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**Kenya Research project by Robert M. Press [see: Press, Robert M. (2006) *Peaceful Resistance: Advancing Human Rights and Civil Liberties*. Aldershot, U. K.: Ashgate.]**

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**Interviewee: Cyprien Nyamwamu, youth activist and (unsuccessful) candidate for parliament in 2002 elections of FORD People party.**

**Location of interview: Nairobi, Kenya, office of the NCEC (National Convention Executive Committee: see below)**

**Date of interviews: Nov 7, 2002**

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**Transcription by Press includes research notations by the interviewer in brackets or parentheses; some emphasis is added in bold or underlined. BP= interviewer Bob Press; CP=Cyprien Nyamwamu. Double ?? indicates unclear transcription, spelling or unverified point. Occasional counter numbers are shown.**

Background notes:

Main points: chronology of 1997 demonstrations and:

“Culture of protest” developed from 1992 onward

Student leaders helped establish that culture based on their demonstrating on campus and later on pushing for demonstrations in 1997.

Youth wanted full constitutional reform; politicians sought only electoral reforms to help them win. NCEC (**National Convention Executive Committee**) brought opposition parties together in 1997. A National Convention Planning committee was organized to plan during 1996 for a **National Convention Assembly** (NCA) in April 1997 in Limuru, outside of Nairobi. It was led by various segments of civil society including business, religious, youth, women, and other groups. When the Convention was held, the NCA in turn elected the NCEC.

*This is one of about eight interviews with youth activists who helped organize the series of public demonstrations for constitutional reform before the 1997 presidential elections. Although senior human rights activists were leaders in the demonstrations, it was the youth (age 35 or younger) who did much of the dangerous leg work to organize and carry them out (or attempt to; some were blocked by police. Their role is often overlooked.*

[STRATEGY: Youth demand new constitution; politicians seek only electoral reforms]

CN So the mobilization committee used to meet immediately after the April first National Convention Assembly which was held in Limuru between 4<sup>th</sup> and 7<sup>th</sup> of April 1997. At Limuru – and this is where the committee was comprised mostly of students and the young people. At Limuru, positions were taken. The young people pushed for comprehensive constitutional reforms, but the politicians demanded only...minimum constitutional legal and administration reforms.

So you could clearly see that there was a distinction between the young people and the older people.

BP You wanted more than they wanted. They wanted a few things; you wanted a lot.

CN **We wanted a lot and they wanted a few things.** Very specifically they wanted legal administrative and political reforms to facilitate elections in 1997.

[Comment: This was clearly a rational choice phenomenon on the part of the politicians; it could also be called a practical political strategy under an authoritarian regime that was probably unlikely to agree to comprehensive constitutional reforms that would whittle down the very powers the President was using to stay in power. QUESTION: What exactly were these powers??]

[Mass actions of 1997]

We [the youth] were for comprehensive constitutional reforms. That's why the youth came to this very committed. We had several rallies: May 3, when we held the first rally in Kamakunji grounds [Nairobi]. Let me just go through that chronology. There was May 31<sup>st</sup> and there was July 7, what is popularly called Saba Saba [Seven Seven in Swahili] throughout the country. There was Nane Nane [Eight Eight] which was on the 8<sup>th</sup> of August; there was also Tissa Tissa [Nine Nine; September 9] in Mombasa. There was even Cume Cume [Ten Ten; October 10]...before the third NCA, because the NCA was around that time.

The work that we were doing in between to organize these rallies was basically to target those people who needed reforms most. I'm going to explain the demographic justification for our mobilization strategy.

[Strategy of mobilization for rallies]

So we went out to the settlements [a euphemism for slums which surround Nairobi] which are basically densely populated with young, poor, unemployed school dropouts in the slums of Nairobi [such as] Kibera, Mathare, Korogocho?? Kino?? Wangigi?? Kikuyu.

BP I get the idea. Half the population of Nairobi lives in those areas.

CN *More than half* [his emphasis]. More than half. More than half. About 62 percent; about 67 percent of the population settles in the slums.

BP When you went there, what did you do when you got there?

**[Civil society brought opposition parties together – precursor to 2002 unity that won?**

**[Ufungamano [political venue in Nairobi] meetings attempted the same unity but on a less formal basis.]**

CN So, what we did first was to identify [who] the young opinion leaders from within these estates were. These are the people who would be able to go in with our posters, our flyers, our stickers, calling for people to come to our rallies. [Shows me one of the posters]. So these are the posters that were mobilizing people to come. Framing the message: do you want reforms or not.[Strategy: divide country between reformists and non-reformists: 'KANU vs. KENYA.' [Kenya African National Union, the ruling political party at the time.]

[Comment: This was a good strategy because it obliged unity that didn't exist among the political parties at the time; they later went to elections divided and lost. But perhaps the seeds of unity had been planted, showing the practical benefits as in the Limuru conference, where strategies were forged to force concessions on human rights and political rights.]

But I have to say that what else is here achieved because NCEC was the mother body bringing together all political parties in opposition was to very capably, very ably, dividing the country into two – those who were for reforms and those who were against reforms. And so the country was divided between Kenya and KANU, very clearly. So democratization was easier because anybody who was against the government and who was against the ruling party KANU was for this, because all the [opposition] political parties were in there.

BP Was that a deliberate strategy?

CN There was a deliberate strategy, of course. And that's why the organization of the Convention at Limuru was in such a way that it brought together *all* [his emphasis] who were committed to reforms and those who truly needed reforms.

BP Where did the idea of demonstrations come from?

