



Centre for
Human Rights and
Restorative Justice

REFERENCES TO COLONIALISM, COLONIAL, AND IMPERIALISM

Kenya Truth Commission

Abstract

A list of references to colonialism, colonial, and imperialism in the Kenya Truth Commission.

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Links to Data Visualization

This section contains links to all data visualization for the Kenya report.

Comparison Charts

- [References to Colonialism, Colonial, and Imperialism chart](#)
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Word Trees

- [Colonial](#)
- [Colonialism](#)

References to Colonialism, Colonial, and Imperialism

This section contains all references to colonialism, colonial, and imperialism from the Kenya report.

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Reference 1 - 0.02% Coverage

all regions of the country.

The violence, bloodshed and destruction of the PEV shocked Kenyans into the realisation that their nation, long considered an island of peace and tranquillity, remained deeply divided since independence from British colonial rule in December 1963. It prompted a fresh opportunity for the country to examine the negative practices of the past five decades that contributed to a state that still holds sway in Kenya: normalization and institutionalization of gross violation of human rights, abuse of power and misuse of public office.

Although the PEV was the

Reference 2 - 0.03% Coverage

SUMMARY Volume I Primary findings

□ The Commission finds that between 1895 and 1963, the British Colonial administration in Kenya was responsible for unspeakable and horrific gross violations of human rights. In order to establish its authority in Kenya, the colonial government employed violence on the local population on an unprecedented scale. Such violence included massacres, torture and ill-treatment and various forms of sexual violence. The Commission also finds that the British Colonial administration adopted a divide and rule approach to the local population that created a negative dynamic of ethnicity, the consequences of which are still being felt today. At the same time the Colonial administration stole large amounts of highly productive land from the local population, and removed communities from their ancestral lands.

□ The Commission finds that between

Reference 3 - 0.04% Coverage

and reparation framework.

Thematic Overviews

Political History: A general overview In order to contextualize gross violations of human rights and historical injustices that occurred during the mandate period, the Commission divided the political history of Kenya into four distinct epochs. These epochs correspond with the four political administrations that governed the country prior to and during the Commission's mandate period: □ British colonial era (1895 to 1963); □ President Jomo Kenyatta's era (1963 to 1978); □ President Daniel arap Moi's era (1978 to 2002); and □ President Mwai Kibaki's era (2002 to 2008).

A review of the colonial period by the Commission revealed a litany of offences and atrocities committed by the British administration against the people now known as Kenyans. These violations included massacres, torture, arbitrary detention, and sexual violence, most of which were committed, initially, when the British government forced its authority on the local population, and later, when it violently sought to quash the Mau Mau rebellion. Between 1952 onwards, the British administration established

detention camps in which suspected members of Mau Mau and/or their sympathisers were tortured and ill-treated. Others were detained in restricted villages where they were used as forced labour under

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Reference 4 - 0.01% Coverage

gross violations of human rights

- ☐ The failure of the first government in independent Kenya (led by President Jomo Kenyatta) to dismantle the repressive state structures established by the colonial government
- ☐ The use of and subsequent enhancement of repressive laws, policies and practices initially employed by the colonial government by post-independence political administrations (President Jomo Kenyatta's and President Daniel Arap Moi's administrations)
- ☐ The creation of a de

Reference 5 - 0.06% Coverage

its agents against innocent citizens.

harsh and inhuman or degrading conditions. The colonial government was also responsible for massive displacement of thousands of people from their lands. More than five million acres of land were taken away from the original inhabitants. This displacement created the conflicts over land that remain the cause and driver of conflict and ethnic tension in Kenya today.

On 12 December 1963, Kenya gained independence from British rule. Independence came with high expectations and hopes. It signalled an end to practices that had been institutionalised under British rule; the end of racial segregation, detention camps, torture, massacres, unlawful killings and similar practices that had been institutionalised under colonialism. To the citizens of a new free nation, independence meant the return to lands from which they had been forcibly evicted and of which they had been dispossessed in order to pave the way for British settlers. It was supposed to be the beginning of political and economic emancipation; the start of respect for the rule of law, human rights and dignity and the laying down of the foundations and tenets of democracy. Many envisioned a newly invigorated, united nation.

These expectations never materialized. President Kenyatta made no substantial changes to the structure of the state. Nor did he commit to or put in place mechanisms to redress the land problems that had been created by the colonial administration. Instead, President Kenyatta embarked on consolidating his power. Under his administration, any political dissent was met with quick rebuke and reprisals in effect forcing the populace into a silence of fear. Reprisals included harassment, various forms of intimidation, attacks on the person, detention and even assassination. Many fled into exile for fear of their lives

Reference 6 - 0.02% Coverage

than protectors of the same.

In this regard, the Commission sought to trace the origins of practices employed by security agencies during security operations. What emerged is that the practices adopted by the police and military forces in independent Kenya are starkly similar to those employed by the same forces during the colonial period. In essence, Independent Kenya inherited a police force that was deeply and historically troubled. From the 1890s right through to the late 1950s and early 1960s, the Kenya police force clearly structured itself around the policing needs of a small and politically powerful elite and racial minority. Kenya's police force was from the outset built to

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cater to these privileged few. When, however, the Kenya Police Force did encounter African populations it was with a force and devastating violence. Throughout the temporal period of the Commission's mandate this resort to brutality by the security agencies never changed. The police force remained a law unto itself. The Kenya Police Force of today largely resembles the Kenya Police Force of the colonial period: narrow in outlook, unclear in mission and violent in tendency.

It is therefore not surprising that the use of excessive and fatal force by security agents, especially by the police, against citizens has been a recurring theme throughout Kenya's post-independence. Indeed, incidents of extra-judicial killings go back to colonial period. The practice continued into the post-colonial period. Research and investigations conducted by the Commission, coupled with testimonies it received during its hearings, show that during the mandate period, there was a common trend and pattern of extrajudicial killings and enforced disappearances of members of illegal organizations such as Mungiki and Sabaot Land Defence Force.

Moreover, whenever the police force

Reference 8 - 0.02% Coverage

what are otherwise horrible tragedies.

The history of the military paints a similarly grim picture. During the colonial period, and especially during the emergency period, the military was engaged in the screening and interrogating of people in order to extract information from them concerning Mau Mau. It is from these twin processes of screening and interrogation that the most astonishing evidence of widespread and institutionalized torture has emerged. The military would continue to use similar brutal tactics way into the post-independence era and as recently as March 2008 during Operation Okoa Maisha in Mt. Elgon.

Shifta war

The Shifta War

Reference 9 - 0.04% Coverage

in Mt. Elgon.

