

SPEECH, POWER AND VIOLENCE: HATE SPEECH AND THE POLITICAL CRISIS IN KENYA

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Introduction:

1. Kenya's worst post-independence political violence occurred between January and March 2008. Some 1200 people lost their lives and about 500,000 others were displaced from their homes and farms, following a tense and close presidential election that was fatally flawed. This violence immediately followed the official announcement of presidential results, and a hasty swearing in ceremony—an hour after the results were announced--in the night for the incumbent Mwai Kibaki, amidst doubts about the tallying process that saw a huge and unexplained jump in his votes against his main competitor, Raila Odinga. Prior to the announcement of the results, media stations were prohibited from releasing live results that their personnel in various constituencies were tabulating which were giving Odinga a huge lead.
2. The crisis though political, manifested itself in starkly ethnic terms with violence indiscriminately affecting perceived political supporters of the two main candidates on the basis of their ethnicity. This is because politics in Kenya is ethnic in nature in that political support generally follows the ethnic base of the main candidates. Thus the Kikuyu community will generally support strong Kikuyu candidates such as Mwai Kibaki; and the Luo community will support their son Raila Odinga. Where communities do not have “one of their own” contesting the presidency they will support the candidate who has made alliances with “their” leaders, as part of an inclusive team. Thus the Kalenjin community overwhelmingly supported Raila Odinga as their leaders were integral to the coalition he assembled for the election.
3. It is clear that there are many old underlying issues that exploded in the post-election violence that have long been neglected by the state, which confuses calm for peace; inactivity for stability. Some of these issues include long held ethnic tensions that have roots in political, economic and social dialectics; impunity for massive human rights violations including corruption; and security forces that are corrupt, oppressive and used for partisan political purposes rather than for maintaining security and combating crime. Above all, the contradiction of the Kenyan nation since its formation in the late 1800s, and the lack of a social contract that is relevant to the times that we live in finally were violently exposed; what was witnessed in 2008 was the decay of the Kenyan state and institutions that have outlived their time.
4. In simple terms, in Kenya control of state power has meant jobs, patronage, development and relative prosperity for those close to power and their supporters. It has also meant that there is little or no accountability for corruption and other crimes. This zero-sum

game is made worse by the fact that the Presidency is imperial and essentially above the law, and has traditionally used state resources as though they were personal. The lack of accountability in this predatory state has resulted in the collapse of state institutions and decline in the societal value system: Corruption and patronage are applauded and often rewarded with elected positions as each person seeks to make money as easily and as effortlessly as possible.

Understanding the Crisis and Use of Hate Speech:

5. To understand the crisis in more immediate terms, we must start at the politically instigated “ethnic clashes” of the 1990s, immediately preceding and following the introduction of multiparty politics after decades of single party rule. Then President Moi, who saw multi-party politics as a personal affront, as well as a significant political challenge, came up with a strategy of “zoning” off certain regions of the country as “out of bounds” for the budding opposition. Key in these zones was the multi-ethnic and voter rich Rift Valley Province, where his Kalenjin and allied communities live in and dominate. A virulent verbal campaign against multiparty politics and its supporters ensued, with Moi and his supporters insulting and demeaning opposition leaders and their supporters. Key to this was the charge--and ultimately self-fulfilling prophecy--that opposition politics would lead to ethnic violence, basically on the basis that Kenyans could only stay united in a dictatorship. This rhetoric was intense, personal and violence-laden, with one of Moi’s key supporters, for instance, calling for the chopping off of the finger of anyone seen flashing the two finger salute that was the sign of multi-partyism. (The symbol of Moi’s party then and now was a one finger salute.) Others called on the Kikuyu community which was then seen as opposition, to “lie low like envelopes” to avoid destruction.
6. Ultimately the rhetoric turned violent as first the Luo, then the Bukusu and finally the Kikuyu communities were attacked in well-orchestrated attacks in areas in the multi-ethnic Rift Valley. It was clear the initial attacks were state sponsored as the police did nothing to stop them, investigate them or bring the perpetrators to justice. The structure, planning and implementation of these “ethnic clashes” is well documented and resulted over a span of about 5 years in the deaths of about 3,000 people and more than 300,000 displaced from their homes and farms. What is instructive is that no action was ever taken, nor any accountability mechanisms initiated at all.
7. In its original form, well trained groups of men would attack and raze down houses belonging to perceived opposition supporters in military formations. They clearly did not know their way around the different villages and it was locals who guided them, and it was clear that the violence was planned and executed in military fashion, by “outsiders” rather than locals. But later as the violence spiraled and escalated survivors talked of seeing their neighbors in raiding teams attacking. This was the start of local militia, from

the areas of operation, and given the levels of unemployment and poverty it was relatively cheap to maintain a steady stream of people willing to participate in these attacks. Later, “defensive” militias were formed to defend the communities that were under attack, and some gruesome revenge killings occurred.

