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Interview conducted by Robert M. Press ([bob.press@usm.edu](mailto:bob.press@usm.edu); [press.bob@gmail.com](mailto:press.bob@gmail.com))

Location of interview: Nairobi

Date of interview: 2002

**Interviewee: Lawrence Mute of a civil society organization in Nairobi, Kenya: Clarion.**

**The interview was conducted and recorded by Robert Press: (I) = Robert Press; R=Respondent (Lawrence Mute). The ellipses (...) indicate deletions of redundant phrases or words which were unclear in meaning or in transcribing. Highlighting added in research process remains.**

R Okay, yeah, so, I think the...1992 period, there was an assumption that because Kenya had become a multiparty state, then, you know, most all the repression which had been in the country pre 1990, would suddenly stop. But actually what happens is that after 1992 when president Moi [is re-elected in a multiparty election], a lot of repression which was there pre – 1990, continued so there was still a lot of repression with the press...they were being smashed up and the chiefs were still very powerful. Now so what happened was that Kenyans realised that it wasn't about changing one small clause in the constitution.

Actually it was much bigger than that. It was about changing the whole legal framework the whole constitution framework which I think applied in the whole country. And so now for your civil society, sector... between '93, '94, people now were already coming together and they were saying, let's pressure government so that now we have substantive constitutional reform...The coalition for the reform...was an initiative put together by quite a number of ...organisations including ICJ, LSK [Law Society of Kenya]... [and] I think some of the Churches...

I was asking why did the state detain people in the 1980s, and I think at that time, the state was very paranoid; [they] detained people because people talked, because people happened to write something, or because people had some things in their houses..which they didn't necessarily even intend to disseminate to anybody...At that time, just talking or just being dissenting in the slightest form made the state very, very jittery.

So you see in terms of reaction, then it [the state] got all these people and detained them. In the late 1980's, the kind of pressure which the state was responding to...when the people...stood up in pulpits and...made all those pronouncements. And I think the state reacted to those kinds of situations. Now by 1995/96, the state had begun to learn, that we [the state] can withstand that kind of pressure. So yes, it was pressure but they had begun to learn that when people talk, it doesn't make too much difference.

So actually, it was just that they had reacted and they had been able to deal with that. In 1997, I think the situation is that you had to go to a higher level of pressure. So really, I think, you'll want to define it as a higher level of pressure, rather than the first form of pressure. And so now these are the [anti-regime] demonstrations of July 1997. And I think the demonstrations arose because the state had been asked to do certain things and it was not responding to those things which it was being asked to do by the people principally led by the NCEC and you know political parties around that. Don't forget that around that time, all these people including Raila, I mean everybody would have been on board. They were all you know rallying around that call and so you had Saba Saba [one of the demonstrations in 1997], and I think that pressure so results, because soon after that the government actually said, okay, people yes, we are going to talk with you. We are going to negotiate and then...the government formed a team which was supposed to negotiate.

I The parliamentary IPPG [Inter-parties Parliamentary Group, established to negotiate constitutional reforms]?

R No, no, that was before that. There was this point in time where there were politicians who were supposed to meet the NCEC, and then at that time, the religious [groups] in a sense were almost stepping back. And now they [the religious groups] were going to be the mediators. And the NCEC, and the religious people who were supposed to be the mediators went to a forum at which the government refused to turn up. So actually in a sense, then the government grew cold feet...

So what happens is that now once the religious groups are out, once they are no longer a key player because now they are mediating...at that point, it, it soon became clear that even the politicians were breaking away from the [church groups]. At that point...these inter-parties parliamentary group discussions were going on.

I So the effort to get religious leaders mediating..was a trick, a shrewd political

R [Laughs] yes perhaps. It would agree also in the sense that again you know sometimes the people underplay Moi's shrewdness. Moi is a very shrewd operator, definitely. And he always manages to outplay most people. I would not even be surprised if Uhuru [Kenyatta; Moi's choice at the time to replace him as president in the 2002 election] still wins [He did not. Kibaki won].

