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A survey of the influence of ‘ethnicity’, in African governance, with special reference to its impact in Kenya vis-à-vis its Luo community

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ABSTRACT

‘Ethnicity’ and disparate group-based socio-economic development make governance in Africa problematic. This paper explores them through a lens – objectively, subjectively or a combination thereof – to understand governance patterns in Africa, with special reference to Kenya and its Luo community. Whilst demonstrating the argument that negative ‘ethnicity’ owes its existence largely to colonialism, we contend that the phenomenon particularly thrives under capitalist dispensations. We employ a historical narrative to explain the marginalization of the Luo of Kenya. We argue that politically constructed stereotypes and prejudices, associated with the Luo, can be traced to the colonial era. We find that a new form of authoritarianism is emerging in Kenya under the Jubilee Administration that negates the new constitution and threatens the fragile peace in the country. Accordingly, the paper concludes that with the view to combat ethnic strife and violence, purposeful, meaningful efforts should be made, to acknowledge the democratic rights of the Luo, and other politically marginalized communities, in all sectors of the Kenyan society.

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Introduction

In this paper it is argued that ‘human existence’, (see Wilson, 2014) with regard to fulfilling life’s aspirations, is often uncertain, especially in a society, such as Kenya, riven by a range of contradictory social relations of power predicated upon highly subjective and often spurious issues such as ‘ethnicity’, tribalism, racism and chauvinism, which serve to ‘encourage’ socio-economic and political power arrangements along such perceived human differences. This paper specifically examines the importance of ‘ethnicity’ in Kenya by tracing: (i) how it influences government formation and operation; (ii) how it influences opposition to government; (iii) how it is being used as a defining factor to include/exclude certain groups in/from political participation; and, (iv) how it influences socio-economic development in the East African nation. We begin by delineating the historical antecedents of the phenomenon, then examine the specifics of ‘ethnicity’ and governance in Kenya with special reference to its Luo community. We argue that, although the country’s new constitution could play a

significant role in addressing the contradictory nature of this often nebulous concept, 'ethnicity', and in establishing more representative and accountable forms of governance, it remains a vulnerable document for its complete implementation seems to be significantly dependent on goodwill from the executive branch of government.

Historical antecedents of the problematic: 'ethnicity' and governance in Africa

Pre-colonial Africa: c. 1500–c. 1900

'Ethnicity', in and of itself, is not a 'negative' attribute, that is, belonging to a particular 'ethnic' or culturally specific social group. However, it is the oft, less expressed fact of being marginalized en masse from formal and/or informal forms of governance structures and related socio-economic-political programmes, as a result of belonging to a particular 'ethnic group', that frequently gives rise to varying forms of discrimination (whether perceived or real). In this regard, identity and diversity can simply be reduced to highly atrophied, simplistic notions of 'ethnicity', collapsing a whole range of contextually specific meanings and experiences into frequently highly questionable socio-economic-political categories of 'ethnicity' (see Mafeje, 2002) and 'culture' (see Williams, 1958). Contentious as it is, if the term 'ethnic group'¹ is taken to refer to 'some formal organization' (Oloo, 2007, p. 23) revolving around shared origin, culture, language, history, myth and tradition (Irobi, 2005), then Africa comprises numerous 'ethnic groups', in fact, thousands of them, and they have related in various ways throughout history – amicably and belligerently alike (Berman, 1998, p. 311). Although strife existed in Africa before the advent of colonialism (Obioha, 1999), dissention usually pitted various social formations – pastoralists against cultivators, fishing societies against trading societies, raiders against nomads, and so on (Rodney, 1973). 'Ethnic' identity rarely formed the basis for conflict, disagreement, domination or exclusion, prior to the colonization of Africa. In like manner, the notion of class was barely existent throughout most of the pre-colonial era and there was 'equal access to land and equity in distribution' (Rodney, 1973, p. 38). The communal nature of pre-colonial African society made it less prone to 'ethnic' conflict.

Colonial Africa: c. 1900–c. 1960

Having argued above that group association/'ethnicity' is not inherently conflictive within the human condition, but its ideological/political manipulation for often economic reasons seems to be conflict generating, it is, accordingly, appropriate to unravel this theoretical problematic in relation to this paper, further, for the following reasons: first, the ensuing exposition demonstrates that 'ethnicity' has been deliberately constructed as divisionary strategy during the colonial period; and, second, it also shows that during the post-colonial period in Africa this highly questionable ideological construct of 'ethnicity' continues to be used for a range of socio-economic-political reasons as illustrated in our research domain, Kenya vis-à-vis the Luo.

