us, please get in touch with Jan at [editor@roape.org](mailto:editor@roape.org)