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**["culture in this country of protest;" mothers' strike cited as example in 1992]**

CN The idea of demonstrations was vindicated by the success of 1997 – an historical justification [based on the government's concessions to minimal electoral reforms]. But even then **there is a culture in this country of protest** and organizations like RPP [Release Political Prisoners] had already demonstrated that the culture of protest truly works back in 1992 when our mothers [stripped] naked because that's the way the international media counts; and that's the way even the police cannot be able to silence or manage [to stop the protest]. So I have to say that **there was an historical development over a period [of time] of a culture of protest.**

So we used to go out during the night. This office and many other offices in civil society were places where we had mattresses where young people would come back to sleep, on the floor [and on] several mattresses, with blankets and all that. So there was the true spirit of commitment and sacrifice.

I need to say that even when the young – when people were massacred on Saba Saba – we lost about 17 people ??as people died from bullet wounds and clobbering. Of the 17 who were killed, about 13 were young people between the age of 18 and 36 or so. They were ready to do anything to get the new constitution, which was an expression of the freedom [from] what we used to call in this country basically 'Second Liberation.'

BP What was the First Liberation?

CN We say the First Liberation was to get independence. But the Second Liberation was going back to pluralism and democracy and human rights as an expression of development.

[During part of this interview, a cell phone in the pocket of the interviewee was silently receiving calls. There was no ring, but the vibrator was working. My tape recorder was picking up a loud, irritating pulsation of the vibrator on the cell phone. I would in the future ask the interviewee to either turn off their cell phone or leave it outside the immediate area of the interview.]

BP [unclear] about the idea of having demonstrations and push the idea of constitutional reform.

CN [unclear] the drive really was coming from NYC, the **National Youth Convention**, which had been held a month earlier, just before the NCA. And organizations like the Youth Agenda and Release Political Prisoners were critical in popularizing and putting this strategy within the NCA. So the political parties –

BP How?

**[Culture of resistance: student activists got their training on campus]**

CN By basically – you know most of these were student leaders who have been in the University and were demonstrating. They know government does not listen to them until they demonstrate. And so when we were coming to the NCA we were coming with this experience. Most of these people were in college or university those days when things were much [unclear], so we were coming from college fresh with this thing in mind. Some of us were in college still. You'll be talking to Kepta [Ombati of NCEC] who was in college – who had just come from college then. He's a former member of the NCA Youth Agenda which established the NYC.

**[Key role for NYC in 1997 mass actions]**

So I have to say that the NYC was a very key component to the success of these rallies.

BP So they were pushing for demonstrations.

CN Yeah, they were looking for –

BP Were you in NYC?

**[Demonstrations comprise the 'language of protest and resistance']**

CN Yes, I was in both, NYC and NYC II ?? [Get chronology] Listen to the proposals which were coming from the older people and the politicians. They were saying 'let's draft petitions and take them to the Office of the President.' That's what they were asking for. And we were saying that [petitions] can only be part of the larger strategy which is protest, which is resistance – so **public demonstrations, what we call mass action, was the language of this protest and resistance.**

BP And you had the experience, or some of you, as university students.

CN Most – quite a great deal. The majority of these people were disgruntled students who had been expelled. Quite a number.

BP Expelled for what?

CN Yeah. Maybe never went back to university. Fuba Churchill ?? who was chairing all committees, for example [where??], just to give one example, has been expelled. And he has never gone back to university.

BP For what reason?

CN He was a student chairman at Edgerton University [verify; tape not clear which university??]. You know, allegations, accusations that he had organized students to protest and to demonstrate at the university, which was seen to be against the rules and statutes of the university. So he was expelled, for good. Suba?? then was talking about the tribal clashes, you know. As a student leader he thought, because [of] the clashes victims were running to the university. And as student chairman he had to speak up against this. And speaking against it was very political and he had to be expelled alongside many other students from Nairobi University and Kenyatta [University].

[Generational split over resistance strategies]

BP So there was a definite split between the strategies of the older generation and the youth at that point, at Limuru [conference of April 1997].

CN At Limuru. Yes.

BP Some were saying let's just send petitions; others were saying –

CN – have meetings with Moi; and it doesn't work.

BP Was there heated debate at Limuru about this?

CN It was extreme. At one point, the youth presented a statement which was, let me tell you, which was praising and thanking [Congo rebel leader Laurent] Kabila, who was then in a bush war with the late Mobutu Sese Seko. And Moi was busy saying...Kabila, we don't know him, but was supporting Mobutu Sese Seko. But the youth at Limuru were saying we support Kabila and we support the bush wars in which you are against Mobutu. And this is something that the politicians like Mwai Kibaki didn't want to hear about at Limuru. So they refused to adopt that as a statement of the NCA. But we pushed on. One day it was adopted and it was attached to the appendices of the resolutions of the NCA. So you see that –

BP Did you have representation in terms of voting delegations there at Limuru, for youth?

CN Yeah, NYC gave the institutional arrangement for the presentation of –

[Youth tactics at Limuru: push for mass action; but propertied elites reluctant]

BP And you had enough votes to overcome the older generation on those votes?

CN Not quite. But much of it was lobbying. The majority were older men, religious people, clergy, professional people who are very conservative, I should say. They are very conservative; people who own property in Nairobi and they didn't want anything that would [result in their losing it].

BP The so-called NGO [non-governmental organization] 'set:' a lot of them were NGO members?

[Activists at Limuru drawn mostly from middle class and above, conservative groups]

CN Not quite. Then the NGO movement was very small. The organizers were people from the NGO. But the people they were drawing in, the majority were political – politicians from political parties and

their officials. These were people from the business; these were people from the professional bodies. These were people from the religious [community], you know, the clergy and all that.

Organizers of political protest conference were older, middle class; activist members were youth  
BP Middle class and above?

CN **Middle class and above. Very conservative people.**

BP Then how did the youth push their way into that?

