

**ELECTIONS RELATED EVICTIONS IN URBAN SLUMS: THE CASE OF  
MUKURU KWA NJENGA NAIROBI, 1991-2013**

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**A RESEARCH PROJECT SUBMITTED TO THE DEPARTMENT OF  
HISTORY IN PARTIAL FULFILLMENT OF THE DEGREE OF MASTERS  
IN ARTS IN ARMED CONFLICT AND PEACE STUDIES OF THE  
UNIVERSITY OF NAIROBI**

**DECEMBER, 2017**

## DECLARATION

I, the under signed, declare that this is my original work and has not been submitted to any other college, institution or university other than The University of Nairobi academic requirement.

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This research project has been submitted for examination with my approval as a university supervisor.

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## **DEDICATION**

This project is dedicated to my wife Sakina Wangui Chege, and my daughter Rosina Mutheu Kaveva for their support, love and understanding.

## **ACKNOWLEDGEMENTS**

I am indebted to many individuals for their support and contributions towards the successful completion of this project. My first and deep appreciation goes to my supervisors the late Prof.Milcah Amolo Achola (R.I.P) and Dr. Herbert Misigo Amatsimbi for their professional support, guidance, commitment and encouragement. I would also like to acknowledge the Mukuru Kwa Njenga residents for their support during the study, my family and friends for their material and moral support which enabled me complete my MA course successfully.

## **ABSTRACT**

This study examined the settlement and origin of Mukuru Kwa Njenga slums in Nairobi and the causes and long-term impact of election related evictions in the slum. The statement of the research problem was identified from the gaps which scholars in the field of election violence and urbanization have failed to address. In this regard, the topic of the study came into the fore. The core objectives of the study were to examine the settlement of Mukuru kwa Njenga slums, the root cause of election related evictions in the settlement and the correlation between elections related violence and resultant evictions. This was achieved by examining variations across ethnicities and villages within Mukuru Kwa Njenga. The study provides evidence that politics have strong effects on forced evictions particularly during election periods which formed the basis of the research problem statement concerning the perennial evictions from the slums every election cycle.

The research incorporated the use of both primary and secondary data in examining the key goals of the study. Purposive snowballing technique was also employed in the study so as to capture more data to address the objectives of the study. The research borrowed from Johan Galtung's 'structural conflict theory' which postulates that structural violence is characterized politically as repression and economically by exploitation both of which are administered from the top downwards thus those below have their needs deprived disproportionately.

The study found out that slum dwellers in Mukuru Kwa Njenga live in hazardous and unhealthy conditions and in portions of land which they can't claim ownership yet they have occupied them for over 30 decades. Yet a few political elite and some influential businessmen who used unscrupulous means to claim ownership of the same land which is home to thousands of slum dwellers threaten them with threats to evictions everytime. The slum inhabitants thus live in constant fear of evictions by the presumed owners of the land and the political elite who exploit the ethnic alignments which are deeply entrenched in the slums to cause tensions resulting to election violence and evictions in the slums. The study also established that the political elite always play this ethnic card every election year for their own political selfish ends. The key main research objectives of the study were met.

## LIST OF ACRONYMS

<b>C B D:</b>	Central Business District
<b>CESCR:</b>	Committee on Economic, Social, and Cultural Rights.
<b>CIPEV:</b>	Commission of Inquiry into Post-Election Violence
<b>COHRE:</b>	Centre of Housing Rights and Evictions.
<b>FIAN:</b>	Food First Information and Action Network
<b>IDPs:</b>	Internally Displaced Persons
<b>KDHS:</b>	Kenya Demographic and Health Survey
<b>KLA:</b>	The Kenya Land Alliance
<b>KNHCR:</b>	Kenya National Commission on Human Rights
<b>N C C:</b>	Nairobi City Council
<b>NGO:</b>	Non Governmental Organization
<b>SIDA:</b>	Swedish International Development Agency
<b>UN- HABITAT:</b>	United Nations Human Settlement Program.
<b>UNEP:</b>	United Nations Environmental Programme
<b>UNIC:</b>	United Nations Information Centre

## DEFINITION OF OPERATIONAL TERMS

**Slums/informal settlements:** In this study, Slum/Informal settlement refers to an area that combines to various extents the following characteristics namely;- inadequate access to safe water,inadequate access to sanitation and other infrastructure,poor structural quality of housing,overcrowding and insecure residential status.

**Forced Eviction:** In this study, Forced Eviction refers to the involuntary removal of persons from their homes or land, directly or indirectly attributable to the State. It entails the effective elimination of the possibility of an individual or group living in a particular house, residence or place, and the assisted (in the case of resettlement) or unassisted (without resettlement) movement of evicted persons or groups to other areas.

**Public land:** In this study, Public Land refers to all property owned by various governmental agencies and in which the public has access subject to disposition under the general land laws.

**Settlement trust land:** In this study, Settlement trust land refers to land that has been given by the government so that the beneficiary only has the limited right to the property (for example during their life), but usually has no right to transfer the land to another or leave it in their own will.Instead the property devolves as directed by the settlement.

**MAP OF MUKURU KWA NJENGA**



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# CHAPTER ONE

## INTRODUCTION

### **1.1 Introduction**

This chapter on introduction to the research study on election related evictions in Mukuru Kwa Njenga slums offers an overview of the study on areas of concern to the topic of the study ranging from election violence, slums, conflict and evictions in urban areas. To adequately address these issues, a detailed literature review comprising over twenty authors who are an authority in the specific areas of study was utilized so as to identify the gaps the authors failed to address specifically on matters relating to election violence and evictions in urban areas.

This chapter basically deals with the statement of the research problem derived from the gaps scholars in the field of slums, urbanization, conflict and elections failed to adequately address. Several research questions were raised giving rise to three key objectives of the study. The study identified the key goals of the study as examining the settlement and growth of Mukuru kwa Njenga slums, the correlation between elections and evictions in Mukuru kwa Njenga and examining the impacts of elections related evictions in Mukuru kwa Njenga.

A detailed methodology was employed to achieve the desired goals, of examining the settlement and growth of Mukuru Kwa Njenga slums, the correlation between elections and forced evictions in the slums, and the impacts of the election related evictions to the slum dwellers. The methodology involved the utilization of data from both primary and secondary sources of data. Purposive snowballing technique came into the fore in conducting one on one interviews with the slum dwellers.

### **1.2 Background to the Study**

To adequately address the issue of election related evictions in Mukuru Kwa Njenga Slums, it's prudent to go down history lane so as to understand the history of conflicts not only in Kenya but also the world over. Kenya has experienced different types of conflicts in its pre-independence and post-independence period. These conflicts range from internal disputes between different groups within the country, to cross border confrontation with groups from neighboring countries.

The causes of these conflicts are many and complex ranging from poor governance, poverty, competition for scarce resources and identity based rivalries. These conflicts have caused extensive damage including the loss of life, property, and adversely impacted on the economic development in the country. The impact of conflicts has been manifested psychologically, physically and emotionally going beyond the material and affecting heavily thousands of women, children and men.<sup>1</sup>

Recent development and characteristics associated with elections related violence and evictions reveals a trend in which there is an increasingly closer relationship between physical evictions and party elections especially in third world countries. A number of cases have been witnessed in Madagascar (2009), Zimbabwe (2008), Turkey, Ghana (1996), Afghanistan, Nigeria, Mali, Pakistan, Uganda, Ivory Coast, Liberia (2006), Nigeria (2007), Ecuador and Kenya (1992, 1997, and 2007). The occurrence of election related eviction takes several forms depending on the number of actors, the root causes and the embedded interconnectivity with other forms of evictions.<sup>2</sup>

Certain systems under which elections are conducted have been pointed to be exacerbating violence, particularly resulting in ethnic conflicts and forced evictions. For instance in Europe, elections often create heightened anxieties between majority and minority ethnic groups particularly in Northern Ireland between Irish Protestants and minority Catholics. Similarly in America, elections create tensions between the black minority and the dominant whites, while in the former Yugoslavia between ethnic Serbs and Croats who are the majority.<sup>3</sup> Accordingly election related violence and evictions is no an exception in Africa.

In African countries, election related violence and evictions occur not only as a result of electioneering and perceived rigging, but also as a result of deep rooted issues that transcend corruption, negative ethnicity, unbalanced resource allocation, human rights

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<sup>1</sup>National Steering Committee on Peace building and Conflict Management Secretariat, "National Policy Paper on Peace Building and Conflict Management in Kenya", Ministry of State for Provincial Administration and Internal Security, Office of the President, Nairobi, 2006, pp.1.

<sup>2</sup>Reynolds A. and Sisk, D.T. "Elections and Electoral Systems: Implications for Conflict Management", in (eds), *Elections and Conflict Management in Africa*, Washington, D.C: United States Institute of Peace Press, 1998, pp.11-13.

<sup>3</sup>Mwangiru *etal*, "Understanding Conflict and Its Management on Some Kenyan Perspectives", Nairobi: Watermark Printers Limited, 1998, pp.25

abuses and cultural hegemony that has been in existence and still continue to exist<sup>4</sup>.The causes of political conflicts and election violence and evictions in Africa are certainly complex and multi-faceted.

In Kenya immediately after the 2007 elections results were announced in favor of President Mwai Kibaki, the country quickly started witnessing spirited spate of national protests which were marked by physical violence and rapidly engulfed the whole country.The violence led to unprecedented loss of life, destruction of properties and evictions.<sup>5</sup>

Although the 2007 post election violence was by far the worst episode of election related violence to be experienced in Kenya, it was not the first one. The elections held in 1992, 1997 and to some extent 2002, were also accompanied by significant amounts of violence. The 2007 election violence became the subject of official investigation by a commission of inquiry established as part of the mediation of the political crisis in the country.The report of the inquiry reviewed the historical role of militia groups in the violence and Kenya's political process and noted that as a result of the activities of these groups, they had transformed and became important players in the perpetration of politically instigated violence and evictions.<sup>6</sup>

Increased population density in Mukuru Kwa Njenga slums as a result of the influx of migrants looking for job opportunities in the city resulted to increased competition for political space that engendered different political interests.The contrasts in political desires highlighted friction that frequently led to violent conflicts in the slums instigated by the political elite.Evictions in the slums intensified over the years with the call for multiparty elections particularly before the 1992, 1997, 2002 and 2007 general elections.<sup>7</sup> Though the government gave various reasons for the evictions which ranged from claims that some of the victims of the evictions had settled too close to the Ngong

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<sup>4</sup>Boadi,G.E.,"*Managing Electoral Conflicts: Lessons from Ghana*" in T.D.Sisk and A.Reynolds,(Eds.),*Elections and Conflict Management in Africa*,Washington,D.C: United States Institute of Peace Press,1998.pp.10

<sup>5</sup>International Crisis Group,"*Kenya in Crisis*",*Africa Report*,February,2008,*No.137-12*, pp.11-12

<sup>6</sup>Amnesty international, "The Unseen Majority: Nairobi's Two Million Slum-Dwellers", Amnesty international Publications, 2009.pp.1-44.

<sup>7</sup>Matrix Consultants, "An Inventory of the Slums in Nairobi", *unpublishedreport*, Pamoja Trust, 2009, pp.10.

