



A Peace Resource Organisation

**Violence and Transition Project Phase 3 (VTP 3):
The Transformation of Violence through an African Comparative
Lens: Lessons for Violence Prevention**

**A Summarised Draft of the VTP3 Kenya Consolidated Report on:
Sexual and Gender Based Violence and Armed Youth Formations in
Kenyan Transitions**



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Glossary

AYF – Armed Youth Formations

IAF – Informal Armed Formations

IPK- Islamic Party of Kenya

KADU- Kenya African Democratic Union

KANU- Kenya African National Union

KPU- Kenya Peoples Union

MRC- Mombasa Republican Council

ODM- Orange Democratic Party

PNU- Party of National Unity

UMMA- United Muslims of Africa

VTP 3 – Violence and Transition Project Phase 3

Violence and Transition Project Phase 3 (VTP 3): The Transformation of Violence through an African Comparative Lens: Lessons for Violence Prevention

Summarised Draft of the VTP3 Kenya Consolidated Report on: Sexual and Gender Based Violence and Armed Youth Formations in Kenyan Transitions

Executive Summary

Introduction

This summarised version of the draft consolidated Kenya VTP3 research report is a synopsis based on two themes; Gender Based Violence (GBV) and Informal Armed Formations (IAF), as part of a larger comparative research project entitled, “Violence and Transition Project Phase 3 (VTP 3): The Transformation of Violence through an African Comparative Lens: Lessons for Violence Prevention”. The main project conducts comparative research that explores the changing nature and dynamics of violence as it plays out through the political transitions in South Africa, Kenya and Zimbabwe. The research focused on two thematic areas, namely gender-based violence (GBV), arguably the most pervasive form of violence in transition, and secondly informal armed formations (IAF) which is experienced as a major challenge in all three countries and elsewhere on the continent. In Kenya, NPI-Africa examined the changing nature in violent conflict patterns among armed youth militia, while paying special attention to the 2007-2008 post-election violence (PEV). Sexual and Gender Based Violence (SGBV) likewise formed a central part of this inquiry, placing emphasis on women as subjects as well as objects (victims) of violence. The study areas for both themes were those most affected by the 2007-2008 post-election violence (PEV) in Kenya and/or those with significant presence of members of the *Mungiki* and Mombasa Republican Council (MRC) militia groups, namely, Muranga, Naivasha, Mombasa and Nairobi.

Methodology and Process

A comprehensive secondary literature review was conducted and gaps identified for the field research to explore and present findings. Specific research methodological approaches were

discussed and a research process in relation to the two thematic areas agreed upon in the first partner methodology workshop in Cape Town, South Africa (July 2011). The methodological approach identified, and thus applied, was derived from ethno-methodology which postulates that social facts come out in narrative accounts-in the ways members of a community describe or explain specific situations and/or experiences. The study focused on the manner in which informal armed groups such as Mungiki, evolved, the dynamics of these groups (paying close attention to gender dynamics), and their understanding of the social connotations and impact of IAFs, not to determine the accuracy of the accounts reported, but rather to examine characteristics of the people that form IAFs and their interpretation of socio-historical events; and how these events affect their behaviour. The study adopted particular research techniques such as individual interviews, and group “conversation analysis” meetings as well as interrogations.

The research process involved identifying and recruiting a team of experienced research assistants who were:

1. Informed of the purposes of the study and pre-cautioned about the possible impact the fieldwork may have on them
2. Trained on basic research and data collection methods relevant to the study and facilitated to organize themselves to collect data from their respective locations on a continuous basis to meet set targets
3. Trained in carrying out conversational forums with target respondents such as youth militia leaders and members, and document proceedings

The researchers identified individual respondents with information on the research questions and social institutions already involved in aspects of mitigating SGBV as well as posing a challenge to SGBV, such as youth militia. The field researchers also collected personal testimonies that formed the bulk of the accounts of violence from respondents.

It is important to note, and reiterate that, all researchers were trained to present themselves as harmless listeners who are interested in giving the best narration of accounts as told to them. It was important that respondents also understand that their accounts would be kept confidential, and that they likewise keep the information exchanged during the interviews confidential because of the nature of the study.