Shifta war

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations

committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance.

Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and

administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

The Commission did not get

Reference 10 - 0.01% Coverage

residing in the north.

Massacres

The history of massacres in Kenya predates colonialism in Kenya. There were inter and intra-ethnic killings, as illustrated by the Maasai wars of the 1800s. This was the context in which the colonialists entered the scene and opened fresh horizons for mass violence.

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The Commission studied the history of massacres in Kenya to identify broad trends and patterns of mass violence that have recurred throughout Kenya's history. The first properly documented massacre in Kenya's colonial past was the Kedong Massacre of 26 November 1895. Other massacres include those committed in the context of the Giriama Rebellion of 1912-1914, and the Kollowa Massacre of 24 April 1950. Other massacres were committed during the Mau Mau uprising between 1952 and 1959. In this regard, the Lari and Hola Massacres stand out. In all these massacres, the colonial state was present and was always unapologetic. Indeed, the colonial state always tried to minimise, cover up or flatly deny the occurrence of such mass killings.

At independence, the country was

Reference 12 - 0.04% Coverage

into social unrest and violence.

Illegal acquisition of large tracts of land from indigenous communities during the colonial period rendered many communities at the Coast and in mainland Kenya landless. While affected communities expected redress through resettlement, restoration of their land and compensation from the Kenyatta and subsequent post-independence administrations, the government, instead alienated more land from already affected communities for the benefit of politically privileged ethnic communities and the political elite. This led to deeply held resentments against specific ethnic communities who benefited from resettlement at the expense of those who believe they are the rightful owners of the land.

The Commission confirmed that land has been and remains one of the major causes of intra and inter-ethnic conflicts in the country. However, addressing historical and post-independence land injustices has not been genuinely prioritised by successive governments despite the critical importance of land to the country's economic development. There has never been any sustained effort to address land injustices that have occurred since colonial times.

The Akiwumi Commission of Inquiry

Reference 13 - 0.02% Coverage

to those of other regions.

The North Rift Valley region was found to have been marginalised from colonial times through to the present. Insecurity, a harsh climate and regular inter ethnic and cross border conflict make the region difficult to live in. Absence of security personnel has led to a localised small arms race as groups accumulate arms to protect themselves. Successive governments maintained the same closed area policies as the colonialists preventing interaction with the rest of the country effectively marginalising the region. Indicators for education, health, infrastructure, water, housing and sanitation were very low compared to the rest of the country. Only one hospital serves the six districts of Turkana. Landlessness is the major indicator

Reference 14 - 0.03% Coverage

Cohesion and Integration Commission (NCIC).

Through its research and hearings, the Commission identified several causes and drivers of ethnic tension in the country. The roots of most of these causes are traceable to the practices of colonial administration. Firstly, the colonial government pursued a policy of ‘divide and rule’ in order to consolidate their hold on the country, and to lessen the possibility that the African population would resist colonial rule. To that end, they magnified the differences between the various communities and regions, and stereotyped each community in a manner that would sow suspicion, hatred and create a sense of ‘otherness’. Secondly, the colonial government created ethnically defined administrative boundaries. In determining such boundaries, little serious thought, if any, was given to historical inter-ethnic interactions and relations. Thirdly, the colonial

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Reference 15 - 0.03% Coverage

on developing infrastructure and social services in productive areas of the country (the so called ‘white highlands’) at the expense of the rest of the country. The resulting inequality remained largely unaddressed in the policies and practices of independent Kenya. The preferential treatment given to some areas of the country because of their clear productivity thus led to differential treatment of ethnic communities that were patterned around the ethnic enclaves created by the colonial government.

Fourthly, the colonial land policy, particularly in the so-called ‘white highlands’ contributed enormously to regional and ethnic marginalisation from the economy. Colonial land policies resulted in displacement, the creation of ‘native reserves’, as well as the movement of masses of people from areas of their habitual residence to completely different regions and settling them on lands that traditionally belonged to other communities.

Thus, Kenya entered the era

Reference 16 - 0.02% Coverage

the Somali as terrorists, etc.

□ Culture and stereotypes: While the colonial government played an important role in cultivating ethnic stereotypes, the Commission also received evidence that some stereotypes are drawn from and driven by traditional cultural beliefs and practices. For instance, the Commission heard that men from communities that do not practice male circumcision have always been stigmatised and regarded as lesser or weaker men, and therefore, incapable of or unsuitable to take political leadership of the country.

□ Ethnicity and access to public

Reference 17 - 0.02% Coverage

high expectations and hopes 4.

Few events in Kenya's history are as memorable as the Independence Day celebrations across the country on 12 December 1963 when British colonial rule came to an end. The joy, pride, excitement and euphoria witnessed that Thursday morning was unprecedented. Independence was made possible by the gallant Kenyan men and women who risked and sacrificed their lives and limbs fighting for freedom from colonial rule. With relentless courage they fought and died, not only for their own freedom, but also for the freedom of their children and their children's children – the generations not yet born.

5.

Independence came not only

Reference 18 - 0.01% Coverage

generations not yet born.

5.

Independence came not only at a great price but also with high expectations and hopes. Independence signified an end to practices that had been institutionalised under British rule; the end of racial segregation, detention camps, torture, massacres, unlawful killings and similar practices that had been institutionalised under colonialism.

6.

To the citizens of

Reference 19 - 0.02% Coverage

human rights.

Lost dreams 8.

The first political administration in independent Kenya – under the leadership of President Jomo Kenyatta – gradually returned to the ways of the colonial master. The government and the ruling political party, Kenya African National Union (KANU), not only retained repressive colonial laws, but also became increasingly intolerant of political dissent and opposition. Political assassinations and arbitrary detentions were turned into potent tools for silencing dissenting voices and ultimately for dismantling opposition political parties. For the larger part of Kenyatta's reign Kenya was a de facto one-party state.

9.

In addition to these

Reference 20 - 0.01% Coverage

of corruption in the Judiciary;

☐ lifting of the ban on operations of the Mau Mau movement, a ban that had been imposed by the British government during the colonial era;

☐ initiation of an inquest into

Reference 21 - 0.06% Coverage

Chapter TWO

Temporal Mandate 64.