Colonialism played an enormous role in nurturing, enhancing and fostering 'ethnic' conflict and negative 'ethnicity' (tribalism) in the continent (Berman, 1998; Mamdani, 1996). 'Ethnicity' becomes negative when it is linked to discrimination and unequal differentiation

(Wamwere, 2010). Negative 'ethnicity' is 'a mindset that claims some ethnic communities are superior and deserve more resources, while others are inferior and deserve less' (Wamwere, 2010; para. 4). Odinga (2007) outlines four ways in which colonialism constructed and furthered 'ethnic' formations in Africa: first, following the Berlin Conference of 1884/85, European powers divided Africa amongst themselves in an arbitrary manner that brought about a lot of confusion. Members of some 'ethnic groups' found themselves separated in different countries. Examples include the Somali (found in Kenya, Somalia and Ethiopia) the Maasai (Kenya and Tanzania) and the Luo (Kenya and Tanzania). Second, the colonialists created a social order that was based on race – Europeans ('whites') ranked first, Asians second and Africans last. Third, in entrenching their divide-and-rule philosophy, the colonial powers confined Africans in certain distinct areas – popularly referred to as 'Reserves' – where African communities lived separately from each other. This made it difficult for African communities to coalesce and sowed seeds of mistrust and resentment amongst them. Fourth, colonialism came with segregation in the professional realm. Having demonstrated the apparent acceptance of the ascribed 'ethnicity', such Africans often would have been admitted to the official corridors of power (governance), though they were often excluded from certain professions (obtainable professions included serving in the army or police force, and farm work, amongst others). These discriminatory structural predispositions, vis-à-vis particular employment categories, would prove detrimental to the African state when self-determination was achieved. Indeed, as argued by Odinga (2007):

With the advent of political independence in the 1960s, the colonial divisions found relevance in the competition of different communities for scarce resources, particularly land. As well, communities that had co-existed in relative peace before and even during colonialism found themselves competing for political power. And because resource allocation and distribution under the colonial administration and the post-independent governments were always lopsided, unequal and discriminatory, political power was viewed by each community as the vehicle to 'prosperity'. (para. 13)

Post-colonial Africa: c. 1960–2017 and beyond

The colonialist divide-and-rule tactics, discussed in the preceding historical phase, have become a resource tool for self-seeking and egotistical politicians in post-colonial Africa. Indeed, the African political elite class, in its quest to either retain or capture power, has followed in the footsteps of the colonial powers before it by 'manipulating ethnic identities for private interest' (Aquiline-Tarimo, 2008, para. 1). The main explanation for this disgraceful conduct, on the part of the latter, lies in the fact that colonialism came with an alien economic system – capitalism – which equated human worth to wealth and slayed the conscience; important symbols and procedures that had hitherto been sources of prestige within the traditional African societal set-up, such as sharing/brotherhood and other aspects of morality, and rites of passage, were rendered redundant. Communalism gave way to the 'survival of the fittest' and 'everyone for himself/herself' dispositions. To obtain 'prestigious' standing amongst fellow humans, post-colonial Africans resorted to obtaining wealth by any and all means necessary. At the political level, access to this wealth was tied to state power/control. Since the ultimate goal was to get recognition and prestige (which lied in wealth) by any means necessary, greed overcame compunction in the internal battle within the self, and 'ethnic' numbers took the place of policies, manifestoes, and visions, in politics, even as

politicians spread hatred amongst the various 'ethnic groups' that comprised the voting population. Thus, seeds of mistrust, at the grassroots level, were sowed even further. Also, at the grassroots/individual level, life became harder under capitalism as everyone struggled to position themselves in the new economic dispensation in the post-colonial state. As a result, citizens became easily susceptible and readily receptive to the political gospel of 'we versus them'. 'Ethnicity' thus became a weapon in the struggle for access to scarce resources in Africa.

In the same manner that colonialism was used to exploit the continent, economically, in an 'everlasting' fashion, by 'anchoring [Africa] directly into the vortex of the world monopoly capitalist economy', (Oloo, 2004; *Uneven Development and the Development of Underdevelopment in Nyanza* section, para. 9) state power, in post-independent Africa, has become the perpetual means by which the bourgeoisie class is formed and safeguarded. The faction of the political elite class in power, which largely owes its privileged economic position to state control, and the 'structural determination' (Mészáros, 2001, pp. 101–102) of capital, plays the 'ethnic' card to maintain the status quo. Similarly, competition against it is waged on the platform of 'ethnic' identity as opposition leaders go for their 'turn to eat' (see Wrong, 2009). Indeed, in post-colonial Africa, 'ethnicity' has been politicized for selfish material ambitions and Odinga (2007) aptly paints the picture:

African elites who took power after [the] liberation struggles resorted to fuelling ethnic hatred and manipulation to divide communities; not for the benefit of those communities, but for the elites themselves to grab wealth and hang on to power by all means. (*The Case of Kenya* section, para. 11)

This pre-occupation with constructed forms of 'belonging', that is, 'ethnicity', thus became entrenched in subsequent years, and seemingly, especially in post-colonial Africa, because whoever controls state power also makes the decision on how the national resources will be allocated vis-à-vis specific 'ethnic' formations (Mullard, 2005; Odinga, 2007; Singh & vom Hau, 2015). Ideologically, ethnic-based typologies (of belonging, inclusion/exclusion) in post-colonial Africa often seem to be repressed where dissident communities are viewed/considered to be anti-status quo, that is, against the exclusionary practices of a particular government and related state structures, encompassing virtually every aspect of life: social, economically and politically.

