UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)

THE RISE OF MILITIA GROUPS IN POLITICAL VIOLENCE: A CASE STUDY OF CHINKORORO WITH SPECIAL REFERENCE TO THE POST ELECTION VIOLENCE IN KENYA

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DECLARATION

This project is my original work and has not been submitted to any other university or examination body.

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This project report has been presented for examination with my approval as the University Supervisor.

Signature Date

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Nellie and the children, Nicole and Rose.

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ABSTRACT

Militias have become an important player in the perpetration of politically instigated violence. The rise of militia groups as a player in political violence has generated responses from several quarters, including law enforcement and civil society. Law enforcement has responded to the phenomenon of violence through the invocation of laws that prohibit membership of, or adherence to, proscribed organizations. As a result of this action, militia groups such as *Mungiki, Taliban, Jeshi la Mzee* and *Kamjeshi* have found themselves proscribed. The other response to the rise of militia group activity is the rise in academic interest in the activities of such groups. It is true that there is now an unprecedented interest among academics, in attempting to understand the organization of these groups and what they portend for the political situation in the country.

This project is a study of the role of militias in the growing problem of political violence in Kenya, perpetrated in the context of electoral competition. The main thrust of the study is an investigation into the internal organisation of militias in Kenya, with a view to finding out how these groups establish and sustain themselves. The study also seeks to establish the relationship between militias and political players, with a view to explaining the pre-disposition for the use of these groups in the perpetration of violence. The study further examines the responses that law enforcement has had towards militias and queries the effectiveness of these in combating militias. The study selects for examination as a case study the role of *chinkororo,* a militia group that operates within the Gusii community in western Kenya, and uses the experiences of this group to bring out the various aspects of the discourse on militias in Kenya.

The study is inspired by Kenya's experience of serious political instability, verging civil war, when the results of the presidential elections held in the country in 2007 were rejected by the opposition. Although this was by far the worst episode of election-related violence to be experienced in Kenya, it was not the first one. The elections held in 1992, 1997 and, to some extent those of 2002, were also accompanied by significant amounts of violence.

The violence which followed the 2007 elections was more severe than any of the **previous** incidents of violence, and, although lasting a relatively short period of time, it lecTto

very considerable humanitarian suffering, the loss of lives and the internal displacement of a large section of the population. The 2007 political crisis necessitated a mediated settlement, led by the Panel of Eminent African Personalities constituted by the African Union, and violence became the subject of official investigation by a commission of inquiry, established as part of the mediation of the political crisis in the country.

It is hoped that the findings of this study will inform the options that Kenya has to consider for achieving political stability and overcoming the culture of violence which now threatens the country's very statehood.

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ACRONYMS/ABBREVIATIONS

DDR	Demobilization, Disarmament and Reintegration
DDRRR	Disarmament, Demobilization, Reparation, Resettlement and Reintegration
SLDF	Sabaot Land Defence Force
gjj	European Union
KANU	Kenya African National Union
MP	Member of Parliament

CHAPTER 1

INTRODUCTION TO THE STUDY

Introduction

Kenya experienced serious political instability, verging civil war, when the results of the presidential elections held in the country in 2007 were rejected by the opposition, which claimed they were fraudulent. Although this was by far the worst episode of election-related violence to be experienced in Kenya, it was not the first one. The elections held in 1992, 1997 and, to some extent those of 2002, were also accompanied by significant amounts of violence. However, unlike the previous episodes of violence, the violence accompanying the 2007 elections came after the elections results. All the previous episodes of violence had preceded the elections.

The violence which followed the 2007 elections was more severe than any of the previous incidents of violence, and, although lasting a relatively short period of time, it led to very considerable humanitarian suffering, the loss of lives and the internal displacement of a large section of the population. There were also very pronounced acts of arson carried out as part of an eviction strategy targeting communities that were resident in areas of the country where they were considered to be outsiders. Also the violence led to the flight from the country, of a number of people, who became refugees in at least neighbouring Uganda.

The 2007 violence became the subject of official investigation by a commission of inquiry, established as part of the mediation of the political crisis in the country. The report of the inquiry reviewed the historical role of militia groups in the violence that has became endemic in Kenya's political process and noted that as a result of the activities of these groups, violence has became diffuse and difficult to control, even if the will to do so existed.

Militias have thus become an important player in the perpetration of politically instigated violence. The rise of militia groups as a player in political violence has generated responses from several quarters, including law enforcement and civil society. Law enforcement has responded to the phenomenon of violence through the invocation of laws that prohibit membership of, or adherence to, proscribed organizations. As a result of this action, militia groups such as *Mungiki. Taliban,*

Jeshi la Mzee and *Kamjeshi* have found themselves proscribed.[1] The other response to the rise of militia group activity is the rise in academic interest in the activities of such groups. It is true that there is now an unprecedented interest among academics, in attempting to understand the organization of these groups and what they portend for the political situation in the country.

Statement of Research Problem

The reports of official investigations into past occurrences of violence, as well as the literature, conclude that militia groups now constitute a growing power in Kenya's political process, because of the intimate connections that politics now has with sectional violence. All the official inquiries have recommended that action be taken to establish accountability against those who control, finance or seek to benefit from the militia groups. The legal ban on such groups is a further strategy calculated at reducing their legitimacy and providing law enforcement with a stronger hand to deal with these groups.

Even though there is a plethora of recommendations aimed at controlling the activities of militia groups, little is actually known about most of the individual private armies, beyond the commonplace portrayal of these groups as murderous gangs bent on causing devastation on an innocent public. Public control of militia groups can partly be achieved by taking away their legitimacy with a view to making it difficult for them to operate. However, as is now clear, the fact that these groups have been formally proscribed appears not to have weakened them. Notwithstanding the ban, they have continued to operate with as much freedom, and even impunity, as they had had before they were prohibited. Conversely, the capacity of law enforcement to deal with the menace that these groups present, which should have been strengthened by the formal outlawing of the militias, appears not to have improved, with the result that law enforcement has remained relatively helpless in the face of the activities of the groups.

[1] On 8 March 2002, (he Commissioner of Police, Philemon Abong'o, announced that 18 sects, groups and private armies - some of them linked to prominent politicians, had been outlawed, following a call ')' President Daniel arap Moi on the force to crack down on illegal organisations that "took the law into their own hands", and to ensure that no group operated above the law.

It is clear from the existing situation that although attempts to control militia groups must be based on legal instruments that withdraw their legitimacy, as has been done already, this is a necessary but not sufficient condition for success in achieving control over such groups. The other limb in the fight against militias must be based on factual knowledge about each group, beyond the labels that are applied by law enforcement and the media. This would require the investment of effort in gathering reliable data on the manner in which these groups are organized, their objectives and the manner in which they seek to promote these objectives.

This study is motivated by the lack of empirical information on the individual militia groups. Such information would indicate, for example, the nature and level of internal organization of each militia group, the motivations of each such group, its sources of funding, and the connections that the group may have with the formal political process, among other things. The purpose of the study is to establish beyond the general assertions as have been made in the literature, the exact role of militias in the political violence that has become an integral part of Kenya's political process and more especially the post election violence.

There exist a very large number of militias in Kenya, making it impossible to treat all of them to an examination as outlined above. In the circumstances, it is only possible to deal with one militia group and use this as a case study on the problem under investigation, in the hope that the specific facts that are established in relation to its organization and activities will inform understand of the others. This study has selected the *chinkororo* militia group as the point of reference for its purposes. The choice of this group is based on several factors. First, as will be clear in the literature below, no information is available on this particular group. The choice of the group will, therefore, contribute to ending the information gaps on this particular group.

Second, *chinkororo* are a rural based group, occurring as they do in rural Gusii. It is hoped that information from the study will be available for comparison with existing studies on urban-based militia, such as *miingiki* and *Jeshi la Mzee.*

Objectives of the Research

The objectives of this study are with specific reference to chinkororo:

- To investigate the internal organization of militia group, with a view of promoting the pool of information on militia groups.
- To investigate the role, if any, that chinkororo played in the post election violence with a view to promoting specific understanding of the role of militia groups in the perpetration of post election violence in Kenya.
- To assess the effects, if any, of the measures that have been taken by law enforcement against the chinkororo group as a prototype militia group, with a view to providing greater understanding of the effectiveness of the control regime against similarly placed militias.

Literature Review

Introduction

There exists rich and diverse literature on militias as a category of social groups. Whereas this gives rise to plenty of material for consideration in a literature review, such as this, it also makes it difficult to accommodate all the authors in such a review. For this reason, it is the decision here to present in this review, a broad sense of the issues raised by the existing literature on militia as a category of social groups. Since it is not possible, for the reasons explained,,to reflect the views of, or to specifically refer to, each individual author, it must be understood that the approach here is to have an exemplar as opposed to an exhaustive representation of the authors that have attempted to write on this subject matter. Therefore, this review constitutes an identification and classification of the dominant themes in the literature on militias and thematic strands.

Themes in the literature on militia

History of the militia tradition

One of the important thematic issues in the literature on militia addresses questions around the origin and meaning of the term "militia". The literature makes it clear that this term has borne different meanings according to the time in history when used and also from society to society. It is pointed out, for example, that in its original ^ense, *militia* meant "the state, quality, condition, or activity of being a fighter or

warrior." It can be thought of as "combatant activity", "the fighter frame of mind", "the militant mode", "the soldierly status", or "the warrior way". The contemporary meaning of the term, however, is understood as private citizens who respond to emergencies including that involving law enforcement, and who often has to do so using arms.[2]

The origin and evolution of militia occupies a central part of the discourse on militia and is important in bringing out various shades of understanding of the correct identification and classification of militia. Militia developed from an ancient practice in England during the Anglo-Saxon period which dictated that all able-bodied men were liable to serve in one of two organizations: the *posse comitatus,* which was a group of men assembled on an *ad hoc* basis for the purpose of law enforcement and the second, *jyrds,* which was a military organization established to maintain law and order in their neighbourhoods.

The evolution of militias in the United Kingdom developed in a context of mistrust between the monarchy and Parliament, the former fearing that the establishment of a standing army during peace time would provide the king with the capacity to oppress the people. Parliament therefore sought to control the power of the king to maintain a standing army during peace time and provided in the English Bill of Rights for the right of citizens to maintain militias as a counterweight against the royal standing army which was liable to oppress the people. The Bill of Rights further provided that the king required the approval of parliament to raise and maintain an army during times of peace.[3]

In colonial era America, militias were identified as persons expected to provide emergency services using their own weapons, equipment or supplies and without the expectation of reward.[4] The Militia Act of 1792 required each state to form a militia made up of all able-bodied white males of between the ages of 18 and who were resident in the state.[5] This was a continuation of the *fyrd* tradition which was part of the common law origin of militias. From the late 1860s private militias

For a general discussion on militia as a concept see, William H. Sumner, *An inquiry Into the Importance of the Militia to a Free Commonwealth* (Cummings and Hillard, 1823)

I he Bill of Rights declared in part that "the raising or keeping of a standing army within the Kingdom m time of peace, unless it be with consent of Parliament, is against law."

Will Gary, *A Necessary Evil: A History of American Distrust of Government,* New York, Simon and Schuster, p. 27

[5] Second Congress Session, Chapter XXVIII.

began to form themselves in different parts of the United States. These included the White League in Louisiana in 1874, and the Red Shirts in Mississippi in 1875. These were open groups and espoused their beliefs openly unlike the Ku Klux Klan, a white supremacist militia, whose members and activities was secret.[6]

The Militia Act of 1903 formalised the establishment of two categories of militia being organized militia which became the National Guard, and unorganized militia, made up of males between the ages of 17 and 45 years.[7]

The unorganised category of militia is private in nature, and its existence is not the subject of public arrangements. Each state in the United States has at least one unorganised militia. The unorganised groups dedicate themselves to upholding the liberty of the citizens against whatever they regard to be a threat to such liberty. Some private militias actively promote the right to bear arms, which they see as necessary for the protection of the liberty of citizens.[8]

African literature on militias

Cillier writes on the attempts by African countries to establish reserve armies that would be similar in form and function, to the organised militias in the United States and other jurisdictions. He notes that India's reserve army of 40,000 personnel which is supposed to serve a population of close to one billion people is grossly inadequate. Tanzania's attempts to establish a militia have been more successful, and this was achieved by insistence on compulsory military service for a short period of time, for all young Tanzanian males. However, this tradition has been very unpopular in Tanzania and was the cause of student riots in the 1970s. Apartheid South Africa also had a compulsory military service for all white males, which was equally

for a history and the activities of the Ku Klux Klan, see, for example, W.E.B. Du Bois, *Black Reconstruction in America: 1860-1880,* New York: Oxford University Press, 1935; reprint, The Free Press, 1998, pp.679-680.

I he National Guard Act, declared that"[T]he militia shall consist of every able-bodied male citizen of the respective States, territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-live years ot age, and shall be divided into two classes - the organized militia, to be know as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be know as the Reserve Militia."

For a discussion of this phenomenon, se for example, Darren Mulloy, *American Extremism: History, Politics and the Militia Movement*, (London: Routledge, 2004).

unpopular. In the new South Africa, service in the reserve army is increasingly viewed as employment, rather than as a voluntary national service.[y]

The traditional meaning and role of militia in the United States is similar to the practices in such jurisdictions as Canada and Australia. However, as understood in Kenya, the term militia in popular parlance is used to mean vigilantes who have become a part of the country's political process and who are also connected with efforts by citizens to protect themselves from crime.

One role with which militias in Kenya are strongly associated, unlike those in the United States, is active involvement in electoral politics. In the United States, the lack of militia participation in electoral politics has not always been the case in history: United States political history saw the active participation of militias who, on behalf of the Democratic Party, were involved in the intimidation of voters, the perpetration of violence, including murder, to push Republicans out of office, prevent them from organising politically and to prevent freed slaves from participating in the electoral process. The role of militias in the electoral violence on behalf of the Democratic Party, led to their being described as "the military wing of the Democratic Party". Militias played an important role in the 1876, securing a win for the Democratic Party.[10]

Another theme in the discourse addresses militia movements of the new right-wing extremist variety made up of armed groups, which promote anti-establishment messages, and which are often associated with an ideology of conspiracy. Examples of an examination of the problem of right-wing extremist militia groups includes those by James Duffy and Alan Brantley", who argue in relation to the United States, that the growth of this brand of militia groups represents one of the most significant social trends of the 1990s. They point out that many militias are often Christian and justify their actions by claiming to be defenders of the Constitution. They further argue that law enforcement must strive to understand the motivations that lead to the

Jakkie Cilliers, Reserves, Peacekeeping and the One Force concept *Paper presented at the SANDF Reserve Forces Conference, Eskom Conference Centre, Midrand, 13 March 2007.*

Roy Morris, Jr. *Fraud of the Century: Rutherford B Hayes, Samuel Tilden and the Stolen Election of 1876,* (New York: Simon & Schuster, 2004).

James Duffy and Alan Brantley, Militias: "Initiating Contacts, Law Enforcement Bulletin", in *federal Bureau of Investigations,* July 1997, p.22.

actions of militias and that to do so they must establish and maintain contact with the leadership of the militia groups.[12]

African literature on militia activity deals with several ideas, which will now be explored. One of these addresses the question of private security and its linkages with militia activity. Various writers try to identify factors that have led to the rise of private military contractors as a player in the African continent. It is a shared view by among others, Cillier[11] and Bikundo,[14] that the decline of the African state, which has increasingly become unable to occupy all the spaces that it formally occupied, has given rise to alternative players, who seek to fill the resulting void. Cillier attributes the increasing importance of private security contractors to the decline of the African state which has increasingly found itself unable to provide basic services to its people and therefore necessitating the intervention of private initiatives to fill the void that this has created. Cillier further asserts that private security companies are increasingly supplanting the primary responsibility of the state to provide both security for its people and for lucrative multinational and domestic business activities. Globalisation, the failure of African countries to achieve sustainable development, concomitant with (he general weakening of the African state and Western peacekeeping disengagement from Africa after the Somali debacle, all provide a new context within which one should view the increasing importance of private security.

The discussion on private security arrangement^ is itself an important thematic area in relation to militias. It is noted, as part of this discussion, that in recent conflicts on the continent, private security contractors have played an increasingly important role. The prominence of this role has led to the need to examine the place of private security contractors under international humanitarian law. It has been argued, for example, that where private security contractors are incorporated into the national

Ibid.

iakkie Cilliers, Private Security in War-torn African States, in Peace, Profit or Plunder: The Privatisation of security in war-torn African societies, (Pretoria, Institute for Security Studies, 1999), U

the ERWin Bikundo, "APPraising the "Mungiki Violence" Through the Prism of the Rule of Law", in e enyan Section of the International Commission of Jurists, Readings on the Rule of Law in Africa .Nairobi: International Commission of Jurists, 2008, p. 252

Jakkie Cilliers, op.cit.

armies, they should be regarded as combatants for the purposes of international humanitarian law. [16]

The role of mercenaries, as a category of militia also forms the subject of attention in the writing from the African continent. Hough, for example, discusses mercenaries from the standpoint of the civil war in Sierra Leone and notes that mercenaries were hired and fought alongside the Sierra Leonean army and the British army during the civil war. Hough concludes, after an examination of their record in combat, that the mercenaries were more efficient than the international peacekeeping forces in the enforcement of peace in Sierra Leone. The factors leading to their relatively higher levels of success, according to him, included their clear peace-enforcement mandate, their unitary structure, superior training and relationship with the public and the incentive to win as efficiently as possible. Hough suggests that because of these reasons, a case now exists for considering the use of private security contractors to build the capacities of national armies, and also in bringing a quick end to violent conflict whenever this occurs.[17] This positive view of militia is not shared by other writers, with Malan, for example, acknowledging that there is a pervasive negative view of mercenaries around the continent, which is seen as armed opposition to the decolonization process. [18]

Gumedze also writes on the subject of private security contractors and reviews the relationship between these and mercenaries, concluding that private security contractors have a legitimate role to play and are not the same as mercenaries. He establishes, through a well-documented research, that private security contractors have diversified their roles in Africa and now provide, among other services, combat and operational support.[19] Gumedze also examines the case for the establishment of

[16] Shannon Bosch, Private Security Contractors and International Humanitarian Law - a Skirmish for Recognition in International Armed Conflicts, published in Africa Security Review. Volume 16 No. 4, Pretoria, Institute for Security Studies, 2004.

Leslie Hough, "A Study of Peacekeeping, Peace Enforcement and Private Military Companies in Sierra Leone" published in Africa Security Review Volume 16 No 4, Pretoria, Institute for Security Studies, 2004.