The Commission's temporal mandate was one of the least understood aspects of its mandate despite efforts by the Commission to educate the public on this subject. This situation arose because up until its formation, disagreements were still rife as to which period the Commission should cover in its inquiry. Before the Task Force on the Establishment of a TJRC, a considerable number of people were of the opinion that a Kenyan truth commission should have a temporal mandate dating back to 1895 when the boundaries of what is now Kenya were demarcated. In essence, there are those who wanted the envisaged commission to address violations and atrocities committed during the colonial period. The Task Force, while agreeing that the colonial period was marked by unspeakable atrocities, rejected the idea that a truth commission should inquire into issues dating as far back as 1895. The Task Force explained its position thus: First, that period (1895-1963) is too remote in time, and the questions that it raises are too complex for a transitional justice instrument like a truth commission. Evidence would be scant; many of the perpetrators are long dead or are in the United Kingdom. Secondly, the answerable power is not Kenya, but the United Kingdom, and truth commissions are not generally established to investigate a remote, departed power. Finally, extending the truth commission to the colonial period would be an impossibly expensive, laboriously prohibitive, and practically unmanageable exercise. For these reasons, the Task Force rejects 1895 as an impracticable time-line, and instead recommends that the Kenya government sets up a less ambitious vehicle, such as a committee of eminent Kenyans to examine a limited set of issues relating to the colonial period.³⁴

65.

For the colonial period

Reference 22 - 0.04% Coverage

the colonial period.³⁴

65.

For the colonial period, the Task Force recommended that 'a less ambitious vehicle, such as a committee of eminent Kenyans' be constituted for purposes of examining 'a limited set of issues relating to the colonial period'. For the truth commission, the Task Force recommended that its temporal mandate be limited to the independence period. It offered four reasons for this position: The Task Force therefore is of the view that a truth commission ought to cover the period from 1963 to 2002, the post-colonial era and the period KANU ruled the country [...] the reasons for this choice, which the Task Force endorses, are rational, compelling, and unassailable. First, the period combines the first and the second regimes under KANU, and as such cannot be said to be selective or directed at any particular community. This is important because a truth commission cannot be legitimate if it appears to be an instrument to settle scores against a particular former regime, community or individuals. Secondly, the post-colonial period is very present, and not remote. Many of those who

³⁴ Government of Kenya Report

Reference 23 - 0.05% Coverage

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served in the independence government are still alive. Thirdly, it stands to reason that Kenyans ought to rightly audit their own state, not the colonial British state. Fourth, the human rights violations and gross economic crimes that the majority of Kenyans want investigated were committed over the last forty years. Lastly, the investigation span of the last forty years is financially feasible and defensible, practical, and could be carried out within a two-year period. It is for these reasons that the Task Force recommends that a truth commission cover the period from December 12, 1963 to December 31, 2002.³⁵

66. As described in the previous Chapter, the recommendations of the Task Force were never followed through. However, when the question of establishing a truth commission returned to the table under the KNDR process, the issue on the temporal mandate of the commission returned with it too. Perhaps, acknowledging that there were still some agitating for the colonial period to be the subject of inquiry, parties to the TJRC Agreement decided to limit the commission's mandate to the independence period but they also agreed to give it room to look into events prior to this period. According to the Agreement: The Commission will inquire into such events which took place between December 12, 1963 and February 28, 2008. However, it will as necessary look at antecedents to this date in order to understand the nature, root causes, or context that led to such violations, violence or crimes.

67.

In terms of the

Reference 24 - 0.01% Coverage

Commission would be empowered to look into the colonial period in as far as this period was relevant for understanding 'antecedents, circumstances and context' of violations committed after independence. When the Bill was introduced in Parliament, the Minister for Justice explained the proposed temporal mandate of the Commission in the following words:

Clause 5 gives the objectives

Reference 25 - 0.05% Coverage

including antecedents and circumstances.³⁶

68. Despite the above clear explanation, some members of Parliament still proceeded to lament that the proposed temporal mandate was too limiting to the extent that the colonial period was not covered. The words of Njeru Githae, then an Assistant Minister of Local government, are instructive in this regard: It is unfortunate that we have come up with the date of 12th December 1963 when Kenya attained Independence. If I would have been asked, I would have said we need to go backwards to when Kenya as a nation we know today, first existed. I would have gone back to 1895. This is the time that some of the so-called historical injustices started. I have talked of the year 1895 because before then, Kenya, whether a colony or a protectorate did not exist. This then would have given Kenyans an opportunity to go as far back as memory can remember. This would give the basis for the so-called historical injustices. Some of the so-called historical injustices are actually a result of colonialism.³⁷

69. After clarifications, those who harboured fears such as is quoted above came to understand that the envisaged commission could inquire into the colonial period. No changes were, therefore, made to the clauses in the TJR Bill relating to the temporal mandate of the Commission. Thus, in the TJR Act, the first part of the relevant sections mandates the Commission to investigate violations of human rights that occurred in Kenya between 12 December 1963 and 28 February 2008.³⁸ The second part mandates it to look into 'antecedents, circumstances, factors and context'.³⁹

70. Notwithstanding the clear authority

Reference 26 - 0.02% Coverage

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It ignores a crucial and critical part of the Kenyan history. It starts from 1963, yet some of the root causes of the issues that date back to the colonial era are not covered in the Act. Kenyans need to know why the

period before independence is being left out of the TJRC and why some Kenyans have been left out of the process, yet they have the living testimonies and memories of the history and real life experiences; not allegations. To us, the scope on the search for justice through TJRC should cover the history of our country as a whole.

71.

The Kenya National Liberation

Reference 27 - 0.01% Coverage

Commission, the association lamented that:

The TJRC Act of 2008 excludes the colonial period. Hence our members ranging from 3,500 are being left out in the truth-telling process of our country; being left out of this process leads to suffocation of Kenyan history and what haunt[s] us as a nation up to date.

72.

Indeed, similar concerns became

Reference 28 - 0.02% Coverage

in a constitutional reference.

73.

In addition to raising concerns about the perceived legal inability for the Commission to inquire into events that occurred during the colonial period, some people went further to assert that the Commission's mandate should have been extrapolated to cover the period after 28 February 2008. For instance, in its letter already alluded to above, the Release Political Prisoners Trust argued that: The [TJR] Act also ignores the period after February 2008, when other human rights violations took place, especially the killing of human rights defenders GPO and Oscar

40 High Court (Nairobi) Misc

Reference 29 - 0.03% Coverage

Violations of Socio-Economic Rights.

Ethnic tensions, particularly the tendency to view people who are different as 'the other' and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. Tracing the origins of ethnic tension in Kenya to the beginning of history was beyond the scope of the Commission's work. To understand the continued presence of ethnic tension today, and its evolution during our mandate period, we started with the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. In discussing ethnic tension since independence, we look at state and non-state actors, including the role of culture and stereotypes. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor.