River that runs through the slum to settling on road and railway reserves, the community living in the area did not understand why the evictions were only being conducted during electioneering periods after which normalcy returned.<sup>8</sup>

### **1.3 Statement of the Research Problem**

The return to multi-party elections in Kenya in 1991 saw the emergence of elections related violence and evictions in urban slums. There was almost a predictable pattern in which elections periods were marked by situations of heightened tension and anxiety. This would then be followed by violence pitting different ethnic groups supporting their preferred candidates in the slums resulting to evictions. Most of the evictions in Nairobi slums occurred during the electioneering period begging the question why wait for this period so as to enforce the evictions.

The political elite have over the years since the introduction of multipartism in 1991 have exploited ethnic alignments which are deeply rooted in the slums to cause tensions. This has always resulted in election violence and evictions in the slums for their own selfish political reasons. Half of the Nairobi's urban population live in slums and in hazardous and poor unhygienic conditions with no basic amenities making them main victims of election related evictions in the city. Many scholars have authored on elections violence and evictions in slums.

Scholars like Jean Du Plessis argue that forced evictions is often channeled to the poor and vulnerable households and that they are evicted without consultation, notice, or even alternate housing and compensation. Devadas and Desai asserts that a significant number of slum dwellers live in very unhealthy conditions often degrading their ecosystems and that most of the slums are located in illegal land thus exposing the slum dwellers to constant threat of forced evictions. David Satterthwaite blames urban violence on increased urban population which results into informal settlements thus resulting to conflict over political control. Martine G. argues that rising land values in cities compounded by urban growth have resulted in severe security of tenure crisis, which politicians capitalize to create conflict.

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<sup>8</sup>Paul Syagga, Winnie Mitullah and Karirah-Gitau, "Nairobi Situational Analysis: A Consultative Draft", UN-HABITAT and Government of Kenya, 2001, pp.33-38.



William Zartman argue that effective governance, democracy, equality, legitimacy, peace and stability find their roots in elections and that election violence is a political outcome emanating from authoritarian regimes and poor governance. Payne George on the other hand asserts that most slum dwellers are migrants who come to the city to capture opportunities found in urban areas and that they come with the attitude to survive and succeed, no matter the challenges.

These scholars among others have authored several articles in the field of urban violence and evictions all over the world including Kenya. However they have paid little attention on election related evictions in Nairobi slums and particularly Mukuru Kwa Njenga. The study on election related evictions in Mukuru Kwa Njenga slums in Nairobi therefore sought to fill in the gaps which scholars from different fields of study have deliberately failed to address ranging from issues to do with land tenure, ethnicity, land grabbing, poverty and unemployment in Mukuru kwa Njenga slums and how they contribute to election violence and evictions specifically in Mukuru Kwa Njenga slums.

Several research questions arose in course of the research study. To adequately address the statement of the research problem, the questions included;

- i) How the settlement of Mukuru Kwa Njenga came about?
- ii) What were the causes of conflict in the slum area?
- iii) What was the link between forced evictions in Mukuru Kwa Njenga and elections?
- iv) What was the impact of evictions in the slum area?

#### **1.4 Objectives of the Study**

The study sought to enhance the understanding of the nature of forced evictions in relation to elective politics with special reference to the inhabitants of Mukuru Kwa Njenga Slums. The study specifically sought:-

- i) To examine the initial settlement and growth of Mukuru Kwa Njenga slums.
- ii) To examine the correlation between elections and forced evictions in Mukuru Kwa Njenga slums and elections.
- iii) To examine the impact of election violence and evictions in Mukuru Kwa Njenga.

### **1.5 Justification and Significance of the study**

The question of election related evictions in urban slums, its causes, role and gains of the actors involved has not been adequately addressed in scholarly discourse. Studies on election related evictions in urban slums in Kenya and elsewhere in Africa have tended to be limited to ethnic adversity that informs conflicts and subsequent evictions in slums and other cosmopolitan regions of the country. They have fallen short of going beyond the pre-occupation with ethnicity and evictions in slums during election cycles.

Kenyan legislation regulating forced evictions, particularly of people living in slums, is fragmented and does not therefore comply with international human rights law. Though there does exist certain protections of potential victims of evictions in the constitution, where for instance there is the requirement for a court order before any evictions from contentious settlements is affected, different actors among them politicians, influential businessmen/women and NGOs including many other underlying factors at play, influence evictions in the slums. During elections, residents of these slums normally face harassment and summary evictions by both law enforcement agencies and gangs financed by politicians thus confirming a political motive in many of the forced eviction processes.

The study seeks to unravel the actors in elections related evictions in slums including their roles and gains in the whole process. Apart from helping to understand the foundations of the evictions better, the study could be a useful pointer to some of the issues that require to be addressed concerning slum evictions particularly in situations of elections cycle as in the case of this study. At policy level, the study is of great benefit to the government as it provides for the adoption of sound governance, eviction and electoral policies.

### **1.6 Scope and Limitations of the Study.**

This study was carried out specifically in Mukuru Kwa Njenga slums in Nairobi. The spotlight was on why the slum residents faced evictions every election cycle since the introduction of multiparty elective politics from the year 1991 to 2013. The interest in this slum was occasioned by the ideal location of the slum being in Embakasi constituency, the then biggest constituency in registered voters population, and home to some of the fiercest politicians in the country.

The period 1991 to 2013 was chosen because this is the period when competitive elective politics came into play in Kenya, witnessing the rise of firebrand politicians and the escalation of election related violence and evictions in urban slums. Mukuru Kwa Njenga scenario was quite unique since the area is also cosmopolitan in nature, however people perceived to be strangers are always treated with caution, therefore to overcome this limitation the engagement of Research Assistants from Mukuru Kwa Njenga came in handy.

### **1.7 Literature Review**

This section reviews various works by different authors on issues that are relevant to the study of the research. According to William Tarzman, conflicts in most circumstances are triggered by a rise in negative ethnic sentiments, flawed elections and weak electoral processes, deprivation and exclusionist tendencies, racial discrimination, and political manipulation.<sup>9</sup> Tarzman however does not elaborate on elections related evictions in Mukuru Kwa Njenga, and whether flawed elections and weak electoral processes are necessarily to blame for evictions in the slums.

Tarino and Manwelo argue that election violence is usually a political outcome occasioned partly by authoritarian regimes and poor governance. According to Tarino and Manwelo, democratic Governance challenges include personalization of power, authoritarianism and unaccountability. Effective governance and democracy should therefore be more than the satisfaction of the interests of those in position of authority but rather the general public.

It should be a kind of governance and democratic practice in which the citizens have real decision making power above the formal consent of electoral choice<sup>10</sup>. Manwelo and Tarino's argument that poor governance and authoritarianism as a cause of election violence does not sufficiently address the main issue of study on election related evictions in Mukuru kwa Njenga slums.

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<sup>9</sup>Zartman, I.W, (ed), "Collapsed states; the Disintegration and Restoration of Legitimate Authority", London: Lynne Reinner, 1995, pp 12-19.

<sup>10</sup>Tarino S.J.A and Manwelo, S.J.P, "Africa Peacemaking and Governance", Nairobi: Action Publishers, 2005, pp. 123.

According to Claude Ake, “effective governance and democracy place emphasis on concrete political, social and economic rights for all citizens which must be practiced by political leadership in all times and places.<sup>11</sup> Further still, proper governance that ensures peace and stability lavishly in the application of mutuality, accountability, equality and legitimacy find their roots in elections.

When electoral process is abused to accentuate the egocentric nature of the ruling elites, conflict occur that at times may develop into violence because the ruling class may not be willing to let go some of the interests they hold dear.<sup>12</sup> Claude Ake however doesn't address how politicians abuse the electoral processes for their own selfish ends resulting to elections related evictions in Mukuru Kwa Njenga slums.

Cities Alliance, a worldwide network committed to achieve the goal of “cities without Slums” and finding new approaches to reduce poverty describes slums as neglected parts of cities where housing and living conditions are appallingly poor. Slums range from high density, squalid central city settlements to spontaneous squatter settlements without legal recognition or rights, sprawling at the edge of cities. Slums have different names but yet share the same miserable conditions.<sup>13</sup>

Slums are viewed differently by various authors. The different perceptions of slums by several authors give a clear understanding on the potentials and disadvantages of slums and how they can be considered and dealt with. Slums are negatively perceived as ‘blighted areas’ in a city, where criminal activities and vices take place, areas of low and debased moral standards. Slums are locations with bad housing conditions with terrible sanitary conditions. It is also believed that slums are disease prone areas, vicinities where epidemics breed. They are also considered as hideout for illegal immigrants and areas where poverty and deprivation thrive.<sup>14</sup>

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<sup>11</sup>Ake C., “Democracy and Development in Africa”, Washington, D.C: Brookings institution, 1996, pp.124-125.

<sup>12</sup> Heywood A., “Political Ideologies, An Introduction”, London: Palgrave, 1998, pp. 78-79.

<sup>13</sup>UN-Habitat, “State of the World’s Cities: The Millennium Development Goals and Urban Sustainability”, London:Earth scan, 2006, pp.56-57.

<sup>14</sup>UN-Habitat, “The Challenge of Slums: Global Report on Human Settlements”, London: Earth scan, 2003, pp.43-44.

According to the United Nations Global Report on human settlements (UNCHS), slums are deteriorating urban settlements, with unsanitary environmental conditions, which are highly congested and marked with poor housing conditions. It has been discovered that not all slum dwellers are poor and disadvantaged, many have been found to be middle income earners with formal employment. A majority of slum dwellers however are highly dependent on the informal market and they possess minute numbers of productive assets, since they lack the education and opportunity for formal employment.<sup>15</sup>

According to Devadas and Desai, a significant number of slum dwellers live in very unhealthy conditions often degrading their local eco-system. Most slums are located on illegal land with housing structure that is usually locally, constructed by the inhabitants themselves using diverse, easily found materials for construction. These characteristics make slums areas where diseases can easily be transmitted and infant mortality high. Many slum dwellers live on hazardous or marginal land, and they are constantly threatened by forced evictions.<sup>16</sup> Devadas and Desai mainly focus on eviction of slum dwellers based on issues to do with the general environmental concerns. He views slums as a health hazard to the inhabitants. His assertions however doesn't shade light on the issue of election related evictions in Mukuru Kwa Njenga.

Joel Outtes opposes the widely perceived negative misconception of slums and it's inhabitants by Jose Campello and Marcelo Mendoca. He is convinced that such misconception has increased the rate of forced evictions in slum communities. Some quotes reflecting the previous negative perception of slums from the 1930's include Campello's assertion that "Urbanization is facilitating, disciplining, embellishing, giving man the elements of a life that distinguishes him more and more from the initial eras of the human community. The urbanization of the city will give the town hall the means for raising the standard of life of the people; building houses and protecting the city from shameful slums".<sup>17</sup>

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<sup>15</sup>United Nations Centre on Human Settlements (UNCHS), "Strategies to Combat Homelessness", UNCHS: Nairobi, 2000, pp.9-12.

<sup>16</sup>A.R.Desai and S.Devadas Pillai, "Slums and Urbanization", Bombay, 1970, pp.347-356.

<sup>17</sup>Joel Outtes, "Disciplining the Society through the city: Town planning and genesis in Brazil and Argentina (1905 - 1945)", *Bulletin of Latin American Research* (2003), Volume 22, Issue 2, pp.137-164.

Mercelo Mendonca asserts that, “From slums come all moral and material miseries and vices. In the slums there is tuberculosis and alcoholism. Low instincts are developed there. Fighting against slums is taking part in a battle for raising morality and for improving the physical health of the race”.<sup>18</sup> His assertion however doesn’t address the issue of elections related forced evictions in Mukuru Kwa Njenga slums.