Against the backdrop of the preceding exposition on the apparent 'significance' of 'ethnicized' forms of governance in Africa, Kenya seems to illustrate an African country still reeling from these effects of colonialism. 'Ethnic' allegiances in the country determine government formation and distribution of the scarce national resources. Moreover, political leaders in the East African nation manipulate 'ethnic' identities to serve their personal interests. The Luo community, of Western Kenya, has consistently been considered to be anti-government in the post-independence era. This paper examines the specifics of the socio-economic and cultural consequences of the community's perceived political stance, within the framework of the aforementioned characteristics associated with the post-colonial African state.

Introducing the problematic of 'ethnicity' and governance vis-à-vis Kenya in general and the Luo in particular

Following our contention that in post-colonial Africa 'ethnic' allegiances determine government formation and the distribution of scarce national resources, we now present the central

problematic of 'ethnicity' and governance in Kenya, which focuses on the peculiar pattern of antagonism between the Luo community and the Kenyan Government throughout the post-independence era. Here, we further argue that, there are overlapping thematic categories in the governance styles of the four presidents of post-independent Kenya – Kenyatta, Moi, Kibaki and Uhuru – that have been detrimental to the Luo community and other Kenyans at large – since governance systems do not necessarily cease to exist with the demise of a particular leader; rather, the continuation occurs, via residual effects, on subsequent regimes (see Wa Thiong'o, 1986). We, therefore, unravel the problematic in five historical phases, viz.: 1960–1966 (The incipient stage of totalitarianism vis-à-vis Kenya); 1966–1978 (The incipient stage of totalitarianism vis-à-vis the Luo); 1978–2002 (The advanced stage of totalitarianism vis-à-vis Kenya in general and the Luo in particular); 2003–2013 (The Machiavellian stage of totalitarianism vis-à-vis Kenya in general and the Luo in particular); and 2013 and Beyond (in which we discuss the element of surveillance ('panopticon') power, beginning to emerge as the Uhuru-led Jubilee Government nears the latter stages of its first term).

1960–1966: The incipient stage of totalitarianism vis-à-vis Kenya

Before examining the leadership styles of the four aforementioned presidents, as alluded above and, vis-à-vis the Luo 'ethnic group' in particular, and Kenya in general, it is important to note that the period 1960–1966 was one of liberation and independence euphoria in what became Kenya. Whereas there were concerns about domination of some 'ethnic groups' by others, owing to demographic differentials and other factors (see Asingo, 2003), as voiced during the Lancaster House Conferences of 1960, 1962 and 1963, apprehensions were nimbly anaesthetized by looming independence and, thereafter, by the ecstasy of self-determination. This made it difficult to discern any insincerity between the two pre-independence protagonists Kenya African National Union (KANU) – which stood for centralized government – and Kenya African Democratic Union (KADU) – which advocated a 'Majimbo'/federal state. This euphoria played a significant role in enabling Kenyatta to outwit KADU, as succinctly captured by Mue (2013):

[e]xhausted at the slow pace of the negotiations and knowing he had 'the numbers' in the forthcoming elections at the end of May 1963, Jomo Kenyatta called out his delegates [from the Kenya African National Union – KANU – which advocated a centralized system of government] and told them he was going to agree to the Majimbo constitution to enable them to get on with the election, and as soon as they had won the election and formed government, then they would re-make the constitution in their own image. (para. 2)

Although Kenya gained its independence under a federal constitution, and with Kenyatta as its first prime minister, prevailing socio-economic-political conditions would stagnate/deteriorate as the latter, would stay

[t]rue to his word, soon after independence, [and lead] the process of mutilating the constitution to centralize all power to himself. He began by starving the regional governments of resources, then wooed the opposition to his side leading to its dissolution. He dissolved the Senate and abolished the regional governments. From there it was downhill all the way as Kenya became a one party dictatorship. (Mue, 2013, para 4)

By the time Jaramogi Oginga Odinga – Kenya's first Vice-President, and de facto leader of the Luo community, disagreed with Kenyatta in 1966, the latter had consolidated power and every 'ethnic group' in the Kenyan state, including the Luo, was under his complete control.

The next section examines how events unfolded, for the Luo community, and other Kenyans at large, following the dispute between these two independence figures.