Summary of Findings

Emerging information confirms previous research findings that Informal Armed Formations (IAFs) have a symbiotic relationship with transitional politics in Kenya. Research findings indicate that IAFs mainly arise as a result of socio-historical factors, and in particular unaddressed historical injustices. These have often led to a rationalising of the forced acquisition (or re-acquisition) of socio-economic power of a particular group of people that perceive themselves as having been ill-

treated in the past. In most cases, the demographic of those recruited and indoctrinated into the ideology will be youth, and more specifically, principally young men, who form Armed Youth Formations (AYFs).

Ironically, the same politicians responsible for executing processes to remedy past injustices have chiefly been perceived as unwilling to pursue perpetrators and bring cases to a conclusion, but are concurrently, the same actors that use AYFs to advance the pursuit of power acquisition and the preservation of their political interests. Research has shown that particularly during periods of political transition, when state structures are at their weakest, AYFs have been used to deliberately cause social instability through extreme acts of violence, either against a particular group of people, or random attacks, depending on the various politicians'/political party's motivating factors, with the aim of protecting, maintaining or achieving their individual/party's interests. In other words, acts of violence perpetrated can be inter or intra-ethnic or targeted at "enemy"¹ ethnicities and communities. The unwavering, perpetual and unpredictable change in dynamics of IAFs and specifically AYFs means the groups are to a large extent, amorphous, and as a result are able to defy most structural law enforcement measures. In fact, to enhance their power and dominance, militias will typically create their own order, backed by a well thought out ideology which justifies the *modus operandi*, and flagrantly operates outside of existing legal state structures.

The field research in particular indicated that AYFs are increasing in number and in socio-political sophistication to suit scenarios within transition politics. An analysis of the patterns of behaviour of these groups, indicates that apart from the clear affiliation with particular politicians and /or political parties, there is also a [predictable] tendency to reach out to various other social, and socio-political constituencies, such as religious groups/actors, peace and human rights activists, minority groups, etc, aiming to give off the impression that they have widened their concerns, with the overall objective of gaining social acceptance and appearing to be open to dialogue. [The latter is discernibly an attempt at shedding the general public perception of AYFs as violent and unreasonable]. According to the findings, one of the emergent shifts in behaviour in general for example, has been the inclusion of women within the groups, and women's issues into their general agenda, for instance speaking out against SGBV to appeal to a larger constituency of society. A nuanced understanding of the changing dynamics and formations of these groups is thus extremely important, largely, because their very existence can be an indication of the subversion of the rule of law.

It is however important to note that, whereas AYFs have been seen to be evolving as more inclusive and 'transparent' in their approach and deportment as a group, it is evident that intensification of secrecy and inscrutability among various sections of the groups, and contemporaneously a rise in sporadic violence of a criminal nature are elements that have become synonymous with any mention

¹More often than not enemies are those supporting a political party perceived to be dominated by members of a different community

of AYFs. However interestingly, AYFs will, for the most part, reject the mentioned ‘attributes’ and deny the groups’ culpability in the execution of heinous crimes, and in fact have in various cases insisted that the type of crimes they are accused of committing as a group are in contrast with the group’s ideology. It is equally important to add here that there is evidence from research that some of the crimes mentioned, (and unmentioned) in the report are committed by individuals who have taken advantage of the AYFs already standing ‘criminal’ reputation, and in other cases, rogue members who take advantage of leadership weaknesses at instilling discipline. A nuanced understanding of the changing dynamics and formations of these groups is thus extremely important, largely, because their very existence can be an indication of the subversion of the rule of (state) law.

The Gender Dynamic

The research findings indicate that, during political transitions, IAFs, and AYFs in particular, represent the most pervasive perpetrators of SGBV and are often an extension of the socio-gendered power formations ingrained within traditions and cultures of respective groups. It became increasingly clear, that SGBV, which affects women and young girls disproportionately, emanates from two main sources during political transitions in Kenya; AYFs such as militia associated with different political players, and secondly, state security apparatus such as police and paramilitary forces.