Mark Malan and Jakkie Cilliers, Mercenaries and Mischief: The Regulation of Foreign Military Assistance Bill, Occasional Paper No.25 (Pretoria): Institute for Security Studies, 1997

abelo Gumedze, Policy Paper: Regulation of Private Security in Africa, Pretoria, Institute for security Studies, 2008, **p.** 23.

an African Union convention to control the activities of the private security sector as well as outlaw the use of mercenaries. He argues that in order to control and regulate the unregulated industry of private security and to effectively prohibit mercenaries in Africa, it would be prudent to draft two conventions, one which focuses on private security, and the other on the elimination of mercenaries. There would have to be a workable definition of mercenaries and private security contractors in the conventions.[20]

There is also situated within this theme, the debate about public control of mercenaries. In South Africa, the government enacted the Regulation of Foreign Military Assistance Act in 1998. The Act, which has extra-territorial effects, bars South Africans from serving as mercenaries. There has been literature that relates to whether or not the control of mercenaries is desirable, and also the means by which such control can be achieved. The Regulation of Foreign Military Assistance Act has itself been the subject of review in the literature. While not disagreeing with the need for public control of militias, many writers nevertheless expressing severe criticism of the Act on the grounds that its provisions are cast in very wide terms as a result of which they lack clarity and are capable of application in a manner that would hamper the carrying out of humanitarian assistance. It is acknowledged that the Act, even if not capable of enforcement, has dealt an important symbolic blow to mercenarism in South Africa. [21]

Another thematic area in the literature on militias discusses these from the standpoint of demobilization, disarmament and reintegration (DDR). This includes the EU Concept for Support of Demobilization, Disarmament and Reintegration (DDR)[22] which outlines the important elements that an ideal DDR programme should contain, stressing that all DDR should be driven by the specific relevant local circumstances and should, preferably be conducted in the context of a comprehensive state security reform effort, which should target all combatants including insurgents and informal militias. The EU Concept states that the views that it contains have received the concurrence of both the United Nations and the World Bank in their respective domains. Other literature in this category includes case studies of DDR experiences in

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See, Mark Malan and Jakkie Cillier, Mercenaries and Mischief: The Regulation of Foreign Military Assistance Bill, Occasional Paper No.25, op cit note 16.

uropean Union, Concept for Support of Demobilization, Disarmament and Reintegration (DDR), approved by the European Commission on 14h December 2006 and the European Union on 1 1th December 2006.

specific countries. This includes the study by Porto and Parsons on Angola[23], the writing on the DDR process in Zimbabwe, South Africa and Namibia by Dzinesa.[24] Ramsbotham also discusses this subject which he calls disarmament, demobilization, reparation, resettlement and reintegration (DDRRR) and, in summing up the existing literature, proposes that the DDRRR would have to take into account a number of issues including the control of small arms and light weapons and the disarmament of all militia groups.

A number of authors also try to anatomise specific militia groups and in the process have produced a body of literature that seeks to answer questions around the identity of specific groups and the motivations that account for the formation and continued existence of those groups. In this category of authors fall the efforts of Louw, who has produced a case study of *Mapogo-a-Mathagama,* a militia group that arose in the northern part of South Africa as a response to runaway crime in the whole country, and which, unlike so many of the others that had arisen in other parts of the country, had received support across the racial divide. She notes the popularity of the militia group which is viewed as representing an effective response to crime, unlike the responses of the state. She also notes that *Mapogo* has itself committed crimes as a response to crime and that there has been little success in bringing *Mapogo* to account in relation to its own crimes. She concludes that the curbing of *Mapogo* and similar militia can only succeed if the state becomes effective jn combating crime.[23]

Other authors in this category include Wamue who discusses the *mungiki* group from a sociological and anthropological prism, under an article appropriately titled "Revisiting Our Indigenous Shrines Through Mungiki".[26] She acknowledges that *mungiki* is a fundamentalist organization but also asserts that it is a political, religious and cultural entity and that those that have embraced it have, in effect, denounced other religions. She sees *mungiki* as using Kikuyu traditional religion to light against cultural and economic domination. Anderson, while not disagreeing with

Joao Gomes Porto and Imogen Parsons, *Sustaining the Peace in Angola: An overview of the current Concept for Support of Demobilization, Disarmament and Reintegration ,* Institute for Security Studies, Monograph No. 83 , April 2003.

Gwinyayi Albert Dzinesa, *Swords into Ploughshares: Demobilization, Disarmament and Reintegration in Zimbabwe, South Africa and Namibia,* Institute for Security Studies, Occasional Paper .120, January 2006.

Anto.nete Louw, *Violent-Justice, Vigilantism and the State's Response*, Pretoria, Institute for Security fctud.es, pubhshed in Monograph no. 72. March 2002.

Wamue, "Revisiting our Indigenous Shrines Through Mungiki" African Affairs 2001, 100

this depiction of *mimgiki* contends that the movement is much more heterogeneous than what Wamue portrays. The hybridity of the movement, according to him lies in the fact that it is both am rural religious sect and an urban militia and that the conduct of the leadership pf the movement has often been at variance with their statements. For example, whereas *mungiki* calls its adherents to adopt Kikuyu traditional religious practices, the *mimgiki* leaders have at one point proclaimed that they had converted to Islam.[27]

Kagwanja expands the depiction of *mimgiki* in religio-political terms by comparing *mimgiki* with the *Mau Mau* movement, pointing out that the leader of *mungiki,* Ndura Waruinge, prides in the fact that he is a great grandson of General Waruinge, one of the *Mau Mau* veterans. He points out other similarities between *mungiki* and the *Mau Mau,* including the fact that the two drew the bulk of their membership from the lumpen-proletariat class and also the fact that they share a strong emancipatory ideology. He further points out that the resort to violence by the political elite in Kenya has been responsible for transforming *mungiki* from a "moral ethnic" movement into a "politically tribal" movement[28]. The claim as to links with *Mau Mau* is also discussed by Bikundo who refers to the division within Kikuyu society, which arose as a result of the ban on female circumcision during colonial times. *Mungiki* openly supports female circumcision, something the colonial government opposed. Its support for female circumcision aligns *mungiki* with the *Mau Mau* struggle which opposed the British. According to Bikundo, the use of force by *mungiki,* therefore, is not "African barbarousness" but a "ruthless but quite effective (if unsophisticated) politics of violence."[29]

There is an abundance of case study literature on the disarmament demobilisation and reintegration processes of various countries around the continent, as well as the activities of individual militia groups. The case study literature typically tries to bring out the experiences of various countries in their attempts to carry out disarmament and demobilization programmes. There is also in place an abundance of

[27] David Anderson, "Vigilantes, Violence and the Politics of Public Order in Kenya", African Affairs, 101 no 405, 2002 pp 531- 55.

Peter M. Kagwanja, "Facing Mount Kenya or Facing Mecca?: The Mungiki Ethnic Violence and the l ohncs ot the Moi Succession," 102, no. 406,January 2003, pp. 25- 49;

the K B1kundo1 "APPraising the "Mungiki Violence" Through the Prism of the Rule of Law", in e enyan Section of the International Commission of Jurists, Readings on the Rule of Law in Africa .Nairobi: International Commission of Jurists, 2008, p. 252.

narrative literature on the course of various conflicts. Such literature identifies the main players in the conflicts and these often include militia groups.

A comment on the state of the literature

The literature has one notable shortcoming. There is no literature that discusses the place of militia in the perpetration of violence from the perspective of an insider to the groups. In all the literature the authors have taken an outsider's role and have attempted to look inside the militias. However there has not been an attempt to incorporate the views of the members of the various militias in the discussion. The standpoints from which militia activity is discussed, therefore, is that of the disinterested academic, or the judgmental position of the law enforcement community, which quite naturally views the activities of militia from the point of view of law and order.

Even though the literature acknowledges the fact that some of the militia have arisen to occupy spaces and act in roles that the state has neglected or is unable to effectively discharge, there is nevertheless no attempt to find out if any credit is due to militia groups, some of which may possibly view their own activities as providing salvation to their communities against some form of harm.

First, the perspectives of academic authors or of the police and other law enforcement agencies are the source of the information in much of the literature. Therefore, there is little or no perspective of the militia groups themselves in the literature. It is therefore not clear whether or not the information as to the claims that the individual militia groups is accurate or is all there is on them.

The state of the literature calls for and justifies two interventions. First, there is a demonstrable need to document in greater detail than what exists, the activities of militia groups other than SLDF and Mungiki. This necessity will respond to the paucity of information about these other groups and also contribute to the establishment of a platform for engaging in comparative studies on all the militia groups. Secondly, the documentation of a perspective from the militia groups themselves on what has been written about them will clarify the picture very greatly and also lend greater credibility to existing literature.

As more fully discussed below, it is the intention of this study to respond to these two shortcomings in the literature.

Theoretical Framework

This study is essentially about the formation and sustenance of militia groups as a category of social groups. Existing theories that seek to promote understanding of how, and the reasons why, such groups are formed and managed, as well as the interplay that they engage in within themselves and with wider society is highly relevant to the study. There are several theories on the formation of social groups, including the normative theory, the power theory, and the ecological theory. For this study, it is decided to employ the exchange theory and the interaction theory as these are the most relevant, to the subject matter.

The Exchange Theory

Justification for the theories selected

This study will employ two theoretical frameworks for achieving its objectives. These are the exchange theory and the interaction theory, both of which are more clearly described below. A justification of the choice of these two theoretical frameworks for the study is necessary and is now provided: this study seeks to unravel the insider world of militia organizations. It is noted from the foregoing that most of what has been written about these groups is from an outsider perspective and takes little or now account of the view by militias of their own activities. A study of this nature is in the final analysis a study about social groups, the formation of which is the subject of considerable interest form sociologists, criminologists and social psychologists. These disciplines have evolved frameworks of analysis which are deployed n attempts to understand the formation of social groups. The selected theoretical frameworks are some of the common approaches in the literature on social groups and it is for this reason that they have been selected for use in this study.

Discussion of the theories:

The exchange theory

The exchange theory is premised on four assumptions: first, that the reason why social actors interact with one another is so as to seek a desired objective; secondly all such interaction has a cost to each social actor, thirdly each actor will seek to keep the costs of interaction as low as possible and, at the same time, seek to maximize on the benefits of interaction; fourthly, it is only those activities that are

beneficial, based on a cost/benefit analysis , that will tend to be replicated by the social actors.[30]

Exchange theory admits that certain interactions among social actors are not based on a wish to obtain a desired goal which has a cost and a benefit. The category of activities which social actors may reengage in and which do not have to be based on a cost /benefit analysis are, therefore, altruistic.

Interactions based on coercion are, therefore, excluded from consideration by exchange theory. Also, interactions based on love do not have to conform to exchange theory.[31]

Exchange theory recognizes that once a stable relationship between social actors has been established, significant mechanisms emerge which decrease the need for mutual trust among social actors, but at the same time manages to perpetuate the exchange relationship. Second, rules emerge which also contribute to establishing the nature of exchange. Third, demands made on social actors may serve to make them abandon the exchange relationships and interact on a basis other than a cost/benefit analysis. Fourth, at a complex level, many interactions no longer are reciprocal between social actors but are mote a part of a complex set of related activities, which constitute a process.

Interaction theory

Interaction theory views individuals involved in social interaction as relatively independent beings. Interactions between these individuals are as a result of seeking goals. Unlike exchange theory, interaction theory views social action as being partly purposeful and partly altruistic.

According to the theory, social organization is the collective action of individuals seeking to achieve goals through cooperative actions in social situations which they are constantly interpreting. Social organization therefore emerges from attempts by social actors to define or understand collectively how to respond to a given situation.

30 For a discussion of the theories see, M. E. Olsen, The Process of Social Organisation, New York, Holt, Rinehart and Winston 1986, p. 240.
31 Ibid

The definition or understand of situations is influenced by culture. Therefore, shared culture promotes a shared understanding of a given situation, and therefore also promotes social organization .Although culture influences the actions of individuals, it is not the sole determinant of the conduct of social actors, whose action is also influenced by socialization.

Hypotheses

This study proposes to prove the following hypotheses:

- That chinkororo has no structured existence, and has no defined membership or leadership.
- That the role of chinkororo in the post election violence was largely the defence of the Gusii community from the aggression of neighbouring communities and thus role was necessitated by the failure by the state to protect the Gusii community from these threats.

- That there is no integral law enforcement plan against militia groups, beyond the announcement that these are banned and therefore the effects by authorities on these groups are ad hoc in nature.

Methodology

A central purpose of this study is to build an empirical picture as to the identity, structures, and motivation for existence for the group referred to as *chinkororo* and which, as noted, has been proscribed by the police. To do this, field research will be carried out in the original Kisii district. Initially one administrative area, then known as Kisii district, the area has been divided into smaller administrative areas and has now yielded 13 districts. The inhabitants of the area are members of Gusii ethnic community also known as Abagusii. In this study they are simply referred to as the Gusii, the same name to which their home area, the original Kisii district, is referred to in the study.

I he study will in part rely on existing primary data on the subject under discussion. One class of primary data are the reports, statements and resolutions of the National Dialogue and Reconciliation process which mediated the various agreements that collectively constitute the resolution of the political crisis resulting from the post election violence in Kenya. The mediation specifically addressed the question of

militia groups and recommended the demobilization of these as a mean of sustaining the political settlement that had been arrived at in the mediation.

There are other useful sources of primary data. These include the official inquiries that the National Dialogue and Reconciliation process instituted as a means of addressing the political crisis in Kenya. There are also official inquiries that were made by the Kenyan government or its Parliament into the phenomenon of electoral violence. These are all important primary sources of information which it is proposed to consult.

In addition, the study will conduct field work in the larger Gusii area. This research will be carried out in three main sites within the original Kisii district: Suneka, Nyansiongo and Magena. Suneka lies to the south western end of the original Kisii district, bordering the Luo community who live in the district originally known as South Nyanza, but which, like the original Kisii district, has now been divided up to give way to several additional districts. Suneka now constitutes an independent district by the same name. Nyansiongo lies to the extreme northern end of the original Kisii district, and borders what was originally known as Kericho district, inhabited by ethnic Kipsigis people, a sub-group of the Kalenjin ethnic community. It now falls within a newly-created district known as Borabu. Magena, for its parts, lies to the northern end of the original Kisii district and borders the original Narok district, home to the Maasai people.

The choice of these three main sites is based on two factors: first, they are all contiguous with the borders between the Gusii people, on the one hand, and the communities who surround them, namely the Maasai, the Luo and the Kipsigis. As the activities of *chinkororo,* the subject of this study, have been evident in various situations including in the context of inter-ethnic conflict between the Gusii and their neighbours, the choice of sites close to the border between the Gusii and their neighbours will provide a good setting in which to explore the various issues on chinkororo. The choice of the sites, therefore, provides opportunity for studying the role of chinkororo, in inter-ethnic violence in addition to whatever role they may play, in relation to violence among people of the Gusii ethnic group.

I he Magena area is a border point between the Gusii people and the Maasai. The border between these two communities has traditionally been an arena of conflict between the communities. The most violent episodes happened in 1991 and 1992, coinciding with a general state of inter-ethnic conflict experienced in Kenya, and

which came to be referred to as ethnic clashes. This affected parts of the Rift Valley province, in which Narok district is classified, and parts of the Coast province. The fighting between the Maasai and the Gusii formed part of the official investigation by the government into the phenomena of ethnic clashes.

The Nyansiongo area borders Sotik, which forms part of the homeland of Kipsigis people. Like the Maasai, the Gusii people have had longstanding conflict with their Kipsigis neighbours. The worst episodes of this conflict happened in 1992, 1992, and 2007 as part of the interethnic violence in other parts of the country.

The Suneka area has been the location for significant communal volatility arising from crime, on the one hand, and the measures that were taken by the local people and the police to deal with that crime, on the other. Both crime and responses to crime produced high levels of violence and led to a large number of deaths. The responses to crime produced the group referred to as *sungu sungu,* which was also banned alongside *chinkororo.* This study considers that the manner in which the situation in Suneka area played out will be informative of the study on *chinkororo,* especially since this involved a group that is analogous to *chinkororo.*

Each of these sites has, therefore, been the arena of significant communal conflict in the recent past. It is thought that the violence that each of the sites has experienced in the past might have provided a role for any of the violent groups that operate in Gusii, including *chinkororo.* The choice of these sites will provide opportunity for exploring the identity of the various players in the violence and the roles that each of them may have played. It was hoped that one of these players might be chinkororo, and that even if it was not, understanding any other groups that are associated with violence might somehow increase understanding of *chinkororo.*

In addition to the main sites, the research will also be conducted in a select number of other sites in the Gusii area, including Nyamira, Nyagachi, and Magombo. All these sites are in localities that are far from the border with the ethnic groups that surround the Gusii. It is considered necessary to include these other sites in the study so that these will serve as a control on the information received from the frontier sites. Further, Nyamira town is the headquarters of a district by that name, and is where some government officials are located. It is considered necessary to extend the study to this area so as to capture the views of these officials.

This field research will be conducted through the use of a combination of methods. The first is a series of personal interviews with key informants. Key informants are identified variously. First, there are those who by virtue of their occupations, are deemed to be conversant with the matters under investigation in the study. These include public officials concerned with the maintenance of security and law and order in the Gusii area. Also, elected officials are classified as key informants as these are deemed to be knowledgeable in the matters under investigation by virtue of the offices that they hold. Local people who had participated in prosecuting or resolving conflict are classified as key informants and will also be requested to participate in key informant interviews. The last criterion was age: effort will be made to seek and hold interviews with older persons who are more likely to be conversant with the historical evolution of the matters under discussion.

Interviews with key informants will be based on a prepared questionnaire which will serve as a guide on the matters under discussion. However, they will not be restricted to the questionnaire: room will, therefore, be provided for coverage of matters not specifically provided for in the questionnaire. This is to ensure that all issues that were important or relevant are covered in the interview.

Other than key informants, interviews will also be conducted with other informants, not necessarily regarded as key informants. For these informants, a separate questionnaire will be prepared for use in the interviews. Unlike the questionnaire for the key informants, however, no room will be provided for questions outside of the questionnaire. This will therefore be a structured questionnaire.

The study will also rely on focus group discussions. These are discussion sessions held with groups, as opposed to individual informants. Each such group will consist of between eight and twelve persons. These numbers are based on the desire to keep the groups small enough so as to allow effective participation for all the members. A total of five focus group discussions will be held and these will involve the participation of ninety five people. Care will be taken to spread the coverage of the focus group discussions among the sites that form the centre of focus in the study. As a result, one focus group discussion will be held in the Suneka area, two will be held in the Nyansiongo area and another two in the Nyamira area.

This research will also be delivered through the use of secondary data. By way of secondary data, the research will review relevant publications that represent the iscourse on militia groups in general and the chinkororo group specifically. The

sources to he consulted for this information include media reports and reports found in other periodicals, which depict popular information on the activities of militia groups and the efforts by law enforcement to control them. Other sources of secondary data that will be reviewed include academic literature. As indicated above, there is now a body of writing on militias which is a response to the findings by official inquiries that the negative effects of militia activities on the political process are immense.

Compilation of the findings

The research interviews will be synthesized and analysed in Nairobi by this researcher. The basis for the analysis will include the extent to which the answers provided are consistent. Also, any inconsistencies will be highlighted and an attempt to explain them will be made.

The results of the field study will also be compared with the existing literature and against this, there will also be provided an explanation of any variance in the information.

Challenges and limitations of the study

The study is expected to suffer from a number of limitations. The first limitation is the overriding fear on the part of the participants to discuss freely matters concerning conflict. The Magena area is right at the border of the Gusii and Maasai people and has a mixed population, made up of Gusii and Maasai people. In a different era, these would not have mixed easily as inter-ethnic conflict would have enforced a physical separation. However, there has been more than seven years of peace between the two communities, allowing a mingling of the two, in pursuit of economic and social goals. There is extreme reluctance, however, to discuss freely the conflicts of the past in which the two communities have been involved. The reluctance is, in part, the result of the desire not to offend each other but also emanates from the fact that inter-ethnic warfare is steeped in traditional mysteries, which cannot readily be revealed to strangers.