It is this potent, and

Reference 30 - 0.01% Coverage

term has a connotation to

colonialism and ideas of African traditionalism and backwardness in opposition to white or European civilization. Therefore, the Commission does not use this term, except when quoting witnesses verbatim.
10.

Ethnicity may be used

Reference 31 - 0.01% Coverage

Ethnic Tension Colonial origins 15.
The origin of Kenya as

Reference 32 - 0.01% Coverage

customary laws and traditions.¹³
colonial societies in Africa.

16. Pre-colonial Africa consisted of two categories of societies. The first category had centralised authority, administrative machinery, and standing judicial institutions, while the second had communal and less intrusive governmental paraphernalia. These differences notwithstanding, the majority of pre-colonial African societies

11 As above. 12 See

Reference 33 - 0.01% Coverage

as well as fundamental cohesion.

17. Foreign intrusion – notably slave trade and colonialism – led to the decline and subsequent demise of many of the social and communal values that had defined African societies. With the introduction of Arab slave traders and European colonialists, African customary practices that essentially promoted homogeneity no longer evolved according to African needs.

18.

The weapons of Africans

Reference 34 - 0.02% Coverage

according to African needs.

18.

The weapons of Africans at the time (spears, bows, and arrows) were inadequate against the more destructive weapons of the foreign intruders. Consequently, African societies were easily dominated politically, economically, and socially and their social structures and cultures were either ignored or replaced with foreign ones. For the administrative convenience of the colonial rulers, the disparate traditional communities were forcibly cobbled together to form a single large territorial entity. It was in this fashion that most of the colonial African states, including Kenya, were formed and developed over the years.

Divide and rule policy 19

Reference 35 - 0.01% Coverage

Divide and rule policy 19.

The colonial government pursued a policy of 'divide and rule' in order to consolidate their hold on the country, and to lessen the possibility that the African population would resist colonial rule. To that end, they magnified the differences between the various communities and regions, and stereotyped each community in a manner that would sow suspicion, hatred and the sense of 'otherness'.

20.

In addition, colonial government

Reference 36 - 0.04% Coverage

the sense of 'otherness'.

20.

In addition, colonial government created ethnically defined administrative boundaries. In determining such boundaries, no serious thought, if at all, was given to historical inter-ethnic interactions and relations. For instance, the people of what was known as Northern Frontier District were divided into two main groups: Somali and Galla with each group accorded its own territory. Sub-groups within these two main groups were further restricted within specific territorial boundaries. The arbitrary manner in which these boundaries were created and the arbitrary nature by which previously independent communities were brought within one administrative unit encouraged competition for resources and ethnic tension.

21. Moreover, the colonial government focused on developing infrastructure and social services in productive areas of the country (the so called 'White Highlands') at the expense of the rest of the country. The resulting inequality remained largely unaddressed in the policies and practices of independent Kenya.¹⁴

Areas were 14 As above

Reference 37 - 0.02% Coverage

7

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defined productive if they contributed to the economic benefit of the colonial power. Thus, fertile agricultural land and areas important for transporting goods were singled out for infrastructure development. The preferential treatment given to some areas of the country because of their clear productivity thus led to differential treatment of ethnic communities that were patterned around the ethnic enclaves created by the colonial government.

22.

It is therefore not

Reference 38 - 0.04% Coverage

tension, conflict and violence.

23.

The colonial land policy, particularly in the so-called 'white highlands' contributed enormously to regional and ethnic marginalisation from the economy. Colonial land policies resulted in displacement, the creation of 'native reserves', as well as the movement of masses of population from areas of their habitual residence to completely different regions and settling them on lands that traditionally belonged to other communities. The creation of native reserves ensured that rural areas outside the European domain were demarcated and administered largely as tribal units. The colonial government restricted trade and contact between administrative units

24. By the time Kenya attained independence on 12 December 1963 the colonial power had imposed elements of a modern state structure on communities that historically lacked inter-communal coherence. By forcing ethnic communities that previously lived independent of each other to live together, the British colonisers appeared to be indifferent to the resulting ethnic polarisation. Furthermore, through its policies that favoured the investment of resources only in 'productive areas', colonialism encouraged and created the foundation for discriminatory development in Kenya.¹⁵

25. During the Commission's hearings

Reference 39 - 0.01% Coverage

COMMISSION

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activities. What would happen with the emergence of the colonial situation? Towards the end of 19th Century particularly after the consolidation

Reference 40 - 0.04% Coverage

British authority around the time

of World War I, what the British did which contributed to the emergence of consciousness of various ethnic groups was the idea of containment. Before colonialism, people were moving freely depending on their ability to conquer; but with colonialism, they were now confined to a territory. Administrative units were created and there was an association of people within an area. Over the years, a sense of feeling that "this is our area" or "this is our territory" or "this is our land" developed. Hence, the emergence of Nandi district, Kisii district, Kiambu district and so on. So, you are there because of colonial convenience but over the years, a consciousness of ownership of that particular asset called land began to emerge. Therefore, you begin to see the convergence of territory and ethnic groups. The association of certain ethnic groups emerged. For example, Central province belonged to Kikuyu, Nyanza for the Luos and Kisii, Western for Luhyas, Rift Valley for KAMATUSA; that is, Kalenjin, Maasai, Turkana and Samburu.¹⁶

“

26. As a result of

Reference 41 - 0.03% Coverage

Maasai, Turkana and Samburu.¹⁶

“

26. As a result of the ethnic biases that coloured development and land policies of the colonial government, Kenya, like many other African countries, entered the era of independence with a heightened sense of ethnicity that continued to divide rather than unite the country. This ethnocentrism had manifold implications. It encouraged the politicisation and manipulation of ethnic identities, resulting in the exclusion of some communities from participating fully in the core social, economic and political activities of the country.¹⁷ Consequently, one of the most acute problems the country faces is the endless struggle to integrate its different communities into a democratic modern nation, without compromising their respective ethnic identities.¹⁸

27.

The multiple contradictions left

Reference 42 - 0.01% Coverage

respective ethnic identities.¹⁸
27.

The multiple contradictions left behind by colonial policies on the one hand, and the lack of political will and commitment on the part of the ruling political elite continued to impact negatively on all efforts at creating a truly democratic and prosperous Kenya for all its citizens.

Insider/Outsider dynamics
28. Related

Reference 43 - 0.02% Coverage

its citizens.