Nawagamuwa and Viking argues that, slums or informal settlements are an essential solution to the shortage of housing stock predominant in a rapidly urbanising world. Slums contribute to an enormous percentage of the labour found in cities, which increases the cities productivity. Unlike the pessimistic perception of slum being unorganised and without any social coordination, the contrary has been discovered, that slums are vastly organised and that such organisations are displaced when there are threats of forced evictions or involuntary relocation.

Slums have also been noted to have leaders and community representatives who represent their collective interest just like any other community found in urban areas. The informal sector contributes significantly to the formal sector in the form of providing particular goods and services at a reduced cost, such as garbage collection, recycling, domestic workers, informal markets and light manufacturing while the formal sector contributes to the informal sector, through the provision of goods and services through improved infrastructure and provision of job opportunities.<sup>19</sup>

Slums are very rich and diverse in their social assemblage, they consist of inhabitants from varying ethnic backgrounds, cultural and religious groups, occupation and social levels. They also have a rich and varied source of knowledge and if the inhabitants are included in decision making and their participation sought in issues affecting their development, they will be more productive and successful in improving their settlement.<sup>20</sup>

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<sup>18</sup>Joel Outtes, “Disciplining the Society through the city: Town planning and genesis in Brazil and Argentina (1905 - 1945)”, *Bulletin of Latin American Research* (2003), Volume 22, Issue 2, pp.137-164.

<sup>19</sup>Nawagamuwa A. and Viking N., “Slums, Squatter Areas and Informal Settlements”, 9th International Conference on Sri Lanka Studies”, 28th-30th November, 2003, pp.8-14.

<sup>20</sup>UN-Habitat, “Guide to monitoring Target 11: Improving the lives of 100 million slum dwellers”, London: Earthscan, 2003, pp.73-75.

Housing continues to be a problem for the low income category in developing countries; therefore, slums are ‘base camps for survival’ for they provide a logical solution to housing the urban poor in urban areas. It is therefore believed that the recognition of slums as part of the city will contribute to the city’s sustainable development without excessive demand on services, infrastructure and minimal energy consumption.<sup>21</sup>

According to Payne, most slum dwellers are migrants who come to the city to capture opportunities found in urban areas. They come with the attitude to survive and succeed, no matter what urban challenges are thrown at them. Their survival attitude enables them to be very active members of the city, gaining access into enterprising areas of the city as they struggle to improve their living conditions.<sup>22</sup>

Various research conducted by UN-Habitat finds that unemployment and poverty associated with slum dwellers gradually disappear as they discover where economic opportunity can be found, and earn a living through the informal sector. There is a close interaction and interdependency between the formal and informal sector. The UN-Habitat has classified slums or informal settlements into two groups. Namely; the “slums of hope” and “slums of despair”. The “slums of hope” are slums that are improving daily. These slums are characterized by newer structures, usually illegal, they are mostly self built structures that have or are undergoing the process of development, consolidation and improvement such as the Mathare 4A and Kibera slum upgrading projects. On the other hand “slums of despair” are neighborhoods on a downward slope with declining environmental conditions and decaying services such as Kosovo and Vietnam villages in Mukuru Kwa Njenga slums.<sup>23</sup>

Jane Jacobs also classified slums into two categories, namely ‘unslumming slums’ and ‘perpetual slums’. ‘Unslumming slums’ are slums that have existed over generations and have improved over time such as Kibera and Mathare area 4A slums. As the inhabitant’s financial situation improves, they tend to upgrade their settlement

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<sup>21</sup>UN Habitat, “The Challenge of Slums: Global Report on Human Settlements”, UN- Habitat: Nairobi, 2003, pp.40-47.

<sup>22</sup>Payne, G., “Getting ahead of the game: A twin-track approach to improving existing slums and reducing the need for future slums. *Environment & Urbanization*”, London: Earthscan, 2005 vol. 17, pp.47-150.

<sup>23</sup>UN - Habitat, “The Challenge of Slums: Global Report on Human Settlements ”, *Twenty First Session of the Governing Council*, Nairobi, Kenya, 16-20 April, 2007.

gradually and eventually become respectable areas in the city. “Perpetual slums” on the other hand are settlements that gradually deteriorate into slums. They are settlements often created by the state and urban planners in order to solve existing housing problems, but over time and with poor maintenance these areas become slums. ‘Perpetual slums’ are most often formal settlements like relocation sites, low income housing neighborhood or social housing such as Wapewape and sisal villages in Mukuru kwa Njenga.<sup>24</sup>

According to Plessis however, forced evictions are mostly channeled to the poor and vulnerable households. Those targeted and affected are mostly poor individuals and communities, living under informal or illegal land tenure. They are evicted without consultation, notice or even alternate housing and compensation.<sup>25</sup> Plessis lays more emphasis on evictions based on the assertion that the inhabitants are in illegal land. He fails to address issues relating to elections related evictions in Mukuru Kwa Njenga scenario.

According to Rakodi, there are several livelihood assets relevant to slum dwellers that are other than cash or savings, material and non-material resources that offer opportunity for slumdwellers and reduce their vulnerability. The five livelihood assets considered include natural assets, financial assets, physical assets, human assets and finally, social and political assets.<sup>26</sup>

According to Portes and Landolt, slum dwellers rely on social networks for employment, loans, and other needed assistance. Social assets also include political assets and some inhabitants of slum communities are often protected from forced evictions and assisted in bettering their living conditions by politicians and even non-governmental organizations (NGOs).<sup>27</sup>

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<sup>24</sup>JacobsJane, “The Death and Life of a great America cities”, New York: Random House, 1961, pp.31-36.

<sup>25</sup>Jean du Plessis, “The growing problem of forced evictions and the crucial importance of community-based, locally appropriate alternatives”, <http://www.sagepublications.com> April 1, 2005, vol. 17, pp.1-13.

<sup>26</sup>Rakodi, C., “Urban Livelihoods: A people Centered Approach to reduce Poverty”, London: Earthscan Publications Limited 2002, pp .3-22.

<sup>27</sup>Alejandro P., and Patricia L., “The downside of social capital”, *AnnualReviews.org*, 1996, pp.18-22.



According to Van Eerd, non-governmental organizations have played a number of vital roles in slum communities by educating slum dwellers in identifying and optimizing the various livelihood options available to them in sustainable ways.

Slum upgrading is one of the solutions to the poor housing and environmental conditions found in slums. It has the potential to limit forced eviction, when the upgrading is successful.<sup>28</sup> Van Eerd however fails to address key issue of election related evictions in Mukuru kwa Njenga by focusing solely on the issue of slum upgrading as the the solution to forced evictions.

According to Werlin, with the continual increase in the number of slum dwellers and the counter productive effects of forced evictions, slum upgrading has proved to be the least expensive method in improving the housing condition of slum dwellers in comparison to site and services or low cost housing. Many positive reviews have come from slum upgrading projects acknowledging that it produces improved housing conditions, increased business activities, better environmental conditions, improved transportation, health facilities and recreational areas for slum dwellers. In addition slum upgrading has the advantage of eliminating any violent reactions that can arise from troublesome slum dwellers resisting eviction or relocation. It also, keeps slum dwellers social and cultural communities together and does not disrupt their proximity to their source of employment and livelihood. In general, it reduces the huge economic and financial cost associated with displacement.<sup>29</sup> However Werlin fails to highlight how slum upgrading is important in tackling the issue of elections related evictions in slums.

Gilbert and Gugler have however given slum upgrading very negative reviews, portraying the process as expensive and producing minimal impact in improving slum conditions. Some notable slum upgrading projects after being evaluated were considered 'wasted investments' due to the failure to recover cost and maintain provided utilities and infrastructure thus causing services to breakdown or deteriorate.<sup>30</sup>

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<sup>28</sup>Van Eerd M., "Local initiatives in relocation: The state and NGOs as Partners. From Research to Action", New Delhi: Mnohar, 2008, pp.16-19.

<sup>29</sup>Werlin, Herbert, "The slum upgrading myth", *Urban studies journals* Vol.36, 1999.No.9, pp.16-17.

<sup>30</sup>Gilbert A., Gugler J., "Cities, Poverty and Development: Urbanization in the Third World": Oxford University Press, 1992, pp.67-74.

According to Turner if slum dwellers are provided with tenure security and access to credit, slum upgrading will be a successful process and will evidently better the lives of slum dwellers. He further minimises the role of the government, limiting it's role to providing infrastructure and delivering services such as clearance of harmful substances like human waste, refuse and polluted water. Turner believes that the government should be more a facilitator in slum upgrading rather than the principal provider. He argued that slum dwellers are intelligent individuals who possess and exhibit organizational skills needed to maintain provided infrastructure.<sup>31</sup>

Turner and De Soto, share views regarding the relevance of tenure security, emphasizing that slum dwellers have the resources, skills and social networks needed to improve their living conditions. They both argue that what slum dwellers lack is tenure security, which limits their ability to improve their housing on the land they occupy. They believe that if protected from eviction, slum dwellers will gather the resources required and invest in their individual housing and bring about total improvement and upgrade of the entire slum.<sup>32</sup>

Tenure security has also been identified as an important element in infrastructure management and cost recovery in slum upgrading. Slum dwellers with secure tenure have a 'vested interest' in the upgrading project, their status change to that of long term stakeholders who have more to benefit from the project. Therefore they want the upgrading program to succeed and are willing not only to pay for services provided but also maintain the provided facilities since it not only improves their living condition but also has the added benefit of increasing their property values.<sup>33</sup>

He also argues that tenure security has the advantage of increasing formal land titling. This provides government with the opportunity to broaden the property taxbase, which in return will provide more revenue for the state. This gives governments' the incentive to provide the much needed services in slums settlements.<sup>34</sup> Turner however doesn't

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<sup>31</sup>John F.C. Turner, "Housing by People", New York, 1976, pp. 23-26.

<sup>32</sup>Hernando De Soto, "Property Rights, Poverty and Welfare", <http://www.vonmisesinstitute-europe.org/pdf/de%20soto%20paper,2011>.

<sup>33</sup>Gulyani S, and Bassett E., "Retrieving the baby from the bathwater: slum upgrading in Sub-Saharan Africa", *Urban Planning Program*, New York: Columbia University, 2007, pp.86-87.

<sup>34</sup>Ibid.

address the issue of election related evictions and whether tenure security alone is sufficient enough to curtail elections related evictions in Mukuru kwa Njenga slums.

Scholars have offered a different interpretation of urban conflict. Thrasher for instance suggests that the problem of urban gangs constitute one of the many symptoms of general disorganization incidents to the rapid growth of cities.<sup>35</sup> Such a vision is clearly reminiscent of life in Mukuru Kwa Njenga. Thrasher argues that the beginning of urban gangs can best be studied in city slums where an extremely large number of members of a specific community are crowded into a limited area thus forming a rich ground for political incitement.<sup>36</sup> The study will discuss how politicians influenced forced evictions in Mukuru Kwa Njenga by use of politically motivated gangs.

Cohen contends that politicians have always used gangs as sub-cultural institutional arrangements that reflect the cultural isolation and alienation of lower class youth from mainstream society particularly those that are against their political desires.

He depicts gangs as institutional vehicles for political economic enterprise. Gangs result from the intense political competition over scarce space and resources in low-income urban areas. Cohen uses the example of gangs in urban Nicaragua to highlight the direct and indirect roles of politicians who use them to cause disorder and consequent insecurity to some communities who are then forced to relocate.<sup>37</sup> This study wishes to investigate if the same was done for the case of Mukuru Kwa Njenga.