A turther challenge is the gender divide in the Gusii community in relation to matters of war and peace: among the Gusii people, women are forbidden from participating in physical combat on behalf of the community. This is therefore a reserve of the men. Men keep away from women, knowledge about warfare. And

women must not go anywhere near the battle field. This separation of the genders means, for example, that men and women do not easily mix when conducting focus group discussions. There is also an overriding concern against self-incrimination in discussing past conflict as some of the conduct engaged in may amount to crime.

Interviews with public officials also have their challenges. First, as a result of the frequent transfer of officials, some of these will be newly arrived in the areas where the interviews will be conducted, and will lack direct knowledge of the mattes under discussion. Secondly, police officials usually display extreme reluctance to hold discussions on record, claiming that they are not authorized to do so. Some of those who agree to provide interviews, however, may refuse to disclose their names as they would not want any of the information to be attributed to them.

Outline of the Chapters

This section sets out the outlines of the chapters into which the results f this study will be broken and also provides a synopsis of the content of the individual chapters.

Chapter 2: Understanding Kenya's Militia Groups: The Conceptual Basis of Social Groups

T his chapter provides a conceptual framework against which militia as a category of social groups may be viewed and understood. The second part of the chapter consists of a broad discussion of place of militia groups in Kenya's socio-political affairs.

Chapter 3: Understanding Chinkororo

This chapter is a compilation of field data that seeks to provide empirical information on the meaning of the term "chinkororo", the origins of the group referred to by the same name, the role that the group has played in the past within the Gusii community and nationally in Kenya, and some of the responses that there have been to the activities of the group.

< liapter 4: Chinkororo in the Post Election Violence

This chapter seeks to establish the role, if any, played by chinkororo in the perpetration of the post election violence with a view to informing the debate on the role that similar groups played during the same period.

Chapter 5: Kenya's political future: Options for the control of militia groups.

This chapter encompasses the findings of a study carried out to determine common perceptions about *chinkororo* and other militias in Gusii including *sungu sungu* and *amachnma.*

Chapter 6: Conclusions

This chapter provides all the main conclusions of the study.

CHAPTER 2

UNDERSTANDING KENYA'S MILITIA GROUPS: THE CONCEPTUAL BASIS OF SOCIAL GROUPS

Introduction

The purpose of this chapter is to provide a conceptual framework against which militias, as a category of social groups, may be viewed and understood. In this regard, the first part of the chapter is devoted to a discussion of the literature on the classification of social groups, the motivation for the formation and sustainability of such group and the effects of membership of such groups. A conceptual discussion will provide tools with which an analysis of the phenomenon of militias can be carried out.

The second part of the chapter consists of a broad discussion of place of militia groups in Kenya's socio-political processes. The chapter will identify and examine the role of the most important militia groups that have been active in Kenya, review the major responses by the authorities to the existence of such groups and the dominant debates that have been evident in relation to the existence and activities of militia groups. The purpose of this examination is to establish as broadly as possible, national the context within which *chinkororo,* as a militia group, operates.

Social organisations defined

Olsten identifies types of social groups and includes friendships cliques, work crews, neighbourhoods, teenage gangs, sports teams, juries, discussion groups, bible study groups, and various types of committees in the categories of social groups. 1 here are also aggregations of people which sociologists do not regard as groups in the technical sense that the term is used. These include social classes and castes, networks, confederations and populations[1].

The literature makes a distinction between social organizations and the environment in which they occur, emphasizing that social organizations have a life of their own, distinct from their environment. As Mills puts it:

arvin **Olsten. The** Prorp^ »f Social Organization. New York, Holt Rinehart and Winston, 1968,

> The group is like an organism - a biological organism. It forms, grows, and reaches a state of maturity. It begins with a set of constituent elements - individuals with certain personalities, certain needs, ideas, potentialities, limitations - and in the course of development evolves a particular pattern of behaviour, a set indigenous norms, a body of beliefs, a set of values, and so on. Parts become differentiated, each assuming specific functions in relation to the other parts and the whole...As the group approaches maturity it becomes more complex., more differentiated, and more interdependent, and more integrated.

The literature identifies three characteristics that are considered as crucial in separating a social group from its environment and, therefore, determining that the social group exists in the first place. First, a social group must have boundaries. It is the boundaries that set the limits of the group from its social environment and, therefore, confirm its existence. There are varying levels of autonomy between social groups and the environment within which they exist.[3] Anderson suggests that delinquent groups are more likely to have more autonomy, and less support, from the environment in which they exist."[1]

There are a number of mechanisms by which social groups seek to establish their boundaries. The most common boundaries are established with the use of formal membership rosters, listing the names of the members, often derived after paying a subscription fee. Interpersonal knowledge of one another as members of the social group is also a basis for establishing boundaries. [5] Where the membership of a social group is derived by reference to the geographical or physical location of its members, this also becomes a boundary. It is submitted that shared cultural, ethnic, gender or other affinity is also a basis for establishing boundaries either by including or excluding persons that do not conform to a given gender or ethnicity, for example.

The second characteristic that confirms the existence of a social group, and also delimits it from its environment, is the structural stability of the group. Aspects of structural stability include differentiation, hierarchy and roles. Bales notes that the differentiation of roles occurs as part of the process of evolution of the group. He adds that the role that has been the subject of the largest amount of focus in the literature is

3 i[h]f°,[d]p'[e],[Mills]> The Sociolnpy of Small Groups. Englewood Cliffs, N.J.: Prentice-Hall, 1967, p. 13.
a ph I- Anderson, Human Behaviour in the Social Environment: A Social Systems Approach, Chicago, 1975, Aldine Publishing Company, p. 8sT

^Marvin (listen J ~~b e Process~~ of Social Or^ani/atim New York, 1968, Holt Rinehart and Winston,

that of the group leader." Writing about group leadership, Homans has formulated a number of rules that a leader will follow, including that the leader will live up to the norms of the group. According to him, the higher the level of compliance with those norms, the higher the place of the leader is likely to be in the hierarchy of the organisation. Further, a leader will not give orders that cannot be obeyed as to do so will risk the loss of face before the group. Also the leader will listen to the views of the embers of the group.[7]

Anderson identifies other group roles that may not have been the subject of similar levels of attention but which, he notes, are nevertheless also important, including the role of the peacemaker, the person who assists the group to manage internal conflict, and therefore to remain cohesive as well as the role of the scapegoat, the person the group directs its hostility to whenever there is failure to meet its objectives.[8]

The last characteristic that demarcates a social group from its environment is its distinctive culture. A distinctive culture helps to set a group aside from the environment in which it exists. Without its own culture which is different from the popular culture in the environment within which the group is located, it will hardly be possible to identify the group or to distinguish it from the environment. As Olmsted notes: ,

> Each group has a sub-culture of its own, a selected version of some parts of the larger culture. The significance of these sub-cultures lies not so much in what they add to the larger culture as in the fact that without its own culture no group would have more than a plurality, a congeries of individuals. The common meanings, the definitions of the situation, the norms of belief and behaviour - all these go to make up the culture of the group.[9]

Sociologists argue that social organizations are real phenomena regardless of whether one recognizes their existence or not.

< lassification **of social groups**

An attempt to promote existing understanding of such groups, the literature abounds with many classifications of social groups. It is only possible here, to present

7 p0bert ljale3»-Interaction Process Analysis, Cambridge: Addison-Wesley, 1950, p.77.
8 l^l'llf "omans- The Hum„„ r,rn„r New York, Harcourt, Brace and World, 1950, p. 425-440
„ rson- *Human Behaviour in the Social Environment: A Social System Approach.* Chicago.
'M d ! c ^ b ' ! S h i n ^ ^ p. 90.
^^^'JMSmg1lGrou^New York: Random House, 1959, p. 84.

a sample of the very large variety of available classifications, the purpose of which in to provide a flavour of such categories. As there are very many types of classification and since there is a lack of unanimity as to the correct sampling of social groups, this discussion is not exhaustive. Rather it is only indicative of the various strands of arguments that need to be known when seeking to understand the organization of social groups.

The most prevalent categorization of social groups is the dichotomy between nominal groups, defined as collections of people who possess common characteristics but who do not have a "consciousness-of-kind", that is, an awareness that they belong to the same group, on the one hand and on the other formal organisations which are units that use rational mechanisms to meet given objectives.[10] The examples of this second category include business corporations and voluntary associations such as clubs and societies.

Another classification that has been made is between small and intimate groups, on the one part, and large and impersonal groups, on the other." Small and intimate groups are also referred to as primary groups, characterized, in the words of Cooley, by "intimate and face-to-face association and cooperation". [12]The basic human family is considered a good example of this type of social group. Although he did not actually use the term secondary as a contra-distinction with social groups other than primary groups, this has come to be widely used to describe impersonal social groups.

European authors have also followed this brand of categorization. For example, Ferdinand Tonnies' dichotomy between *Gemeinschaft* (close communal relationship, on the one hand, and *Gesellschaff* (organized impersonal relationship) on the other." Sagarin provides another three categories of social groups which fall out ot the dichotomy although he starts by recognizing and affirming the dichotomy as the major division between social groups: the first in the additional classes of social groups is what he calls experimental groups, defined as aggregations created using

Edward Sagarin, *Sociology: The Basic Concepts*. New York, Holt, Rinehart and Winston, 1978, p. 190.

, Richarcl p Appelbaum and William J. Chambliss Sociology: A Brief Introduction. New York: Longman 1997.

,J lerdi'nand0?67'^^1 °rganjzatKai, New York: Charles Scribner and Sons, 1909.
°nnies, Fundament^ Concepts of Sociology. New York, American Books, 1940.

formal mechanisms in the context, or for purposes, of an experiment. Secondly, there js what he refers to as experimental groups, defined as aggregations created using formal mechanisms in the context, or for the purpose, of an experiment.[14] While warning against the rigid classification of social groups and institutions, Bottomore distinguishes between what he calls "groups proper" on the one hand, and "quasi groups", on the other.[13] This classification recalls the foregoing categorization between nominal and formal groups. The attributes of what constitutes a group proper are not different from those identified by Sagarin. However, he clarifies that a social group proper has to have at least a rudimentary structure and organisation. Such organization will be evidenced by rules and rites and a psychological awareness by the members of their membership of such a group. A quasi-group on the other hand, lacks a structure or organisation and its members may be unaware, or are less aware of the existence of such a group, and, it follows, their membership of such a group.[16]

The idea of awareness on the part of members that forms an essential part of the foregoing categorization is, therefore, common to all the major authors, although they express it differently.

Muriuki looks at social groups from the point of view of organized crime and specifically addresses the organization of criminal mafias.[17] He identifies three models into which entities that are involved in organized crime may be divided. The first are (hose whose organizational structure is hierarchical in nature. This is also sometimes referred to as the bureaucratic model, or the corporate model. Organizations falling into this model have a centralized leadership which makes the important decisions for the entire group. The second model is referred to as the local ethnic model. Studies indicate that cultural or ethnic affinity forms the link between members of groups operating under this model. The groups studied under the model appeared to be local in nature with no evidence that they are linked with any other groups outside of the locale within which they operate. The studies have also shown that such groups can be inter-ethnic in nature, incorporating members from various ethnicities. The third model has been referred to as the economic or entrepreneur

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I td' ^/v0tt"T0re, Sociolo pv: A Guide t0 Problems and Literature. London, George Allen and Unwin

16 Ibid. P,

17 „, (unpublisi" 7UriUki, or8anised Crime in Kenya: Trends, Control Measures and Challenges, Univ»rc^ L Masters of Arts dissertation, Institute of Diplomacy and International Studies, University ot Nairobi, (2007), p. 24.

model. According to available studies this model operates like an ordinary business corporation, and there is clear evidence that economic considerations are an important factor in the development of criminal enterprises under this model.[18]

Other notable attempts to promote understanding on the typologies of groups include that by Gurvitch who proposes fifteen criteria for the classification of social groups. These include: content, size, duration, rhythm, proximity of members, basis of formation (whether voluntary or not), access (whether open or closed), degree of organisation, function, orientation, relation with the inclusive society, relation with other groups, types of social control, type of authority and degree of unity.[19] Regarding physical proximity, one of the fifteen attributes identified by Gurvitch, Kingsley Davis offers the opinion that intimacy arises only when people have close contact and that such contact is achieved and when there is a face-to-face encounter.[20]

Olsten, however, reduces the long list of attributes as identified by Gurvitch, into three which, he asserts, are the definitive variables that identify social groups. These are size, complexity, and formalness. He elaborates that one of the differentiating characteristics between groups is the number of their members, although he recognizes that there can be difficulties in determining the number of members of some groups.[21]

The other important variable is the degree of organisational complexity which each group possesses. However, he considers that complexity is an outgrowth, in part, of the size of group. The last attribute, the degree of formality, is also a function of both the size of each group and its level of complexity. Olsten's identification of the important variables for differentiating between groups, are thus, cyclic, each being a dependent on, and a reflection of, the other two. It may be argued that this formulation is too relative to be useful in advancing a clear understanding of the differences between any two social groups.

" Ibid, p.26

19 r Tu,, l0rgeS Ciurvlch> *La Vacation actuelle de la sociologies)* (second edition, 1957) Vol. I ch.S, **Tvpolog.es des** groupements particulars"

21 Marvin OI«n 1 NeW York, The MacMillan Company, 1949, p. 291.
66 - 69. '1-£-&;flg£SS-QfSpcial Qrpani^itmn , New York, Holt, Rinehart and Winston, 1968, p

Thus, the dominant classification is between formal and informal groups, which some authors call groups proper, on the one hand, and quasi groups, on the other. It seems that the choice of terminology is influenced by the desire by each author to emphasize the attributes that bring out the dichotomy most clearly. In the final analysis, however, there is little substantive difference between the categories dichotomies offered by the authors. Outside of the dichotomies, attempts to identify and classify social groups are met by the differing opinions in the literature as to how best to classify crowds, mobs and populations as forms of social groups.

An interesting category with which some of the authors have dealt is the phenomenon of social movements. Hans Toch defines a social movement as respectively "an effort by a large number of people to solve a collective a problem that they feel they have in common." Another definition of social movements is a large scale informal effort designed to correct, supplement, overthrow, or in some fashion influence the social order.[22]

Reasons for the formation of social groups

The literature has also tried to deal with the question as to what causes the formation of social groups in the first place. Sheriff offers four reasons that go to explain why social groups are formed. These are, first, the need to pursue shared goals and objectives; second, social groups are the result of an agreed division of labour; thirdly, groups result from established social status or ranks; and finally, they are the result of accepted norms and values with reference to matters relevant to the groups[23].

One of the best expositions on this point is provided by Olsen who identifies live reasons that may lead to the formation of social groups. According to him, social groups are formed, firstly, for personal gratification, that is to say, individuals who derive psychological satisfaction from one another may form a social group in pursuit of such gratification. This view is supported by Davis when he argues that in certain forms of social groups, the relationship is an end in itself, rather than being a means to an end. According to him a primary relationships "ideally

[22] Blumer, "Collective Behavior" Turner and Killian, Collective Behavior, p. 308; Lang and Lang, Collective dynamics pp 48a - 496. See also R Herberte, *Social Movements: An Introduction to Political Sociology* (New York: Appleton-Century-Crafts, 1952).

m'Zf!cr Sheriff and Carolyn Sherif, An Outline of Sociology. New York, Harper and Brothers,

considered, is not regarded by the parties a simply a means to an end but rather as a value or an end in likely."[24]

Secondly, the pursuit of common interests or goals may lead to the formation of social groups. Thirdly, social groups may be formed as a result of expectations or obligation. In this regard, actors may feel expectations or obligations towards one another and this may lead to a decision on their part to form social groups to pursue those. Such expectations may be based on tradition, religion, ethics or morality. Examples are social groups formed in pursuit of religious fulfilment or duty. Fourthly, social groups may be formed as a result of mutual interdependence. The sphere occupied by government in pursuit of social programmes for the provision of health, water, telecommunication, etc, produces interdependence which may foster or force the formation of social groups. Lastly, social groups may be formed as a result of coercion. In this regard, an authority may use force to prevail on the formation of social groups.

Toch adds to the reasons for the formation of social movements when he says that for a person to join a social movement, he must sense the existence of a problem; feel that something can be done alert it, and want to be do something about it himself. According to him social movements must be motivated by the specific discontent of specific people with specific situations in which they find themselves. Social movements arise when it is considered that collective action would achieve the purpose of ameliorating the difficulties that those in the movement face, or achieving goals that they collectively aspire to.[25]

Social movements that are looking for a following will attempt to appeal to a diversity of needs. The appeal is the primary mean by which those promoting the movement hope to win view followers. They will attempt to ensure that as many susceptibilities as possible are and included in the appeals that are made. For example, there may be a message for the youth, a different message targeting workers, and get another message for landowners, and so on. It is true therefore that one of the reasons for the formation of social groups is the result of campaigns by vested interests for the

[24] Marvin Olsten, The Process of Social Organization. New York, Holt Rinehart and Winston, 1968, p 33

[25] Hans Toch - The Psychology of Social Movements. London, Methuen and Co Ltd, 1965, p.5.

formation of such groups. These interests view social groups as having the potential for providing a platform on which the fulfilment of the interests can be achieved.[26]

Internal control of social groups

Another issue with which the literature on social groups deals is the question of internal operations of the groups. Small groups influence the behavior of their members by setting standards for acceptable conduct. In addition, most groups exhibit a rough ranking of members. According to Berelson and Steiner the ranking maybe implicit or explicit, depending on the extent to which the members represent or realize the norms of group. Those that represent the norms of the group are ranked highest. Typically, there are three strata in group membership: upper, middle and lower.[27]

The middle stratum of members are the most likely to conform to the rules of the group. This is because they have more to lose than the lower stratum members at also because they hope to ascend to the upper stratum through key good behavior. Lower stratum members are the ones least likely to conform and this is more out of apathy deviance. The upper stratum of members is the least accountable to the group, and their lack of accountability is clothed in the form of innovations that are represented as requirements for leadership of the group. The more innovative they are, the more esteem the members of this stratum are likely to gain from the rest of the group.

Olsten ascribes two sources of control for members of social groups. The first source of control is internal and is derived from the socialization that individual human beings undergo, which makes them develop a compass by which they are able to discern right from wrong and make choices between the two. The other source of social control which he refers to as external control, is made up of overt pressure that an organisation exerts with a view to inducing behavioral conformity on the part of its members. The pressures that an organisation exerts with a view to achieving behavioral conformity are both indirect, i.e. shaping the patterns of social °'der in such a manner as will facilitate compliance and securely, direct pressure,

* Ib'd p. 17

R Y„rl'':r Herelson and Gary Steiner, Human Behaviour: An Inventory of Scientific Findings. New Harcourt> Brace and World, 1964, p.339.

vvhich involves sanctions for non -conformist behavior. Sanctions are, however, used as a last resort.