Kenyatta, 1966–1978: The incipient stage of totalitarianism vis-à-vis the Luo

The basis for the Kenyatta-Odinga fallout, mentioned in the preceding period, was mainly ideological and stems from the fact that Kenyatta's view of life was influenced by 'individual enterprise and personal virtue' while Odinga's perspective was inspired by 'clan-based communitarian and egalitarian values plus a tradition of resistance to authoritarianism of any sort' (Atieno-Odhiambo, 2002, p. 241). However, there was also a political element to the row. During the 1966 Limuru Conference, Kenyatta instigated the creation of eight posts of party vice-chairman, within KANU, without Odinga's foreknowledge, outwitting and infuriating the latter to the point that he resigned (Auma-Osolo, 2013, p. 173; Kariuki, 2001, pp. 45–46). Odinga would then venture into opposition politics, forming a new party, the Kenya People's Union (KPU) in April 1966. This new party would obtain its support mainly from Odinga's Luo Nyanza. Following this, the Luo were largely politically side-lined, labelled anti-government and became associated with opposition politics. This tag made the community a prime target for political and economic exclusion. Indeed, to stem the 'threat' that Odinga posed to the Kenyatta regime, the Kiambu (Kikuyu) 'kitchen cabinet' – comprising Mbiyu Koinange, Njoroge Mungai, Charles Njonjo, James Gichuru and Kenyatta himself – commenced the process of marginalizing the Luo (Atieno-Odhiambo, 2002). Marginalization of the Luo, and other Kenyan 'ethnic groups' was accomplished, in part, by what has been referred to as the 'Kikuyunization' (Auma-Osolo, 2013, p. 168) of the civil service. Kenyatta preserved all strategic public service positions in Kenya for his Kikuyu 'ethnic group', thereby excluding other Kenyans. According to Auma-Osolo (2013), these posts included the following:

Divisional Officers to District Officers, Provincial Commissioners, Permanent Secretaries, Heads of Parastatal Agencies, Governor of the Central Bank, Commissioner of Police, Chief of General Security Unit (GSU), Director of Criminal Investigations (CID), Director of Special Branch, Principal Immigration Officer, Air Force Commander. (pp. 167–168)

The Luo community's ties with the Kenyatta government were further strained, following the assassination of the charismatic Luo leader who had been pro-Kenyatta, Tom Mboya, and the banning of the KPU in 1969. When Kenyatta died in 1978, his deputy, Moi ascended to the helm promising to follow in his 'footsteps'. And he did.

Moi's 'Nyayoism', 1978–2002: The advancement stage of totalitarianism vis-à-vis Kenya in general and the Luo in particular

The 'footsteps' alluded to in the preceding period (1966–1978), were to be popularized by Moi's new found philosophy, and clarion call for 'Nyayo', which emphasized 'peace, love and unity' (Nyaroga, 1996, p. 10). These three pillars, Moi argued, had been the driving force behind Kenyatta's leadership since independence; and now he, Moi, would incorporate them into his style of governance. Moi's actions, though, were a complete antithesis of his philosophy – at least as far as the Luo and Kikuyu 'ethnic groups' were concerned. The incorporation of the preceding goals seems to have mainly centred on the negative

aspects of Kenyatta's rule. Following the aborted coup attempt of August 1, 1982, the Moi government indicted Odinga and the Luo community (Throup, 1987). Because the Luo had for a long time been denied the opportunity to participate in the political process, the coup attempt was celebrated in Nyanza Province. The Luos in Nairobi also welcomed the incident warmly. Odinga and the Luo were suspected by the Moi regime because of the protracted history of antagonism between them. Moi and Kenyatta both exaggerated the threat that Odinga and the Luo posed to their regimes. Thereafter, Odinga and his Luo community were politically side-lined even further. Another interesting characteristic of Moi's regime was his antagonistic relationship with the Kikuyu community. When Moi ascended to power, he inherited a state dominated by Kikuyu hegemony. To stamp his authority and entrench his rule, he made concerted efforts to 'dismantle the economic foundations of the Kenyatta State' and 'diverted resources away from Central Province to the Kalenjin' (Throup, 1987, p. 60). Indeed, from 1978 to 2002 Moi dealt ruthlessly with the Kikuyu by getting rid of them from the Civil Service. He especially denied them the top, influential positions (Amutabi, 2009). These political marginalization mechanisms were to be employed by his successor, Kibaki, in a modern, shrewd and subtle manner, as discussed in period 2003–2013 below.