According to Satterthwaite urban conflict in global cities is an issue of increasing concern, and conflict over political control is seen as the predominant form. This is often understood to be linked to processes of urban growth, and particularly to urban informal settlements which develop as a result of informal urban growth.<sup>38</sup> The author, however, blames urban violence on increased urban population without mentioning how politics plays in to it.

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<sup>35</sup>Fredrick Thrasher, "The Gang", University of Chicago Press, 1927, pp.51-58.

<sup>36</sup>Ibid.

<sup>37</sup>Albert K.Cohen, "Delinquent Boys: The Culture of the Gang", *National Criminal Justice Reference Service (NCJRS) Library collection*, 1955, pp.78-83.

<sup>38</sup>David Satterthwaite, "Getting land for housing: What strategies work for low income groups", (SAGE Publications, 2009), pp.104-106.

Another scholar Martine holds that the majority of urban growth is occurring in cities of the global South, giving rise to suggestions that there is ‘urbanization of poverty’.<sup>39</sup> In developing cities where state and market housing provision is unable to keep pace with rapid urban growth, urban informal settlements may house up to 70 per cent of inhabitants, usually (but not always) from low-income sectors; thus land for housing the poor is a key urban question in most cities of the global South. Land tenure is thus seen as a critical issue. Rising land values in many cities, compounded by urban growth, have resulted in a severe security of tenure crisis, which politicians have capitalized on to create conflict.

Abrams argues that in the slum context, conflict may arise from issues relating to land, with insecure land tenure seen as particularly an important factor. He argues that increasing scarcity of land and growing populations exert additional pressure on the urban environment, increasing the potential for conflict.<sup>40</sup> Abrams study is important to this research because it leads us to understand whether the politicians used the issue of land for their political benefits in the Mukuru Kwa Njenga slum.

Davis argues that in the context of inequality and rapid urban growth, competition over access to resources may damage community solidarity.<sup>41</sup> The inequalities create the potential for violence as well as contributing to insecurity at the household and neighborhood level. UN-Habitat identified insecurity of tenure as one of several increasingly serious threats to urban security broadly. The state’s lack of ability to guarantee secure tenure at the household level may translate into a more generalised inability to address wider questions of urban conflict and violence. Land tenure legalization has been widely used as a response to these concerns, within a broad framework which sees land tenure as a development issue.<sup>42</sup> Davis seems to have facts on urban violence but misses out on the question of the role of politics by failing to explain why such violence only occurs during election period.

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<sup>39</sup>Martine, G., McGranaham M., Fernandez-Castilla, “The New Global Frontier. Urbanization, Poverty and Environment in the 21<sup>st</sup> Century”, London: Earthscan publishers, 2008, pp.71-77.

<sup>40</sup>Charles Abrams, ‘Man’s Struggle for shelter in an Urbanizing World’, Massachusetts Institute of Technology University press, 1964, pp.48-54.

<sup>41</sup>Dianne E. Davis, “Non-state Armed Actors. New Imagined Communities and shifting patterns of sovereignty and insecurity in the modern world”, *Contemporary Security Policy*, 2009, Volume 30, issue 2, pp.23-24

<sup>42</sup>Ibid.

According to Watson, increasing levels of violence in cities continue to be a pressing development concern. He argues that while gangs and drug related cases of violence receive considerable media coverage in many poor urban communities, economic and social conflicts which dominate people's lives in these settlements are not equally highlighted. In already marginalized areas, increasing scarcity of land and growing populations exert pressure on the urban environment, increasing the potential for dispute. Such conflict may have the potential to tip over into violence; depending on contextualized factors such as politics which may be one such tipping point.<sup>43</sup>

He further asserts that existing land conflict may have greater potential to escalate when elections impend. Land tenure is frequently associated with small-scale, localised conflict; yet despite considerable research on rural land tenure and conflict, this nexus remains curiously unexplored in the urban setting.

According to Apiyo, the main perpetrators of evictions in Kenya and many other low developed countries are local and central governments, private developers, private organisations, public institutions, individuals, state corporations and, occasionally, foreign business interests.<sup>44</sup> Apiyo states the reasons for eviction as including development and infrastructure projects, land acquisition or expropriation, housing or land reclamation schemes, speculation, urban redevelopment and resettlement programmes and the need to control the proliferation of informal settlements. The author however does not mention election related evictions. The reasons that Apiyo gives as to why evictions are undertaken is not in anyway related to elections related evictions.

Everett argues that, most evictions in Kenya are violent, unexpected and disruptive. The evictions are normally conducted using overwhelming force and timed to minimise resistance from the affected communities.<sup>45</sup> Everett considers that in Kenya evictions have socio-economic, cultural and political consequences which include multiplying individual and social impoverishment. Evictions further leads to homelessness and the growth of new slums. It is evident from Everett's argument that there are social,

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<sup>43</sup>Watson V., "Planning and conflict", *paper given at 3<sup>rd</sup> World Planning Schools Congress*, Perth, Western Australia, 2011, pp.8.

<sup>44</sup>Lawrence Apiyo.O., "Land grabbing and evictions in Kenya", UN-Habitat, 1998, pp.1-3.

<sup>45</sup>Margret Everett, "Evictions and human rights disputes in Bogota, Colombia," *Habitat International issue*, 2001, Vol.25, Issue.4, pp.453-471.

economic and political consequences to evictions and further that there are timings. This research will answer the questions of timing of evictions, and whether there is anybody benefiting politically and economically.

According to Lecke, political elites in developing countries view slum dwellers who do not support them as a threat to their political survival. They also regard slums as a drain on the economy, infested with criminals and places deserving destruction, rather than as positive and integral parts of the urban environment. They therefore influence evictions which are widespread because they also epitomise the desperation of local governments, city planners and land developers to keep cities exclusive.<sup>46</sup> This is certainly true of the situation in Kenya where historically, politicians who feel threatened have held the least progressive of views on informal settlements where they are not supported. Yet little of scholarship is known of the role of politics and evictions in slums such as Mukuru Kwa Njenga.

According to Cheema politicians are suspicious and downright hostile to informal settlements occupied by communities who seldom support them. The politicians view them as the cause of their failure to capture political positions.<sup>47</sup> The arguments by Cheema are however inadequate in the provision of information on election related violence in urban slum areas. That notwithstanding, Cheema's arguments raises important questions for instance whether politicians do actually influence evictions in the informal settlements, such as Mukuru Kwa Njenga and further the benefits, for which the evictions were carried out and the communities which were evicted.

According to De Soto, informal settlements in the Third World play an important economic, social and political role.<sup>48</sup> This is true of Kenya where slums form the base of the urban politics. Most politicians particularly those who wish to control the informal sector for their political benefit have a firm grip of the inhabitants of these settlements whom they influence to get their votes. The inhabitants of these informal

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<sup>46</sup>Lecke.S, "Cities cannot be inclusive without housing rights",Habitat debate, 4(4), available from <http://www.unhabitat.org/>, 1998.

<sup>47</sup>Shabbir Cheema, G., "Urban Shelter Services, Public Policies and Management Approaches",Newyork:Praeger, 1987, pp.221.

<sup>48</sup>Hernando De Soto, "The Mystery of Capital, Why Capitalism Triumphs in the West and Fails Everywhere Else", *Journal of Libertarian Studies*,2002, Vol.16, No.1, pp.99-114.

settlements particularly Mukuru Kwa Njenga contribute most of the voting constituents during the elections. The politicians on the other hand defend this 'voting block' under all costs in case of any threat of evictions.

### **1.8 Theoretical Framework**

The study relied on the structural theory of conflict as propounded by Johan Galtung. According to Galtung, violent conflict is a symptom of a sick state but this does not necessarily mean that the absence of warfare is a sign of good health. He postulates that structural violence which links cultural distinction to direct violence is the process of deprivation of needs.<sup>49</sup>

He further argues that structural violence is characterized politically as repression and economically by exploitation, both of which are administered from the top downwards and as a result of this, persons at the bottom of the structure have their needs deprived disproportionately with those on higher levels.<sup>50</sup>

The structural conflict theory, according to Galtung has four aspects namely; penetration, segmentation, marginalization and fragmentation. Both penetration and segmentation aspects are grouped together as 'preventing conscience forming' or inhibiting the development of a group identity while marginalization and fragmentation aspects are linked as 'preventing mobilization' hence perpetuate the condition of subservience of one group to another.<sup>51</sup>

According to structural conflict theory, all the violence and conflicts Kenya has been experiencing during electioneering and/or election periods are symptoms of an ailing state where the citizenry have had their needs deprived. The repression and exploitation by the government of the day, is manifested through employment crisis, land problems, overtaxing, negative ethnicity, social exclusion, insecurity, deficient constitution, and impunity; all of which are exacerbated by weak governance, legal and economic structures. Kenya thus needs to overcome the root of the conflict formation and resultant

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<sup>49</sup>Galtung J., "Peace by peaceful means: Peace and Conflict Development and Civilization", London: SAGE Publications, 1996, pp.200.

<sup>50</sup>Ibid.

<sup>51</sup>Galtung J., "Peace by peaceful means: Peace and Conflict Development and Civilization", London: SAGE Publications, 1996, pp.200

evictions in urban slums, by urgently addressing these issues otherwise physical violence and evictions will always be eminent during election periods.

### **1.9 Study Hypotheses**

The research was guided by and tested the following hypotheses;

- i) Settlement in slums is influenced by lower levels of income of the inhabitants.
- ii) Electioneering is the main cause of evictions in the slums.
- iii) Evictions lead to destruction of property.

### **1.10 Research Methodology**

This research utilized data collected both from primary and secondary sources. Secondary sources included various books, scholarly articles, Journals, and Newspaper articles. The researcher also made use of the internet to obtain articles, book reviews, and theoretical discussion about election violence and evictions and relevant case studies from the same sources. The primary data sources included one on one interviews and questionnaires from the residents of Mukuru Kwa Njenga slums.

Purposive snowballing technique was utilized for the study. The initial subject who was the chief of Mukuru Kwa Njenga location was purposively identified as he was the main government representative who knew the slum topography and boundaries and the inhabitants of Mukuru kwa Njenga slums well. The chief was able to direct me to two elders actively involved in the affairs of the slums and who had also a thorough knowledge of the slum topography. The two elders helped in naming and conducting and identifying other people with the required characteristics and knowledge of Mukuru Kwa Njenga, which was important for this research.

A total of 26 people were interviewed for this study, identified from specific members of the focused group discussions which consisted 8 focus groups each with 10 members drawn from the eight villages that make Mukuru Kwa Njenga slums. The 26 people interviewed were identified after a thorough scrutiny of their slum knowledge and history. In both instances face-to-face interviews were carried out with the aid of unstructured questionnaires.



The guiding questions in the questionnaire gave room for probing as the interview progressed enabling the researcher to capture in-depth information and also afforded him an opportunity to develop rapport with the participants and enhanced the quality of the discourses collected. Arguments by the focus group discussions were presented as narratives giving the researcher a chance to present the stories as they were told. Most of the interviews with the focus group discussions were conducted within Mukuru Kwa Njenga location office grounds provided by the chief. The researcher used note-taking method since most participants refused the interview proceedings to be recorded either in video or audiotapes. The researcher employed the services of a research assistant to access and understand the slum dynamics.