The example of Adolf Hitler is used to shoe the susceptibility of social groups to obedience. An experiment by Stanley Milgram, which sought to test the hypothesis that Germans are more obedient than any other nationality on race, as an explanation for going along with Hitler's campaign to exterminate the Jews, sought to use an American sample as a control for measuring the level of obedience by the Germans. The results of the experiment in the United States showed an uncritical level of obedience to authority on the part of the Americans, and made it superfluous to carry out the experiment on a German population sample, as originally designed.[28]

- **The consequences of membership of a group**

There are consequences to an individual which arise from membership of a social group. Hans Toch looks at the consequences of belonging to a social movement and the experiences of such membership are relevant and would apply to the membership of other kinds of social groups. One of the most basic consequences of becoming a member of a social group is the need to provide commitment to the group. There will be varying levels of commitment to groups. These will be predicated upon several factors including the objectives that the social group has set for itself. The more rigorous the objectives, the greater the level of commitment required of each member of the group. Toch uses example of Trappist monks whose order requires that the members stay in communal seclusion all their life, remain in prayer for twelve hours every day and fast for seven months every year, as an example of a social group, the membership of which will exact a heavy toll of commitment on the part of its adherents. Another factor that defines the level of commitment is the choice of the member himself. For whatever reason some members will provide greater commitment to an organisation than others.

Another consequence of membership, according to Toch, is the inherent sacrifice of autonomy that comes with membership of a social group. Again the level **of** sacrifice will vary according to the demands of organization and also according to **the** level of commitment that the member is prepared to provide to the organization, further, the objectives for which the organization is formed, or exists, will be a factor

[f] hilip Meyer, "If Hitler asked you to electrocute a stranger, would you? Probably." In James M. [ansl]"lBown to Earth Sociology: Introductory Reading, p, 165.

in determining the level of autonomy that the member enjoys. If the organization is delinquent, raising the possibility of intervention by law enforcement, members may need to go underground in order to carry out the objectives of the group and will, in the process, have to sacrifice a level of autonomy.

Further, Toch identifies the fact that effective social movements become authorities for the things that they stand for. Membership of such groups provides opportunity for the members to pursue the objectives that would have been difficult or impossible to fulfill if they had not joined the group or if the group had not been formed. Toch concludes that social group becomes authorities for what they represent.

Militia Groups in Kenya: The Context in which they have arisen

The foregoing discussion on the theoretical foundations of social groups provides the background against which an examination of the activities of militias in Kenya will be undertaken. As a part of the examination, the study will look at the root causes for the formation and sustainability of militias in Kenya, and then provide an overview whose purpose will be to identify the various militias that are evident in Kenya, the members of such groups, and the localities within which the groups operate.

I

Dominant issues with regard to militias in Kenya

The Commission of Inquiry into the Post Election Violence examined the root causes of the 2007 post election violence in Kenya, and attempted to isolate factors that explain causes of the violence and why it escalated as it did. The identified factors explain how and why violence has become a way of life in Kenya.

According to the report of the Commission, the first factor that explains the violence in the post-election period of 2007 is the growing politicization and proliferation of violence in Kenya over the years, but particularly after the re-introduction of multi-party politics in 1991. The deliberate decision by politicians to use violence in order to obtain political power, coupled with the inability to punish such use of violence, led to a culture of impunity and a constant escalation of violence. Violence has,

thus, become a factor not just in the electioneering process but in daily life. Violence can be tapped for a variety of reasons, including but not exclusively to win elections.[29]

The report reviewed Kenya's political history, noting that both the Moi regime and the Kenyatta rule before it were highly repressive and led to a groundswell of disgruntled citizens who wanted an end to the repression. The Kikuyu community, whom Moi's regime targeted for reprisals, formed the bulk of the opposition to his rule and to bolster his own position, Moi reached out to and consolidated the KAMATUSA, who provided the base of his support.[30]

Despite Moi's resistance, multi-party politics was reintroduced in Kenya in 1991. However, election-related violence was experienced in 1991, and also 1997. In spite of deaths and destruction caused by the violence, no one was ever punished for the violence and even those "adversely mentioned" by two public inquiries established to investigate the violence were never punished."

According to the report of the Commission, this led to a culture of impunity in which those who killed or maimed for political ends were never brought to justice. In order to perpetrate violence, politicians mobilized and armed youths, promising them land and job opportunities if they agreed to take part in the violence.[32]

In these circumstances, gangs and militias continued to proliferate all over the country, thereby increasing the presence of institutionalized extra-state violence both during and after elections. The report notes that even after the ban on the militia groups, these continued to operate, with the leader of the *mungiki,* Maina Njenga, calling on members to commit more robberies to compensate for the loss of income from their traditional matatu shakedown operations, which the government had cracked down upon.[33]

The report provides linkages between the rise in organized violence with the rise in youth population in the country. According to the report, the number of street children increased between 1992 and by 300%. Many of these children are products displacement by ethnic violence. They have grown up in the streets and are inured to violence. They have no hope of employment and combined with the fact that they

29~ 7 ~
epublic of Kenya, Report of the Commission of Inquiry into the Post Election Violence, Nairobi: government Printer, 16 October 2008; Republic of Kenya, pp. 21-36.

are rootless, this makes them ready for recruitment into violent gangs which exist all over Kenya and are tapped by politicians for violence. Additionally, Kenya has a growing problem of unemployed youths, some of them university-educated, estimated at around 40,000 a year. Violent gangs made up of unemployed youth have been mobilized along ethnic lines.[34]

Writing in 2002 just as Kenya prepared to hold elections to choose Moi's successor, Anderson analysed the struggles for the control of the city of Nairobi between the *Mungiki* and other militia groups, notably *Kamjesh* and Taliban and concluded that the *Mungiki,* which had hitherto been persecuted by the ruling party KANU appeared to be enjoying official protection as a result of which no action was ever taken against the group for the horrendous violence that accompanied its attempts to gain control of the city from rival private armies. He predicted that just as "raiders at the Coast had been rumoured to be under the protection of the state, the *Mungiki* had similarly come under state protection, in a major political re-alignment.[35]

The National Dialogue and Reconciliation process paid a significant amount of attention to the problem of militias in the country. One of the early resolutions was for the demobilisation and re-integration of all militias in Kenya. As part of a review of the progress made by the Kenya government towards the demobilisation and re-integraton of militias, a survey of the militias active in different parts of the country was carried out. The table below provides the results of the survey.

^ ibid

Affa^d"derSon> "VSilantes> Violence, and the Politics of Public Order in Kenya," in African as. KM, No. 405, 2002, pp. 531-55.

TABLE 2.0

Illegally Armed Groups Existing as at December 29 2008[36].

ILLEGALLY ARMED GROUP	ETHNIC COMMUNITY ASSOCIATED WITH IT	AREAS OF OPERATION
Balarget Land Defence Force	Kalenjin	Molo/Mau area
Kalenjin Land Defenders	Kalenjin	Molo/Mau area
Kalenjin Youth	Kalenjin	Molo
Mungiki	Mostly Kikuyu	Pockets countrywide
Baghdad Boys	Luo	Kibera
Siafu	Luo	Kibera
Mayouths or Maboys	Mixed ethnic groups but defined by criminal nature and social status	Most parts of the country
People's Liberation Army	Kalenjin	Rift Valley
Group of 41	Kalenjin	Rift Valley
Sabaot Land defence Force	Sabaot	Mt. Elgon
Chinkororo	Abagusii	Kisii
Mombasa Republican Council	Qigo but including member s form wider Mijikenda tribes	Kwale (Mulungunipa Forest)
Taliban	Luo	Mathare, Huruma, Baba Dogo, Kariobangi South and Kariobangi North
Kosovo	Luo and Luhyia	Kibera
Kebago	Kisii	Kisii
Sungu Sungu	Kisii	Nyanza Province

Observations

A number of general observations can be made Table 2.0. Firstly, there is a very strong ethnic element to the identity of militia groups in Kenya. The ethnic identity is expressed either through the name that the group in question is known by, tor example the Kalenjin Youth, or the Kalenjin Land Defenders, or by the neighbourhood within which the groups operate. Thus of the sixteen groups that have heen identified in the report, only one of them, *Mayouth* or *Maboys*, is believed not to have an ethnic criteria as to membership. Only two groups, *Kosovo* and Mombasa Republican Council, are cross-ethnic in composition, the former being made up of

Luo and Luhyia members while the latter is made up mainly of Digo people but also attracts the participation of other coastal ethnic communities of the Mijikenda group.

The identification of such a large number of militia groups would mean that militia culture is alive and well in Kenya and that notwithstanding the cessation of hostilities in the post election violence, the groups have only hibernated, awaiting the emergence of circumstances that might lead to the need for their services.

The strong ethnic identity of these various groups would lead to the conclusion that the perception of threats to security in Kenya is mainly ethnic in nature: different groups that are ethnically defined have found the need to start processes for self-defence with the main threat being viewed as coming from opposing ethnic groups. There is a fair distribution of the groups in terms of whether these operate in rural or urban settings. Of the sixteen groups, not less than ten operate in rural settings with Mayouth and mungiki overlapping in both settings. Only *mungiki* operates across the country while retaining the status of a mono-ethnic militia group.

It is only partially possible from the names that the groups have assigned themselves, to deduce the issues that they have come together to defend. A sense of the interests that might be at play is betrayed by the name Kalenjin Land Defenders and also Sabaot Land Defence Force. Beyond this, it is very difficult to try and make a guess as to the possible motivations of the various groups based only on the names that they have assigned themselves

CHAPTER 3

UNDERSTANDING CHINKORORO

Introduction

The discussion in Chapter 2 demonstrated that Kenya has an abundance and diversity of militias. The diversity is both rural and urban, as well as also having a strong ethnic element. Efforts to deal with the problem of militias must seek answers to the question of why there is such a strong ethnic dimension to the existence of militias in Kenya.

This chapter builds on the discussions in the previous chapter, and is a compilation of field data that seeks to provide empirical information on the meaning of the name "chinkororo", the origins of the group referred to by that name, the role that the group has played in the past within the Gusii community and nationally in Kenya, and some of the responses that there have been to the activities of the group. With a view to providing the clearest possible understanding of *chinkororo,* the chapter identifies and discusses the role of other violent groups within the Gusii community in contra-distinction with that of *chinkororo.*

The most common representation of *chinkororo* is that of a category of the many militia groups that have been of varying levels of concern to the law enforcement community in Kenya. According to this depiction, *chinkororo* is an ethnic militia whose membership is derived from the Gusii community, which lives in the western part of Kenya. Alongside others, *chinkororo* are classified as an illegal group, the membership of which is a criminal offence. This follows a ban announced by the police of all militia groups in Kenya and a political proclamation that those found to be members of such groups would face the sanction of the law. In the same spirit, police have also proscribed all vigilante groups, which arose in several parts of the country as a response to crime, and announced that the only manner recognised by law for the participation of the public in security matters is through community policing.

Discussion of the findings of the study on *chinkororo*

The study sought to answer the question as to the correct meaning of the word *chinkororo* The word "chinkororo' is the plural form of the noun "*enkororo",* the

name of the colobus monkey in the Gusii language[1]. *Chinkororo* is the term used for what is now regarded as an outlawed militia group that operates among the Gusii people. Various local perspectives were provided on the meaning and origins of *chinkororo.* One view is that *chinkororo* is a group of warriors that is deployed in the defence of the territorial integrity of the Gusii people, when this is under threat from other ethnic communities. This view regards the Gusii people as a nation capable of possessing collective territorial interests that can be the subject of external threats. *Chinkororo* is understood as a defensive, as opposed to an offensive, group of warriors. They do not fight unless the interests of their community are under threat. They only fight against external as opposed to internal threats within the community. Other mechanisms are used in addressing any internal threats to the community.[2]

The origin of the term *chinkororo* and its use in reference to the warriors of the Gusii ethnic community is unclear. It is pointed out that the term *chinkororo* emerged out of the conflict between the Gusii and the Masaai people, which goes back several decades. In the recent past, other than the election-related fighting between the two communities which is well documented, major conflict between the two communities occurred in the years 1962, 1964, and 1969. Further conflict happened in 1972, 1976, 1979 and also in 1984. Previously, the last major conflict before these had occurred in 1945 leading to fatalities. As a result of the conflict, the Maasai were pushed beyond the Oyani river. This conflict had reportedly resulted from a mundane market-place disagreement between a Maasai man and a Gusii man, when the former had struck a dog belonging to the latter. The response by the colonial government was to erect a buffer zone between the Maasai and the Gusii, by restricting the Gusii people from grazing beyond the Yala and Oyani rivers. From 1946, colonial soldiers arrived having been demobilized at the end of the Second World War. These were allocated land between the Oyani and Yala rivers. The effect of this allocation was that the Gusii lost their former grazing lands. Secondly, this established a buffer with the Maasai and minimized conflict between the two communities, ensuring peace between 1946 and 1962.[3]

2 fording to an interview with James Gekara, a Keroka elder, on 1 l[th] August 2009.

3 "[T]nis is according to several informants, including Kerosi Ondieki, a Gusii-based lawyer and politician ing a personal interview at Kisii town on

I [ee, Re]Public of Kenya, Report of the Parliamentary Select Committee to Investigate Tribal clashed [n] western and Other Parts of Kenya, "Kiliku Report", Nairobi, Government Printer,

One view is that the term *chinkororo* was first used in 1962 to refer to the group of Gusii warriors that participated in inter-ethnic conflict between the Maasai and the Gusii community at a place known as Kiango, which is on the border between the two communities. The fighting was the result of a cattle theft by the Maasai who took animals from the neighbouring Gusii community. Existing colonial restrictions on movement prevented the Gusii people from pursuing stolen animals into Maasai country. A permit to enable movement would be needed from the government. This would however delay the pursuit of the stolen cattle, minimizing chances of recovery. According to this explanation, able-bodied Gusii men who also spoke the Maasai language devised a plan for beating the colonial restrictions on entry into Maasai country, so as to follow their animals without first having to seek clearance. They did this by disguising themselves as Maasai so as to cross into Maasai country undetected. These warriors dressed in Maasai regalia, complete with smearing their heads in red ochre, to conceal their true identity, and thereafter went into Maasai country, in search of the cattle. This triggered a major conflict with the Maasai, in which they had a physical appearance indistinguishable from that of the Maasai *morons.* This group thereafter referred to itself as *chinkororo,* providing the origin of this term. This term was a name of self-praise by the group and referred as much to outstanding courage that the group felt it possessed, as to the form of dress which identified the warriors.

In subsequent conflict with the Maasai, after independence, the practice of disguising themselves as Maasai continued among Gusii warriors. The practice was now used for a different purpose: it was now aimed at producing Gusii decoys of Maasai *morans,* with a view to confusing and surprising the Maasai *morons* during battle. Along the Maasai/Gusii border, a contemporary explanation of the role of such decoys

is that it enables the Gusii warriors to enter into Maasai country as Trojan horses and launch attacks on the Maasai *morans* from behind their own lines sandwiching them between the elite group and the advancing group from the Gusii side.[4]

According to Omweri Kibwage, a retired member of Parliament a Gusii elder [a,l]d a leading traditionalist, a saying emerged among the people of southern Gusii to describe the practice of Gusii people disguising themselves as Maasai during conflict: •°*kaga n'omomanyi okorwana n'Okione yeonchoire,* which means, do not be

Personal interview with Thomas Moranga, at Ekona ya Ngare, 12[h] August 2009.

mistaken into thinking these are Maasais fighting: they are members of the Okione clan who have changed (disguised) themselves (to look like the Maasai). Okione or abakione is one of the clans from the Machoge area who share a border with the Maasai.[5] However, Maasai people dismiss this view, claiming that the practice of Gusii warriors giving themselves an appearance similar to that of the Maasai is a vacuous pursuit which confers no military or strategic advantage.[6]

Whatever its exact origin or utility, along the Gusii/ Maasai border, therefore, the term *chinkororo* is understood to mean a group of Gusii warriors who disguise themselves as Maasai by dressing like the Maasai in order to gain a strategic advantage in the fighting with their Maasai neighbours. Only the most competent fighters would offer to do this.

Another role for *chinkororo* is to provide general leadership to the rest of the community in staging a resistance when one conflict breaks out. Severe conflict along the Gusii/Maasai border usually sucks in all able-bodied men, who take up arms to defend the community. The bulk of these men possess no more than ordinary skills, courage or strength to prosecute the conflict. These would usually be deployed only if the situation becomes grave and requires that all able-bodied men, as opposed to those viewed as possessing specialized skills in warfare, be deployed to resist the Maasai. In the course of severe or prolonged conflict, military leaders emerge, composed of those in possession of special skills in warfare. The borde/ between the Gusii and the Maasai stretches from Ramasha in Nyaribari to the northern end, and extends all the way to Nyamarambe in south Mugirango. Because the general population is not able to organize an effective resistance along such a long border line, an elite group emerges which takes leadership in organizing the ordinary population to fight against the external threat.[7]

Along the border, it is this group that is referred to as *chinkororo.* This is an elite group of warriors who would have distinguished themselves as a result of their possession of extra-ordinary courage in the face of danger, ability to endure long periods of fighting, special skills, or the ability to practice cunning that would lead to **losses** and setback for enemy warriors. In the process of conflict, members of this group would spread themselves over the long border so as to provide guidance and

t Personal interview in Kisii town on 15.h August 2009.

of . erview w1l1 Ole Soku, Chief Inspector of Administration Police who was born on the Maasai side

7 p he G usii/Maasai border, at Kenyenya, on 13th August 2009 .

ersona1 interview with Peter Kibai, at Ekona ya Ngare, 12.h August 2009.

support for the general populace in the execution of the conflict. They would also provided leadership in determining and carrying out war strategy.[8]

Chinkororo as custodians of communal security

Chinkororo are more than a group of warriors. They are the custodians of the security of the Gusii nation. The security system is more than the force that is needed to fend off hostile invaders of the community. It is also the traditions passed down the generations about the arts of warfare, about the making of implements of war such as bows and arrows, and the protection of the community's land area. An essential part of the war and peace system is a symbolism that has rites and practices, which include diplomacy: *chinkororo* are an integral part of this system. They are a fulfilment of an adage expressed in the Gusii language in the following words: *ensinyo ekonci gokura mbamura etabwati.* A literal translation of this maxim is the following: "Any front that faces frequent unrest has no sons (or boys)." In other words, when a community has young men who can defend it, this deters attacks from neighbours and brings about peace along the border between the two communities. On the other hand, a community that has no young men to fight for it has to live with frequent unrest because neighbouring communities will behave aggressively. Any part of the border between the Gusii community and their neighbours that experiences strife is seen as having no warriors to defend it. *Chinkororo* fulfils a communal duty to supply "sons" or warriors to these parts to defend the land. The mobilization chinkororo is in part the result of the need to fulfil an age-old duty to defend the community.[9]

In the traditional setting, the power of *chinkororo* also springs from a large amount of spiritualism that membership of the group entails. There is considerable personal discipline on the part of the members which is based on a view they have of themselves as the saviours of their community. This discipline is the basis for holding the group together. For example, when a member of *chinkororo* dies in battle, everything must be done to retrieve the body and to ensure that the enemy does not go W|th it. The entire group would rather die than allow the body of a fallen colleague to be taken by the enemy. The loss of the body of a fallen colleague is a great insult to the entire group because without the body, it is difficult to bring closure to the death. Mere a member of *chinkororo* dies in battle, the burial that follows is a great

[8] Ibid.

[9] ial interview with Omweri tCibwage.

exhibition of heroism. Every member is emboldened in battle by the fact that in the event of his death, a heroic burial awaits him.