Insider/Outsider dynamics

28. Related to the colonial origins of ethnic tensions discussed above is the phenomenon of ‘insiders’ and ‘outsiders’. Ethnic tension and violence occur when communities assert a superior claim over a territory at the expense of or to the exclusion of others. Such superior claims are based on the assumption that ownership or occupation at some point in the past created an exclusive claim for such ownership or occupation in the present. Often such claims are based on a selective reading of history or oral tradition and myths handed down from generation to generation.

16. TJRC/Hansard/Thematic Hearing

Reference 44 - 0.02% Coverage

have developed over years.³⁰

46. Most of the negative perceptions and stereotypes that are present today in Kenya were initially propagated by the colonial government. Besides employing the ‘divide and rule’ tactic, the colonialist government also perpetuated ethnic stereotyping. Ethnic stereotyping during the colonial period was a silent culture and is therefore not well documented. The writings of Kenyans who lived during this period, as well as the oral testimony of survivors, gave a general sense of the nature and extent of

29. TJRC/Hansard/Thematic Hearing

Reference 45 - 0.02% Coverage

31

JM Kariuki, while giving

an account of his experiences at the Kowop camp in Samburu District, paints a picture of ethnic stereotyping during the colonial days: The Turkana said that they had been told by the District Commissioner that we Kikuyu were very disgusting people whose custom it was to eat the breasts of our women and even the embryos of children in the womb. Any Turkana or Samburu who brought him the head of an escaped detainee would be rewarded with posho (food), sugar and tea.³²

47.

The colonial government succeeded

Reference 46 - 0.01% Coverage

sugar and tea.³²

47.

The colonial government succeeded in creating a picture of the Kikuyu as barbaric and savage who should thus not be allowed to interact freely with others in society. In creating negative stereotypes of the Kikuyu and others, the colonial government furthered a policy of economic, social and political marginalisation of other communities.

48.

The colonial government's response

Reference 47 - 0.02% Coverage

marginalisation of other communities.

48.

The colonial government's response to the Mau Mau rebellion included perpetuating stereotypes and dividing Kenyans based upon ethnicity. For example, the colonial government hired large numbers of Luo to work on white farms to replace the 'untrustworthy' Kikuyu and included disproportionately large numbers of the Kamba community in the army. The country was thus easily balkanised in the early 1960s when the colonial government declared its intention to grant Kenya independence.

Culture and stereotypes

49. While

Reference 48 - 0.02% Coverage

Kenya independence.

Culture and stereotypes

49. While the colonial government played an important role in cultivating ethnic stereotypes, the Commission also received evidence that some stereotypes are drawn from and driven by traditional cultural beliefs and practices. For instance, the Commission heard that men from communities that do not practice male circumcision have always been stigmatised and regarded as lesser or weaker men, and therefore, incapable of or unsuitable to take political leadership of the country. As one witness testified:

When it comes to issues

Reference 49 - 0.01% Coverage

ONE

Ethnicity and politics 59.

The first President of independent Kenya, Jomo Kenyatta, did little to counter the ethnic divisions created by the colonial government. During his tenure a small elite group popularly referred to as the "Kiambu Mafia" dominated Kenyan politics, resulting in the emergence of a class of capitalists who were mainly members of the Kikuyu community.⁴⁴

This class enjoyed huge economic

Reference 50 - 0.01% Coverage

of the regime.⁵³

66.

There is evidence that President Moi's administration took a page from the colonial government and used divide and rule tactics to pit ethnic communities against each other.⁵⁴

This policy became particularly evident

Reference 51 - 0.03% Coverage

58

Thus, from At the

same time the colonial government began to impose restrictions access to land by the existing Kenyan residents. The NCIC recently summarized this restrictive and discriminatory history: During the colonial era, there was extensive land expropriation and resettlement by the colonialists from the indigenous communities. Land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence. The expropriation was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted indigenous groups to the Native Reserves. These realities raised the profile of land ownership and required extensive attention into independence to reduce their adverse impact on national cohesion and integration in Kenya. Land-related issues continue to be a lingering source of conflict to date.⁵⁹

70.

The European invasion of

Reference 52 - 0.01% Coverage

from their traditional homeland.⁶⁰

71. Kenyans displaced from their land by the colonial government were concentrated in reserves, something that considerably restricted their socio-economic life.⁶¹ Those who did not prefer to live in the reserves remained in European farms either as squatters or as labourers, or sought employment in urban areas.⁶²

72.

The Mau Mau rebellion

Reference 53 - 0.01% Coverage

in urban areas.⁶²

72.

The Mau Mau rebellion to colonial rule had a profound impact on the country since it forced the colonial government to rethink and reformulate its discriminatory

56 R Morrock 'Heritage of

Reference 54 - 0.01% Coverage

65

Due to the skewed

post-colonial land redistribution policy that was deliberately designed to favour the ruling class and not the landless masses, it is now estimated that more than half of the arable land in the country is in the hands of only 20% of the population.⁶⁶ Politicians in successive governments used land to induce patronage and build political alliances.⁶⁷

Much of the most valuable

Reference 55 - 0.05% Coverage

less than 15 towns.⁷³

various ethnic communities and regions of the country perpetuated by the colonial administration provided the ethno-regionalised basis for political and economic discrimination of some citizens in post-colonial Kenya. Explaining this phenomenon within the context of the ethnic tensions and violence in the Rift Valley and Central provinces, the KNCHR noted: The colonial government alienated most of the agriculturally productive land for settler agriculture particularly in Rift Valley and Central. This alienation generated a large number of squatters especially among the Kikuyu. At independence, the Kenyatta government created a land market of 'willing seller willing buyer' with many of the landless being encouraged to join land-buying companies. Rift Valley Province was earmarked for settlement of the landless through this scheme. However, land did not necessarily revert to those who had lost it through colonialism. [...] Over the years, as the population of the Kalenjin who view Rift Valley as their 'ancestral home' increased, the perception also grew that the post-colonial land policies had disadvantaged the community. These grievances featured prominently in the 1990s violence as well as the 2002 elections that saw the election of President Mwai Kibaki and the National Rainbow Coalition (NARC) government.⁷⁴

77. Historical injustices related to

Reference 56 - 0.05% Coverage

late at that time.⁷⁶

79. Land, particularly access to rich and productive land, was also a factor in ethnic violence in the Rift Valley during elections. Some scholars have noted: In 1991, much of the violence was centred around farms which were formerly part of the so-called 'white highlands', land appropriated from those communities who customarily owned and occupied it by the colonial government for white settler farming. Mitetei farm in Tinderet Division, Nandi District, provides an example: purchased by members of the Kikuyu, Kamba, Luhya, Luo and Kisii communities, it is located in traditionally Kalenjin land. Some local Kalenjin argued that they should also receive shares in the farm, leading to a dispute in which the local authorities took the side of the Kalenjin, because of ethnic affiliations and party politics. This farm was the scene of attacks by Kalenjin on the 29th October, 1991, causing all non-Kalenjin occupiers to flee. In or about June, 1992, the farm was surveyed and shared among local Kalenjin people, and titles were issued to them to the exclusion of those who had been forcibly displaced. Those who took over the property refused to reimburse the IDPs for the cost of their shares, arguing that it was 'rent' for land which really belonged to Kalenjin. Owiro farm in Songhor location, Tinderet Division, is another property bought from a European by non-Kalenjin (Luo) individuals using bridging finance from the Agricultural Finance Corporation (AFC). The owners of this farm were also killed or forcibly displaced during the 1991 violence.⁷⁷

80.