CN We anticipated, because the youth are under-represented in the NCPC [National Convention Planning Committee]. You've been given the history of NCEC. I don't want to give details because I want to get very focused on the mass action.

BP On the mass action. That's exactly what I'm trying to focus on.

CN Yeah. So we were in the NCPC, the National Convention Planning Committee. So we anticipated the NCA [National Convention Assembly] in April, and therefore in March we convened NYC [National Youth Convention], bringing together the young people.

BP You had a national conference of the NYC?

CN NYC? Yes, I was there. It was in March 5-7 [1997].

BP Was it national conference of the NYC?

CN No, it was the National Youth Convention, National Youth Convention. Then later – it was not an organ, or an institution of the NCA; no it was not. It was on its own. It was a youth initiative.

BP Was it a national meeting or just a Nairobi meeting?

CN It was very national, in all its ways.

BP How many people attended?

CN We were about 600 people, 600 young people from...all across the country.

BP Mostly from Nairobi?

CN Not mostly. Each District [in the state] was represented, I have to say that.

BP Really. How did you pick these delegates?

CN We had a research committee which went out there for three months to the Districts to identify people, young people who were active, pro-change, human rights activists, human rights monitors and

volunteers; and human rights workers. These are the people we identified. And we invited them to the NYC.

BP Who is the 'we'?

CN Youth Agenda; I said Youth Agenda.

BP Which was a preceding organization?

CN Yeah, we formed it in 1996.

BP OK, and so it was a small, Nairobi-based group at first, then you went out and tried to find –

CN Yeah. We were Nairobi based, although part of the leadership was student members from outside Nairobi universities like Edgerton [University] Masseno ??, Kenya Polytechnic?? These are the people who formed NYC.

BP They went out and tried to find other people and they brought them to this National Youth Convention.

CN True.

BP OK. Interesting. Fascinating. Quite interesting.

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### **Learning to organize political protest**

CN It was because of the lessons we had drawn. We had realized that there are three things that are extremely important for you to make an agenda. One is that you must...have an organization; secondly, ...you must have money; and thirdly, you must have a platform, you know, which makes you different from everybody else. That's how we went for the youth agenda.

BP OK, so what happens. NYC [technically, I think??, the National Youth Agenda held the National Youth Conference] holds a national conference and you adopt a resolution to have demonstrations, or what?

CN Yeah. We pushed for it to get accepted, so we get down [to Limuru??]; that was on April 4. So May 3, we say, we need a rally in Kamakunji [Nairobi].

[clarifies sequence of events]: March, the National Youth Convention. But it [the push for demonstrations??] came out of the imperatives of the NYC - the dynamics of the NCA itself, not NYC but NCA. The dynamics of the NCA were that – we went there with an agenda under the platform of change which was comprehensive. The majority of the people who were there were basically negotiating for minimal reforms.

BP So you didn't go in pushing for demonstrations. You went in to see what was happening?

CN Yeah. We sent there with an agenda of pushing for constitutional – you know, comprehensive constitutional reform. When we went there, there was a big group of what we have rightly called ‘middle class and above,’ who were saying ‘no – lets’ do petitions and let’s go for minimum administrative and legal reforms. And we said no: we must demand for comprehensive constitutional reforms. So there was the issue of ‘this is the ends, what are the means?’

...What I remember is they wanted the church, for example, to facilitate meetings with KANU, with the government.

BP Well, I’ll come back to that because that’s a can of worms...

CN hmmm

BP They [this middle class and above group of what the youth described as ‘conservatives’] were not calling for demonstrations. Their tactics were limited to petitions?

CN Petitions and lobbying, lobby meetings.

BP Rallies? You don’t remember.

[Comment. This is an important point. Was there support among the ‘conservatives’ for rallies; or was there an effort by the youth later to claim they alone wanted rallies?]

BP All right. What were the tactics that the youth said were necessary then?

### **Civil disobedience threatened**

CN We advocated for rallies – peaceful processions. And all that was summarized as mass action. We wanted mass action [why? Or rather why does the conservative group not want rallies?]. And as a demand **we were saying that if government does not accede, then we will make the country ungovernable.**

BP So you were serious?

CN [low voice] We were.

BP If you agenda didn’t get approved, you [would have done] civil disobedience.

CN Yeah, yeah. Civil disobedience.

BP Was that a bluff. Were you bluffing?

CN No, no, no; we were committed [emphasis]; that’s why we –

BP What were you planning to do?

CN **People were prepared to stop traffic; we were prepared to insure that people did not go to work: industrial action. We wanted the universities to be closed down so that students don’t go to school.**

BP Industrial strikes?

CN Yeah, and all that.

BP It sounds like a very well-thought out civil disobedience.

CN Very well thought out.

BP Was it thought out? Or was it – well, if we don't get this [their demands at Limuru] we'll just do civil disobedience.

CN It was. We did part of it. For example, colleges and universities – there was no learning. People were basically on the streets. For example, my college of which I was student chairman was closed for seven months, until January – the Kenya Polytechnic [full name??]. It was never reopened until after elections. They were not going to classes and so the college was indefinitely closed for seven months. I was the student chairman there.

BP So you were serious about this; it was not just talk.

CN No, we were committed. Some of the things we did, just to add to refresh [unclear] memory, was when these 17 young people were killed – these 14 young people were killed [14 of the 17 were described by him as youth], on Saba Saba [July 7, 1997], we go their bodies to – we are the people who took their bodies to the mortuary; we got the coffins back to Uhuru Park for the mass – the prayer mass that was public and very well attended. We took those bodies and we buried them in their homes as a sign of commitment and solidarity. So it was not bluff. We were committed to it.

To this day, we still visit those families; five or six years later.

BP What do you do when you get there [to the homes of the victims]?