Organization of *chinkororo*

Membership of, and service in, chinkororo is voluntary. As indicated, *chinkororo* emerge in the context of conflict and are made up of the elite members of the community who are able to withstand conflict better that the average population. *Chinkororo* forsake family life as long as the conflict lasts. They live together in clusters in the bush where they are available to support one another and to confer on the latest developments in the conflict. In the course of conflict, the fighting takes place during the day as the night imposes a ceasefire. However, when there is conflict, it is usual for surprise raids for animals to be carried out by Maasai *morans* during the night. It is also usual for guerrilla attacks to happen at night for purposes of exacting revenge for any losses that may have taken place during the battle. Chinkororo stay on the look out for such eventualities during the fighting. In effect, they provide security for villagers who live next to the border, without which they would not have the courage to sleep in the houses at night for fear of night time attacks. *Chinkororo* take into their hands the responsibility for the security of the entire community.

Leadership among *chinkororo* is of two types. The first type of leadership is of a military nature and is provided by those that command the greatest respect for their knowledge of the conditions of battle. Leadership is usually informal as there are no designated office bearers. Leadership is exercised at the level of the individual units and there is no hierarchy beyond this. When units need to act together, they consult informally among themselves as there are no designated leaders outside of the basic unit.[10]

The second type of leadership is made of ritual practices that are undertaken in the belief that they will minimize injury or death during fighting. There is extreme reluctance to discuss the details of this. Moreover, the fighters are themselves not knowledgeable in what needs to be done to carry out these rituals. Instead, these rituals are carried out by designated elders who understand the art of traditions. These Cast charms that remove evil spells and ensure that the warriors will be safe. It is

[1] Personal interview with several members of chinkororo including John Kibai, Thomas Moranga and Ses Kibai at Ekona ya Ngare oh 17h August 2009.

believed that without these practices, the warriors will be open to bad luck and may lose the battle."

Chinkororo would usually have a dress code, similar to that of the Maasai *morans.* It would be the duty of the rest of the community to maintain them as long as the conflict lasts. Villagers would provide them with food and whatever comfort is necessary to keep them safe in the bush. As long as the conflict lasts, *chinkororo* would have the licence to take food items such as chicken and goats from the villagers to feed themselves. They would supplement this with any food or other valuable items that they are able to capture from the enemy in the cause of the battle. In addition, they would take money instead of food. They would abstain from sex during the fighting, believing that this brings bad luck.[12]

Omhaki Nyang'oina: The leader of *chinkororo*

The conflict in 1992, however, produced a visible leader that was able to receive recognition beyond the basic unit. Ombaki Nyang'oina, who hailed from the Machoge clan, emerged as the overall leader of chinkororo in the context of the battles of the time. He would traverse the entire length of the border, organizing chinkororo and the general population in mounting resistance to the Maasai morans. Ombaki became a legend, and according to local villagers, he attracted the attention not only of local politicians, but also that of the former President Moi, all of who sought to patronise him with a view to exerting control over chinkororo. Ombaki was eventually co-opted by the political establishment with a view to killing off the Gusii resistance. The people along the border believe that the fact of his selling his people for material gain is what led to his simple death, which they believe was a curse. According to several accounts, Ombaki died from a tsetse fly bite, and in this, he died not as the war hero he had lived but like a "woman". Ombaki was never replaced and there has never been another general leader of chinkororo after him.[13]

2009 Sonal interviews Peter Kibai, Thomas Moranga and — at Ekona ya Ngare on 17th August

*According to several informants during a focused group discussion atNyangusu Market on 17th ugust 2009.

^fsonal interview with Samuel Kibai, at Ekona ya Ngare, on 17th August 2009.

Weapons for use in conflict

There has been an evolution in the weaponry used by *chinkororo* over the years. The traditional weapon among the Gusii people was the spear. The use of a spear necessitates a shield, with which to prevent a possible spear attack from the enemy. Eventually, bows and arrows have emerged and have taken over as weapons of choice. The use of bows and arrows is incompatible with the use of spears and shields since a warrior cannot bear both at the same time. Further, spears and shields are close quarter weapons whereas bows and arrows allow engagement from a distance. Over the years, the shape of the arrow has evolved. There are poisoned arrows, used sparingly because of the belief that if such an arrow does not strike the target and is fired back by the enemy, it will strike one of the people from among whom it originated. There is a type of barbed arrows, referred to as *egesingororo,* and another type called *rinyamarct* with the barbs ensuring that if it lodges in the body, only a surgical operation will succeed in removing it.[14]

According to informants, some Maasai people were armed with firearms by the Moi government which they viewed as biased against the interests of the Gusii community. These firearms would then be used in the fighting with the Gusii people. There is some specialization in that those responsible for making bows and arrows do not generally engage in the fighting. Other than bows and arrows, there is also the use of sharpened crowbars and clubs.'[3]

The common understanding of *chinkororo* in the rest of Gusii community

The term *chinkororo* bears a slightly different meaning away from the Maasai/Gusii border area. It needs to be observed that all the recorded inter-ethnic conflict involving the Gusii has taken place only along the common border with theii ethnic neighbours, so that in places like Keragia in Gucha district, which is only a few kilometres from the common border with the Maasai, the residents of this area have never participated in inter-ethnic conflicts. According to some of the residents in this area, those who live in Nyangusu along the common border and who are exposed to constant conflict, refer to the residents of the interior such as Keragia, as "women" because they do not fight.[16]

August 2009[t0 Severa, 'n f°rmants during a focussed group discussion at Nyangusu Market on 17"

16 ®[rs°]nal interview with Samuel Kibai at Ekona ya Ngare, on 17[lh] august 2009.
[erv,ew wit]h Kebaya Mokua arid Ontiri Magare at Keragia on 17.[h] August 2009.

The term *chinkororo,* in the Gusii hinterland that is not exposed to the Gusii/Maasai conflict, is used to refer to the ethnic warriors from the Gusii/Maasai border. The rest of Gusii considers that all people from the border area with the Maasai possess special skills on war which are not to be found within the hinterland and that for this reason anybody from the border area is a member of *chinkororo.* There is no understanding of, or attempt to distinguish, between the general population resident along the Gusii/Maasai border, and the elite warriors who are viewed as the *chinkororo* in the immediacy of the border area. Thus, in the northern part of Gusii, *chinkororo* are the people of south Gusii, it being believed that they all possess special fighting skills horned as result of their neighbourhood with the Maasai people.[17]

The role of women among *chinkororo*

The study inquired what the role of the women is during communal conflict and whether or not these can serve as members of chinkororo. Among Gusii people, women are not eligible to become members of *chinkororo* or take up arms and fight 0ll behalf of the community. In fact, men are forbidden from discussing warfare with women, who are not allowed to handle or even have sight of, the implements of war such as bows and arrows. As a result, men take care to ensure that women do not come into contact with these weapons. Further, confidences in relation to conflict are shared among men to the exclusion of women.

However, women are not without roles in the event of conflict. First, it is the role of women to raise the alarm so as to alert the community about the onset of danger to which it might need to respond. Women do this by screaming. When danger is perceived women are socialized or ordered by men, to scream in order to raise the attention of the community. This initial raising of the alarm is the first line of community mobilization, and enables the community to come together quickly to respond to danger. Women, therefore play an important role in mobilizing the community.

The study established that there are specific types of alarms that may be raised and the community is socialised to recognise the message being passed by reference to the type of alarm raised. The most common are screams that alert the neighbourhood about the theft of cattle; the second common type of alarm

gi'oup discussion at Nyansiongo Township, 16th August 2009.

communicates domestic violence and in this case there is no call to the community to respond; another category of alarm communicates bereavement; the fourth category of alarm announces an impeding invasion by the enemy. Women are socialised to know when and how to scream. Men may also raise the alarm but women then take it over and scream, their high pitched voices helping to spread the intended message in a way men cannot.

The other important role that women play when conflict occurs is to provide food to the warriors. Typically, women will cook food and deliver it to a common place near the battle front where, on the return from battle, the warriors would find the food. When fighting starts, women lose contact with male members of their households who would have joined the fighting, since the women are not allowed to go into the battle front. When the women cook, they do so for the benefit of all the warriors and not necessarily for members of their households who might be in the war. Male fighters who are on their way to the battle front will insist that all women they encounter in front of them get out of the way as the men approach. Women are not allowed to cross the road in front of men who are on the way to the battlefront.

When conflict begins, ordinary household work is suspended. The tilling of land, a significant female pro-occupation during peacetime, is suspended. It is believed that turning the soil while warriors are at the battle front amounts to "buiying" them alive. Anybody found doing this will, be sanctioned by the entire community. Only those household chores that are necessary for supporting the war effort, will therefore, be allowed to go on.

Because the Maasai and Gusii live next to each other, there inevitably is inter-marriage between them. Along the common border, pre-existing relationships based on marriage introduce interesting dynamics when conflict breaks out. Gusii tribesmen consider that their women who are married to Maasai people become so loyal to the Maasai that they cannot be relied on for spying, for the Gusii during conflict. Members of the Gusii community consider that a Gusii woman would, if necessary, support her Maasai husband to kill her brother when conflict breaks out.

Further, all peacetime activity between the Gusii and Maasai ceases as soon as conflict starts. Cross-border trade and visits by families who have inter-married are suspended. A sizeable Gusii population has settled in Maasai country. When conflict starts, these are either evicted or they are forced to join the fighting on the side of the Maasai and against their own kinsmen.

Groups akin to *chinkororo*

Along the Gusii/Maasai border, the conflict in this area has produced groups akin to chinkororo but which are referred to by other names. One such group is *chintuboka,* a group of warriors who participated in communal fighting with the Maasai in 1976. The term "*chintuboka"* literally means "those who suddenly appear" and was used to refer to a group of warriors who would suddenly appear on the battle field, execute quickfire attacks aimed at inflicting surprise and fundamental losses on the enemy. There is also a group known as "*motoriro*". This group emerged in the conflict between Maasai and the Gusii in 1997 and was made up of young fighters who, in previous times, would have been considered too young to engage in conflict. These would be positioned as a different group of warriors on the frontline. They would provide support to the frontline and, unlike those on the frontline who used bows and arrows these would use such weapons as slings and stones.[18]

The emergence of *motoriro* as a group of fighters introduces a point that needs to be made at this stage. According to informants, in the conflicts of old, only older but able bodied men participated in the hostilities. Children were generally not involved in these conflicts. In the recent years, however, there has been an increased participation of children in the conflict. These include school-going children, who drop out of school to join the war, some of them more out of adventure than anything else. The emergence of *motoriro* is consistent with the information about the increased participation of children in conflict.[19]

Croups not akin to *chinkororo*

Other than the term *chinkororo* which was gained wide notoriety, two other terms used to describe what are regarded as organized violent gangs in the Gusii community are *sungu sungu* and *amachuma.* These are now discussed.

Sungusungu

1 he study established that the term *sungu sungu* first emerged in Gusii country [ln] the Suneka area. Suneka, barely 20 kilometres from Kisii town was ravaged by [C"me] trough much of the late 1990s and early 2000s. Such crime was characterized

[19] fnte [>na,] interview with Henry Aming'a Chief of Magena
views with Saleh Orang'i arid Thomas Morang'a at Ekona ya Ngare.

by the use, by criminal gangs, of firearms and the imposition of protection fees against persons perceived to be relatively prosperous. At the same time, the local community considered that law enforcement was not doing enough to protect them against crime. Police were viewed as abetting or even actively participating in violent crime and the courts of law were seen as being ineffective against criminals charged before them. Against the perception that the state had failed to provide them with security, the local community started organizing militias to supplement the security needs of their neighbourhoods. The first militia group was established in the year 2003 and was soon replicated in various neighbourhoods within Suneka.

The organization of militia groups in Gusii was inspired by what had happened among the Kuria people, who also live in western Kenya, and who, in response to run-away crime in their area, had raised neighbourhood vigilantes whom they referred to as *kisungusungu.* In Suneka, the militia mounted an unrelenting campaign against persons suspected to be criminals. The campaign was characterized by ruthless violence. As part of the campaign, suspected criminals arrested by militia groups would, if unable to satisfactorily exonerate themselves from the accusations against them, be executed in cold blood. Firearms recovered from suspected criminals would be turned over to the authorities and suspected criminals against whom there existed no concrete evidence connecting them to crime, if not executed, would be served with notice to permanently move residence from, the area. Those who resisted would be executed. Militias would prohibit the burial at their home of those they had executed. This was considered a befitting final insult against not only the executed person but also his family. Relatives of such persons would bury them in public cemeteries in Kisii town or in the homes of relatives away from the Suneka area. Family members who resisted these directives would themselves be executed. Where militias allowed the burial of persons they had executed to be carried out in their homes, they would restrict attendance at the funeral and would require, for example, that no more than a total of four people be present at the funeral. This would naturally exclude immediate family members from participating in the funeral. Those who defied these orders would themselves be executed. Suspects would also sometimes be

subjected to severe beatings, to the point of maiming, but with no intention of killing them.[20]

Militia executions would typically be carried out at night, under the cover of darkness. Usually, their targets would be captured from home, dragged from their houses, handcuffed and then be killed. The bodies would be found in the morning, usually on a main road, prominently displayed so as to be easily discovered. This macabre method of execution became the insignia of the *simgu sungu.* It is estimated that there were no less than 50 executions in the Suneka area during this time.

In certain cases, suspected criminals would, on realizing or suspecting that they were being watched by *sungu sungu,* go into hiding. Depending on how seriously implicated in crime these individuals were, messages would be sent to them through members of their families that if they ever set foot in the area again, they would receive instant death. In other cases, persons who migrated or went into hiding to escape militia justice, would eventually be tracked down and executed.

Other than killing suspected criminals, *sungu sungu* groups would also apply a scorched earth policy against the property owned by suspected criminals that had fled and sometimes that of their family members. Houses belonging to suspected criminals would be burnt down as part of this enterprise. Family members, against whom there was no suspicion of crime, would be prohibited from rebuilding burnt down houses and would thus be forced to move away, vacating theij; own land. Such land would thereafter be treated as a commons and nobody would subsequently the allowed to build a permanent structure on it. Animals belonging to such persons would be killed and the carcass, which might otherwise been eaten as meat, would be buried.

Criminal groups attempted to fight back against these vigilantes. The most daring light-back led to the killing of an area chief, an assistant chief and a councillor, all of who had taken a strong stand against crime. A leader of the *sungu sungu* group was also lured by a criminal gang and killed. As part of the response to this fight-back, ""hiia groups would organize patrols of up to 200 members at a time, as a show of might. The scale of force displayed by *sungu sungu,* and probably also the fact that

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- incl j. 'n'nnnat'on's derived from interviews with several persons in the Suneka are and Kisii town Mok 1118 ^"eros' Ondieki, a lawyer and politician, Thomas Bundi, a resident of Suneka, Florence Sunek™"" res't'en,; Suneka, Abel Siocha, a resident of Suneka and Mochoge Ontita, a resident of of l,, T' ' Nyakina, Vice Chairman of one the sungu sungu groups, James Ogero, Vice Chairman e ot the sungu sungu groups between 12th and 20th August 2009.

they had die support of the local community, proved irresistible and eventually overwhelmed the criminal gangs.

Councillor Omoke's case

One case that came to symbolize the brutal struggle between suspected criminals and *sungu sungu* is that of an elected councillor for Nyamokenye Ward within the Suneka area, Livingstone Omoke. Omoke was suspected to be one of the leaders of the criminal gangs who had killed the area chief, assistant chief and Omoke's own successor as councillor. Omoke, together with others, was charged with the murder of these leaders but, after a long trial, they were acquitted by the High Court. In response to the acquittal of Omoke by the High Court, militias razed down his home. Upon acquittal, Omoke was released from custody in Kisumu where he had been held as the trial went on. As it had been made clear to him that the militia would kill him if they ever found him, Omoke went into hiding. Eventually, however, suspected vigilantes tracked him down to his rented home in Kisii town and on 25 June 2007, they killed him. Villagers thereafter successfully resisted demands by the authorities, led by the area District Commissioner, that they allow his burial on his property. Omoke was eventually buried on a relative's property away from Suneka. Today, Omoke's homestead remains destroyed and desolate. The only activity that goes on there are the animals from the neighbourhood that wander around in search of grass.

Organisation of *sungu sungu*

In the Suneka area, a characteristic group of the *sungu sungu* variety is composed of between 25 and 60 members. Usually the members are resident in the neighbourhood where the group operates and each such group has a defined territory. Each group has a recognized leadership consisting of office bearers, normally a chairman, secretary, treasurer and so on. The network of groups has a central leadership going all the way to the district level, which has a committee of its own. Within Suneka Township the group has set up a system for gathering intelligence made up of informers. These are people who ordinarily work in the town but who also provide information on the goings-on in the town to the high command of the *sungu sungu.* The local police also rely on the same informers.

Each household within the area where a *sungu sungu* group operates contributes a monthly fee to the group. At the time of the study, the monthly household fee was shs 50/-. According to the leadership of the groups, this money goes towards the cost of batteries for the torches used by the vigilantes in carrying out night patrols, and for buying blankets and warm clothing to protect patrol members from the cold.21 Although the militias insist that this fee is a voluntary contribution, villagers take the view that moral pressure, amounting to force, is exerted upon those who resist or are unable to pay the fee, with a view to persuading them to pay. Memory of the state of insecurity, which gave rise to the vigilantes in the first place, makes villagers happy enough to pay the monthly fee, lest the insecurity returns.

It is unlikely that all the money paid to the militia goes towards the cost of apparatus needed for effective night patrols of the area; it is more than likely that the balance of the money is personal income for the members of the groups. At the time of this research, efforts, led by the local District Commissioner, were underway to organize a large public fiindraising initiative, in order to provide the militia in Suneka with money that would be invested into an income-generating venture.

In principle, membership of militia groups is voluntary and anybody within the neighbourhood can join a group. However, in practice, only able-bodied young men are attracted to membership of such groups. Although there is no deliberate exclusion of women, none has ever been known to be a member of such a group. Membership of militias typically attracts jobless young men in the villages, as those in school or in employment are scarcely able to cope with the demands of membership.[22] In the early period, those within militia-serving age groups and who, because of employment or other commitments, were prevented from serving as militias, would be required to pay a fee in lieu of service. However, this practice has now been discontinued.[23]

Today, militias control all aspects of community life in the area in which they operate. They will intervene in domestic quarrels, especially between husband and wife, they will monitor the movement of goods such as farm produce animals, electronic equipment, household items, and so on, claiming that this is necessary for controlling crime. They will stop and question anybody found on the road at night and

n **Interview** on **1 l**[lh] July 2009, with Sobu Nyakina, Vice Chairman of one of the sungu sungu groups

J3 **Interview** on I2·[h] July 2009, with Peter Kerina, a member of the sungu sungu group.

Interview on 11 July 2009, with Sobu Nyakina Vice chairman of one of the sungu sungu groups.

if the person says he is visiting a particular home in the neighbourhood, they will escort the person to that home with a view to confirming the legitimacy of the visit.

Alternative understanding of sungii sungu in Gtisii

The term *sungu sungu* is used to refer to militia groups in Gusii country which have emerged in response to the failure of the state to effectively deal with crime. However, the term *sungu sungu* is viewed by these groups as derogatory and is usually used by others to refer to members of such groups. The militia more usually consider themselves to be a formation carrying out community policing duties within the official policy that recognizes and supports such a practice as a legitimate method of law enforcement.