R Uhm, so, yes and eeh, I think now the high point of the NCNCC now, was the demonstrations. Because after that, the religious group are not in anymore; the parliamentarians, most of them go away [from the reform coalition], and ...from then onwards, it [the reform movement] begins to go down hill

I Let's talk about mass demonstrations [of 1997]. Who, who organised these?

R NCEC

I And who turns out?

R The ... conglomeration which the various elements of NCEC could bring out [or] could cause to be brought out... I mean Raila [Odinga] would bring his people...the youth; and other people would bring their people.

I Let's be more specific. Raila brings Gor Mahia,. Right?

R Aah, well, I don't know if its Gor Mahia, yes

I But he brings football players?

R Aah, okay

I Is that accurate?

R Aah, yes, he brings his fans. Yes

I The football players?

- R Well, I don't know, [laughs] I don't know..He brings the youth. My understanding is that you see what you need to realise is that many of the people will have power bases, in various suburbs of Nairobi...And so you're able to master huge crowds of young people from those suburbs.
- I What was Raila, Raila power base then?
- R Raila's power base will be Kibera [a massive Nairobi slum] and surrounding areas
- I Which is mostly a Luo area?
- R Yes...Ah Luo, Luo and also before he quarrelled, before last year, when he began quarrelling with them also there would be the, hmm what are they called? Not Bajuni, they'd be..
- I Mungiki?
- R No, no ,no Uhm, eeh, last year there were rent, rent, rent riots
- I Oh yeah the Bajunis?
- R Not, eeh...
- I The Nubia[n]s?
- R Yeah, yeah the Nubi[an]s, yeah. I think during those days the Nubi[ian]s also would allies of Raila.
- I So that's one of them?
- R Yes
- I What are some other identifiable groups that turned out?
- R Uhm, the , the NCEC, the core of the NCEC would have been the youth so you have things like the national youth movement... I think would have brought youth who you could not, eeh, you know who would have been desperate; I mean you couldn't Zero them down to one sub, one, one suburb of Nairobi.  
There's definitely a relationship between first doing one small thing and then discovering you can get away with it, then you know doing a bigger thing. I think the example would be in the early 90s, late 80s, when you never drew the cartoon of the president. But you know 1993 – 4 – 5 – 6, slowly from a position where you are just drawing the rungu [mace] of the President. You know until today's situation where you have, you know, all these people on TV having great fun, just cartooning, lampooning the President and so on.
- I Began with a rungu only?
- R Yes, yes
- I In the corner of a cartoon?
- R Yes
- I And it gradually emerged the whole figure?

R Yes until of the whole figure of the president Actual

I When did it start to emerge? The -

R Aah I think the early the early 1990s. That's when, you know, the president being visualised, the rungu and all that. I think by...the mid [1990s]. You know, particularly 1998 general election, I would say that there was really an explosion where people actually did all these jokes you know, about the President. I think by that time, they had realised that actually you could get away with it. In the 1970s, there was a story that at some point, Kenyatta decreed that nobody else in the country should be called president. So, you could not have the president of a university or the president of an organisation because he wanted to be the present leader... The only one. Ya. Ah, I think eeh, in Kenya, and you see we are focussing on Nairobi, our discussion so far has been focussed on Nairobi

I Yes

R You can see a relationship also within the rural areas

I Tell me about the rural areas, the changes

R Yes, in the early 1990s people never talked at all and the eyes and the ears of the president, at the local level, of course...was the chief. Because the chief, who has all these power under the chief's authority act...He is a person who effectively really reports to the president about what is happening in the particular domain of which this person is chief.

I Spies?

R Ummmh, effectively, yes. And he has got all these powers to incarcerate people...to take things away...and basically is a bureaucrat to process all papers. You can't get an ID [identity card] before he [approves].And all that kind of thing. If you take the example of relief food, by 1997, the 1997 general elections, a situation had arisen, where because I think they were seeing what was happening in Nairobi, and also perhaps because of some of the civic education which was happening in the rural areas, where people were realising and they were saying that we are being told that if we don't, you know, elect so and so, we are not going to be given relief food. So you had situations actually where people were making you know those kinds of clamours.