CN We pay for the school fees of some of the orphans...things like that.

BP This is NYC?

CN NYM [National Youth Movement]. And NCEC itself [helps the victims, too].

(...tape resumes)

BP This is how you got mass demonstrations adopted as an agenda item at NCEC?

CN First, we developed position papers which we presented at the sessions of the National Convention Assembly, NCA. Secondly, we insured that the youth were involved on the committees of the NCA and actually one of us was one of the seven Co-Conveners who was elected at Limuru. That was Betty Ndomo – she was a student leader at the University of Nairobi.

BP Was she a past student leader [at the time] or a current student leader?

CN *Then* she was a student leader – at the University of Nairobi. By having these people in the committees and by showing that one of us was at the helm of the NCA, therefore our agenda was popularized through the committees, working through the night and even at the Plenary itself because she and other people would chair forums.

BP Working through the night?

Non-violent campaign of mass demonstrations 1997

CN Of course; *I've reported that* [his emphasis]. Four days running. Even now we still do that. So this was the political process, popularizing our agenda and demonstrating to the NCA that **there was no other way than the way of resistance and mass action.**

**[Mothers strike of 1992 held as model for non-violent resistance]**

I have to say that the involvement of RPP [Release Political Prisoners] was also critical – because these are some of the people, living examples of organizations that had achieved results using this method [of civil disobedience]. So it was believable. [RPP was an integral part of the mother's strike.]

[Comment: In effect, except for the riots and the thugs that tend to try to take advantage of any public rally, the civil disobedience, or mass action campaign of 1997 was a non-violent campaign. **Without any specific Gandhi or Martin Luther King type training, these Kenyans carried out a largely non-violent resistance, at least non-violent from their perspective.** The police, in many cases was very violent in trying to repress such expressions of resistance. Police killed a number of demonstrators.]

We were saying: 'what you are telling us has not worked; what we are telling you has worked.'

BP They were referring to the mothers' strike of 1991 [correction: 1992]?

CN Yes. And where we had about 51 of the political prisoners released [as a result of the mothers' strike. Actually, 50 of the 51; but then about the same number were imprisoned within a few more years, according to RPP, but not ?? for the same reasons. The earlier group had been arrested, most of them, as part of the anti-Mwakenya sweeps of people allegedly pushing for overthrow of the government. The mothers argued they deserved release because they simply had advocated for multi-party elections, which the government had reluctantly accepted a few months earlier, in December 1991.]

CN So there was something tangible we were showing the country; that, you see this route [of resistance] works. But what you're telling us about petitions, we don't know if it works in this country. Those [were] some of the things that we were using to popularize our agenda.

BP Was there a vote at one point?

CN There was no vote about that.

BP Well then how did you get mass demonstrations and mass actions?

[Strategy for getting mass action plan adopted: **veteran activists help**]

CN I should also say – let me give credit to Professor Kivuthia Kibwana and Willy Mutunga, who were conveners then, who were also sympathetic to the cause while they were trying to moderate between us – the agenda the youth were pushing, and that of the political class. They were sympathetic to our view. They were very sympathetic because they were coming almost from the same background we were coming from. Willy Mutunga had been detained and all these things. So he knew that, truly, this peaceful [unclear] which was being proposed for [unclear] – so you see, he was sympathetic to our cause.

BP There was never a vote?

CN No I don't remember; there was no vote.

BP Then who decided mass action would happen?

CN The Plenary through resolution.

BP There was a resolution?

CN There was a resolution of the Plenary.

BP You don't vote on resolutions?

CN Ah, when it's contentious. Only when there's consensus, there's no problem.

BP A resolution was adopted for mass action?

CN Yeah. And a date set for the 31<sup>st</sup> [of May, 1997] [correction: it was May 3]

BP And there was no vote; it was consensus?

CN It was consensus

BP You guys are pretty good lobbyists.

CN [laughs]...so there was no voting, but there was consensus; a resolution was drawn and even a timetable given.

BP So that's when you set out about seven different demonstrations [correction, there were six in 1997, according to his accounting; verify??] or did one lead to the other?

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CN One led to the other. [The first one was] May 3 [1997].

BP And what was the point there, of May 3? Why May 3?

CN May 3? I don't remember exactly the reason. We wanted time...we needed some time [after the early April NCA to organize the demonstration.]

BP Was it national?

CN Yeah, it was national. But it was in Nairobi.

BP Was it only in Nairobi?

CN Yeah, it was only in Nairobi. July is the one that was national.

BP Do you have any estimates of the number of people who turned out for that?

**[TACTIC by government: block the rallies with force]**

CN Oh my God, you see we didn't even have the rally. [the May 3 rally??].

BP You didn't have it at all? Was it broken up by the police, or what happened?

**[Extreme precautions by government to block first rally]**

CN All over the country, police were mobilized to the city. There was no entrance to Kamakunji [Nairobi, the chosen political venue; a field near downtown where historically many political rallies have taken place, usually organized by the government but in the 1990s also by the opposition]. You could not [get there] from Thika Road, you could not [get there] from Jogo [??]; you couldn't enter it through the Landes?? Road. There was no going to Kamakunji. The whole place was helicopter: police helicopters. The Provincial Administration was all over.

People were clobbered. People like Rev. [Timothy] Njoya was hospitalized. People like Hon. [Paul] Muite were also hospitalized. People like [??] Chegu [??], who is one of our [NCEC] co-conveners now was hospitalized. A lot of people were hospitalized that day.

BP So they did come somewhere to get hit by the police. Where did they come to?

CN No, you see these are the leaders. And so they met to march on Kamakunji. Because the real march was to go to Kamakunji.

BP So they were hit on the way to the rally?