In Kenyenya area, which is before the Gusii/Maasai border, local traders have organized private security by employing guards who carry out patrols and keep general vigil over an entire shopping centre, as opposed to guarding individual property. These are referred to as *sungu sungu* by the neighbourhood, although the traders view them as no more than a private security group.

Sungu sungu: Relationship with authorities

Militia groups enjoy official recognition at all important levels. At the lowest level, the assistant chief and the chief confer with the leaders of militia groups on security issues affecting their area. This relationship confers legitimacy on the militias within the community. The chief also assists militias in collecting the monthly fees by exhorting villagers on the desirable role that such groups play in the community.

On 14 August 2009 the District Commissioner for Suneka and the area Member of Parliament led the public in a successfiil fiindraising effort for all the militias in Suneka. More than sh. 1,000, 000 was raised. The proceeds of the fundraising are to go towards an income-generating investment for the whole group, and would be shared by all the militias within Bonchari, numbering about 400.[24] During the fundraising meeting in Suneka, the District Commissioner addressed a longstanding request by members *of sungu sungu* for a more formalised recognition form the government. He stated his understanding the existence of *sungu sungu* was [as a] result of the community policing that the government was committed to pursuing, [as] Part of its law enforcement strategy. The District Commissioner said plans would

Interview on 30[lh] July 2009, with Peter Ogero, Vice Chairman of one of the *sungu sungu* groups.

be made to issue all members of *sungu sungu* with identity badges that would make it easy to identify them. This, he said, would ease their interaction with government officials and the larger public.

Whereas in Suneka, the practice of community policing has enabled public authorities to recognize and support militia groups, this is not the case in other parts of Gusii. In Keroka, for example, the Officer Commanding Station, David Lakwendi, was categorical that no model of community policing allows citizens to undertake patrol duties or to conduct routine arrests of suspected criminals. He added that it would be a crime for militias to assault anybody, even a suspected criminal, and that the practice of militia beatings would not be accepted. These sentiments were echoed by policing authorities in Nyamache, and Nyamira who also were of the view that there is not place for villagers or militias to conduct patrols or to undertake arrests as part of law enforcement. According to these informants, the only role for civilians in community policing arrangements is to provide information to police on suspected criminal activities. It remains the duty of the police to arrest suspects. Further, police are obliged, as part of community policing arrangements, to provide feedback to communities concerning any reports that these may have provided to the police under the framework. Community policing, in the ultimate, is no more than an arrangement for information sharing between police and the local community. The local community organize its own leadership under a comrnittee, which co-ordinates their interaction with the police. The Borabu District Officers volunteered that as soon as a community group purports to undertake patrol duties, it crosses the line of legitimate community policing and becomes an illegal vigilante.

The public view of *sungu sungu*

There is much controversy as to the correct interpretation of the events in the early 2005 when Suneka had been overrun by crime, and when vigilantes stood up to fight crime. There is also much controversy over the means used to control crime. However, a large number of villagers expressed satisfaction with the outcome that has resulted from the activities of these vigilantes. They consider that vigilantes have succeeded in controlling crime in circumstance where the police had totally failed to

This is a summation of the interviews with these various officials on the dates and place that have **already** been indicated in the study.

do so, and they view the monthly financial contribution for the upkeep of the vigilantes as a small price to pay for the new-found security.

One of the indicators of the large amount of public support for *sungu sungu* in Suneka area was the fundraising meeting on 14th August 2009, which had the support not only of the popularly elected leaders of the area but also of the local residents themselves. Whatever misgivings there might be about some of the methods of the *sungu sungu,* there is no doubt that they enjoy much confidence from the local community.

Residents consider that Suneka area is today one of the safest neighbourhoods in Gusii country. It has thus moved from being the most violent and insecure neighbourhood to one in which a relatively high level of security is enjoyed. It seems that the ruthless methods of the vigilante groups have won against crime. In doing so, they have succeeded where conventional methods of law enforcement had failed.

Amachuma

According to informants, *amachuma* refers to the youth who usually accompany prominent politicians and who serve as escorts, provide a show of force and if necessary use violence at the behest of such politicians. *Amachuma* as a category of violent gangs was first brought about by Simeon Nyachae, an influential politician in the Gusii area, to serve as his private army. Some informants consider that only Nyachae has ever had such an army in Gusii and while others consider that the use of *amachuma* is more widespread among the politicians from the area.

An incident that happened at Nyambarambe within Gusii on 3rd September 2007, and which received considerable media attention saw a violent confrontation between Nyachae's supporters and politicians from an opposing political party. The media and the police both referred to the group, which had violently attacked the opposing politicians, as *chinkororo.* All informants unanimously disputed this, asserting that the group at play was *amachuma,* dressed in garb that has come to be associated with chinkororo. There was little information in the filed on the organisation of *amachuma.* This is hardly surprising if *amachuma* are seen as private militia for important political personalities.

***Amachuma*: Interaction with law enforcement**

The interaction between the authorities and armed groups, especially *amachuma* and *sungii sungu* has been markedly different from the way that the authorities have dealt with chinkororo. An incident involving the activities of *amachuma* and their possible interaction with the police was recounted during the study: a local police officer while on night patrol encountered a group of men wearing a uniform similar to that worn by the Maasai morans. This was near the home of an influential local politician. The police followed the men who entered the home of the politician, which suggested to them that this was a private army under his command. The officer, thereafter, sought authority from superiors to commence investigations into the incident but they made it clear that such an investigation was fraught with political difficulties and was, for that reason, not welcome.[6]

[6] Personal interview with Ole Soku, Chief Inspector of Administration Police, at Nyamache on 15th August 2009.

CHAPTER 4

FHE ROLE OF CHINKORORO IN POST ELECTION VIOLENCE

Introduction

Chapter 3 discussed the internal organisation of *chinkororo.* The chapter discussed the origins and meaning of the word *chinkororo* as well as its activities. It was brought out that whereas *chinkororo* is viewed as the most dominant militia group in the Gusii area, it is not the only one; at least two other groups, *sungu sungu* and *amachuma,* are active in the Gusii area. However, the boundaries between the various groups are not always clear and it is easy enough to confuse the activities of one group with those of the others.

This chapter looks at the role of chinkororo in the post election violence especially within the Gusii area within which the group operates. As part of this examination, the chapter deals with the interaction between *chinkororo* and the law enforcement process iri relation to the post election violence, the role of the group in the political discourse in the Gusii community, from among whom the group hails, including the interaction between *chinkororo* and the local community and the perceptions of the community about *chinkororo.* To understand the role of *chinkororo* in the post election violence, it is necessary to understand the pre-election role, especially in the build up of the tension that ended up as post election violence. This will therefore first be addressed.

Background to the post election violence: Interaction of chinkororo with the local community

The study sought to establish the various settings in which chinkororo have deployed in Gusii community life. As indicated, *chinkororo* emerged out of the interaction, sometimes violent, between the Maasai and their Gusii neighbours along the common border. In this regard, *chinkororo* emerged as a defence force for the Gusii community in the event of an invasion and also provided security that would deter such attacks from happening. In the event of the loss of animals through rustling, they were Mailable for giving chase with a view to recovering the animals.

The **study established** that whereas *chinkororo* may **originally** have been a phenomenon of this border relationship between the Gusii and Maasai people, they have been sucked into the affairs of the wider Gusii community, away from the border. For example, *chinkororo* have been a feature of the border clashes between the Gusii and the **Kipsigis** along their common border. In 1991 and 1992, violent clashes occurred along the border, a feature of which was a claim by the Kipsigis that part of the land occupied by the Gusii was Kipsigis ancestral land, which they wanted to reclaim by evicting the Gusii people. Over the years, coinciding with the elections cycle, territorial claims by the **Kipsigis** have provided the context in which clashes between the two communities have occurred. A repeat of these clashes occurred along the common border in 1997, and again **in** 2007.

According to informants the relative peace along the Gusii/Kipsigis border has made it superfluous for the Gusii in this area to learn to fight, the way those along the Gusii/ Maasai border have had to do. In the recent years, when violence has become an increasingly common feature along the border, the Gusii community has been forced to learn to defend itself from violent attacks and also to mount attacks of its won when this became necessary.[1] Thus in such places as Chepilat, Manga, and Kineni, border point residents have been forced to learn to fight. Some have coped well enough on their own, managing to repulse Kipsigis attackers when the fighting breaks out. In some localities, however, the residents are spread so thin that they cannot manage their own self-defence when the fighting breaks out. In such places, unless police intervene, they are compelled to raise their own private security. One way in which this has been done is by bringing in chinkororo from along the Gusii/Maasai border. Typically neighbours who fear or are already under attack organise themselves to mobilise chinkororo from the southern end of Gusii. This is done by raising money for the transportation and upkeep of *chinkororo,* for as long as these are needed. Residents of Nyansiongo, who have had to import *chinkororo,* informed that those that are brought in through this manner are volunteers who are moved by a need to protect the Gusii nation from an external invasion. They [We]re first brought in 1991/2 violence and have thereafter been used in all the other [e]Pisodes of violence in the area.

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Personal interview with Peter Kiniaiga at Keroka on 12th August 2009.

interaction with the police prior to the post election violence

On 8 June 2002, **the** Commissioner of Police announced the banning of 18 **organisations,** sects and groups in Kenya, which were declared to be a threat to the public security. The trigger for this ban was an incident in Kariobangi, a low income neighbourhood in Nairobi, during which at least 21 people were killed and another 300 injured, in an attack mounted by a group of vigilantes against a rival vigilante group, police sources said that *mungiki,* one of the vigilantes proscribed by the police, was responsible for these attacks. Among other groups included in the ban were chinkororo, *amachuma,* and *sungu sungu.* The ban had been preceded by a directive by President Moi to the police to crack down on all illegal groups in the country. Moi had warned that if the police failed to act on such groups, they risked the loss of their jobs.[2]

The ban on *chinkororo* was the subject of investigation as a part of this study. Specifically, the study sought to establish the practical impact that the ban had imposed on *chinkororo* and its activities, and the relationship with the police and other law enforcement agencies with *chinkororo* resulting from the ban. As noted, the ban also affected two other groups which also operate among the Gusii people, *amachuma* and *sungu sungu.* Although these groups were not of central interest to this study, the study nevertheless sought to establish the effects of this ban on their activities. It was considered necessary to do this in order to generate comparative information which might increase understanding on the status of chinkororo as a result of the ban. Information on the effects of the ban was sought from member of the law enforcement community especially the police, and administrative officials. Secondly, these groups operate in the same geographical space, making it difficult to study the activities of any one of them without reference to the others. Thirdly these groups have been the subject of a collective action by the police, and, for this reason, merit a collective understanding.

The study sought to establish what steps had been taken by law enforcement agencies to enforce the ban on, among other groups, *chinkororo.* To do this the study conducted interviews with a number of officials concerned with or responsible for law enforcement processes within the Gusii area, as more clearly particularized in the discussion in this chapter. Although the ban on *chinkororo* has been in force for more

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[2] See Daily Nation, 9ril June 2002. ..

than seven years now, not a single informant reported having had to deal with a law enforcement issue resulting from, or connected with, the ban. As far as they were concerned, therefore, chinkororo were not an issue for the local community and presented no security issues or policing problems. Several informants outlined their approach to law enforcement which, they explained, did not discriminate between chinkororo and other offenders. For example, according to Mawira Mungania, the First District Officer in Borabu division, law enforcement efforts did not need to concern themselves with whether or not a person was a member of an outlawed group. Police would only look at whether the conduct of the person disclosed an offence or not, and would deal with the situation according to their assessment of this parameter alone, and to the exclusion of any other.[3]

The study sought to establish the level of awareness on the part of the police, about enforcement of the law on, and membership of, the *chinkororo.* The study established that, while membership of chinkororo is an offence, as a result of the ban imposed by the police on such membership, police do not ordinarily appear to recognize this offence or to have done anything to enforce the ban. The Officer Commanding Station for Keroka police station, David Lakwendi, for instance, argued that chinkororo were not a problem in his area ofjurisdiction and he therefore saw no need to put in place measures to understand how these may operate.[4] Consistent with this view, policemen interviewed reported that there was no duty on their part to crack down on membership of *chinkororo,* and that they would enforce the law equally against all persons, without regard to whether the offence in question was committed by a person belong to chinkororo or not, and without discrimination.

This attitude exposed the fact that there is insufficient knowledge on the part of the police, of the fact that membership of a group banned in law constitutes an 'ndependent offence, in addition to any other offences that might be committed by the group, or its members. Secondly, if banning these groups was supposed to confer a benefit to the public by, for example, strengthening the capacity of law enforcement

, j^sona! interview in Nyansiongo on 13th August 2009.
lersonal interview at Keroka on 14th August 2009.

agencies to control militia groups, that benefit may not have been realized in relation to die ban on *chinkororo* and the ban itself may be futile.

Informants from the law enforcement community, when asked whether, and how, they were **able** determine that a person was a member of *chinkororo* or not were mostly unable to provide **a** convincing answer to this **question.** The Second District Officer for **Nyansiongo contributed to establishing the picture** of uncertainty **on** the part of law enforcement as to the true identity of *chinkororo,* when he expressed the view that the line between *chinkororo* and *sungu sungu* is very thin, but was not able to provide much information on how that line could be established.[3] Mungania, the other District Officer in Nyansiongo responded that chinkororo "have a socio-cultural entanglement, so we do not understand how they are organized".[6] By this he meant that chinkororo are so entangled with the social and cultural practices of the Gusii people that it is not possible to isolate them from their setting with a view to understanding them. He drew a contrast between *chinkororo* and *mungiki* which, in his view, have a separate existence from the cultural and social practices of the Gikuyu people, amongst whom members of this group are found, **and** which, he said, makes it easier **to** isolate and understand *mungiki* than *chinkororo.*

Informants were unanimous that chinkororo are not an issue in Gusii during peace lime. They only come into existence when there is conflict between the Gusii community and the neighbouring communities. Since there has not been conflict at the Gusii/Maasai border since 2002, there has been no need to mobilize *chinkororo* who have, thus, become dormant. During this period, the only conflict involving the community had occurred along the Kipsigis/Gusii border in the 2007/2008, which required minimal mobilization of *chinkororo,* to support the efforts of local tribesmen in defending themselves against the attack. In those circumstances there has been no need to control chinkororo or to be concerned with their activities.[7]

6 ers°nal interview with, Gitau, the second District Officer for Borabu, at Nyansiongo, 13lh August 2009.
Personal interview at Nyansiongo on 13th August 2009.
here are several sources of information for this including the personal interview with the Officer landing Kisii Police Station, David Lakwendi

The study established that police had not invested in intelligence-gathering on *chinkororo* as a means of increasing their ability to monitor the activities of the group and also the ability to exercise control over them. Local police along the Gusii/Maasai front considered that since they only had operational responsibilities in relation to law enforcement, it was not their duty to gather intelligence on *chinkororo.* On the other hand, police in stations away from the chinkororo areas considered that since *chinkororo* was an issue only along the Gusii/Maasai border, there was no need for them to concern themselves with this issue. Again, Mungania typified this view when he expressed the opinion that "we are operational" adding that "ours is more reactive", before he concluded that "it does not make a point to study a group that is not a threat."[8]

In practice, according to Lakwendi, the approach by police whenever conflict broke out and chinkororo were mobilized, was not to look out for ways of sanctioning such mobilization as a criminal offence in itself but waiting to see if other crimes were committed by those mobilized as *chinkororo,* which police might then seek to punish.[9]

Regular police tended to think that their counterparts working for the Criminal Investigation Department might have some information on the mobilization of *chinkororo* and similar groups, that the information in the hands of regular police. Thus the Officer Commanding Kisii Police Station considered that his counterpart, the District Criminal Investigations Officer, might have a better Idea about the organization and mobilization of *chinkororo.* However, an interview with this officer made it abundantly clear that the section was not any better placed to supply information than the regular police.[10]

Another dimension of the interaction with law enforcement is that with the local chiefs. Chiefs are the most localized representatives of the government and are found in villages. In their position, it would be almost be impossible not to have a chance to interact with *chinkororo.* According to informants, when conflict breaks out, chiefs would usually report such conflict to the nearest police station. They would hope that the Police would be able to respond to such reports, but would otherwise be powerless to

' 'bid.

personal interview at Keroka on 14lh August 2009.

crsonal interviews with the Officer Commanding Kisii Police Station , Wycliffe Kamau and the District riIT)inal Intelligence Officer, Mohammed Issa, at Kisii town on 12lh August 2009.

influence the conflict in any other manner. They would not seek to make arrests as to do so would inflame local sentiment in a manner that the chiefs may be unable to handle."

Role of *chinkororo* in the build up to the post election violence

The activities of *chinkororo* came under renewed attention during the campaigns for the 2007 elections. An incident on 22 September 2007, in Nyamarambe area in the southern part of Gusii was the occasion for this. In the full glare of a large crowd, including television cameras from the media that had come to cover a public rally, a uniformed group that had just performed a guard of honour in for a local politician, Simeon Nyachae, launched an attack on rival politicians, including William Ruto a member of the Kalenjin community, and important personality in the opposition party, the Orange Democratic Movement, who had arrived at a rally that Nyachae was addressing. These politicians were severely beaten and forced to flee to save their lives, with one of them needing hospitalization as a result of the beating. A reliable version of what happened during the incident was narrated in the report of an official inquiry into the violence that followed Kenya's elections in 2007, the Commission of Inquiry into the Post Election Violence. The Commission wrote:

> According to several witnesses, an important explanation for the post election conflict between the Kipsigis and Kisii communities lies in an incident that had occurred at Nyamarambe area, within the original Kisii district on 22 September 2007, barely three months before the general elections. The incident involved a well-publicized assault on leading personalities in the main opposition party, the Orange Democratic Movement. The assault was alleged to have been orchestrated by Simeon Nyachae, a prominent Kisii politician who was at the time a Cabinet Minister in the Kibaki government, and who was viewed as one of President's close confidantes.[12]

Police arrested several young men, suspected to be part of the group that had carried out the attack. According to police, these young men, dressed in uniform that resembled the usual attire of Maasai morans, were members of *chinkororo.* A public uproar was generated by the attacks, and calls were made that Nyachae, at the time a

[10] Personal interview with Chief Henry Mageto, chief for Magena, at Nyangusu on 1 t[1h] August 2009.

[10] ^public of Kenya, Report of the Commission of Inquiry into the Post Election Violence, (hereafter referred as the "Waki Report"), Nairobi: Government Printer, October 2008; Republic of Kenya, p. 133.

cabinet minister, be brought to account for the attack by the young men, who appeared to be under his command. However, Nyachae was never arrested or even questioned by police. After three days in custody, the young men were themselves released without charge. It took the investigations of the Commission of Inquiry into the Post Election **Violence to establish the circumstances surrounding the release of these young men who,** police claimed, were members of *chinkororo.* According to the report of the Commission, political pressure was applied on the local police as a result of which they released the youths without charge. Grace Kaindi, at the time the Provincial Police Officer for Myanza, under whose jurisdiction the Nyamarambe incident fell, testified before the Commission on this incident. According to the report of the Commission:

> The Commission sought to know from Kaindi what action, if any, had been taken over the well-publicized incident in Nyamarambe. She informed the Commission that all the persons who participated in the attack had been identified and arrested and were then placed in custody at Kisii Police Station for two or three days, as the police finalized arrangements to charge them in court. However, on the orders of the Commissioner of Police, they were released unconditionally.[13]

According to the report of the Commission, Kaindi explained the circumstances under which she had come to release the suspects without charge. She said:

> You find that I get calls from Nairobi, my boss says, "Did you arrest these people?" 1 say, "Yes, for this and that". Then he says, "Well, warn them and let them go home." I comply.[14] »

As pointed out, it was widely reported that the Nyamarambe incident was evidence of *chinkororo* at work. For example, Kaindi was categorical in her evidence to the Commission that the group in question were members of chinkororo. However, informants, including Kerosi Ondieki, countered the conclusion by police that those involved in the Nyamarambe attack were members of chinkororo.They said that contrary to police assertions, these were amachuma, members of Nyachae's private army, who had carried out the attack the rival politicians. In the view of these informants, the Nyamarambe incident was an example of how a benign group was being associated with

. kerosi Ondieki, an advocate of the High Court of Kenya, and a politician in Gusii provided a personal interview on 12th August 2009.

political crime because of a lack of understanding on the part of the police as to the difference between the two groups.