## **CHAPTER TWO**

### **BACKGROUND OF MUKURU KWA NJENGA SLUMS: THE ORIGIN OF SLUMS IN NAIROBI**

#### **2.1 Introduction**

The chapter on the origin, development and spread of slums in Nairobi is meant to build a proper understanding on the foundations upon which politically motivated evictions occurred in Mukuru kwa Njenga slums. Before discussing evictions related to Mukuru kwa Njenga slums in the (1991-2013) period, it is important to go back through history to see the development of slums in Nairobi. It is however not possible to understand the development of Nairobi slums without first understanding the history of Nairobi itself as an urban centre.

#### **2.2 History of Nairobi**

Nairobi is the capital and largest city of Kenya. The city and its surrounding area also form the Nairobi County. The name "Nairobi" comes from the Maasai phrase 'Enkare Nyrobi', which translates to "cool water".<sup>52</sup> The area Nairobi currently occupies was essentially uninhabited swamp until a supply depot of the Uganda Railway was built by the British in 1899 linking Mombasa to Uganda. The railway management eventually picked Nairobi to be the railway headquarters a decision which put them at loggerheads with the colonial government because they did not involve any proper assessment of the idealness of the site.<sup>53</sup>

This was because Machakos town had already been established earlier by the colonialists in 1887 as the capital city in Kenya and the administrative centre. The capital city was thus moved to Nairobi in 1899 because the Kenya-Uganda railway line had by-passed Machakos Town. The location of the camp in Nairobi was chosen due to its central position between Mombasa and Kampala. It was also chosen because its network of rivers could supply the camp with water and its elevation would make it cool enough for residential purposes for not only the thousands of Indian laborers who came to Kenya seeking to be employed, but also for the British settlers.

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<sup>52</sup> Situma, "The Environmental Problems in the city of Nairobi", *African Urban Quarterly*, Vol.7 Nos.1 and 2, February, Nairobi, 1992, pp167.

<sup>53</sup> *Ibid*

With such an apt location, Nairobi soon grew big to become the railway's headquarters. As more people settled on what had become the railway headquarters, a pattern emerged. Europeans settled to the west, Asians to the parklands side, and Africans to the East. Within the first five years, what had been a sparsely occupied swampy plain was now home to 10,000 people. After Mombasa, Nairobi was now the cultural melting pot of the young British colony. The then British East African Company eventually gained administrative and prospecting rights in the city and began constructing the infrastructure such as roads for easy accessibility.<sup>54</sup>

The moving of the railway headquarters from Mombasa to Nairobi by its chief engineer, Sir George Whitehouse resulted in the subsequent growth of Nairobi as the commercial hub of all the British East Africa. By 1903 the use of the railway as a medium of exporting produce as well as importing equipment had become noticeable. Nairobi was growing at a fast pace and new people arrived with every ship that docked at Mombasa. By 1905, Nairobi replaced Mombasa as the capital of the British protectorate, and the city grew around administration and tourism, initially in the name of big game hunting.<sup>55</sup>

As the British occupiers started to explore the region, they were encouraged to settle in the country, and Nairobi was their natural choice due to its cool climate and fertile soils. British authorities hoped the settlers would develop a modern economic sector.

In 1919, the Nairobi Township community formally became the Nairobi Municipal council. Its boundary was extended to include surrounding part-urban settlements. The boundary was again extended in 1927 to cover 30 square miles. In July 1920 it was proposed that a more distinctive title be adopted for the chief of the municipality of Nairobi the capital of the protectorate. The title Mayor was suggested. It was not until 1923 that the title was officially applied.<sup>56</sup>

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<sup>54</sup>Situma, "The Environmental Problems in the City of Nairobi", *African Urban Quarterly*, Vol. 7 Nos. 1 and 2, February, Nairobi, 1992, pp. 167.

<sup>55</sup> Ibid

<sup>56</sup> Ibid

In the early years the growth of the town had been controlled by economic forces with no coordination of development. In an attempt to to order the situation a Town Planning Consultant called Jacaranda Jim Jameson from Kimberley was appointed in 1926. He submitted his own town planning report in 1926 and had a great quickness for planting Jacaranda trees for the beautification of the town. With the expansion and rapid growth of African wage earners there arose the problem of housing them.<sup>57</sup>

This was tackled through intial construction of Ziwani as a municipal housing experiment; Starehe as a Government staff housing venture, and finally Kaloleni. The development of local government in the town was determined by racial considerations. Thus membership in the town council was dominated by Europeans, followed by Asians. It was not until July 1946, that the first African councilors, Muchohi Gikonyo and Joseph Khamisi took their seats.

In April the same year, the council's attention had been directed to the fact that in 1950 the local government in Nairobi would be fifty years old. The council thus gave some thought to the form suitable celebrations might take and it was suggested that the council should seek status of a city. In due course a petition was addressed to His Majesty the King through the then governor His Excellency Sir Philip Mitchel. The king eventually granted a consent and in March 1950, Nairobi Municipality became a City by the Royal Charter of Incorporation.

After independence the City of Nairobi elected it's first indigenou Mayor Mr. Charles Rubia in 1964. In 1984 the Nairobi City Council was dissolved to pave way for the Nairobi City Commission which governed the city upto 1992 when the Nairobi city council was reconstituted and the first multi-party mayor elected. With the promulgation of the constitution of Kenya 2010, Nairobi elected the first Governor under the new constitution.<sup>58</sup>

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<sup>57</sup>Situma, "The Environmental Problems in the City of Nairobi", *African Urban Quarterly*, Vol. 7 Nos. 1 and 2, February, Nairobi, 1992, pp. 167

<sup>58</sup>Obudho and Aduwo, "The Role of Nairobi in Spatial Planning in Kenya towards a Planning Alternative", *First International Conference on Urban Growth and Spatial Planning of Nairobi*, Nairobi, 1988, pp.82-87.

### 2.3 Development of Slums in Nairobi

The growth of the slums in Nairobi is directly related to the growth of the city itself. Slums have a long history dating from the colonial period where most Africans were barred from the city's designated residential areas which were reserved for Europeans and Asians. Kenyans who came to the city in search of work had to create informal settlements outside the central business district and the planned residential areas which were largely ignored by the colonial government. The city's first development plans did not include early settlements hence essential services to the settlements and road network to link them to other areas of the city were not provided by the local authorities. As a result, Nairobi developed along segregated lines. The city's 1948 Master Plan and other major urban development plans continued to neglect informal settlements.<sup>59</sup>

This state of affairs can be better explained after Kenya's independence in 1963, when the colonial policies were relaxed to allow Africans to settle in all parts of the city. There was a major shift in population to Nairobi, owing to migration to the city in search of job opportunities, without an immediate rise in housing provision. The independence government allowed new immigrants to put up shacks within the city as long as they were not located near the Central Business District.<sup>60</sup>

Africans who lived in the eastern parts of the city of Nairobi, had less access to basic services compared to those who lived in the western suburbs of Nairobi city where the Europeans and some Asians used to live and where they had access to better services. Western suburbs of Nairobi city comprised Woodley, Kileleshwa, Hurlingham, Kilimani, Lavington, and Muthaiga while the Eastern suburbs comprised Race Course, Ngara, Shauri Moyo, Pumwani, Eastleigh, Kariobangi, Kaloleni, Bahati, Jericho, Mbotela and Dandora. This position is reflected today not so much in terms of race, but in terms of class and individual incomes where the rich mostly live in the western suburbs with low population densities and good services and facilities.<sup>61</sup>

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<sup>59</sup> Syagga, Paul, Winnie Mitullah and Sarah K. Gitau, "Nairobi Situation Analysis", *A Consultative Report of Government of Kenya and United Nations Centre for Human Settlements (Habitat)*, Nairobi, 2001, p.95-96

<sup>60</sup> Shihembetsa L.U, "Urban Developments and Dwelling Environments", *Brief Notes on Dandora, Kariobangi and Eastleigh, International Workshop on Housing*, Nairobi, 1989, p.21-23.

<sup>61</sup> Ibid.

For instance, the western suburbs of Nairobi city comprised areas with low population density and high-income populations. On the other hand, Nairobi Eastlands suburbs to the east and away from the central business district was mostly a low-income densely-populated area. It currently holds the core region of old Nairobi county council housing areas and new institutional housing estates such as Race Course, Ngara, Shauri Moyo, Pumwani, Eastleigh, Kariobangi, Kaloleni, Bahati, Jericho, Mbotela and Dandora.<sup>62</sup>

Over the last three decades Nairobi was labeled as one of the 25 fastest growing cities in the world.<sup>63</sup> The Kenya Demographic and Health Survey (KDHS) illustrated these trends, as well as provided some information from the 2003 (KDHS) on differences between urban and rural areas. There was a dynamic experience of rural-urban migration from a figure of 2.3 million at the time of the 1999 Census, to estimates of 3.5 million as per the 2009 Census influenced by the expansion of informal settlements/slums.<sup>64</sup>

Informal settlements in Nairobi were generally of two types; namely squatter settlements and those which arose out of illegal sub-divisions of either government or private land. A number of these slums were located on land unsuitable for construction. However; their location was largely defined by their proximity to areas where the slum dwellers were likely to get employment, in the high income areas. For example, Nairobi's slum dwellers in Kibera, Mathare, Mukuru Kwa Reuben, Mukuru Kayaba and Mukuru Kwa Njenga could easily access their place of work by foot.<sup>65</sup>

The growth and development of slums/informal settlements in Nairobi was as a result of a variety of factors, key among them being rural urban migration, unemployment, under employment, and increased population densities in the rural areas which forced people especially the young to move to urban areas in search of opportunities.<sup>66</sup>

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<sup>62</sup>Situma, "The Environmental Problems in the City of Nairobi", *African Urban Quarterly*, Vol. 7 Nos. 1 and 2, February, Nairobi, 1992, pp. 167

<sup>63</sup>International Institute for Environment and Development (IIED), *cited in the Kenyan Business Daily*, 23<sup>rd</sup> October 2007, pp.14.

<sup>64</sup>Kenya Bureau of Statistics, "Economic Survey 2008 Highlights", Nairobi, 2008, pp.39-46.

<sup>65</sup>Oral interview, Moses Wangui, Mukuru Kwa Njenga, 05/06/2013.

<sup>66</sup>Olima, W.H.O, "The Dynamics and Implications of Sustaining Urban Spatial Segregation in Kenya: Experiences from Nairobi Metropolis", *A Paper Presented at the International Seminar on Segregation in the City Held at Lincoln Institute of Land Policy in Cambridge, USA*, June 12, 2002, pp.221-223.

Slums in Nairobi including the subject of this research Mukuru kwa Njenga slums owe their origins to several of these factors which also include urban population growth without corresponding housing provision, resettlement due to new development, slum upgrading resulting to relocation of slum inhabitants to other sites, and extension of city boundaries among other factors. Livelihoods in slums were mostly earned through different economic activities, which included being employed as waiters, bar men/maids, drivers, watchmen, shop assistants, casual laborers in factories and construction sites, artisans, small business owners and others.<sup>67</sup>

#### **2.4 Mukuru Kwa Njenga Settlement**

The history of Mukuru slums is related to the history of Nairobi itself. Before the country gained independence, Mukuru was a vast estate belonging to Mr. Jack Reuben, a British Army veteran whose service during the second world war saw him awarded the huge track of land. He established a Villa Franca/farmstead which was divided between a Sisal plantation and a depot for the Reuben haulage empire. Both businesses needed workers, so a labour camp was established to accommodate his workforce.<sup>68</sup>

Soon after independence from the Britain in 1963, Reuben left Kenya and his land was passed to the new state. Left without homes or jobs, Reuben's former employees squatted on the land thereby calling it Mukuru Kwa Reuben, or "Reuben's place", in Swahili. In 1979, Cucu Gatope a former worker of Reuben started building housing structures for commercial use together with her three daughters. This was followed by other former workers one called Munyao and another one Njenga who started building rental structures (shacks) to accommodate the bulging influx of inhabitants looking for cheap affordable housing thus leading to the initial growth of the informal settlement in the area.