8. Similar but locally coordinated and executed attacks occurred again in 1997 in the prelude to the general elections again in the Rift Valley, but extending for the first time to the Coast region, pitting locals supporting Moi against non-locals who supported Raila Odinga. Again no action was taken and the calm that followed was taken to be peace.
9. The 1990s were intense in the use of rhetoric demonizing people who supported the opposition, with efforts to make them seem less than human. Standing out in this time was a Minister’s description of Kikuyu people as “ugly, with brown teeth and jigger-infested feet,” that could not be trusted with leadership. They were portrayed as greedy and selfish and were also warned to remember the Igbos of Nigeria and the Biafra Civil War there. There were also signals suggesting that if opposition continued and flourished then those wielding state power were not above splitting up the country into pure ethnic states where each community would live on their own. Moi would often and publicly refer to ethnic stereotypes of opposition communities including stating that the Luo were so cheap that they could be bought for only Ksh. 5.
10. Clearly, ethnic resentment grew dramatically at this time, and those afraid to lose state power threw in other legitimate issues into the mix, muddying the waters and confusing matters. Thus long held grievances on land issues and distribution especially in multi-ethnic issues arose and were used as a threat against those seeking multi-party democracy.
11. Instructively the 2002 elections saw the calming of ethnic tensions as the entire country ganged up together against Moi’s Kalenjin community. What was bizarre about this was that Moi’s chosen successor, Uhuru Kenyatta, the son of Kenya’s founding President, was Kikuyu, despite all the calculated efforts Moi had made to demonize and isolate the Kikuyu community over the years. The opposition coalesced and selected Mwai Kibaki as their candidate, as the first among equals, on the understanding that he would lead the inclusion of other communities who had felt neglected and marginalized into their fair share of government and leadership. But with his contemptuous disregard of the MOU between the leaders of the coalition as soon as he assumed the Presidency, Kibaki set the stage for internal wrangling and divisions that took an ethnic tone from the start.
12. The impunity for the 1990s violence, and the continuing impunity after the 2008 violence on all sides, has led to a hardening of positions, which necessarily gets first expression through hate-speech in private and public.

Politics of Ethnicity and Hate Speech:

13. The first public confrontation between Kibaki, representing the Kikuyu, and Raila Odinga, representing the rest who felt abused and used by Kibaki after their efforts and sacrifice to see him elected, was over the referendum on a new Constitution held in November 2005. The referendum pitted Kibaki and his mainly Kikuyu allies supporting the draft constitution which had been rammed down with little consultation with the other side, against Odinga and his supporters who were bitter about the process of exclusion and broken promises. The debates were seldom about the substance of the draft constitution and were mainly on the promises and a show of popular support. In the end, Odinga's No team won a resounding victory.
14. The hallmark of the process was the intensive use of hate speech at rallies, meetings and on the airwaves which had recently been liberalized and which had a fair component of ethnic language stations either owned by the political class on both sides; or aligned to them.
15. The Kenya National Commission on Human Rights, which I chaired at the time, took up a project of monitoring hate speech with a view to alerting the country to the dangerous trends on both sides, as well as seeking accountability, fully aware that the emerging process was setting the stage for ethnic tensions that could easily balloon into conflict. What was most disturbing were the comments made that dehumanized people of different ethnic groups; as well as "elevated" those communities that the speakers hailed from.
16. The reports "Behaving Badly" and "Still Behaving Badly" to be found on the KNCHR website www.knchr.org provide samples of some of the comments we captured and released publicly in an effort to "name and shame," given that the authorities refused to prosecute or even investigate the authors of the statements despite clear legal provisions allowing them to do so.
17. Some of the more glaring examples of hate speech included statements such as "If the YES campaign comes to Kakamega, whip and stone them;" "people should prepare for war if NO wins;" "Raila the monster should be hit on the head and killed so as not to destabilize the Kibaki government;" "they hate Kikuyus because we are hardworking. Luos just go fishing and fish is free and thereafter they ask the government for relief maize to make ugali;" "In places like Nyanza [Luo] people do not work, instead they wait for the people from Central Province [Kikuyu] to work;" and "If YES wins, the Kikuyu should pack their bags and move out of Eldama Ravine. Kikuyus from Shauri, Maji Mazuri and Timboroa will not be issued with title deeds if they vote YES;"
18. We followed this up in the 2007 elections and found nothing had changed except that leaders were more careful than in 2005. However, what was astonishing in 2007 was the spread of hate speech via SMS and by ordinary Kenyans rather than leaders, and the complete absence of censure by either side of these comments.