Kibaki, 2003–2013: The Machiavellian stage of totalitarianism vis-à-vis Kenya in general and the Luo in particular

Characterized by a polite demeanour, Kibaki struck the observer as a 'hands-off' president. He appeared not to meddle in the affairs of his appointees and cut for himself the image of a non-authoritarian. This approach, coupled with his efforts to slay the dragon of corruption during the early part of his tenure in office, endeared him to many a Kenyan. However, some of his actions soon began to raise eyebrows; Kibaki failed to honour a Memorandum of Understanding (MoU) signed between himself and the Liberal Democratic Party (LDP) leader, Raila Odinga (Jaramogi's son). This secret MoU, in which it is widely believed a deal was struck to create a prime ministerial position for Raila, had brought Kibaki to power but was breached (Kinyanjui & Maina, 2008). It has been argued that 'the breakdown of the MoU disregarded the envisaged equitable distribution of power among the ethnic groups' (Kinyanjui & Maina, 2008, p. 86). This view is similar to Foucault's; he views power from the perspective of relationships and argues that it is not a possession. To him, power is a complex circulation, which involves multiple relations between different societal areas and groups. It is, therefore, bound to change with circumstances and time. Power determines our identity (what we are), capability (what we can do) and perspective (our views about ourselves and the world) (Foucault, 1976/1978). Following the Kibaki – Raila fallout, the Luo were side-lined, politically, once again. Kibaki would also proceed to appoint mostly the Gikuyu, Embu and Meru Association (GEMA) communities in public offices, throughout his reign, at the expense of other Kenyans (Amutabi, 2009; Auma-Osoto, 2013). Kibaki, following the 2007 General Election – the bloodiest in Kenya's history – would preside over the promulgation of Kenya's new constitution on the 27 August 2010, at Nairobi's Uhuru Park. But its implementation would only come into play after the 2013 General Election that ushered in the Uhuru Kenyatta-led Jubilee Coalition Government.

2013 and beyond: Uhuru Kenyatta and the 'panopticon' stage of totalitarianism?

The Uhuru-Ruto political marriage, which brought the Jubilee Government to power, in 2013, is one of expediency rather than ideological conviction. The two strange bed-fellows (Uhuru supported Kibaki's Party of National Unity – PNU while Ruto was one of Odinga's lieutenants in the opposition party Orange Democratic Movement – ODM, in 2007) were united by the International Criminal Court (ICC) charges they faced following the post-election violence of 2007. Whilst Kenyatta's case was dismissed in 2015 for 'lack of evidence' (British Broadcasting Corporation [BBC], 2014), his Deputy President, Ruto, was only recently assured of his freedom after his case was dropped following what the court's judges referred to as lack of 'sufficient evidence' arising mainly out of 'systematic interference with witnesses' (Human Rights Watch [HRW], 2016). Even as these two leaders dealt with their court cases, they had been continuously entrusted with the enormous responsibility of implementing Kenya's new constitution, whose objectives seem to be in agreement with the premise, of this paper, that economic outcomes, in the past, have been predetermined at the state level and that 'dissident' communities, particularly the Luo, have been short-changed in the allocation of scarce national resources. They are:

- To promote democratic and accountable exercise of power;
- To foster national unity by recognizing diversity;
- To give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- To recognize the right of communities to manage their own affairs and to further their development;
- To protect and promote the interests and rights of minorities and marginalized communities;
- To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
- To ensure equitable sharing of national and local resources throughout Kenya;
- To facilitate the decentralization of State organs, their functions and services, from the capital of Kenya; and
- To enhance checks and balances and the separation of powers (see The Constitution of Kenya, Chapter Eleven Section 174).

Although the 2010 constitutional advancements are laudable, state control still seems to play a significant role in determining socio-political-economic outcomes, in Kenya – at the individual and community level alike. Indeed, political participation in governance structures continues to be determined by a community's real or perceived political stance even under Kenya's new constitution. Of the 18 Cabinet Secretaries and 26 Principal Secretaries appointed by Uhuru-Ruto, at the beginning of their tenure, three – Raychelle Omamo (Defence Cabinet Secretary), Peter Oganga Mangiti (Principal Secretary, Planning) and Colleta Akinyi Suda (Principal Secretary of Education, Science and Technology) – were from the Luo community – the leading opposition 'ethnic group' (see Jamhuri Magazine, 2013). Aside from these three, there was no other meaningful Luo participation, in government, at the national level. On the other hand, about 90% of the top officials of the Jubilee Government, including Parastatal heads, are either Kikuyu or Kalenjin (see Osewe, 2015). The Kikuyu, under Uhuru's government, control the following strategic positions of governance, in addition to the Presidency: Kenya

Defence Forces (KDF), National Intelligence Services (NIS), Criminal Investigations Department (CID), Attorney General, Solicitor General, Registrar General, Head of Public Service, Devolution and Planning Ministry, National Defence College, Speaker of National Assembly, Independent Police Oversight Authority (IPOA), National Youth Service, the Kenya Revenue Authority (KRA) and the Central Bank of Kenya (CBK). The situation in Kenya is akin to what Attafuah (2009) refers to as the 'winner-takes-all' 'democratic' system. These conditions, in which one or two 'ethnic groups' dominate all facets of government, are not ideal for equitable socio-economic development and free and fair elections.