The finer details of

Reference 57 - 0.04% Coverage

specific class of IDPs.

Conclusion

Ethnic tension, particularly the tendency to view people who are different as 'the other' and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. To understand the continued presence of ethnic tension today, and its evolution during the mandate period, the Commission traced the roots of ethnic tension to the colonial period, for it was under the colonial power

that the political entity today known as Kenya was formed. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and at times volatile, combination of ethnicity and politics that has unfortunately spiralled into ethnic violence far too many times in our history. In the end, it must be appreciated that tackling ethnic tension requires a multifaceted approach aimed at addressing the root causes, including long standing land grievances and economic and political marginalisation.

REPORT OF THE TRUTH, JUSTICE

Reference 58 - 0.02% Coverage

the Luhya.⁴

Before that,

colonial authorities referred to them simply as 'Nandi-speakers'. The term 'Nandi speakers' was in turn supplanted the term 'the Kalenjin' which functioned as another catch-all for a culturally and linguistically connected collective. Each of the Sabaot sub-groups have own readings and understandings of their particular experiences. The Bongomek for instance presented the Commission with a memorandum emphasizing their sense of continued political marginalisation, loss of cultural identity and ethnic victimisation.⁵

3.

The story of identity

Reference 59 - 0.01% Coverage

the Soy community.⁷

4.

The Ogiek lack of geographic cohesion as well as their tendency to adopt the language and customs of their neighbours baffled colonial administrators who tried to create specific reserves for them. They have also confounded postcolonial efforts to administer and manage them along conventional lines leading to recurrent concerns about marginalisation and even outright neglect.⁸

The

result has been Mosop

Reference 60 - 0.01% Coverage

further up the mountain.

5.

The fluidity of these identities is reflected in the testimonies heard by the Commission. Some witnesses emphasize the idea of a single people divided only by the arrival of colonialism:

The Europeans, they said "This

Reference 61 - 0.06% Coverage

Bukusu narrative Sabaot elders expressed

similar notions of longevity. Notwithstanding these very long histories, current settlement patterns in Mount Elgon are actually a very recent, colonial phenomenon.

9. Mount Elgon, like so many other parts of Kenya, was profoundly affected by the colonial administration's decision to open up parts of the country to European settlement. In 1926, a branch of the railway reached Kitale. The region's temperate climate and fertile soils proved irresistible and soon afterwards Uasin Gishu and Trans Nzoia were set aside exclusively for European use. Indigenes were evicted further westwards into the Kavirondo Native Reserve which included Mount Elgon. This was how many Sabaots found themselves on the mountain. Trans Nzoia and Uasin Gishu were entirely shut off to them except if they took up employment as labourers on European farms. In 1932, there was another critical development with the Carter Land Commission. The Carter Commission represented a seminal attempt to tackle land needs and tenure in colonial Kenya. In Mount Elgon, Carter made the critical decision to create another Native Reserve in the moorlands. The reserve consisted of 40 000 acres at altitude and above the forest belt in Chepkitale. Its occupants consisted of a community that colonialists referred to as the "El Gony" but who are more—as per the discussion above—are more properly described as the Ogiek with (possibly) Bok elements: The Moorland area of Mount Elgon, comprising some 40,000 acres, should be added to the Kavirondo Native Reserve and set aside for the use of the El Gony, who should also be able to find accommodation in other parts of the Kavirondo Native Reserve, or to the extent that the Uganda Government may be willing to accommodate more El Gony in its territory, they should have an option of going there.¹⁴

11 TJRC/Hansard/Public Hearing

Reference 62 - 0.03% Coverage

Volume III Chapter TWO 10.

The residents of Mount Elgon are incredibly conversant with this history. They speak eloquently about events that took place nearly eight decades ago and add their own personal and pained feelings about the fate that befell them as a result of the Carter Commission: I can summarize the problems of Mount Elgon in a very short manner. It is based on the arrival of the colonial government. Before that the Sabaot were able to look after themselves successfully. Unfortunately when the Europeans came, they removed them from their ancestral land which is currently known as Trans Nzoia and Bungoma including Mount Elgon itself. The Europeans removed Sabaot because they wanted to use their land to settle their own Europeans. To do that, they physically removed them. They were taken in Uganda as shown in our records. The Sabaots have been living under a lot of humiliation. They have been marginalized and persecuted. They were prosecuted and dispersed.¹⁵

11.

The Commission also heard

Reference 63 - 0.02% Coverage

the other side "Reserve".¹⁶

12. And so Mount Elgon sat for most of the colonial period. The Ogiek were essentially marooned close to the top of the mountain in Chepkitale. The rest of the Mount Elgon populace—the Bukusu, the various other Sabaot sub-groups and the Teso—were scattered throughout the slopes and foothills. A representative of the Bukusu community painted a picture of a peaceful coexistence. As he described it, 'before 1963, we were staying happily with our neighbours.'¹⁷

13.

Sabaot elders, however, tell

Reference 64 - 0.02% Coverage

with our neighbours.’¹⁷

13.

Sabaot elders, however, tell a markedly different tale of increasing unhappiness at the apparent Bukusu dominance of the economic and, in particular, political life of Mount Elgon. It appears that the majority of chiefs during the colonial period were either by accident or design drawn from the Bukusu and larger Luhya community to which they belonged. Their administration was far from popular with the Sabaot who complained bitterly about corruption as well as forced road building and forest clearing campaigns. The powerful chief Murunga was particularly hated. Chaffing under Luhya domination, Sabaot elders and politicians began to champion the administrative separation of Mount Elgon from

15 TJRC Hansard/Kapsokwony/Public

Reference 65 - 0.01% Coverage

by the Sabaots.¹⁸

15.