Moreover, research findings indicate that women are more active participants within the composition of IAFs than is documented, for instance within the *Mungiki*, and MRC at all levels. However, women will customarily be separated from the men as far as initiation rituals are concerned and will, as a matter of course, be subject to a female-led command structure that exclusively pertains to women- but is largely subservient to men. Information from Mombasa Republican Council (MRC) for instance indicates that that women within the group are informed and generally supportive of the aims of the movement but are yet to find their ‘place’ within the membership and the structure.

The above dynamic may be understood in part as a reflection of the drive of AYFs that calls for constantly evolving different strategies in order to remain relevant, and indeed to survive. This approach may well be derived out of the recognition of the current constitutional dispensation in Kenya where universal personal freedoms and rights have been legitimised; making the settlement of disputes through legal channels seem more feasible and realistic than it was in the old dispensation, when many of the existing AYFs in Kenya were formed.

Brief on Findings on Mungiki

According to the research findings, the 2007-2008 PEV evidently had a significant impact on the institution and image of *Mungiki*: At the peak of PEV the *Mungiki* were perceived as defenders of the ethnic constituency, and among some as the heroes responsible for ‘saving’ the Kikuyu from

‘perishing’. However after the signing of the National Accord between the feuding PNU and ODM elite, there was an unprecedented post National Accord crackdown on the *Mungiki* which led to deep rooted mistrust of the Kikuyu elite for alleged betrayal. The research points to feelings of betrayal among members sometimes leaning towards cynicism and self-blame for being duped and misused by the ‘ethnic elite’ as well as loathing of sect leadership for having “made a pact with the devil”. It is notable that they do not show anger, or blame to their (supposed) ethnic enemies (Luos) for their woes but direct blame to the leadership of their community for betraying them.

Closely related to the above, *Mungiki* is also showing less ideological inclination but more pragmatic re-alignment on financial strategizing and caucusing for purposes of enhancing individual as opposed to group (*Mungiki*) welfare- the latter clearly only being important in as far as it provides an umbrella for personal gain. Acquisition of property by individual *Mungiki* members as a way of gaining respectability in society appears to be a more pronounced quest from the accounts. This partly stems from claims that *Mungiki* leadership are rich, and that wealth has earned them respectability, while the members remain poor and despised).

However the findings indicate that members encourage transmutation to Christianity, and into politics, of their leaders and laity, as an acceptable continuation of their movement in circumstances where they may face annihilation from their traditional class enemies. Overall, the “*Mungiki* never die” spirit- is still very present and may be strengthened by the existing freedoms under the new constitutional dispensation as well as covert, intra and cross political party rivalry, that uses foul tactics to outsmart competition or arm twist the enemy into collaboration or surrender. This is likely to impact women with political aspirations more than anyone else, as they are perceived to be the easiest to intimidate into backing down.

Brief on Mombasa Republican Council (MRC)

It is clear that MRC is not a new movement but a historical extension from past quests and movements by the residents of the Coastal peoples of Kenya to find their place in post-independence Kenya. It is made clear that even the known militarized movements/groups arose and espoused a similar cause to the former. It dates to pre-independence Kenya when the issues at the Coast revolved around remaining isolated from the rest of Kenya that was agitating for independence or joining them². Rivalries and fears of domination by the descendants of settlers from the Gulf and upcountry migrants seem to have informed decision-making on independent transitional political affiliation of coastal people.

The question of religious identity takes political form in the Islamic Party of Kenya (IPK) agitation for change from a single party constitution to a multiparty democracy that would accept its

² Narrative 5 Mombasa

registration. This is contested in transitional politics by state sponsored AYF United Muslims of Africa (UMMA) that fought IPK and characterized them as anti- African Arabs out to re-introduce colonization and slavery by the Sultan of Zanzibar. Transitional politics also brought out a group largely drawn from among the *Mijikenda*- the Digo, referred to by the place they emerged from- *Kaya Bombo*³ in the pre-1997 elections. This marks a further militarization of the Coast issues but in a manner that was hand and glove with the transition from the newly legalized multi-party politics and the claw-back fight from the ruling party KANU to hold onto areas it perceived as their territory and demonstrate that multi-parties may not work in Kenya.