Also, governance continues to be mediated by relations of power often exercised by the dominant parties in competition with one another. Accordingly, certain institutions of governance, especially at the local level, are often fragmented in respect of providing access to frequently constitutionally enshrined rights, as buttressed and supported by specific regulations/laws (see e.g. Ouma, 2015). In Foucault's (1975/1995) terminology, these relations of power operate in the form of a 'panopticon' ensuring that, to a lesser or greater extent, rights claimed or demanded by citizens at the grassroots level are seldom implemented, in total, but curtailed in practice. 'Panopticon totalitarianism'² – the direction in which Kenya seems to be headed under Uhuru and Ruto – is being implemented in various unconstitutional ways: the Uhuru–Ruto government appears to be controlling Kenyans and curtailing their freedoms by, amongst other things, dictating what they see, hear and read (control/ownership/intimidation of the press) (see e.g. Mugeru, 2014; Simiyu, 2013); frustrating the devolution of state functions to the county level (see e.g. Obala, 2015); and detaining and intimidating those that hold divergent views (curtailing freedom of expression) (see e.g. Wainaina, 2014). The Jubilee Administration is also using its numerical supremacy in the national assembly to inhibit the implementation of progressive electoral laws aimed at ensuring free and fair election processes. Owing to widespread demonstrations that called for a major overhaul of the country's electoral body, the Independent Electoral and Boundaries Commission (IEBC), a bipartisan committee was formed to tighten the country's electoral laws, leading to the development of the Election Laws (Amendment) Bill 2016, which was passed by Parliament and subsequently assented to by the President in September 2016. Of the provisions of the new law, the most important was Clause 17 which called for 'biometric registration of voters, electronic voter identification and electronic transmission of results'³ However, even before it was implemented, Jubilee, in December 2016, took advantage of the parliamentary majority it enjoys, bulldozed the opposition and 'reinstated provisions for manual identification of voters in case the electronic system fails', (Allestafrica, 2016; para. 2) besides 'adopt[ing] a proposal for manual transmission of results' (Allestafrica, 2016, para. 3) Accordingly, there is no guarantee that the 2017 general election in Kenya will be free and fair. Coupled with the complete ethnicization of governance structures at the national level, these actions threaten Kenya's fragile peace. To further appreciate the necessity of fidelity to Kenya's new constitution, and the important role that it could play in healing Kenya's wounds, this paper posits, the trajectory of Kenya's socio-economic development in the post-colonial era needs to be understood. This understanding lies in the critical evaluation and examination of the entrenchment of the state-capital-ethnic nexus, a phenomenon that has taken root in Kenya, profoundly, since independence in 1963.

The nation-state, capitalism and 'ethnic' inequality in Kenya

Since independence, state control has been crucial in the formation of the indigenous African bourgeoisie class in Africa. Leys describes the Kenyan case succinctly (1978):

The control of this class over the state...originally largely through ethnic links, led to the accumulation of surplus through state-protected merchant, distribution and service activities. Increasingly this allowed the indigenous bourgeoisie to buy out foreign capital in farming, service and manufacturing sectors, helped...by capital accumulated through the ivory, charcoal and coffee trade. (as cited in Kaplinsky, 1980, p. 84)

Table 1, below, whose details are beyond the scope of this study, depicts the most prominent indigenous capital accumulators, in the Kenyatta era, and has been referred to for this reason.

It is noteworthy that, out of this list of twelve, eleven hail from Kenyatta's 'ethnic group' (Kikuyu). About Udi Gecaga and Ngengi Muigai, Kaplinsky (1980) noted that 'both used close family relationships with Kenyatta to build their empires and amongst Kenyan industrialists Muigai is known as the political heavyweight and Gecaga as the shrewd businessman' (p. 91). This further suggests that state control and 'ethnic' ties have been synthesized to determine economic fortunes and outcomes in Africa, generally, and in Kenya, in particular. The accumulators of wealth become the 'private property class' in the context of Marx's class struggle analysis. In order to protect their privileged position, they shield themselves by ensuring that all the important and powerful posts in the civil service, police and armed forces, are filled by their fellow tribesmen and women. Together, they become the dominant group and ensure tribal hegemony. During his first term, for instance, Kibaki reserved about one-half of the cabinet posts in his government to Gikuyu, Embu and Meru Association (GEMA) communities (Amutabi, 2009). Amutabi (2009) further states that:

In 2006, there were 19 permanent secretaries from GEMA-related ethnic groups out of 34 in the country. In 2002, there had been 14 permanent secretaries from the Kalenjin, and related ethnic groups out of 26. In 2006, members of the GEMA group headed 23 out of the 34 public corporations. (p. 73)

Table 1. Capital accumulators in the Jomo Kenyatta era.