CN Yeah. It was very near. Muite, for example, was hit very hard in Kamakunji. He got his way onto the field.

BP So some people did show up.

CN There were hundreds of thousands of people around this area. There was nothing working [in the city??]

BP Nothing so much right at Kamakunji?

CN It was all over. It was pandemonium; it was hectic. I mean you could not get a – there were no vehicles coming into town, matatus or –

BP People were on foot everywhere?

CN Yeah, people were just pouring into the city on foot. From all over, from every part of the city?

BP From outside of Nairobi?

CN From outside of Nairobi. People came from Naivasha, at least, we know. Nakuru; we know Machakos. People came from as far as Kaijaido ?? We know people from – Thika, for example. Very much Thika.

BP So you literally, downtown, was it a ghost scene, was it empty, or were there a lot of people on the streets?

**CN Tires were burning; wooden planks were burning. Shops had been stoned. The whole place was stoned. A lot of police were hurt. A lot of civilians, people were clobbered very badly; injured. Vehicles [of] elite were put on fire. The whole place was fire; there was no going there [downtown]. So it was stone throwing the whole day; tear gas lobbing; the police were lobbying tear gas at the crowds –**

BP It was just around Kamakunji?

CN No, all the way to town [emphasis], to city centre, because it was on an off. We began from town, went out to Kamakunji

BP Was this what you had planned [knowing the likelihood of the police disrupting any rally]?

CN No, no, no, no. We didn't plan for this.

BP You wanted to have a rally. That's pre IPPG. So the police probably said it's an illegal rally, no permit?

CN Yeah. **We said at Limuru that we would NEVER [emphasis] apply for a rally, for a permit.** Because we said there is no way we can say we don't like [those] laws [requiring a permit] and then we conform to them, so *we must defy* [his emphasis] laws that we don't believe are just laws. Because we don't just believe in the rule of law, we believe in the rule of *just* law.

[Second rally (May 31) – more “intense” police violence]

BP So, the second one [rally May 31, 1997], you decided – let's have another one.

CN Yeah. So after that [the May 3 attempted rally], the committees reconvened and we declared that there will be a **second rally, now in Uhuru Park [in downtown Nairobi, May 31.]**

BP Was that a peaceful one?

CN Now here is where there was greater harm, the most dramatic I've seen. It was more intense than Saba Saba; it was more intense than Saba Saba [the July 7, 1990 attempted political opposition rally violently suppressed by police in Nairobi]; it was more intense.

BP In what way?

CN Because you see that's an open field, and the people were daring: they went in there. And the police, you know, it came down on the people. And so it involved the University, the Kenya Polytechnic...workers; you know it was on a working day, so people were caught in the fiasco and, you know. Police were so many; GSU – the General Service Unit of the police [a paramilitary force]. Everyone was in town and it was a working day. I also remember it was raining on the 31<sup>st</sup> of May. So the crowd was bigger but more visible now because that was an open place.

BP What was the police reaction?

CN The atrocities, what I would say, is they stepped up the atrocities.

BP Were they using real bullets?

CN Much of it was rubber bullets. I don't remember that we lost a life.

BP Clubbings?

CN **We took a lot of people [to the hospital].** One of them was a friend who works in Nairobi. And I'm saying **many, many people were very badly injured. Dr. Willy Mutunga on that day [was] very badly injured. Among others, because Kepta broke his leg, got his leg broken on Saba Saba.** That's what I'm trying to avoid – quick progression.

BP When did Kibwana have to jump over this fence or something like that?

CN I don't remember.

BP When was Njoya hurt; was that Budget Day [1997]?

CN Njoya was out on May 3, I've reported. He was at 1999 during Budget Day, June [and beaten to the ground by a man in civilian clothes, with police nearby. His photo, legs up in the air as he fell, was published in the local media and probably in the international media.]

BP So, what was the purpose of the second rally? You were going to have speeches in Uhuru Park?

CN Yes, we wanted to mobilize the country and tell them that the government has refused to listen –

BP Was this – were there any other rallies that day. Or was it just Nairobi?

CN Thika; I remember there was an activity in Thika. [Gives a name; unclear] was an activity in Thika. And of course we had to say that people are free to organize rallies in the country.

BP So after this one was broken up, with a lot of injuries, you decided to have a third rally.

CN A major [rally] on Saba Saba [July 7, 1997]

*End of Side A, tape one of one  
Start of Side B.*

CN...The NCEC is [at the time of the rallies in 1997] meeting weekly; its committees are meeting weekly. So the committees are reviewing the progress and the impact of the first rally and planning for consecutive activities, consequent activities. So there was a very well thought-out plan; and there was evaluation, there was review...There was planning, there was thinking, and the people were very focused.

BP So you decided to have a third conference, I mean demonstration?

**[#3 rally: Saba Saba draws crowds and all-out violence. 17 killed. Police use terror tactics]**

CN Yeah. We now said on Saba Saba [July 7, 1997] we want these demands listened to.

BP Did the middle class, for the sake of categorizing here – the middle class part of NCEC – were they beginning to say, ‘wait; stop. We’re not getting anywhere before getting hurt.’? Or were they becoming more enthusiastic about demonstrations?

[Business leaders oppose rallies]

CN **We lost the business class**, I have to say it, quite clear; we lost them. They were issuing statements, condemning this, saying this is pandemonium and it is discouraging investors and, you know, there are injuries; we are losing lives. Without saying that the government is banning people from exercising their freedom and rights –

BP Typical business reaction. What about the –

CN Typical. But what I told you is that the country had succeeded. NCEC had succeeded to have the youth behind it. Or, let me say, **the youth had succeeded to have its agenda used.**

BP The latter.