In the early 1980, Kenya's land ministry during Moi's reign came with promises and beacons which it used to survey the squatter camp and the surrounding areas. Officials told residents that the beacons were the first step towards helping them to build

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<sup>67</sup>Syagga, Paul, Winnie Mitullah and Sarah K. Gitau, "Nairobi Situation Analysis", *A Consultative Report of Government of Kenya and United Nations Centre for Human Settlements (Habitat)*, Nairobi, 2001, pp.93-94

<sup>68</sup>ibid

permanent homes. Four years later, authorities began demolishing the shanties. In the years that followed, the land was parceled out to friends and allies of the then president Moi. The land was to be developed within two years or handed back to the state but in reality it was left vacant by its speculating owners or used as collateral for hefty bank loans.<sup>69</sup>

Meanwhile Nairobi inhabitants continued to flock the settlement and built cheap housing structures where they settled with their families. The failure to develop the land parcels by the alleged new owners helped invigorate the slum movement making people migrating from their rural areas in search of job opportunities in the city to informally settle on the 'private land' over the years, as they were cheap and near their places of work.

As Nairobi's population continued to grow, more people from different communities and other parts of the country flocked the city in order to make money and support their families. This led to increased population in the informal settlement as families sought cheap housing in the settlements. This resulted into the proliferation of individual slums in Mukuru, each with its own particular history and name as more residents who could not afford house rent due to increased demand for housing built their own cheap, make shift houses in the area that would turn into today's Mukuru slums.<sup>70</sup>

The Mukuru slums comprise several informal settlements key among them Mukuru Kwa Njenga slums.<sup>71</sup> Mukuru slums stretches along Ngong river, and are situated on waste lands in Industrial area of the city, between the outerring road, the North airport road, and Mombasa road spreads over three different constituencies namely Embakasi South, Makadara and Starehe. The slums in Mukuru comprise; Mukuru kwa Reuben, Mukuru kwa Njenga, Sinai, Paradise, Jamaica, Kingstone, Mariguini, Fuata Nyayo and Mukuru Kayaba.

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<sup>69</sup>Syagga, Paul, Winnie Mitullah and Sarah K. Gitau, "Nairobi Situation Analysis", *A Consultative Report of Government of Kenya and United Nations Centre for Human Settlements (Habitat)*, Nairobi, 2001, pp.93-94

<sup>70</sup>ibid

<sup>71</sup>Ogolla B.D, Mugabe, J., "Land Tenure Systems, In *Land we Trust*", Initiative Publishers, Nairobi, 1996, p.93.



‘Mukuru’ literally means a gully in Kikuyu language. The place used to be an old quarry where most of the stones used to build surrounding factories in Industrial area were excavated. Huge open spaces the size of manmade dams were left exposed which became death traps to children and laborers working in neighbouring factories. The gullies also became breeding ground for mosquitoes during the rainy season when filled with rain water.<sup>72</sup>

The City Council condemned the gullies as unfit for any permanent construction and converted them into dumping sites for garbage from the city. When the gullies were eventually filled with garbage, the poor people who used to scavage in the dumpsites started building their own housing structures from wood, cartons, and iron sheets. Increased population in the settlement and high poverty levels led to many inhabitants joining the slum as it continued to expand in the dumpsite (‘Mukuru’).<sup>73</sup>

As the Mukuru slums continued to expand owing to increased population of migrants into the area, the slums became harder to control. In order to solve this problem, the provincial administration through Chiefs and appointed representatives from the slum areas created villages/zones in 2002 in each slum area as a way of providing security, and identifying leaders in each village/zone so as to have control over the affairs in each of the specific slum areas. The local administration came in through the chiefs, who were in charge of allocating people plots at a fee together with the appointed chairmen of the areas.<sup>74</sup>

Mukuru Kwa Njenga slums with a population of 74,799 people and 27,389 households as per the 2009 census is the largest informal settlement in the expansive Mukuru slums. The slums borders the pipeline estate, industrial area, Imara Daima estate and it’s separated with Mukuru Kwa Reuben slums by a railway line that cuts through the slum area. The slum got it’s name from Mr. Njenga who was the first inhabitant to settle there and build rental structures.<sup>75</sup>

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<sup>72</sup>Ogolla B.D, Mugabe.J, “*Land Tenure Systems, In Land we Trust*”, Initiative Publishers, Nairobi, 1996, p.93.

<sup>73</sup>ibid

<sup>74</sup> ibid

<sup>75</sup>Malombe, J.M., “Approaches to Urban Poverty Reduction in Kenya: The Role of NGOs”, *Paper presented at the UN conference on Urban Poverty and Governance Workshop in Eastern Africa*, Nairobi, 14-16 March, 1995, p.46-47.

Mukuru Kwa Njenga slums were subsequently divided into eight villages (zones) namely; Moto Moto, Wape Wape, Riara, Vietnam, Sisal Milimani, zone 48 and MCC (Mukuru Community Centre). Each of the villages (zones) in Mukuru Kwa Njenga had a specific history whether named after people, events or significant places. The current population of Mukuru Kwa Njenga is estimated to be over 100,000 people going by the 2009 population census of 74,799 people, as more inhabitants keep on settling in the settlement every year. Some private enterprises have encroached on some of the villages, impacting on the size and population of the settlement resulting to some of the zones being over populated. The continued migration of inhabitants to the slum from the rural areas and other parts of the city led to increased population in the specific Mukuru kwa Njenga villages as illustrated in table 1 over a period of 10 years between 1999 and 2009.<sup>76</sup>

**Table 1: Mukuru Kwa Njenga Population Growth Between 1999 to 2009**

	<b>Village Name</b>	<b>Size (Acres)</b>	<b>Population 1999</b>	<b>Households 1999</b>	<b>Population 2009</b>	<b>Households 2009</b>
1	Sisal	22.73	5,270	1,867	6,791	2,490
2	Milimani	15.37	3,445	1,276	4,752	1,697
3	Vietnam	53.64	11,438	4,845	14,979	5,430
4	Riara	47.74	4,454	1,345	8,551	3,172
5	WapeWape	35.04	5,307	2,508	11,631	4,665
6	Zone 48	37.24	4,786	1,347	10,901	3,686
7	Motomoto	34.72	6,439	1,856	8,900	3,195
8	MCC	32.37	3,563	1,195	8,294	3,054
	<b>TOTAL</b>	<b>278.74</b>	<b>44,702</b>	<b>16,139</b>	<b>74,799</b>	<b>27,389</b>

Source: KNBS (1999, 2009).

There was a considerable increase in population between 1999 and 2009. Old zones in Mukuru Kwa Njenga like Sisal, Milimani, Vietnam which were established in the early 1980's were already overpopulated as at 1999. By 2009 the slums population and number of households in the same zones were extreme. On the other hand, Riara, Wapewape, Zone 48 and Motomoto which owe their growth to the influx of

<sup>76</sup> KNBS,(1999, 2009).

inhabitants from the overpopulated sisal, milimani and Vietnam in the early 1990's had a lower population and household density as at 1999. However the same more nearly doubled by 2009 as more inhabitants flocked the zones. Mukuru Community Centre (MCC), had a smaller population by 1999 having started experiencing influx of inhabitants in the late 1990's. The population of the area more than doubled by 2009 owing to more slum dwellers resettling there as a result of over population in the other zones. All the villages/zones had a very different history as follows;

#### **2.4.1 Sisal Zone**

Sisal zone was named after Reuben sisal plantation i.e. It was Reuben the white settler whose name was used to name the neighboring Mukuru Kwa Reuben slums. Reuben had an expansive sisal plantation that extended to the now Mukuru Kwa Njenga slum area thus after human settlement in the zone, the village maintained the name Sisal village thus origin of the name. It was established in 1980. The zone has approximately 22.73 acres with freehold title by a private individual namely Ashok Chandaria a Director of Orbit chemicals company. At present the entire land has been subdivided to smaller parcels that are owned by 'absentee landlords' who have invested in the low income housing. The settlement has also encroached a power way line traversing Mukuru Kwa Njenga slum. The Zone had an estimated population of 6,791 people with 2,490 households as per the 2009 census.<sup>77</sup>

#### **2.4.2 Milimani Zone**

Milimani as the name suggests is located over a soft hill. The area was started in the year 1985. Vision Kenya surrendered this piece of land to the first inhabitants of the area because they regarded it as unproductive land. The strategic location of this village i.e. on a hill gave rise to its name 'Milimani' meaning a hilly place. The land covers approximately 15.37 acres and Chandaria claims ownership. There have been threats to evictions to the estimated 4,752 people from the 1,697 households in the settlement according to the 2009 census.<sup>78</sup>

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<sup>77</sup>Ngau, P., "Informal Settlements in Nairobi", *A Baseline Survey of Slums and Squatter Settlements, An Inventory of NGOs and CBOs activities*, Nairobi, 1995, p.13-15.

<sup>78</sup>Oral interview, James Kinuthia, Vietnam Village, Mukuru Kwa Njenga, 13/06/2013.

### **2.4.3 Vietnam Zone**

Vietnam took its name after a massive confrontation between the GSU of the Kenya police and the slum dwellers in the area in 1996 after an order by the government to demolish the settlement. The confrontation resulted in the death of several residents and their leaders. The intensity of the conflict is what earned the settlement its name as it was likened to the historical Vietnam War of 1959-1975.<sup>79</sup> The zone rests on a 53.64 acre piece of land with a freehold title associated with a private individual called Kamotho.

The land at present has been also subdivided into smaller parcels that are owned by absentee landlords who have invested into low income housing units. The settlement in this zone has encroached a power way line traversing Mukuru kwa Njenga slum. The zone has an estimated population of 14,979 people with 5,430 households as per the 2009 census.<sup>80</sup> It was established in 1984.

### **2.4.4 Zone 48**

Zone 48 owes its name to an agreement of the settlers with the land owner that all the 42 Kenyan tribes were represented there. The land was initially owned by Chandaria and was being used previously as a Juakali sector and a dwelling place for widows and orphans. In 1998, these people claimed the ownership of the land and Chandaria agreed to let them stay in the land with a condition that all 42 tribes be represented in the settlement.

Later on, the 48 tribes were represented in the area hence name village 48 that is mostly occupied by the Kenyan Somalis and other Kenyan tribes. The land is estimated to be 37.24 acres, which Chandaria claims land ownership. The area is occupied by approximately 10,901 people with approximately 3,686 households as per the 2009 census.<sup>81</sup> It had started in 1990.

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<sup>79</sup>Oral interview, James Kinuthia, Vietnam Village, Mukuru Kwa Njenga, 13/06/2013.

<sup>80</sup>Oral interview, Peter Kivuva, Vietnam Village, Mukuru Kwa Njenga, 13/06/2013.