	Nuclear Family				Indigenous Kenyans (non-family)		
	Total No. of Firms	No.	Personal Equity K£	Total Equity K£	No.	Personal Equity K£	Total Equity K£
Julius K. Kalinga	4	2	28	25	2	608	13,900
James Njenga Karume	14	2	46,800	62,000	11	38,569	224,878
Peter Muige Kenyatta	15				6	30,822	460,899
J. Matere Keriri	0						
Kenneth Matiba	5	1	99	100	1	100	1,600
Ngengi Muigai	18	1	99	100	9	768,500	7,279,029
Charles Njonjo	10						
Dustan Omari	5				2	203	7,500
Charles Rubia	4	1	4,000	5,000	2	3,350	16,000
James Maina Wanjigi	11	4	1,003	1,007	4	16,651	52,624
Francis Mwangi Thuo	6				3	2,040	9,000
Eliud Mathu	8	3	8,002	8,004	2	1,110	25,020
Udi Gecaga	11	5		520,000	2	6,000	35,000

Source: Adapted from Kaplinsky, 1980, p. 94.

The dominated ethnic groups – the Luo have consistently fallen in this category in the post-independence era – are thus subjected to ‘wage-labour’ status. In the Marxian model of class struggle, they would be the ‘proletariat’. Whilst this class seeks ‘radical restructuring of the established order of society’, the wealthy ‘private property class’, and their tribal associates, are ‘interested in change only to the extent to which reforms and concessions can be integrated or institutionalized’ (cf. Mészáros, 1971; pp. 98–99). These dialectics of ‘ethnicity’ and economic development explain why post-election violence is gradually becoming a prominent feature in Kenyan society. State controllers are usually very conservative and do everything within their power to frustrate regime change – even rig elections. When regime change fails, the dominated groups resort to violence – a situation akin to what Marx refers to as ‘self-abolition’ (see Mészáros, 1971, 92–93).

Kenya’s politics of the phallus

Various means and methods have been employed to safeguard the social formation of capital, in the Kenyan case, as has already been discussed. However, regarding the Luo, one tactic used by the Kenyan authorities particularly stands out – cultural-based psychological warfare. Following the assassination of the Luo leader, Tom Mboya, in 1969, Kenyatta, fearing a Luo-led uprising – for it was widely believed that his administration was complicit in the former’s death – convinced ‘Kikuyu[s] by the thousands [to take part in] swearing oaths against fellow Kenyans in the President’s backyard’ (‘Kenya: Ominous oaths’, 1969, p. 39). It was further noted, in ‘Kenya: Ominous oaths’ (1969), that:

[t]he Kikuyu, according to one participant, strip naked, then hold hands in a circle around a darkened hut and chant an oath before entering it. Inside the hut they eat soil and swear to follow the oath. ‘The government of Kenya is under Kikuyu leadership, and this must be maintained,’ goes the pledge. ‘If any tribe tries to set itself up against the Kikuyu, we must fight them in the same way that we died fighting the British settlers. No uncircumcised leaders [for example, the Luo] will be allowed to compete with the Kikuyu. You shall not vote for any party not led by the Kikuyu. If you reveal this oath, may this oath kill you.’ (p. 39)

Since Luo culture does not involve the practice of male circumcision, this ‘othering’ weapon – circumcision-inspired ridicule – is frequently employed to subdue the community. ‘Othering’ involves ‘objectification of another person or group’ or ‘creating the other’ (Abdallah-Pretceille, 2003, p. 13). The ‘other’ is a ‘member of a dominated out-group, whose *cultural* identity is considered lacking and who may be subject to discrimination by the in-group’ (Staszak, 2009, p. 43, our italics). And:

[o]therness is the result of a discursive process by which a dominant in-group (‘Us,’ the Self) constructs one or many dominated out-groups (‘Them,’ Other) by stigmatizing a difference – real or imagined – presented as a negation of identity and thus a motive for potential discrimination. (Staszak, 2009, p. 44)

It continues to be echoed, in Kenyan political parlance, that political leadership is the preserve of the circumcised. This logic is often used by Kikuyu (dominant) politicians of Central Kenya against their Luo (dominated) competitors. Atieno-Odhiambo (2002) has observed that:

This specifically central Kenyan discourse on being cut – ‘the narcissism of small differences’, as Freud once spoke of it, the tendency to think of ourselves as superior to others because of some laughably superficial and non-essential feature – resurfaced in 1992 as two Kikuyu barons, Kenneth Matiba and Mwai Kibaki, bid for the presidency against Oginga Odinga. It was widely asserted that Odinga should not be elected because he was not circumcised. (p. 243)