CN The latter. So, we could see it confident, knowing that we are moving on a popular front. **We had the popular ‘space’ on our side, which I have defined as: the country was divided into two: you were either in KANU or you were outside KANU.**

BP Yeah, but my question is: Saba Saba, was there more resistance than the previous two by the police? Saba Saba – a national rally met with much violence.

CN Very, very much. **The intensity of the violence that was being meted on the people really was stepped up on Saba Saba. There was no hiding; there was no place to hide on Saba Saba. People were killed. They were shot at with live [confirm??] bullets, with rubber bullets. Houses were broken. They stretched out – the police went out to the [housing] estates, killed people in their houses.** People were in bed, for example, in Zwania in Kerioko ?? They went to Thika, shot a mother who was in an Administration Vehicle [who, police, in a police car, or demonstrators??] They went to Nyahururu ...it was national. It was national but the killing was up in Nyahururu, Thika, and several other parts of Nairobi...

BP But where were there demonstrations outside Nairobi?

CN There were demonstrations in Nakuru, those ones I'm sure about – Naivasha, Nyahururu – very intense and very successful; Thika.

**[Culture of resistance grows: more cities join in on Saba Saba 1997]**

BP So the number of places holding demonstrations began to grow.

CN Very much

BP And this was the real take-off point. In the first two –

CN It was in Nairobi.

BP Then Saba Saba, and that became a national [event]. And the police reaction was even more intense. People were killed in the estates? But why?

**[State tactic: terrorism. People killed in their beds??]**

[Comment: the regime was trying to nip this growing culture of resistance before it spread, continued; but the resistance continued.]

CN What I think – the President, and I'm very particular here. What I think the President wanted to achieve was to isolate NCEC, the organizers of the rallies. Wanted to isolate. And the way I think in their mind was – which they would have used, to isolate [NCEC] was to say: 'See, now even in their houses innocent people are being killed. So you should stop this thing of having rallies in town. And, indeed, the government used it to say: 'look, even now innocent people who are not coming to rallies are starting to die.' It was meant to scare people.

**[Police attack demonstrators hiding in All Saints Cathedral]**

**[Comment: did this get wide international and national publicity??]**

BP Is that when they [the police] went into All Saints Cathedral?

CN This is the day [July 7, 1997] when people even hid in All Saints Cathedral – and they were *badly* [his emphasis] clobbered. [The Rev. Timothy] Njoya, for example, again, on this day, with Kepta [Ombati] were beaten senseless. Njoya was hospitalized in critical condition at Nairobi hospital; Kepta and others.

BP Kepta was hospitalized, too.

CN Yeah, for a long time. His leg was fractured badly.

BP OK, after all that, your consensus began to fade away, didn't it?

CN Quite a bit now, I should say. Because when we went back to the Second National Convention Assembly – I think it was in August [1997], no it was after Nane Nane [August 8, 1997]. Let me tell you what happened in Nane Nane .

...

BP Was Saba Saba successful on some terms?

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CN Saba **Saba was very successful because that's the moment when now Moi lost the country. The country was ungovernable. Civil disobedience was at its peak. He had lost the church. He had lost everybody else. And basically he had become very unpopular [with] the international community.** People are in hospital; Njoya and the rest. People had been killed [emphasis]. So he had basically lost support from everybody: the donor community; the business people were saying 'now you must accede because we are going to lose everything. Business was losing very badly because of the stoning of the business in town, the fires that were being lit all over the area. And the investors thought, this is not the way to go: you [the President] must listen to these people; they must be having a point. So, I think it was very successful.

**But then what happened is, we lost the church and the mosque in terms of their leadership.** What we saw, even before Nane Nane, is that **these people [religious leaders] went to Moi.** The next day [after leaving the NCEC sessions] we saw them in State House.

BP After Saba Saba. **That's when Moi invited them in to see him to be mediators.**

CN *Yes, to be mediators. And I think that was a major [emphasis] loss on our part. Could they have...hung in there for a while, I am sure we were heading for great success. From my Youth – from the agenda of the platform that we were pushing for as young people, I think that was the time when we would have gone in for the kill in terms of completing constitutional change.*

..

BP It [pulling the clergy to him and away from NCEC] was also a very clever move by Moi.

CN I don't call it clever; it was imperative; it was necessary.

BP Why?

**[KEY COUNTER-MOVE: Moi neutralizes the church in the civil society pressure for change]**

CN The only way he could hold on until election time in [December 1997] was to look for the key, for easy successes, in terms of which constituencies could you get? You could not get the [opposition] politicians: the politicians wanted *then* to remain with the public. The church had to move in because it was starting to lose face.

[interruption by a visitor to the office]

CN continues [The religious community] felt scandalized by the activities of the movement – because in their estimation, they were starting to lose face. They thought that they were starting to lose their role as peacemakers and...non-partisan, people who were supposed to be for everyone, including the devil, so that they can change their souls. And the government was saying: you people are no longer church; you're no longer religious people, you are politicians; you are activists for the opposition in this country.

...I see the church and all of the religious [organizations] as very conservative because there is no unanimity among them about change. So by being taken in by the divide that was existing in the country, that they must be pro-people, they thought they had lost their face. And the government was saying, you are no longer religious people. You are activists for the opposition in this country; so you can't claim to be religious leaders any more. And they felt – they found themselves in a very difficult position; they felt scandalized. So they had to quickly move [into] what by their view was a non-partisan position: we can talk to KANU, we can also talk to the opposition. That's what they wanted to achieve: to reclaim their position.

**Anatomy of demonstrations: as they continued, the consensus weakened; opposition split over them.**

[Comment: This is worth theorizing]

BP So the consensus began to fall apart [for a new constitution]

CN Yeah.

BP Business is gone; the religious leaders moved out, right after Saba Saba. [check timing??], before Nane Nane. Who else did you lose?