It was, as the Commission discovered, an ominous start to the post-colonial history of Mount Elgon. Chebyuk Settlement Scheme: Phases I

Reference 66 - 0.02% Coverage

of a complicated militia.

17.

Technically, the story of Chebyuk begins in the mid-1960s when talk began to emerge a scheme to remove the people of Chepkitale from the moorlands and re-settle them on the lower slopes of the mountain. From the outset, however, there had been concerns about Chepkitale’s suitability for human inhabitation. Those concerns were expressed by some colonial administrators in the 1930s with the initial creation of the moorland reserve in the 1930s but they were either ignored or overruled. It would take another three decades for the broad consensus

18 The Commission has been

Reference 67 - 0.03% Coverage

off.²⁰

Chebyuk Phase I

20. On the face of it, Chebyuk appeared straightforward: the relocation of a relatively small community for sound, legitimate and developmentally-oriented reasons. Indeed, the government had already deeply invested in resettling the landless, the displaced and many thousands of others washed up in the wake of colonialism. The reality of Chebyuk’s implementation was, however, very far from straightforward. The whole scheme was ineptly and inexpertly handled from the very beginning. Both the wider research and Commission witnesses make this perfectly clear. Trouble started with a giant sized legal loophole. In 1971, about 460 families (3800 people) were moved from Chepkitale before and without official degazettement of Chebyuk which therefore remained part of the forest and unlicensed. In essence, people were moved into a settlement that did not actually exist.

21. Because degazettement had not

Reference 68 - 0.01% Coverage

Chapter ONE

Primary Findings 22.

The Commission finds that between 1895 and 1963, the British Colonial administration in Kenya was responsible for unspeakable and horrific gross violations of human rights. In order to establish its authority in Kenya, the colonial government employed violence on the local population on an unprecedented scale. Such violence included massacres, torture and ill-treatment and various forms of sexual violence.

23.

The Commission also finds

Reference 69 - 0.01% Coverage

forms of sexual violence.

23.

The Commission also finds that the British Colonial administration adopted a divide and rule approach to the local population that created a negative dynamic of ethnicity, the consequences of which are still being felt today. At the same time the Colonial administration alienated large amounts of highly productive land from the local population, and removed communities from their ancestral lands.

24.

The Commission finds that

Reference 70 - 0.07% Coverage

the right to development.

Recommendations

The Commission recommends that the President, within six months of the issuance of this Report, offer a public and unconditional apology to the people of Kenya for all injustices and gross violations of human rights committed during the mandate period. The Commission recommends that State security agencies, and in particular the Kenya Police, Kenya Defence Forces, and the National Intelligence Service apologize for gross violations of human rights committed by their predecessor agencies between 12 December 1963 and 28 February 2008, especially acts of extra-judicial killings, arbitrary and prolonged detention, torture and sexual violence. The Commission recommends that the Kenyan Government considers entering into negotiations with the British government with a view to seeking compensation for victims of atrocities and injustices committed during the colonial period by agents of the colonial administration. This should be done within 12 months of the issuance of this Report. The Commission recommends that the British government offer a public and unconditional apology to the people of Kenya for all injustices and gross violations of human rights committed by the colonial administration between 1895 and 1963. The Commission recommends that the Judiciary apologize to the people of Kenya for failing to address impunity effectively and perform its role of deterrence to prevent the perpetration of gross human rights violations, during the period between 12 December 1963 and 28 February 2008. The Commission recommends the creation of a National Human Rights Day on 10 December, to coincide with the international Human Rights Day, which will be used to promote respect for human rights in Kenya. The Commission recommends that the judiciary fast-tracks the establishment of the International Crimes Division of the High Court which shall be responsible for the trial of some of the cases referred to the Director of Public Prosecutions for investigations and prosecution.

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Reference 71 - 0.02% Coverage

Violations of Human Rights

35.

The Commission finds that the following factors encouraged the perpetuation of gross violations of human rights during the mandate period: □ The failure of the first government in independent Kenya (led by President Jomo Kenyatta) to dismantle the repressive state structures established by the colonial government.

□ The use of and subsequent enhancement of repressive laws, policies and practices initially employed by the colonial government by the first two postindependence governments (President Jomo Kenyatta's and President Daniel Arap Moi's administrations).

□ The creation of a de

Reference 72 - 0.02% Coverage

on Specific Violations and Injustices

Colonial Era 36.

The Commission finds that in order to establish and consolidate its rule in Kenya, the British government employed violence on a locally unprecedented scale. To force the local population into submission, the colonial administration in Kenya conducted punitive expeditions in the 1890 and 1920 against what they called 'recalcitrant tribes'. There were military expeditions against the Nandi in 1901, 1905 and 1906, against the Embu in 1905, against the Kisii in 1904, 1908 and 1914, against the Kipsigis in 1905 and against the Abagishu and Kabras in 1907. These military expeditions were characterised by massacres, torture, sexual violence, and destruction of property.

37.

The British administration divided

Reference 73 - 0.02% Coverage

treaties of 1904 and 1911.

39. After violently bringing the local population into some form of submission, the Colonial administration proceeded to find means of making the colonial territory self-financing. This was achieved through the creation of the chief as agents of local administration who were tasked with the responsibility of tax collection, maintenance of law and order and mobilization of labour for settler requirements. Chiefs were empowered by a series of labour laws to call out any number of able-bodied persons to labour without pay. This mandate was extended at the outbreak of World War 1 to finding able-bodied manpower for the war. Chiefs had retainers who in the process of tax collection, confiscated peoples' animals and produce,

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Reference 74 - 0.04% Coverage

11

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seized their women and routinely whipped men. The Commission finds that such coercive authority, supervised and approved by the colonial administration, explains the intense hatred for chiefs and the provincial administration in general, even in the post-colonial period.

40. Colonial violence reached its zenith in the 1950s (and mainly during the emergency years), a time when communities in Kenya staged a fight for political and economic self-determination. The British

interned thousands of Africans in detention camps set up around the country. The treatment at these camps was brutal. Information about what happened at the camps was carefully controlled and the British colonial office consistently denied reports of torture and other gross violations of human rights.

41. Although the British administration was responsible for atrocities during the emergency years, the Mau Mau also committed atrocities against those they perceived as local beneficiaries of colonial power, in effect turning neighbours and relatives against each other. Contrary to African customs and values, the Mau Mau assaulted old people, women and children.

Shifita War 42.

The Commission

Reference 75 - 0.02% Coverage

compensated for their losses.

45.