Indeed, the 'symbol' of circumcision has over the years – thanks to the ethnocentric, politically constructed views and ideologies of cunning politicians – been profoundly fronted, in Kenya, as a desideratum for qualification – in terms of 'bona fide' citizenry, human worth and ability to lead. This cultural element, which is still alien to the Luo despite increased calls for its adoption on medical and health grounds, has been so vociferously emphasized that Kiai (2009) thinks that Obama, the US president whose father was Luo, would not win an election in Kenya because of his 'ethnicity'. In an interview, with *Vogue*, Oscar-winning-actress Lupita Nyong'o, talks about the despondency she felt growing up as a young girl in Kenya, for being Luo. Besides her complexion – Luos, originally from Southern Sudan, are often darker than the average Kenyan – barring her from being accepted on Kenyan television, she states that she associated her *Dholuo* dialect with ignominy (Sykes, 2015). It is not inconceivable, therefore, that politically constructed stereotypes and prejudices have had profound negative sociocultural and economic effects and ramifications at all levels of society in Kenya.

Conclusion

The mythical, exogenous construct, 'ethnicity', which was inaugurated and entrenched by colonial powers to assist in the exploitation of Africa, continues to further similar aims long after the European was 'forcefully evicted' from Kenya. The phenomenon profoundly, and in a harmful way, persists in all facets of society in the East African country – social, cultural, economic and political alike. The nation-state – a western concept – has been at the forefront in perpetrating and perpetuating negative 'ethnicity' (tribalism). Indeed, state control continues to be the principal manner by which the bourgeoisie class is formed and safeguarded in Kenya. Whilst the former – the formation aspect – is achieved through the entrenchment of the state-capital-ethnic nexus, the latter – the safeguarding aspect – is ensured through ethnicization of the civil service, armed forces and the police force. The effect of these state machinations is the exclusion of 'dissident' communities from political, economic and social participation in a country's development. In the case of the Kenya, exclusion of the Luo from participation in state political structures and programmes can be traced back to the ideological differences and subsequent fallout between Jomo Kenyatta and Jaramogi Odinga in 1966. Since then, successive regimes have followed in the footsteps of Jomo, and marginalized the community, and others considered to be nonconformist.

There is no doubt that the country's new constitution, promulgated in 2010, and predicated upon the devolution of state resources and a transparent democratic process, could go a long way in helping to extinguish the flames of negative 'ethnicity'. In fact, Cheeseman, Lynch, and Willis (2014) have attributed the largely peaceful 2013 General Election in Kenya to some of the constitution's principles such as a partly restructured democratic system and a dispensation that ensures that voters, whose aspirations cannot be met at the national level, can still control their destiny at the local level. However, we urge caution on the part of observers and Kenyans alike: on paper, the new dispensation is extremely progressive; practically, though, it remains rife with vulnerabilities for its complete implementation remains significantly dependent on goodwill from the executive branch of government. The lopsided public appointments – that largely favour the 'ethnic groups' that supported the Jubilee Administration during the 2013 General Elections and give a wide berth to communities perceived to be opposition supporters – attest to this fact.

Whilst it might not necessarily be 'new', the narrative on the formation of 'ethnic' identities over time, in general, and the underpinning argument that the term 'ethnicity' is not only a spurious but also an exogenous creation and imposition, in particular, remain crucial to understanding the trajectory that political, economic and sociocultural development has taken in Africa. Moreover, the specifics of the formation of the indigenous African bourgeoisie class in independent Kenya, as examined in this paper, are important in the sense they demonstrate the fact that the largely western ideals of the nation-state, democracy and capitalism have proven to be largely incompatible with Africa generally, and Kenya in particular. The significance of this paper stems from the fact that it provides the requisite background for further scrutiny and in-depth analysis of Kenya's Jubilee Alliance Government. This it does by highlighting and explaining the emergence of a new kind of authoritarianism, in Kenya, which seems to have borrowed some elements from countries such as Rwanda, Uganda and Ethiopia, where opposition is delegitimized through an emphasis on security, stability and development (see Deacon, 2015; Fisher & Anderson, 2015).

Notes

1. We do not subscribe to the idea that humans belong to different 'ethnic groups'; rather, humankind, since time immemorial, belongs to different historically informed social formations, often co-existing, amicably, in the same geographical region, especially prior to the colonization of Africa in 1884/1885. In this sense, ethnicity is an 'exogenous construct' imposed on the aboriginal people of Africa (see Mafeje, 2002).
2. Panopticon power, according to Foucault, 'is power that is invisible or hidden; it functions to dominate and mould people in order to make them more serviceable for the state. It orders and arranges every part of their life, so that they become convinced that state power is everywhere and inescapable' (See Schirato, Danaher, & Webb, 2012, pp. 86–87).
3. See The Election Laws (Amendment) Bill, 2016, p. 21. Available from <http://www.parliament.go.ke/>

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