<sup>81</sup>Oral interview, Peter Kivuva, Vietnam Village, Mukuru Kwa Njenga, 13/06/2013

#### **2.4.5 Moto Moto Zone**

Part of the land parcels in Motomoto were originally allocated by Moi government to individuals capable of developing the area in 1995, the other parts of the same land parcel were irregularly acquired in 2000 by the MotoMoto group that gave the name to the village because of frequent fires that used to raze the settlement.<sup>82</sup> It's approximate population is 8,900 people and 3,195 households as per the 2009 census. It sits on a 34.72 acre piece of land. It had started in 1994.

#### **2.4.6 Wape Wape Zone**

As a project zone, Wapewape started in the year 1995. The settlement derived its name from a famous bar in the area called Wapewape owing to its proximity to the industrial area where most of the slum dwellers got casual employment. There has been threats to evictions from unknown individuals who claims to own part of the settlement area in upper Wapewape but resistance from the occupants has always rendered the move impossible.<sup>83</sup>

The zone rests on a 35.04 acre piece of land with a freehold title owned by two private individuals namely chandaria who claims ownship of lower wapewape while the upper area is claimed by by an unknown individual. The zone has an estimated population of 11,631 people with an approximate population of 4,665 households according to 2009 census.<sup>84</sup>

#### **2.4.7 Riara Zone**

Riara village was initially bushy and covered with thorns known as Riara in Kikuyu language. The history of Riara village can be traced back to 1990, when slum dwellers from the neighboring villages like Vietnam and sisal zones, came and settled there. Steel Makers claims to own the land on which this settlement has been established. It covers a total of 47.74 acres. There are approximately 3,172 households in the settlement with approximated population of 8,551 people according to the 2009 census.<sup>85</sup>

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<sup>82</sup>Oral interview, Eunice Mukuru Kwa Njenga, 03/06/2013.

<sup>83</sup>ibid.

<sup>84</sup>Oral interview, Eunice Mukuru Kwa Njenga, 03/06/2013.

<sup>85</sup>Oral interview, David Okwaro, Mukuru Kwa Njenga, 13/06/2013.

#### **2.4.8 Mukuru Community Centre (MCC) Zone**

The history of MCC village can be traced in 1997. It is named after the oldest school in Mukuru called Mukuru Community Center which is a local school for street children. The area was occupied by an estimated 8,294 people with approximately 3,054 households as per the 2009 census. The land area is estimated to be 32.27 acres, though Ashok Chandaria and other individuals claim the land ownership.<sup>86</sup>

Cheap accommodation and proximity to employment opportunities in Mukuru Kwa Njenga settlement attracted a growing population in these zones in which there was no proper working waste collection system, apart from a few pit latrines. Solid wastes were disposed in open space outside the plots or into the nearby drains/ open trenches. Similarly sewage was directed to the nearby open trenches which were poorly maintained. The settlements lacked sewerage disposal system for the toilets with the common system used in the emptying of filled up pit latrines being the use of manual exhausters at a cost of approximately Kshs. 500 per 150 litres drum. Flooding was also a major threat in the zones because when it rained sewage overflowed into the respective areas and made the environment polluted.<sup>87</sup>

The building materials used in the construction of structures in these zones, included mainly iron sheets which comprised 80% of the structures, 10% of the structures were made of blocks, 5% from timber and the remaining 5% of the structures being mud walled. Rent for residential structures ranged between Kshs. 500 – 1,500 per month while that for commercial premises ranged between Kshs. 1,000 - 4,000 per month.

Water supply to the respective zones was done through piping in very poor conditions. It was evident that the water pipes traversed the area along the sewage channels making the water prone to contamination in case of pipe bursts and/or cracks.<sup>88</sup>

Electricity was available in the settlements from the Kenya Power and Lightning Company to a few individuals, however illegal connections to individual structures supplied power to a majority of residents in the settlement. A monthly unspecified fee of not more than Kshs. 300 was usually charged per room/bulb by the cartels operating

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<sup>86</sup>Oral interview, Lilian Wanjiru, Mukuru Kwa Njenga, 10/06/2013.

<sup>87</sup>Oral interview, James Ngugi, Mukuru Kwa Njenga, 12/06/2013.

<sup>88</sup>Oral interview, Rebecca Omwoyo, Mukuru Kwa Njenga, 14/06/2013.

these illegal connections which were done in a risky manner.<sup>89</sup> The internal access roads in these zones were unclassified and untarmacked. They were narrow and not drained and also acted as waste disposal sites. Movement was rendered difficult especially whenever there was a down pour of rain. Basic social services like schools, Hospitals, entertainment, churches, mosques, markets, and basic infrastructure were rare.<sup>90</sup>

Mukuru Kwa Njenga slum is diverse and multi-ethnic. The Kikuyu make up 22%, Luo 16%, the Luhya 11% and the Kamba 27% of the total population. The Maasai, who are the original inhabitants of the Nairobi region before the establishment of the city, and Kisii, Somali and other smaller ethnic groups, constitute the remaining 24% of the total population of 74,799 people as illustrated in Table 2 below, as per the 2009 population census.<sup>91</sup> Two or three of the four dominant communities generally dominate in each settlement/zone depending on a particular settlement's/zone's location within the slum, these are usually the Kikuyu, Luo, Luhya, and the Kamba.<sup>92</sup> Ethnic allegiances provide a source of cohesion within a community, however the diversity of traditions and cultures in these zones has been blamed for frequent conflicts in Mukuru Kwa Njenga slums.<sup>93</sup>

**Table 2: Ethnic Composition in Mukuru Kwa Njenga slums as per the 2009 Census**

	<b>Tribe Name</b>	<b>Population</b>
1	Kamba	20,196
2	Kikuyu	16,456
3	Luhya	11,968
4	Luo	8,228
5	Others	17,951
	<b>Total</b>	<b>74,799</b>

Source: KNBS, 2009.

<sup>89</sup>Oral interview with leaders of Muungano wa Wanavijiji Group, 12/06/2013

<sup>90</sup>Mbugua, J.P., "Problems of Shelter and Planning Constraints in the City of Nairobi", *Paper presented to the Annual National Convention of the Architectural Association of Kenya held at Safari Park Hotel, Nairobi, 27 –30th June, 2000*, pp.17-21.

<sup>91</sup> KNBS, 2009.

<sup>92</sup>UN-HABITAT, and Government of Kenya, "Collaborative Nairobi Slum Upgrading Initiative", *Nairobi Situation Analysis Consultative Report*, Nairobi, 2001.p.16-17.

<sup>93</sup>Taylor, W. and Maithya, H., "Urban Families under pressure in Kenya and the impact of HIV/AIDS", University of Birmingham, International Development Department, U.K., 2007, p.5-11.

## **2.5 Land Tenure, Elections Cycles and Evictions in Mukuru Kwa Njenga**

Evictions during the election cycles in Mukuru Kwa Njenga was closely related to land tenure issues. Most of the evictions during the elections had an element of the land ownership which requires further study.

### **2.5.1 Land Tenure in Mukuru Kwa Njenga**

Information available on land ownership in the Nairobi's informal settlements particularly Mukuru Kwa Njenga slums, is scanty and majorly through proxies. It was therefore difficult to identify the rightful owners of the land parcels in the settlement due to the lack of transparency in the documentation of land transactions, particularly from 1990 to 2002, when land grabbing in Kenya had reached its peak owing to the politicisation of the whole process of land allocation. The colonial government crafted laws governing land administration which were initially closely adhered to, but which subsequent government administrations blatantly abused.<sup>94</sup> The crisis involved the privatization of large tracts of public land, to the politically correct elite through processes that circumvented and defied established laws and procedures.<sup>95</sup>

Many different laws, in a system lacking in coherence and consistency were used to acquire public land. Among the many land-related laws in Kenya were; The Constitution of the Republic of Kenya, Government Lands Act (Cap 280), Registration of Titles Act (Cap 281), Trust Land Act (Cap 288), Land Adjudication Act (Cap 284), Registered Land Act (Cap 300), Sectional Properties Act, Physical Planning Act, Survey Act (Cap 299), Land Consolidation Act (Cap 283) and The Environmental Management and Coordination Act. These acts provided the framework for land grabbing in Kenya and in Mukuru Kwa Njenga settlement in particular.<sup>96</sup>

The President was responsible for the allocation of unalienated public land in the public interest and in consideration of the applicable laws. These same laws were used in the allocation of public land to close associates and 'supporters' to maintain political good will. Many of these urban and township allocations of plots particularly in the informal

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<sup>94</sup>Ndung'u Commission Report (2004), pp.43-44

<sup>95</sup>Jacqueline M.Klopp, "Ethnic Clashes and Winning Elections: The Case of Kenya's Electoral Despotism" *Canadian Journal of African Studies*, Vol.35, 2001, pp.18-20.

<sup>96</sup>Jacqueline M.Klopp, "Ethnic Clashes and Winning Elections: The Case of Kenya's Electoral Despotism" *Canadian Journal of African Studies*, Vol.35, 2001, pp.18-20.



settlements like Mukuru kwa Njenga did not follow the prescribed procedures and were therefore indeed illegal allocations.<sup>97</sup>

The processes used to acquire these lands involved the manipulation of legal avenues for land allocation which were ‘tailored’ to meet the desired ends. Through these means, significant tracts of public and trust land were allocated to elites and members of politically influential families, entities, and ethnic groups under the guise of settlements. The land was then fraudulently sold by the beneficiaries to third parties, who were either complicit in the irregular transaction or wholly unaware of the irregularities.<sup>98</sup>

### **2.5.2 Elections Cycles and Mukuru Kwa Njenga**

As political competition increased with the introduction of the multi-party elections in 1992 in Kenya, and to maintain the support of powerful members of the society, public land emerged as an attractive asset to ensure political allegiance and the re-election of officials, from local to the national level. Lucrative urban, parastatal, and protected land was eventually sacrificed to secure political support in the city of Nairobi which led to the proliferation of informal settlements in Nairobi, like Mukuru Kwa Njenga slums.<sup>99</sup>

In July, 2010, land, its ownership, and its administration generated a vehement public debate, driven particularly by landowners as the government continued to grapple with the new National Land Policy, approved by Parliament in December 2009. The constitutional referendum (which was held on 4 August 2010) also had Kenya’s land question at its core. The “No” campaigners claimed it will lead to a nationalization of land.<sup>100</sup> The “No” side, however, also linked the proposed Constitution with fears about ethnic tensions relating to land.

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<sup>97</sup>Ndung’u Commission Report, (2004), pp.45.

<sup>98</sup>Bruce, J., “Kenyan Land Policy: Analysis and Responses”, *Response paper prepared for USAID*. Arlington, USA, 2009, pp.4-16.

<sup>99</sup>Ibid.

<sup>100</sup>Agence France-Presse, “Land Real issue for Kenya Referendum ‘NO’ crusaders” ReliefWeb, 4 July, 2010. Online article accessed 10 July, 2010, at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/KHII-8734TU?OpenDocument>.