The Commission finds that as part of the Shifita War, the Kenyan government established restricted or protected villages or camps in which residents of Northern Kenya were essentially detained and their movement severely restricted. This villagisation programme was eerily reminiscent of the detention camps created during the colonial period. The conditions in the restricted villages in Northern Kenya were squalid. Accounts received by the Commission indicate that diseases such as dysentery, pneumonia, malaria and tuberculosis were common in the villages

46. 47.

The Commission finds

Reference 76 - 0.01% Coverage

extent even continues today.

Economic

marginalization and continued violations of the rights of those living in the former Northern Frontier District have their origins in the actions and attitudes of the colonial government and the newly independent Kenyan government.

51.

The Commission finds that

Reference 77 - 0.02% Coverage

Chapter ONE

Massacres Primary findings

54. Massacres have occurred throughout the history of Kenya. While they increased during and as a result of colonialism, massacres predate the colonial period. The Commission has documented the following massacres which occurred during the colonial period: ☐ Kedong Massacre ☐ Massacres committed in the context of the Giriama Rebellion ☐ Kollowa Massacre ☐ Massacres committed in the context of Mau Mau War including Lari Massacre and Hola Massacre

55.

The Commission finds that

Reference 78 - 0.02% Coverage

Detention, Torture and ill-Treatment

135. The Commission finds that the deliberate use of unlawful detention, torture and ill-treatment by security forces was encouraged and sanctioned by law in all three post-independence governments. Each of these successive political regimes failed to stop the practice, and failed to prosecute and punish the torturers. The use of torture as a government practice has its origins in the colonial period.

136. The Commission finds that both the colonial and post-independence state abused the provisions of states of emergency to sanction the use of unlawful detention and torture in quelling actual and perceived political opposition.

137. The Commission finds that

Reference 79 - 0.02% Coverage

difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of 'spoiling' good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls' domestic roles as wives and mothers

184. The Commission further finds

Reference 80 - 0.02% Coverage

the effects of economic marginalization

227. The Commission finds that the seeds of inequality and marginalisation were planted by the colonial administration. The practices of the colonial administration, mostly through its 'divide and rule' strategy planted the seeds of inter-ethnic rancour, but also set off a process that would produce economic marginalization.

228. The failure of subsequent governments (in particular the Kenyatta government), to correct this injustice by restoring communities to their lands from which they had been forcibly evicted by the colonial government can be said to be largely to blame

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Reference 81 - 0.02% Coverage

with a limited welfare component.

□ although the Policy recognized that land was previously owned communally with access regulated through membership in a particular group (clan or ethnic group), it asserted that a system of secure private title to land was necessary to anchor economic growth. Yet, the diversity of claims (that included communal title that governed property in most communities in the pre-colonial era) as well as the effects of dispossession during the colonial period was not taken into account.

232. The restructuring of the

Reference 82 - 0.02% Coverage

Economic Marginalization of North Eastern

233. The marginalisation of the North Eastern region is marked by four key developments: the carving off of the Northern Frontier District; the enactment and application of separate laws to the region; the Shifta War (1963 to 1967) waged by separatist ethnic Somali forces and; the application of discriminatory development policies by post-independence governments. The marginalisation of the communities in the former NFD, who are largely pastoralists, goes back to the colonial era

234. The Commission finds that

Reference 83 - 0.01% Coverage

Economic marginalization of North Rift

243. The North Rift region has experienced political marginalisation since the colonial period. Regarded as part of the Northern Frontier region (together with North Eastern Province), the closed-area policy imposed by the colonial regime isolated the region from the rest of the country and made it impenetrable by ‘outsiders’.

244. In contemporary times, the

Reference 84 - 0.01% Coverage

and genuinely address the problems.

248. The Commission finds that all post independence governments have failed to honestly and adequately address land-related injustices that started with colonialism.

249. The Commission finds that failure of both colonial and post-independence governments to address the problem

Reference 85 - 0.04% Coverage

and economic crimes.

Ethnic Tension

259. The Commission finds that colonial government pursued a policy of ‘divide and rule’ in order to consolidate their hold on the country, and to lessen the possibility that the African population would resist colonial rule. To that end, the colonial government magnified the differences between the various communities and regions, and stereotyped each community in a manner that would sow suspicion, hatred and the sense of ‘otherness’.

260. The Commission finds that the colonial government created ethnically defined administrative boundaries. In determining such boundaries, no serious thought was given to historical inter-ethnic interactions and relations.

261. The Commission finds that the colonial government focused on developing infrastructure and social services in productive areas of the country (the so called ‘White Highlands’) at the expense of the rest of the country. The resulting inequality remained largely unaddressed in the policies and practices of independent Kenya. The preferential treatment given to some areas of the country because of their clear productivity thus led to differential treatment of ethnic communities that were patterned around the ethnic enclaves created by the colonial government.

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Reference 86 - 0.01% Coverage

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262. The Commission finds that the colonial land policy, particularly in the so-called ‘white highlands,’ contributed enormously to regional and ethnic marginalisation from the economy. Colonial land policies resulted in displacement, the creation of ‘native reserves’, as well as the movement of masses of population from areas of their habitual residence to completely

Reference 87 - 0.02% Coverage

the Somali as terrorists, etc.

□ Culture and stereotypes: While the colonial government played an important role in cultivating ethnic stereotypes, the Commission also received evidence that some stereotypes are drawn from and driven by traditional cultural beliefs and practices. For instance, the Commission heard that men from communities that do not practice male circumcision have always been stigmatised and regarded as lesser or weaker men, and therefore, incapable of or unsuitable to take political leadership of the country.

□ Ethnicity and access to public

Reference 88 - 0.01% Coverage

and Politics in Mt. Elgon

265. The Commission finds that the emergence of the Sabaot Land Defence Force in the Mt. Elgon region was precipitated largely by government failure to fully address land-related injustices that members of the Sabaot community have suffered since the colonial period.

266. The Commission finds that

Reference 89 - 0.01% Coverage

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THEME/SUBJECT 1 2

Atrocities committed during colonial era

Shifita War RECOMMENDATIONS Acknowledgment and

Reference 90 - 0.01% Coverage

approved Government of Kenya process;

c. Whenever possible define community land in terms of ancestral boundaries, and in consideration of mapping exercises that have credibility amongst the community itself (whether those maps are from the colonial period, government surveys, or from recent community mapping exercises);

d. Give enhanced weight to

Reference 91 - 0.01% Coverage

Mboya was assassinated in 1969.

□ Mashujaa Day on 20 October in commemoration of the arrest of Mau Mau fighters by the British colonial government during the state of emergency declared in 1952.

□ Naming of streets and highways