CN We lost people in Nane Nane [August 8, 1997] because in Nane Nane a policeman was killed. They [??] said it was one person, or policeman that got killed. [check archives?]. We lost politicians. One of the key politicians was Shikuku, Martin. Martin went on the press and now started to say: those people are organizing strikes; their sons and daughters are not in the demonstrations. And therefore now we should forget about this thing. He was the first one to go to State House to see Moi, among the politicians who went to see him.

[Given Moi's reputation for handing out money to win favors, Shikuku's visit left the impression among his detractors that he had been bribed to speak out against further demonstrations.]

Now politicians were trying to recycle themselves and were also looking for a position where civil society – not the organized civil society – they thought the unorganized civil society was taking over the space.

BP Who thought so?

CN Shikuku. I'm using Shikuku to explain the politicians.

**[Neutralizing opposing force: Moi criticizes the members of Parliament for not representing the public]**

CN Moi was saying: these people are elected to represent people; now they are not representing them. They have left the space to civil society. You get the next point? So the politicians felt awkward: they also wanted to be their [the peoples'] representatives.

BP Basically tapping into this frustration that some of the politicians felt at NCEC.

[Comment: Moi's most masterful feat regarding the opposition politicians, however, was to offer to make a deal with them for substantial electoral reforms, the very thing they had been pushing for through their support for the NCEC and series of mass demonstrations that were now bringing considerable negative publicity on his government as the casualty toll mounted from Saba Saba. Most took the bait, abandoning the citizen's constitution movement and jumping back into their parliamentary roles and making a deal that obtained electoral reforms but no major reduction in powers for the Executive.]

CN Hmm. Hmm. So, that's my analysis of what happened.

BP So, again, would you agree that Moi was pretty clever?

### **[Roots of authoritarianism in Kenya: constitutional changes in the 1960s left "all-powerful" President]**

CN Not at all. The way the circumstances were, that was the necessary thing to do. I don't see it as him being clever. It was an imperative move. It was imperative for Moi to –

**Just to throw in a word there that really much of the framework between which Moi and his government has really been able to cause a lot of suffering and torture and human rights abuse, is the framework established in the 1960s when the constitution was fundamentally changed. When the character of the constitution was changed. Under the architecture of the late Tom Mboya of authoritarianism, centralizing power and bringing an all-powerful President. That is the real basis of the problem that followed all the way to the demand for multi-partyism and a new constitution, in my view. [??]**

BP The genesis of today's problems is what?

CN I'm saying the destruction of the fundamental character of the constitution in the 1960s –

BP Oh, they abused the constitution?

CN Yes. [It] is the genesis of the problems we have today.

### **Rally # 4 Peaceful**

BP Let me see if I have these: Nane Nane – much smaller. What was the police reaction?

### **Mixed perceptions: Youth and Moi**

CN The police did not even disturb the rally. **Moi had lost totally. [Not really; he was about to win big...]** He was in retreat. He knew doing anything now would be to lose totally.

BP But in the meantime, the religious leaders who had been anointed [by Moi] as mediators and were preparing to do their role which they liked – they hadn't done it yet – they were shining again. So why disrupt a good thing, in other words. OK, what happened after Nane Nane. Did you lose more consensuses? No, it was peaceful.

CN Yes, it was peaceful. So even when we went for **Tisa Tisa** [**'nine nine: September 9, 1997**] in **Mombasa** –

BP It was **peaceful** in Mombasa?

CN Yes. It was very well attended.

BP Large crowds?

CN Ah, very large, I should say; very well –

BP Was Sheikh Balala there?

CN Sheikh Balala was there; everybody.

BP Did you have your politicians with you?

CN Yes, Wamwala; the official leader of the opposition Mwai Kibaki was there.

BP When did the politicians move out?"

CN Immediately after the Third NCA. The third was in October.

BP And after that politicians moved out [back to Parliament?]

**[Youth seek civilian coup d'etat through a national political convention; fail]**

CN Let me tell you now; it is at this stage ...after Nane Nane and after getting reports that even some politicians had been to State House to meet him, there was a sense of frustration and betrayal, which was the feeling largely among the youth. We [youth] told you these people were not going to be trusted; we had rather push for comprehensive reforms and all that. So we were now pushing at the Third Convention Assembly: the young people were pushing for a national conference to declare a transition government of national unity, which was to suppose to preside over the establishment of the CODEKA – the Conference for a Democratic Kenya.

[Comment: This kind of transitional national conference succeeded in Benin and was attempted in several other countries, mostly unsuccessfully as the heads of state resisted them]

So we went to the Third NCA – I'm saying 'we' meaning the young people, the majority – we met..we continuously focused, and we were also in the committees. **We were saying: We are going to the streets, we are dying, but these people don't seem to be giving us much – the politicians and the older people.**

BP So if I was talking with someone in the middle class they'd say: these youths came in with such a radical program they want to take over the government. But in fact it's true; you did want to take over the government through a national conference.

CN It is not us. *We wanted actually – let me tell – let me be very sincere. We wanted the politicians on our side to take over government because we thought they were sympathetic to reforms. Whatever the contradiction; we thought they were more amenable to our position Therefore we said, let's establish a National Conference. [spoken forcefully and louder]*

BP Kind of like they had in West Africa, Benin and a few other countries [where it amounted to a civilian coup d'état.]

CN True, true.

BP There's a word – when they declare –

CN -Sovereignty. Yeah. **We wanted to have the [National] Conference declare sovereignty and establish a new constitution** under CODEKA.

BP But, your views didn't carry the day.

CN Not at all. We didn't even get a single resolution. The politicians had already been talked to by government and we were aware that the talks were being facilitated by [unclear]

BP So what happened then?