Summary of Findings:

19. It does matter who speaks for speech to move to violence. It also matters what the leaders say or don't say in a structure where hate speech is democratized. It also matters if there has been a history of impunity for previous violence, as well as control or comfort to combatants. We found that the perceived leaders were critical and they can turn violence on and off like a switch especially at the early moments. It was instructive that in the 2008 violence neither side publicly and seriously went on a campaign against the violence-except condemning the "other sides' violence--leaving this task to civil society, religious leaders and the business community.
20. Individual speech is important when it fits into the broader social narrative that each community has for itself. It is also important what leaders don't say as much as what they say. One of the most interesting factors in these circumstances is the effort to jump to "victimhood" that all communities aspire to during times of tension. Recent polls in Kenya show that every community considers itself as victims of "others" and in workshops for cross-ethnic dialogue, each community always starts off with how victimized they are and feel. But this is made all the more insidious when that victimhood is part of a "superiority" or entitlement claim.
21. Naming and shaming in a society that gives rhetorical value to being a "nationalist" has made some political leaders more circumspect in using hate speech overtly, using more coded language than before. But without the threat of real accountability—either from the top down using law, or from the bottom up by the public rejection of these leaders—then the problem is merely hidden away and not resolved.
22. The media plays a crucial role in hate speech and its attendant problems since it "legitimizes" and normalizes what is often in the private domain, by publicity. The more something is heard on radio, for instance, the more "right" it feels. Moreover, media reaches far more people than rallies and direct contacts can, and in this way, it can more quickly exacerbate existing tensions.
23. How ordinary people get their information is also critical. The growth of ethnic language radio stations has resulted in a huge listenership growing for them, especially in a situation where there is strong and recent memory of state controlled media. There is a tendency to trust more "our own" news than news in English or Kiswahili. For now, the ethnic news media seems to be propagating and has propagated versions of events that match the local perceptions, but properly used, they could also be vehicles for change.
24. In identifying potential genocide or crimes against humanity, the issue of de-humanization of the "other" is critical, for it make it easier for violence to be used by ordinary people. In addition, a culture that puts low value on the lives of ordinary people and makes them indispensable or easily killed contributes to these crimes. Thus where the police get away with extrajudicial executions; where fatal traffic accidents—caused by the impact of corruption--are common; where HIV-AIDS and related diseases take their

toll massively; where deaths from famine are common; and where poverty takes away human dignity; then life becomes cheap and easy to take. This is compounded by the cavalier approach of the state in seeking accountability or redress.

25. Technology such as SMS, email and blogging have clearly contributed to the “democratization” of hate speech and made it easier to spread without accountability. It also allows for a free airing of views and perceptions which could be important in terms of responses to combat hate speech. But conversely, it makes response harder since much of this is anonymous, and also leads to knee-jerk reactions to control these media as a response, which is also dangerous in divided, fragile societies where the state is overbearing.
26. Clearly the flourishing of impunity over the years; the acceptance of patronage and development depending on the control of state power; the presence of a police force that is partisan, corrupt and incompetent; and weak institutions; make fertile ground for violence. In cases such as Kenya’s, the frustration with the way power is wielded and the overt favoritism that communities whose leaders control the state enjoy, make it easier to fuel tensions and conflicts.
27. The current conflict is in a state of calm and “wait and see” moment. But other issues then arise such as religious bigotry, and questions of land reform arise within the context of ethnicity which then becomes the primary lens to view not just politics, but also economic and social issues- making an already complex matter even more complex. For instance, a matter of environmental protection in a water-catchment area has been politicized and ethnicized, dramatically reducing political will to do the right thing in restoring a catchment area that was corruptly “grabbed” and then sold off to members of Moi’s Kalenjin community, who have nowhere else to live.
28. International media coverage and indeed international attention has to be careful in the way issues are defined. In our context, there were efforts to classify the crisis as genocide which would have politicized further a situation where each side sought to be victims, and also were perpetrators of violence. In addition, the stereotypes of different ethnic groups that were started in the colonial period often influence many internationals (and locals to be sure) and can twist coverage and response.
29. It is clear that especially in societies that are verbal rather than written; speech is a critical determinant of future violence. If leaders speechify on violent terms, asking their communities to be ready and to make sure that they do not lose the presidency, then the likelihood of violence is raised.
30. Over the long-term, hate speech adds fuel to the fire. The reconstruction project in Kenya is yet to start, and as long as impunity thrives as well, it is almost certain that hate speech, which sometimes is a reflection of existing tensions, rather than the spur to them, will continue.
31. Reconciliation and peace-building must be on the foundation of truth and justice, no matter how difficult that is. There are different narratives to the issues in Kenya, and each

narrative needs to be heard and assimilated. As long we bury our heads in the sand, we can be certain that there will be more violence in 2012 in the elections. Moreover we need to interrogate and demystify the stereotypes that often determine the way we see “other” communities and our interactions with them.

32. In societies such as Kenya’s the role of political leaders is critical. If they can show maturity and disdain for hate speech; if they could organize in ways that are not ethnic in form and content; if they could show by example objective patriotism to Kenya first rather than to the ethnic group, then the possibilities for positive changes are very high. But this is unlikely, unfortunately, with the existing group of political leaders who lead for themselves first, then their ethnic communities, and finally, and a distant third, for other Kenyans. To this end, I would submit that Kenya will have moved beyond hate speech and negative ethnicity when the top leadership will be elected without their own ethnic group’s support.