**Famously I think in some areas in Makueni district [in Eastern Province] I think sometimes after the 1997 general elections, you had people actually going out and blocking Mombasa road for some time. I don't know if it was one day. They actually were ... they blocked Mombasa road. And that was a higher level of consciousness because other people were saying that actually we can go out, we have issues and we can actually demonstrate to publicise those issues.**

I What was the issue

R Ah, the issue was land. The issue was land. One very ... Makueni, and you know as much as many parts of the country, land is very critical and a lot of land [had] been taken over. You know thousand s of acres, you know, by well-connected people

I Ya, ya

R And I think people were becoming very frustrated

I What year was this ?

R 1998. The Mombasa-Nairobi highway passes through Makueni. And this is a fairly arid area. I t [has] two huge rivers, Athi and Tana. And yet people have no water. And what happens is that you have all these rich people who have thousands of acres, and who take the water and they siphon it to their place so that they grow flowers and things like that. And so there were those frustrations

I After the '97 elections?

R Yes, after the 97 elections

I So, your point is that during the 90s, there was nothing in the early 90s...but by the late 90s...people were demonstrating? [There were a number of public demonstrations in the early 90s as well]

R Yes

I Talking and reflecting, [about] some of the changes that were happening in the rural, in the urban [areas]?

R **Yes, and I think if one is to be positive, then surely you cannot expect things to change overnight. ..You think about incrementalism and it is a horrible world. But then you can be able to say, that during the last decade, you can actually see certain key steps of change in the country from a position where people are very frightened to a position where people begin to speak, to a position where people begin to act. And so, then I guess what you are saying is that now from the position where [you] begin to act, have they actually begun to notice change and has that change begun to affect their lives positively.**

I Mmm

R And I think that is where we are right now. O f course, you exert pressure on the government, it gives in. That is what Moi has learnt. But the moment pressure is exerted on him he gives way. But the moment that that pressure stops being exerted, what he had given he retakes, he takes. So, it is two steps: one step backward, two steps forward. One step backward. I think that is the kind of thing which has been happening.

*(tape interruption)*

I We are on tape again.

R Ya, two steps forward one step back. I think the best example, the best illustration of this would be the IPPG , the inter parties parliamentary [group]. Because here you have a situation where the president is under a lot of pressure . So of course the government says, okay, we cut a deal, and they cut a deal which on the face of it has very good things because they [the government] were saying that we will take away some of the powers of the chief. We no longer call it chief's authority act, we shall call it the chief's act. We will allow the public meetings to take place. On the face of it, they are very clear reforms...those are two steps forward. But that is at the level of discussion under the level of the deal. Come to the actual legislation, actual legislation of what was agreed upon, you immediately discover that some of what was agreed upon actually has not been put in the legislation first of all. And then, second what seems to be a lot in fact amounts to very little.

Because if you take the example of public meetings...where you could hold public rallies or not, what actually has changed is nothing. Because before the requirement [to] hold a public meeting, you must get a permit from the police. Now the requirement is that before you hold a public meeting you must give

notice [to the police]. So it is from the permit to notice. So you are giving a notice but effectively your notice can be rejected. So really it amounts to the same thing.

And you know some of us, and I think the NCEC, some of us also were warning the IPPG a lot, the parliamentarians that actually they were being duped...CLARION has done quite a number of studies, you know around the IPPG, and I think **as the years have gone by, it is been shown very clearly that these laws were just a masquerade.**

It's the same thing if you look at the whole constitution reform debate. Because again in 1997, part of the IPPG package was that the constitution would [be] reform[ed], reviewed after the elections. And there was an act which was formed by parliament in 1997 for that purpose

I Let me just check. So a masquerade, really

R Yes there was an act, I think the constitution of Kenya review commission act , was passed by parliament in 1997. And you see, parliamentarians were excited that now they were able to go into elections but actually I think they did not look at the small [print] of that act. So that in 1998 , after the elections they... realised that actually the law did not make much sense, and I think that is when now when the Bomas of Kenya [public debates on the constitution] process began.

[End of interview]