Following the Nyamarambe incident there were attacks in the Sondu area by jCipsgis tribesmen on their Gusii neighours in what was viewed as revenge attacks for the assault of Ruto and his political colleagues. These attacks and revenge attacks contributed to the poisoned relationship between the two communities and were to provide an important backdrop to the post election violence. An informant, Samuel Omweri, took the view that the attack on Ruto, was viewed as an affront by the Kisii on the Kalenjin people, and is what triggered revenge attacks by members of the Kipsigis community on Gusii people who had bought land in the Sondu area.[16]

Role *of chinkororo* in the post election violence

Following the elections in December 2007, tension began to build up along the Gusii Kipsigis border at Chepilat. According to the report of the Waki Commission, Kipsgis youth barricaded the road and started violent attacks on members of the Gusii community living among them. Thereafter, arson attacks on the property of Gusii people were carried out along the common border, as well as increased incidents of cattle theft were evident, leading to violent skirmishes between members of the two communities along the border.

The report of the Commission of Inquiry into the Post election violence is again useful in providing the background to this situation at the end of January 2008, as part of the post election violence. According to Gusii informants, Kipsigis people, apparently incensed by the fact that Gusii people had voted for a candidate in the presidential elections other the one preferred by Kipsigis started a conflict with the Gusii along the common border. This escalated very considerably following the death of a Kalenjin Member of Parliament in Eldoret, the death having been attributed to a Gusii policeman. As a part of the violence Kipsigis men had violently invaded Gusii homes near the border, which they set on fire.

According to Omweri, it is under these circumstances that Gusii people then organized themselves to resist the attacks and, as part of this, enlisted the support of *chinkororo* from the southern end of Gusii, to bolster their resistance. A group of elders along the

Omweri is a former Member of Parliament and a community leader.

Gusii Kipsigis border came togetlier and raised money to enable them bring in chinkororo to bolster the resistance. An initial group of *chinkororo,* numbering about 30 to 50, was brought in from the southern end of Gusii but the stretch of the border along which the fighting was taking place was so wide that these were not able to provide effective cover. In the meantime, the local community leaders maintained their request that the authorities should send them police to provide a buffer with the Kipsigis, who they said, were amassing on their side in large numbers, leading to the fear that the Gusii would be overrun. However, according to several informants, police did not arrive for long periods, leading to those living at the border to start fleeing into the hinterland, and those at the hinterland to start organizing themselves to resist what was expected to be an invasion of their territory.

When it became clear that more members of *chinkororo* would be needed to support those who had already arrived, the local elders conferred and agreed to raise money for mobilising additional members of chinkororo. The money was for hiring vehicles for the transportation of members of chinkororo as well as to cater for their food and other personal expenses while on deployment. Subsequently, a lorry-load of *chinkororo* from Nyangusu set out for Gusii/Kipsigis border but never made it there. This is because they were intercepted by police in Keroka town, and placed in custody at Keroka police station. Apparently, police had been tipped off about the ferrying of these *chinkororo* who were arrested while armed with an assortment of traditional weapons. The arrest, which had happened at the height of the conflict between the Gusii and Kipsigis attracted a huge crowed which gathered at the police station, demanding the release of *chinkororo.* The crowd threatened to burn down the station if those arrested were not released. They saw this as evidence of partisan conduct on the part of police, who, according to Gusii people, had allowed the mobilisation of warriors on the Kipsigis side, but were arresting Gusii warriors who had been mobilised to counter them. Further, it was pointed out to the police that the reason why it had become necessary to mobilize *chinkororo* was because police had failed to provide the people with security in

the face of attacks from the Kipsigis, from which they had already sustained heavy losses. "Pressure from the large crowd led to the unconditional release of the *chinkororo.*

According to informants, both the District Commissioner for Masaba where the police station falls and the Officer Commanding Keroka police station were transferred from the area in the wake of the incident involving *chinkororo.* It was understood that the reason for their transfer had to do with the fact that higher authorities were unhappy about how they had handled the chinkororo situation. According to villagers, these were transferred in response by the authorities to their complaints that both the District Commissioner and the head of police were of the Kalenjin ethnic community and could not be trusted to lead in resolving conflict between Gusii and Kipsigis people, the Kipsigis being a sub-group of the Kalenjin ethnic community.[10]

An attempt was made to access the relevant records at Keroka Police Station where the arrest, and subsequent release of these members of *chinkororo,* may have been documented. Although access to these records was denied, the Officer Commanding the Station, David Lakwendi, confirmed that the reason for the arrests was membership of an unlawful organisation, that is *chinkororo,* and secondly these were arrested for possession **of** offensive weapons.

The death of David Kimutai, M.P.

The further involvement of *chinkororo* came at'the end of January 2009, by this time, the post election violence in much of the country had run its cause and places like Nairobi, the fighting had stopped. Even along the Gusii/Kipsigis border, the fighting had needed even though there was still much tension between the two communities. What triggered the fresh fighting at the end of January was the death of a Kalenjin Member of l'arliament, David Kimutai, was killed allegedly by a policeman believed to be a member of the Gusii community. The death of Kimutai did not seem to be connected with the political tension in the country, and may have been the result of private circumstances. However fresh fighting broke out during which residents along the border felt called upon to mobilize *chinkororo* one more time. Hezron Otochi, an elder and a resident of

Several informants provided information on this incident including the Keroka OCS, David Lakwendi, Hezron Otochi, an elder in Nyansiongo area, the District Officers in Borabu, Mungania and Gitau.

The Keroka Officer Commanding Station, David Lakwendi, Hezron Otochi, a local elder at Nyansiongo [an(]i the Second District Officer at Borabu, Gitau, all corroborated this version of events.

Myansiongo, informed the study of how this happened, saying, "At the end January 2008, our homes came under attack from the Kipsigis after a Kalenjin Member of Parliament was killed in Eldoret. It was alleged that he had been killed by a Gusii man, so the Kipsigis attacked us here, in revenge against the death of the M.P. We got information that several farms in this area were under attack including Isoge, Kineni, Magombo, Raitigo, Esise, Mekenene, and Chebilat. We called the police but they did not come. The Kipsigis had amassed in thousands on their side, and we had only a few boys trying to stop them from coming into our homes. This area is sparsely populated so it is very difficult to fight the Kipsigis on our own: without some help, they will overrun us, kill our people and burn houses and steal our cattle."[19]

The account by Otochi as to the onset of sudden attacks by the Kipsigis on an unprepared Gusii people is corroborated by the findings of the report of the Commission of Inquiry into the Post Election violence. The report also corroborates Otochi's assertion that police failed to respond in time to the calls of people who found themselves under this invasion. According to the report:

> Police response to people in distress was hindered not only by the inadequacy of personnel on the part of the security forces, who were simply overwhelmed by the demands on them and were, unable to cope with the situations created by the violence but also because those under attack were spread over long distances in a rural setting. . . . . Further, and as the police and other witnesses told the Commission, the emergence of illegal roadblocks hindered police movement, or altogether blocked off access to some of those in need. . . . Further, the Commission received evidence that police sometimes stood passively as property was damaged and did nothing to restrain the violence or arrest the perpetrators. For example the Commission heard that, "Chebilat was not burnt in one day. It was burnt for almost three weeks. There were destructions in front of the officers".

And so in response to these attacks, and following the failure of the police to come to their rescue, the elders in the various settlement schemes got together, raised money and sent for *chinkororo* from the Gusii/Maasai area. According to informants, *chinkororo* Provided this service completely free of charge. "The only cost into which local people

Personal interview atNyansiongo on 13[lh] August 2009.

go is to provide them with food and transport them back to their homes once the peace is restored," said Otochi.

Members of the Gusii community who were well to do, and could afford to do so, or those that live at the border with the Kipsigis and who felt most vulnerable in the event of an attack, were forced to maintain members of *chinkororo* as private security in their homes for sometime, even when peace has officially been declared. In such a case *chinkororo* served as private security rather than as the ethnic warriors for the whole community. One informant noted the creeping in of commercial concerns on the part of *chinkororo.* Whereas, in previous occasions they had volunteered they services and were happy to take whatever was given to them in appreciation for those services, some of them had in 2008, attempted to drive hard bargains as a part of agreeing to serve as *chinkororo*[20]

Interview with Hezron Otochi.

CHAPTER 5

PERCEPTIONS OF CHINKORORO AN1) OTHER GROUPS IN THE GUSII COMMUNITY

Introduction

This chapter encompasses the findings of a study carried out to determine common perceptions about *chinkororo* and other violent groups operating among the Gusii people. The study was conducted for a number of specific purposes, including the following:

a) To assess the level of intensity in the interaction between members of the public and three of the militia groups that have been active among the Gusii community, that is *chinkororo, amachuma* and *sungu sungu.*

b) To assess the level of public awareness as to the distinction between the three militia groups.

c) To assess the attitudes held by members of the public about the three militia groups with a view to determining the level of legitimacy of the three groups.

Background information on respondents

For accuracy of information and in order that as broad a cross-section of the population would be covered as possible, an endeavour was made to draw respondents from different backgrounds. The diversities that were taken into account in this regard included age, sex, occupation, educational qualifications and variety in areas of residence. It was felt that these characteristics would shed the most comprehensive insights into the study.

Distribution of Respondents

The age, sex and area of residence of respondents was captured and tabulated as below:

Table 5.0: Background information of respondents

Major study area	No of Sublocation in the district	% of Total sub location	Total sampled residents
Nyagachi	23	68	34
Nyansiongo	17	53	36
Suneka	28	70	30
TOTAL	**68**	**54**	**100**

From the above information, a total of 68 sub-locations were accessed. This is 54% of all sub-location from the area under coverage. One hundred (100) respondents were sampled using systematic random sampling techniques. They were drawn from three major population areas in the larger Gusii district. These areas included Nyagachi, in Nyamira district, Nyansiongo in Borabu district and Suneka in Suneka district. The three major strata occupy 58% of the total Gusii landmass and accounts for up to 62% of the absolute population of the area, which is estimated to be at 1.8 million people.

Respondents by age and sex categories

Data was collected from the sampled respondents to determine as much personal information as possible. The following is a'summary of the profile of the respondents that were the subject of the questionnaire.

Table 5.1: Gender and age of respondents

Sex	Age group				
	18-28	**29-40**	**41-49**	**Over 50**	**TOTAL**
Male	12	19	18	13	62
Female	7	14	7	10	38
TOTAL	19	33	25	23	100

From the above information, 62% of the respondents were male while the rest, or 38% were female. In percentage terms this information is summarized below as follows.

The distribution of respondents can also be represented in percentage terms as follows.

Table 5.2 Distribution of Respondents by % share of tota

Age group	Total	Cumillative	% share
18-28	19	19	19%
29-39	33	52	33%
40-49	25	77	25
50-1	23'	100	23%
TOTAL	**100**		

The number of respondents by age and sex who had encountered violent groups by categories

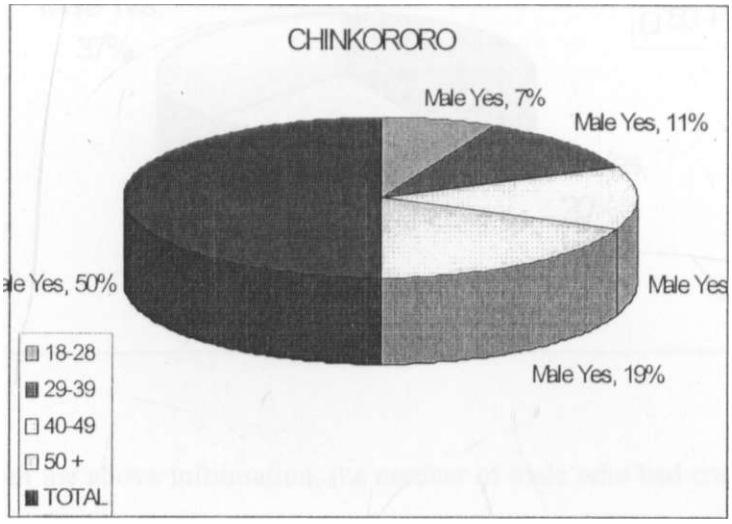
The personal interviews determined that the Gusii area had in place three major groups that had been active, namely *chinkororo, amachuma* and *sungu sungu.* With a view to determining the nature of activity that each of the groups had been involved in and also the attitude of the local people towards each of the groups, respondents were asked whether they had ever encountered any of the three violent groups (militia). The findings are tabulated in the table below.

Table 5.3 Respondents who had encountered violent groups in the Gusii area

AGE	CHINKORORO				AMACHUMA				SUNGUSUNGU			
	Male		Female		Male		Female		Male		Female	
	Yes	No	Yes	No •	Yes	No	Yes	No	Yes	No	Yes	No
18-28	5	6	3	7	6	5	6^{X}	4	9	2	6	4
29-39	8	7	3	7	14	3	5	3	8	9	3	5
40-49	9	4	2	6	9	4	6	2	8	5	4	4
50 +	13	6	**1**	3	16	2	2	3	15	4	*T*	2
TOTAL	**35**	**23**	**9**	**23**	**45**	**14**	**19**	**12**	**40**	**20**	**15**	**15**

The information on the proportion of the population, who claimed that they had encountered the militia group known as *chinkororo,* can be represented in the following figure. Also represented in the figure is the age and the gender of the respondents in question.

Figure 5.0: Respondents who had encountered *chinkororo* in the Gusii area

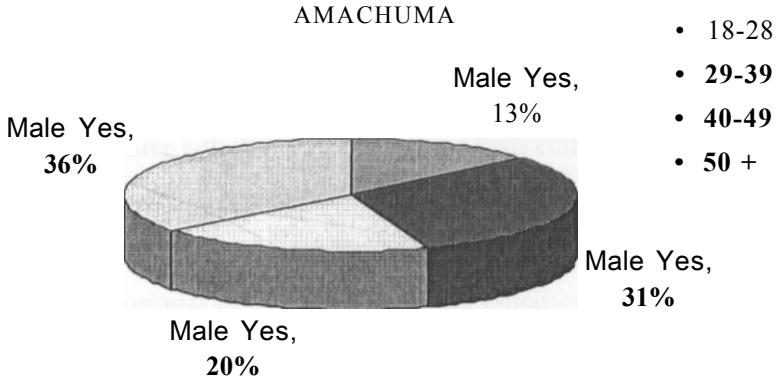


Encounter witli *amachuma*

As indicated above respondents were also asked to indicate whether they had encountered amachuma in the Gusii area.The information on the size of the population, who claimed that they had encountered the militia group known as *amachuma* can be represented in the following figure. The figure also includes a summary of the age and gender of the respondents.

t

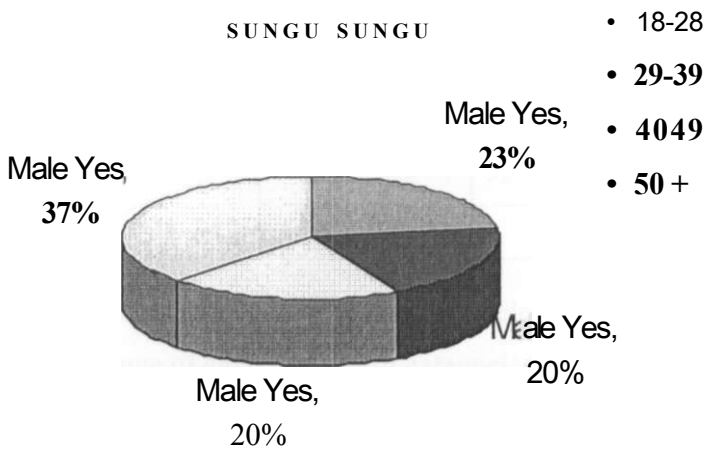
Figure 5.1: Respondents who had encountered *amachuma* in the Gusii area



Encounter with *sungu sungu*

The information on the size of the population, who claimed that they had encountered the militia group known as *sungu sungu* and the identity of the groups that they claimed to have encountered, can also be represented in the following figure.

Figure 5.2: Respondents who had encountered *sungu sungu* in the Gusii area



From the above information, the number of male who had encountered any of the three violent groups is more than their female counterparts. This number also increases with age. Older people were more aware or had encountered the violent groups in Gusii compared to the younger people. This could be explained by the fact that it is only the male members of the community that are either recruited or initiated into these violent groups. This statistic is consistent with the information received from key respondents that only men are allowed to become members of chinkororo and that membership is forbidden to women.

Circumstances under which violent groups are encountered in Gusii

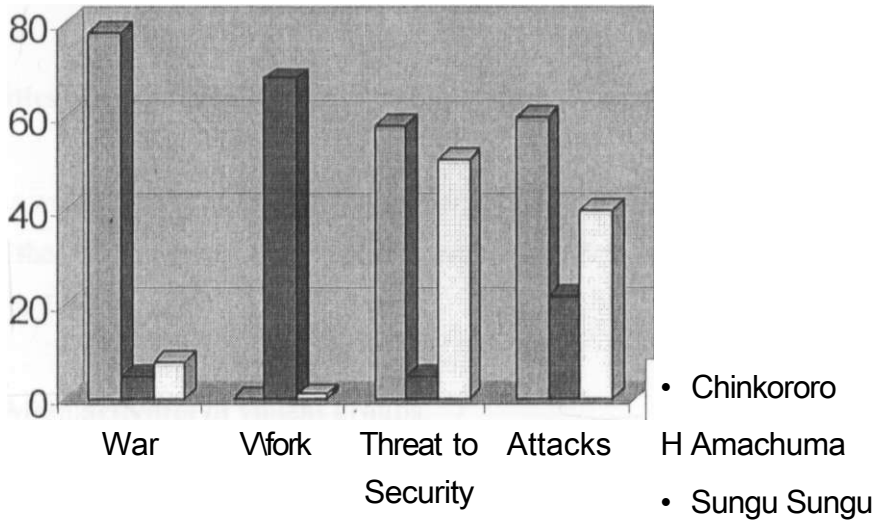
The study sought to establish as much information as possible the circumstances under which members of the Gusii community had encountered violent groups. Respondents were asked to narrate in their own words the circumstances under which these groups had been encountered. The most common of these were during inter-communal conflict between the Gusii community and their neighbours, mainly the Maasai and the Kipsigis. The study sought to establish which of these circumstances is most common amongst the residents of the area. The findings of the study are tabulated below.