CN So on the day we were having the Third Convention Assembly in October, the politicians moved to IPPG.

BP The same day.

CN Just a handful came over. In the afternoon we saw people going over...

BP I'll ask you the same question again, but don't you think Moi was a little bit clever there?

CN No. These people were panicking.

BP Who was panicking?

**[Opposition politicians begin to see civil society reformers as rivals]**

CN The politicians. Moi had already – his propaganda had worked. He had told the public: you see these people; they are no longer members of Parliament. These people are not for change; they are for chaos; they're being financed by donors to cause chaos and mayhem – you can see this in neighboring countries. And the politicians truly were fearing that they were losing political space. They thought that civil society was taking over; especially the demand for a national conference was very worrying to them.

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BP But Moi wasn't, after the peaceful Nane Nane, didn't have the same pressure. Tisa Tisa was also pressure. I mean it didn't have the same bad international publicity: massive actions with no deaths, and it doesn't even make page one.

CN What page? The Mombasa rally?

BP If you don't have deaths you don't get on page one of the newspaper internationally. Yeah, locally, but – So I mean the pressure was reduced; also the pressure was reduced –

CN What Moi didn't want, and what the politicians didn't want was fundamental constitutional reforms. Here they agreed. So it more mutual than a strategy for Moi to survive himself. It was survival for all the politicians.

BP Why did the politicians not want major political reform?

**[So-called 'reform' politicians wanted power just like the President]**

CN Because the changing fundamentally of the political order, or the constitutional order, was for example, to demand that we have the 51 percent rule, as I was saying [for a winner to be declared in the Presidential races], the devolution of power [from the Executive], and this is the same thing that these people were asking for...it was raw politics of power. They wanted power. They wanted to go to government [take over]. They thought that using the constitutional agenda they were going to discredit Moi and get elected.

BP That was their first position. Using the constitutional issue –

CN To publicize themselves and discredit Moi and KANU.

BP But they changed their view on that?

CN *But then, they realized that the means and even the demands* [he is practically shouting here] they were giving were so minimal. And Moi had said he was ready to have them discussed. So for them, they didn't want to go the long way, which was to demand for a conference, discuss the constitution wholly; they thought there was no time. Elections were coming. They didn't want elections to be postponed because that way they will lose. I remember people saying: if you are for reforms, resign from Parliament. That was the demand in the Third Convention [Assembly] –

BP From the youth?

CN Well, even from the other people.

BP You must have been pretty frustrated at that point.

CN Extremely. Extremely. Some of us were suspended; our colleges were closed. But look what we were getting? The conspiracy was going on – among the politicians in the opposition and in KANU, and to a large extent the religious people.

BP Did you feel kind of like you were sold out on this thing?

**[Youth leader feels betrayed by comprisers]**

CN Extremely. Yeah, yeah, yeah. That was the thing in everybody's mind: **we have been sold out.** Turncoats, these people.

BP Those who were left in NCEC. You'd lost your business, you'd lost your politicians, most of them, you'd lost your religious leaders. So there wasn't much left, was there, in terms of political clout.

CN Mmm. Not much.

BP Did you decide to close the door and go home at that point?

CN Not at all. And that's why we give credit to the leadership of the NCEC and the leadership of the NYM.

BP What did they decide on?

CN We decided to, for example, again present a bill – through Orengo, Nyong'o and Raila; a bill which was supposed to amend the constitution. So we were now setting to go through alternative routes. But attempting that truly, this government [the Moi regime] has to be engaged.

BP You have, I mean one could take a look from a distance and see that mass demonstrations resulted in-

CN Dialogue.

BP Changes in the law; changes in the constitution. You got rid of some really draconian laws, or you at least softened them. And there hadn't been anything since 1992; really no concessions [by the regime]. The first concession you had in five years came after these mass demonstrations. So do you have some satisfaction that there is a linkage – at least there seems to me to be a linkage: you had the demonstrations, there was one change. Not what you wanted but something happened.

CN You put it right. But then we didn't have time to agree that that's what we wanted. That's why we even said 'No reforms, no elections.' We were convinced there were no reforms and we were convinced the elections should not be held because we were saying the level is not even ground. You politicians wanted a level playing ground; this is not it. You wanted administrative reforms; they have not been enacted. We can't see them. A lot of the things that even the politicians themselves were asking for: an independent electoral commission and all that, were not granted. So we didn't see tangible things that were really going to even help the opposition, which was pro-people at the beginning, to win.

BP Did you see anything in the IPPG law changes that you were happy about?

CN Not then [in 1997]. I even now, still –

BP Looking back you see a few things that were scrapped.

### **[Culture of protest (strengthened)]**

CN Let me tell you that there's something to this day that I can say we were successful in IPPG. What I need to say is that **we introduced and entrenched the culture of protest in this country** - across this country. That's one thing that truly, even people in KANU, those who defected and those who we even now talk to say, that time [1997] you people changed the country. The people are not the same again.

BP Who was telling you that?

CN [he names one...Kiwa??]

BP These were politicians saying that. That's interesting. So you changed –

CN Totally, because **now school students were standing up, farmers were standing up, business people were standing up. Nurses were standing up. Teachers were demonstrating. Everybody.**

BP Interesting.

CN I mean everybody was standing up and saying: you must meet this [demand]. If not so, we will do this. We'll come out in the streets. So it became legitimate; it became a very legitimate means of expression and of demanding for rights. That, if you say, we succeeded, I agree, totally. Because even to this day, that culture of protest and the culture of rising up and not just keeping quiet when things are going bad got really to the people.

BP And now some of those activists are running for Parliament.

CN Yes. [He was one of them in 2002]

BP So the battles continue.

CN **The battles continue.**

**End of interview**