The Kaya Bombo militia largely targeted the upcountry Luo ethnic group that were perceived to belong to the then opposition FORD Kenya party, and who were likely to complicate voting demographics among the perceived loyal KANU Digo, among whom the Luo had settled- a situation that was feared would result in a win for the opposition. Violence broke out during the 1997 elections and many upcountry people largely of Luo descent were evicted. Accounts typify MRC that was formed in the aftermath in 1999, as an extension of *Kayabombo* as they spread a similar ideology, i.e. that the Coast region should secede due to the conclusion of the agreement and that people working at the Coast should leave their property and go back to their native land⁴.

The narrative of Kenya and the Coast being two different territories is what differentiates MRC from other movements. They draw from the history of marginalization and gloss over historical inter and intra ethnic issues among the Coastal people to identify the biggest issue as one of betrayal by Kenya of rightful expectations of the “Coast protectorate”. However not all accounts are extreme in their explanation of the origin of MRC: some see it as “purely an association of the poor people that want to liberate the region without shedding blood”⁵, while others see it as a spontaneous coastal people’s response to long standing grievances against the government of Kenya and disinheritance of immigrant’s upcountry communities⁶. Still others upscale it to an uprising against land injustices that date to pre-independence, made worse by insensitive and corrupt successive regimes whose state operatives have taken over commercial development interests from coast people, and also doubled up in drugs as the kingpins⁷.

The next prominent complaints have to do with upcountry and foreign ownership of Coast commercial or development resources, while the rightful residents remain poor. Narrators impute neglect by also giving accounts of failed government sponsored projects that used to employ and benefit people. The overall impression is of a conspiracy by the government to impoverish the Coast

³Kaya is a forested area that often holds religious shrines of the Mijikenda people- they are protected community spaces. It emerged that the militia emerged from the Kaya at a place called bombo and thus the name *Kaya Bombo*

⁴Narrative 5 Mombasa

⁵Narrative 13 Mombasa

⁶Narrative 26 Mombasa

⁷Narrative 26 Mombasa

region while mandarins in government pick the spoils and entrench themselves as the kingpins of the economy including in illegal drugs trade transacted through the port. It is a picture of rot and degeneration amid plenty of resources that are not accessible to the coast people often because of a conspiracy of state institutions such as those in charge of education, industry, law and justice and finance among others. Secession becomes the wished for game-changer. There is also a strong contention that MRC is a reaction to the historical failure of indigenous leadership at the coast: “MRC is a result of failure by our leadership”⁸.

Accounts show that popularity of MRC is on the rise and they are expected to have a significant influence on the coming general election. Their strategy to go public in recruitment and advocacy of the rights of Coast people has also earned them more sympathy and support from the general public, but the poor and marginalized in particular. They also take advantage of the freedom of expression and association protected by the Bill of Rights in the constitution to frustrate police efforts to restrain them. Even though they are officially banned, the fact that they operate openly makes them heroes in the eyes of their admirers. Accounts also show MRC as agitating the people against their leaders who they say are compromised and unfit to lead them out of the numerous challenges they face. Research findings likewise show MRC expanding the scope of the “10 mile coastal strip agreement” to include the whole of the original Coast province, some of which is not even a coastal area.

The biggest boost to MRC is however the transitional context of the coming general elections- they have earned “respect” because they appear to have endeared themselves to a large section of the coast populations and in particular the large majority poor. This makes them a hot commodity for political elite looking for votes to win the presidency in the elections. Fear of economic ruin in case MRC turns violent also makes business elite want to negotiate with them. The fact that militaristic options are not acceptable under the new constitution has been a game- changer for MRC, making it possible for them to claim constitutional protection while at the same time reneging from the same constitutional state basis to demand cessation.

⁸Narrative 11 Mombasa