Table 5.4: Circumstance for the encounter with categories of violent groups

Groups	War	Work	Threat to Security	Attacks
Chinkororo	78	0	58	60
Amachuma	5	68	5	22
Sungu sungu	8	1	51	40
Total				

The same information can be presented in the figure below. WVF***RS ' ' y*** **• -.-.,**

Figure5.3: Circumstance of encounter with categories of violent groups '



From the above information the following can be established. *Chinkororo* are mainly involved during conflict or when the community needs to defend itself against attacks by outsiders. They do not act when insecurity is occasioned by internal conflict within the Gusii community. They are well trained in warfare, are more secretive and rarely talk to non members.

There are two distinct meanings of the term *amachuma.* In the Nyamira area, which has had little conflict, this term is sued to refer to local unemployed youth who are available to offer the services to the community that require a lot of labour. According to this understanding, *amachuma* are any members of the community who

offer his labour, especially in relation to odd and physically exacting tasks, in retune for payment. They are unemployed youths and the majority are not educated. They dig graves during funerals, repair roads, clear buses and weed and pick coffee or tea in individual farms. One unique aspect of *amachuma* is that they can be at the service of individuals unlike *chinkororo* who owe their allegiance to the whole community through the elders.

Another understanding of the term *amachuma,* which is the understanding that was evident in Suneka area is that these are young men who do the bidding of local political personalities. Thus they are thus common during campaigns for political office. They are hired by politician to offer them escort services to provide security, to assist in portraying a show of popularity. *Amachuma* also provide private security to these politicians and are intimidate their opponents.

Main activities of violent groups

Respondents were asked to state what they understood to be the dominant or main activities of the militia groups. Their anwers were tabulated and are represented in Tables 5.5, to 5.7 below.

Table 5.5: Main activities of violent groups

Type of activities	No of respondents	Sample size
Community policing	61	100
Arbitration of disputes	11	100
Punishing offenders	32	100
Provision of security	52	100

From the Table 5.5, a majority of the respondents i.e. 61% felt that *sungu sungu* mainly operate as a community policing outfit (militias) especially in times of heightened insecurity. Even though they are engaged in resolving dispute, only 11% feel that this is part of their work. A large percentage of those interviewed i.e. 52% felt that their main work was to provide security to the community against crime.

Sungu sungu normally operates at night. They are therefore the community equivalent of legal state police force. Their action is to detect crime, punish offenders,

investigate crimes and offer security especially at night in crime prone areas. They can join with the other two groups to defend the community at times of external threat. The dual role of *sungu sungu* was demonstrated by respondents in Suneka area, who informed the study that during the post election violence, police in Kisii town used members of *sungu sungu* to foil an attempted arson attack on the town, apparently organized by people who were intent on spreading violence, which had engulfed much of the country, into the town. Members of *sungu sungu* were also deployed by the local police to repulse an advance by Luo youth, from the neighbouring Sondu area, who attempted to march on Kisii town with a view to evicting members of the Kikuyu community living in the town, as a part of the post election violence.

Opinion of respondents regarding role of *chinkororo* in the Gusii community

Respondents were asked to rank their opinion regarding the role of *chinkororo.* The finding is illustrated below:

Table 5.6: Opinion of respondents regarding role of *chinkororo*

Statement	**Rank**
Very useful to the community	51
Useful to the community	10
Not useful to the community	15
Quite harmful	18
Don't know	6

From the data collected, the majority i.e. 51% felt that *chinkororo* are very useful. Thus the approval rating of their existence in the community itself is high.

Opinion of respondents regarding role of *amachuma* in the Gusii community

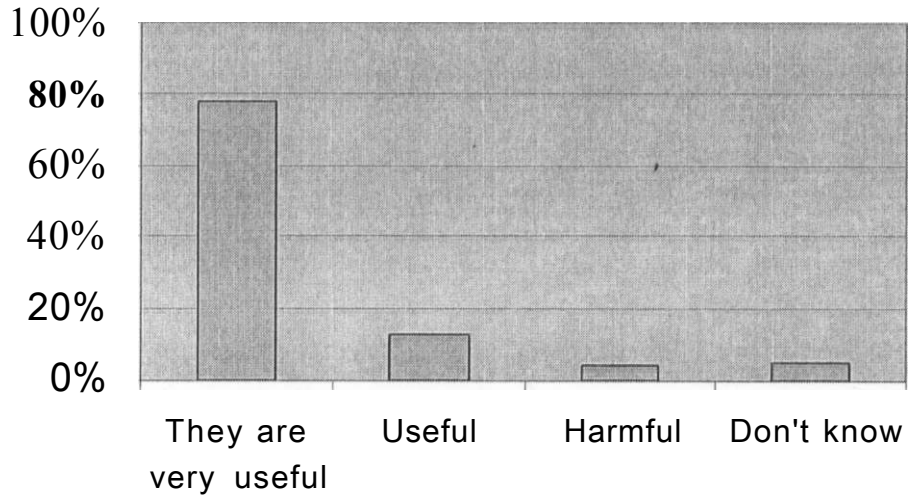
Respondents were asked to provide a statement indicating the level of approval *amachuma* in the community. Whether the community approves or disapproves of the role of *amachuma* was analyzed. The result is indicated in the table below.

Table 5.7: Opinion of respondents regarding role of *amachuma*

Statement	Percentage
They are very useful	78%
Useful	13%
Harmful	4%
Don't know	5%
TOTAL	**100%**

The information on the views of the community regarding the utility of amachuma can be presented graphically below.

Figure 5.4: Opinion of respondents regarding role of *amachuma* in the Gusii community



It is evidenced that 78% of respondents view the role of *amachuma* in the Gusii community as useful. However, this result needs to be linked with the understanding that was provided by the respondents as to the meaning of the term *amachuma.* As indicated, all the respondents in the Nyagachi (Nyamira) area defined *amachuma* as casual labourers. Not surprisingly, all of these respondents considered them to be very useful to the community, and account for the high percentage of the

respondents who provided an opinion to the effect that these are useful to the community. In the Suneka and Nyansiongo areas, where this term was understood as meaning those who hang around politicians and are used for violence by the politicians, the perceptions as to the role of this group was considerably less favourable and form much of the 4% of the respondents, who felt that they are harmful. The individuals who hired them are the one who sometimes misuse them to commit crimes.

CHAPTER 6

CONCLUSIONS

Introduction

This study set out to accomplish the following objectives:

a) To investigate the internal organization of militia groups, with specific emphasis on *chinkororo,* with a view of promoting the pool of information on militia groups in Kenya.

b) To investigate the role, if any, that *chinkororo* played in the post election violence as an exemplar of the role of militia groups in the perpetration of politically instigated violence in Kenya.

c) To assess the effects, if any, of the measures that have been taken by law enforcement against *chinkororo* group as a prototype militia group, with a view to informing the discourse on the control of militias in the country.

For the purposes of the study, a number of hypotheses that correspond with the broad objectives of the study were advanced including that chinkororo has no structured existence, and has no defined membership or leadership. A second hypothesis was that the role of chinkororo in the post election violence was largely the defence of the Gusii community from the aggression of neighbouring communities and thus role was necessitated by the failure by the state to protect the Gusii community from these threats.. Thirdly the study set out to prove the proposition that there is no integral law enforcement plan against militia groups, beyond the announcement that these are banned and, therefore, the effects by authorities on these groups are *ad hoc* in nature.

The purpose of this chapter is to provide an assessment of the extent to which the objectives of the study have been achieved and the broad findings that can be claimed to have been made.

Findings of the study

Whereas this study set out to provide better understanding of the militia group called *chinkororo*, in the process of the research, it proved inevitable to also inquire into other groups that operate within the space that *chinkororo* ordinarily occupy. As seen in the study, the discourse on political violence among the Gusii people portrays this as a phenomenon in which only one homogenous militia group, *chinkororo,* is an actor. However, one clear finding is that there is more than one

group involved in the processes that are accompanied by violence within the Gusii community. These include *amachuma* and *sungu sungu.* Any measures for the identification and control of chinkororo must also deal with these other groups.

Secondly, there are various conditions under which violence occurs in the Gusii community. The first context, the one which receives by far the greatest attention, is politically-connected violence, which often occurs during, or in connection with, the electioneering process, or is somehow linked with electoral politics. Even within this setting, there are varying circumstances in which violence is deployed. One category of violence is related to events within the Gusii community while the other strand of the violence involves Gusii people, on the one hand, and members of the other ethnic communities that surround them.

Where election-related violence is internal to the Gusii community, it is more than likely that *amachuma,* and not the other two groups, will be involved in the violence. If the violence has inter-ethnic aspects, it is more likely that this will draw in members of *chinkororo.* However, the popular portrayal of violence within the Gusii community seldom seeks to unpack the possible actors involved and fails, therefore, to provide accurate analyses on the identity and role of the various possible players. The incident in Nyamarambe in September 2007, during which leading members of the opposition to the ruling party were subjected to violence demonstrates this point amply: according to Grace Kaindi, at the time the Provincial Police Officer for Nyanza province, the group in action during this violence was *chinkororo.* However, according to various informants interviewed during this study, the violence was carried out by an organised gang of *amachuma,* under the control of a local politician, Simeon Nyachae.

The framework that has been adopted by the Kenyan state for the control of the activities of militias, involves the classification, by name, of the various groups that the government deems to be a threat to the security, and which it then proscribes. It is obvious that this strategy needs accurate information as to the identity of the various groups whose activities may be of interest to the police. It is, however, clear that police have not done particularly well in segregating the various violent groups in operation among the Gusii and that they may have applied the ban on the basis of inaccurate information. It would follow that any other law enforcement action on their part may similarly be based on inaccurate information.

Relating findings to hypotheses

At this stage, two of the hypotheses that this study set out to prove can conveniently be discussed together: the first is that *chinkororo* are not an organised group and the second is that contrary to assertions by the law enforcement community, *chinkororo* are a benign group that has arisen in response to the failure by the state to provide security to its citizens. In relation to these two hypotheses, a number of observations arising from the findings of the study can now be made.

First, *chinkororo* were originally a phenomenon of the border between Gusii and the Maasai and arose in circumstances of the inter-communal conflict between the two communities. In later years, when conflict spread to the border between the Gusii and the Kipsigis the phenomenon of *chinkororo* was exported from the Gusii/Maasai border and now became also part of the experience along the Gusii/Kipsigis border. It is clear that *chinkororo* are a self-defence response by the Gusii in the environment of conflict with the communities that neighbour them. In this regard, the phenomenon of *chinkororo* is evidence of the failure by the state to provide security to its citizens, which then compels them to take matters into their own hands.

This conclusion is supported by the fact that *chinkororo* lie in hibernation during peacetime between the Gusii community and their neighbours, and only emerge during times of tension or conflict between the two communities. Thus, if there was never conflict, there would never need to be a formation or mobilisation of the group known as *chinkororo,* and police would never need to respond to this group.

Secondly, and following from this assertion, it has also been established that *chinkororo* are not an organised group with a defined leadership and membership structure, such as the ban on them by the police implies. Those who assume the identity of *chinkororo* are the ethnic warriors who happen to be of age at the time and place where inter-ethnic conflict emerges and who are called upon to defend the interests of their community in the circumstances of such an attack. In the early 1990s, when there was relatively prolonged fighting along the Gusii/Maasai border, an element of organisation began to emerge among the members of chinkororo, with the emergence of Ombaki Nyang'oina as the overall leader of chinkororo along the border. However, the leadership never took root, possibly because of Ombaki's early death but more likely because the government eventually intervened and ended the

conflict along the border. One possibility, therefore, is that if there is ever to be prolonged or periodic conflict along the border and in the absence of state intervention to deal with such conflict, a defined structure of *chinkororo* may emerge, which would then provide a real cause for worry for the law enforcement community.

The organisation that *chinkororo* assume whenever the need for their services arises is, at best, rudimentary and does not have the level of sophistication that law enforcement assumes it does. At best members organise themselves in small cells for purposes of patrolling their tribal area to detect and deal with possible danger. When the community needs to go to war, it openly organises itself to support *chinkororo* as its chosen warriors to defend territory and property. It is unlikely that an arrangement such as this could ever be more that an innocent attempt by border-point people to organise own security in the face of hostile neighbours. This phenomenon would surely not merit the ban that portrays *chinkororo* as a dangerous community group.

Thirdly, as seen, the identity of chinkororo has been mobilised and manipulated in circumstances other than those that present a legitimate security danger to the Gusii community. The fact that *chinkororo* have a fluid identity, despite also possessing a strong brand and high levels of legitimacy in the community has been exploited for narrow political interests. The absence of criteria for identifying genuine members of *chinkororo* from others makes it easy for ethnic warlords to mobilise around the identity of *chinkororo,* even if the individuals mobilised may, in fact, be members of other groups. However, the temptation to suggest better identification of the various groups must be resisted, if it is appreciated that all violent groups, that are outside of the state, are ultimately illegitimate, and that the only to deal with legitimate security concerns is for the state to deal with the situations that lead to the insecurity.

In the final analysis militias, whether *chinkororo, amachuma* or *sungu sungu,* are a symptom of dysfunction on the part of the state. Whereas, in traditional tribal life, a celebration of the exploits of *chinkororo* was understandable, the maintenance of this group in a modern state is anachronistic and the conditions that give rise to these groups will need to be addressed as a part of the long term commitment on the part of the Kenyan state to political stability.

***Chinkororo* as a militia group: Linkages with the National Dialogue and Reconciliation Process**

Militia groups played an important role in the election-related violence that has occurred in Kenya, and which gave rise to the National Dialogue and Reconciliation process. Further, this was not this first time that militia groups were implicated in political violence: official investigations established by the government into the causes of the 1992 and 1997 election-related violence confirmed that organized militias had played an important role in the violence, actively participating in much of the pillage and plunder that characterized the violence. Thus, there is now in place a well ingrained habit of mobilising vigilantes in all the important stages in the electioneering process, as a pre-emptive measure against violence from political competitors and opponents.

The importance of militia groups in Kenya's political violence was underscored by the fact that in the National Dialogue and Reconciliation process, established to mediate the political crisis in Kenya, specifically identified the importance of these groups in the propagation of the violence. One of the first resolutions to be reached by the mediation process was, not surprisingly, directed at the demobilization and disarmament of the militia groups. It was the view of the mediation process that the demobilization of militia groups would be a necessary condition to overcoming the crisis that the country was facing at the time.

An independent review of the implementation of the agreements reached by the Kenya National Dialogue and Reconciliation process, which was released at the beginning of 2009, noted that right from the onset of the mediation of the Kenyan conflict, it had been realized that the demobilization and disarmament of militia groups, which had participated in the post-election violence, was important for the long-term stabilization of the country. After the signing of the National Accord, the coalition government began to curb the operations of *mungiki* and the Sabaot Land Defence Force (SLDF), the two most prominent militia organizations in the country.[1]

To deal with the SLDF, a military operation, referred to as "Okoa Maisha" was instituted on March 10, 2008 in the Mt. Elgon District, where the SLDF had

' The Kenya National Dialogue and Reconciliation Monitoring Project, Report on the Status of Implementation, January 2009, accessed on the official website of the Kenya National dialogue and reconciliation process, www.diaroguekenya.org on 22 April 2009.

operated. The operation sought to disband and disarm the SLDF and to curtail its operations in the area. According to the report, the operation led to the recovery of 100 guns, almost 2000 rounds of ammunition and the arrest of 1000 suspected members of SLDF. The operation was heavy-handed and generated numerous claims of torture.[2]

The report notes that from April 2008, the government commenced action against *mungiki* after members of the group had held huge demonstrations seeking the release of their leader from prison. Several *mungiki* leaders were killed amid claims by human rights organizations that police were targeting the leadership of *mungiki* for elimination. According to the report, citing human rights activists, several mutilated bodies of abducted victims were allegedly found in forests and morgues around Nairobi. The Kenya police, however, denied that they had deliberately targeted members of *mungiki* for elimination, even as human rights activists claimed that police were responsible for torture, killings and dumping of the suspects' bodies.[3]

According to the report, throughout the last quarter of 2008, there were instances of mopping up of guns especially in North Rift Valley province. Citing police records, by the end of 2008, some 664 guns and 7,138 rounds of ammunition and 174 explosive devices had been recovered.

The report however criticized the disarmament programme, claiming that it was indistinguishable from the approach in dealing with ordinary problems of insecurity, even though the militia groups present a far more formidable security challenge than ordinary crimes. The report asserts that three main problems face the police in their attempts to disarm militia groups. First, there is difficulty in identifying members of such groups, especially because the groups have fluid organizational structures. For example, the maintenance of dreadlocked hair, which had been a form of identification for members of the *mungiki,* was now in disuse. Furthermore, many people who are not members of *mungiki* also wear dreadlocks.

Secondly, there is little co-operation from the public when police seek assistance in the identification of militia members. The lack of co-operation is the result of fear of reprisals from the militia, often witnessed when they suspect that somebody has reported them to the police.

[2] ibid
[3] ibid

Thirdly, there is the problem of politicization of violence. According to the report, some politicians mobilize youth to act against their rivals for political gain. In this regard, the report says that information exists of the use of *mungiki* as a personal army by some politicians. When there are no politicians to fund these groups, they resort to extortion of the public to maintain their livelihoods.[4]

After reviewing the efforts made towards demobilization of militia in Kenya, the report concludes that these efforts were not structured along the internationally accepted practices of disarmament, demobilization and reintegration. The informal nature of these groups and the inability to establish their sponsors and members has made it difficult to arrest and prosecute the groups.[3]

Conclusion

Whereas there has been action intended to eliminate *mungiki* and the Sabaot Land defence force, there has been no comparable action by the police against chinkororo. Given the finding that chinkororo do not have a structure that is easily identifiable, it would have been very surprising if the police had carried out a programme for the elimination of this group similar to that against the other two groups.

The conditions of marginalisation by the state contributed to the birth of the violent Sabaot Land defence force, which the government had to crack down upon. It should be appreciated that these same circumstances are capable of playing out in the Gusii area if official neglect persists in the face of communal insecurity.

[4] ibid
[5] ibid

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The National Guard Act

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

RESEARCH ON PUBLIC KNOWLEDGE OF AND PERCEPTIONS ABOUT VIOLENT GROUPS IN K1SII

1. Name of informant..... Home Area..... Date
2. Age

   18-28 • 29-35 • 36-45 • over 45 •
3. Gender

   Male |—| Female |___|
4. Occupation

5. Have you ever encountered members of chinkororo?

   Yes • No d H
6. Have your ever encountered members of amaclnima?

   Yes • No •
7. Have you ever encountered members of sungu sungu?

   Yes • No •
8. If the answer to any of questions 5, 6 and 7 is "yes", explain the circumstances under which you encountered the amachuma, chinkororo or sungusungu.

9. What is the difference between chinkororo, amachuma and sungu sungu?

10. What is your view about the role of chinkororo in the Gusii community (tick one)

|___| They are very useful to the community

I___1 They are not useful to the community

I___I They are harmful to the community

I___1 I do not know.

- Please explain your answer.

1. What is your view about the role of amachuma in the Gusii community? (tick one)

I___I They are very useful to the community

I___I They are not useful to the community

|___1 They are harmful to the community

I___I I do not know.

Explain your answer

12. What is your view about are role of sungu sungu to the Gusii community?

I—J They are very useful to the community

|___| They are not useful to the community

| | They are harmful to the community

I___I I do not know.

Explain your answer