One prominent opponent of the constitution, the then Assistant Roads Minister Wilfred Machage, asserted that it would lead to claims to ancestral land which would result into evictions of inhabitants from some areas in the country, where the land question was yet to be addressed.<sup>101</sup> These and other ongoing debates on the referendum debate were significant obstacles to implementing the policies needed to safeguard Kenya's land. The country thus remained vulnerable to large-scale land grabbing, by both the national and political elites without sparing those who lived in settlements like Mukuru Kwa Njenga.<sup>102</sup>

### **2.5.3 Land Grabbing in Mukuru Kwa Njenga**

In Mukuru Kwa Njenga settlement, there was intensive land use due to high population densities and the greatest challenge in the area was the occupation of various government land and other people's lands by immigrants from the rural areas and other parts of the city. At the peak of the land grabbing phenomenon from the 1990s to the early 2000s there is scanty data available on allocations of public land.<sup>103</sup>

Those implicated in the land-grabbing phenomenon in post-independence Kenya and in Mukuru Kwa Njenga settlement ranged from the highest levels of national public office to local-level leaders, and 'politically correct' individuals and companies, parastatals, state-owned corporations, wealthy Kenyans, international 'developers', and various Ministries.

The beneficiaries of land grabbing were highly embedded in Kenya's political structures and in the highest echelons of its socio-economic classes.<sup>104</sup> Actual victims of these unscrupulous practices and their perpetrators were normally Mukuru Kwa Njenga slum dwellers themselves. A good example is like the 1996 Vietnam village forced evictions where the inhabitants were forced to pave way for development by a politically connected private developer.

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<sup>101</sup>Omanga.B, "Highs and lows of the Fiery Machage", Standard Online. Article assessed online 30 June, 2010 at <http://www.standardmedia.co.ke/insidepage.php?id>.

<sup>102</sup>*Ibid*

<sup>103</sup>Omanga.B, "Highs and lows of the Fiery Machage", Standard Online. Article assessed online 30 June, 2010 at <http://www.standardmedia.co.ke/insidepage.php?id>.

<sup>104</sup>Chege Waiganjo and Paul E.N Ngugi, "The effects of existing land tenure systems and land use in Kenya today", *International conference on spatial information for sustainable Development*, Kenya, 2-5 October, 2001, p23.

### **2.5.4 Evictions in Mukuru Kwa Njenga**

Most of the evictions that took place in Mukuru Kwa Njenga between 1991-2013 continued over during the election years in defiance of laws that governed land allocations in the country with the political elite invoking certain provisions of the law for their own selfish interests.<sup>105</sup> Land tenure insecurity in Mukuru Kwa Njenga was clearly manifested by previous forced evictions in the settlement like the 1996 Vietnam Village evictions and Motomoto village evictions towards the 1997 elections in which the inhabitants were rendered homeless and several others lost their lives in the confrontation which ensued with the police.

### **2.6 Conclusion**

From the discussions raised in this chapter, slums/Informal settlements have a long history in Nairobi dating from the colonial period, when Africans were mostly barred from the city's designated residential areas. The Africans who came to the city looking for job opportunities created informal residential settlements outside the central business district and the planned residential areas which were largely ignored by the colonial government. The city's first development plans however did not include these informal settlements for Africans thus they lacked basic amenities. Thus when spontaneous settlements arose, essential services and road construction to link them to other areas of the city were not provided by the local authorities. Instead they developed along segregated lines where the best services were reserved for Europeans and rich Asians. The city's 1948 Master Plan and other subsequent urban development plans continued to neglect these informal settlements since they were not supposed to exist.

Unlike cities in developed countries, Nairobi's growth was not accompanied with equal socio-economic and environmental development. The informal settlements were scattered within Nairobi's administrative divisions. Residents in these marginalized areas lived in conditions lacking clean water, proper sanitation, housing, health services, and lack of solid waste management facilities. In addition to this, slum dwellers faced inadequate schools for their children, unemployment, lack of energy, lack of drainage systems and experienced high crime rates.

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<sup>105</sup>Peace and Development Network, 2009, P.60.

This resulted to life threatening outcomes which led to mass poverty, contagious diseases, conflicts, and other social, economic and ecological hazards. Complexities surrounding slums in the city made it difficult for the government to pass workable policies which if enacted and applied in the right way could help Kenya improve slums life. In Nairobi therefore, the lack of recognition of slums and settlements as residential areas denied residents a range of essential services provided by the government to other residents of the city. Mukuru Kwa Njenga slums being one of the many slums in Nairobi has seen its share of atrocities. This made it a fertile ground for exploitation by the political elite every election cycle since the introduction of multi party politics in Kenya.

The political elite over the years also invoked certain provisions of land laws to blatantly grab the land occupied by the slum dwellers in Mukuru kwa Njenga. This resulted to constant confrontations in the informal settlements between the police as the residents of the various villages of Mukuru kwa Njenga namely; Sisal, Vietnam, Riara, MotoMoto, WapeWape, MCC and Zone 48 resisted any form of forced evictions initiated by the perceived owners of the land they occupy.

**CHAPTER THREE**  
**CAUSES OF ELECTIONS RELATED EVICTIONS IN MUKURU KWA**  
**NJENGA SLUMS (1991-2013)**

**3.1 Introduction**

Since Kenya got her independence in 1963, the Kenyan Constitution has been amended several times. The most serious amendment being the 1981 amendment which introduced section 2A that made Kenya a defacto one party (KANU) state and not a dejure one.

Most of the amendments were aimed at strengthening the presidency, and following the amendments, the president was given immense powers. Moi's government exploited every opportunity given by the constitution to ensure his political opponents were kept at bay and anyone who dared challenge his leadership faced the full force of the law. The enormous powers bestowed to the presidency by the constitution resulted to its misuse by the KANU regime.

The re-introduction of the multi-party politics changed the political arena in Kenya marking a new beginning. Conflicts could be experienced in various parts of the country especially around and during election periods. Mukuru Kwa Njenga slums became a conflict hotspot which resulted to evictions as illustrated by this chapter. The causes of the election related evictions were thus diverse and ranged from social, economic to political. The causes constituted the following.

**3.2 Land lord- Tenant Conflicts**

The re-introduction of multi-party politics in Kenya since 1991 turned Mukuru Kwa Njenga slums into a hot-bed of election related violent conflicts and evictions. The slum witnessed politically instigated landlord-tenant conflicts and evictions related to land tenure and ownership issues. In a country where voting was still, mostly along tribal lines, Moi was concerned to find support from other ethnic groups such as the Luo to ensure sufficient votes for his preferred successor, Uhuru Kenyatta.<sup>106</sup>

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<sup>106</sup>Anderson, D., "Vigilantes, violence and the politics of public order in Kenya", *African Affairs*, Volume 101 (405), 2002, p. 531-555.

Raila Odinga, who at the time was in Moi's cabinet, was quoted as telling slum dwellers in Nairobi that, "The government is the true landlord, the landlords are the tenants and the tenants are the sub-tenants and that the government will tell the landlords to lower the rent".<sup>107</sup> Raila Odinga's comments on the housing situation in slum areas of Nairobi helped marshal to his side the Luo, a community that had come to symbolize opposition politics in Kenya, and who were largely tenants in slum areas. Raila Odinga found a platform in Luo dominated slum settlements through the electoral pact but his aim was to foster his presidential prospects. However, Moi and Odinga's comments on housing in the slum areas fanned conflict between land lords and tenants. The political discourses used by the two politicians laid blame on landlords and masked the role of local state neglect.<sup>108</sup>

'Landlords' in Mukuru kwa Njenga were in essence not real landlords, having regards to the government's claim and 'tenants' were again not real tenants for their tenancy was derived from people with no better title than their's. According to the government, anyone who purported to own land in Mukuru Kwa Njenga was engaging in an illegal action and was supposed to be prosecuted.<sup>109</sup>The government persistently argued that Mukuru kwa Njenga land as with other slum lands was its property and all those who occupied it whether as owners of houses and other premises or tenants were all tenants.

Raila Odinga the then minister of Energy in the Moi government was quoted in a local newspaper in 2001 saying; "The landlords must reduce rents because the land on which the slums are built was government land. You cannot be called a landlord if you do not own land. Those who have constructed houses on government land are the governments tenants."<sup>110</sup>

Raila maintained this line of argument and he was once quoted saying that there were no landlords in Nairobi slum areas but "land tenants", who had leased land from government and added that the government issued the 'land tenants' with Temporary Occupation Licences (TOLs) and not Title deeds. The government had the force of the

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<sup>107</sup>Anderson, D., "Vigilantes, violence and the politics of public order in Kenya", *African Affairs*, Volume 101 (405), 2002, p. 531-555.

<sup>108</sup>Ibid.

<sup>109</sup>Ibid

<sup>110</sup>Daily Nation, December 3, 2001.

law on its side because none of those who had property in the slum areas in Nairobi had a title for proof of ownership since there was no legal system of permanent allocation of land in the slums of Nairobi.

In similar comment, President Moi noted that “Chiefs appointed by city authorities only issued Temporary Occupation Licenses that could be provoked anytime by the government. The chiefs determined at their discretion those that may have a Temporary Occupation Licence (TOL) and at what price, thus establishing a system of discrimination and patronage.<sup>111</sup>

The president’s remarks thus served to under score the status of landlords as mere squatters and even exposed them as fraudsters who had no better claim to the land than those from whom they demanded rent. To the tenants the president’s remarks simply meant non-payment of rent and it was at this point that battle lines became drawn between landlords and tenants that culminated into violence and subsequent evictions.<sup>112</sup>

The tenants continued to defy rent payment ever since Moi and Raila made their remarks in 2001. There were those who insisted on paying half of what they used to pay before the directives from Moi and Raila in 2001. Others simply moved out of their houses without paying rent. To counter them, the landlords resulted to hoodwinking them into temporarily vacating their houses for renovations, only for the same houses to be given out to new and seemingly ‘cooperative’ tenants.<sup>113</sup> On the part of the landlords, there are those whose houses had been taken over by tenants and had never dared to go back and claim them for fear of their lives.<sup>114</sup>

In most cases, the landlord-tenant conflicts escalated into bloody battles between the tenants and hired militia by the landlords leading to loss of lives and in other cases the landlord structures being burnt down. The violent evictions in Mukuru kwa Njenga was a clear indication that unless the government comprehensively addressed the land

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<sup>111</sup>Kituo Cha Sheria, “Participatory Urban Appraisal Report: ‘Strengthening Tenants Association Rights and Tools for Negotiations and Effective Dialogue,” (*Unpublished manuscript*, Nairobi 2004.

<sup>112</sup>Ibid

<sup>113</sup> Oral Interview, Joseph Otieno, Mukuru kwa Njenga ,14/6/2013

<sup>114</sup> Ibid.

question issue in Nairobi slums, then violence, evictions and it's attendant loss of property and life would be constant in the slum areas.

### **3.3 Poverty**

High levels of poverty in Mukuru Kwa Njenga as well as other Nairobi slums significantly led to frequent competition for the little resources available in the settlement thus resulting to frequent conflict and election related evictions. This coupled with inadequate social amenities such as schools, hospitals, sewerage systems, proper housing, and absence of good infrastructure further worsened the state of life in Mukuru Kwa Njenga every election year.<sup>115</sup>

As a result of poverty, very few parents afforded to educate their children in private schools since most of the government owned schools available in the slum areas were majorly located on the periphery of the slum and were congested thus compromising on the quality of the education. The situation led to high rates of school drop out with very limited education and skills thus limiting their chances of getting employment and capital to start small businesses.

It is a common knowledge to many residents that economically powerful individuals aspiring for political positions funded the idle youth in the slums. In some instances and with the introduction of small arms in the slums, conflict and evictions in the slums became a deadly practice accounting for much loss of human lives.<sup>116</sup> Thus increasing insecurity in Mukuru Kwa Njenga slums and inter-ethnic conflicts and tensions which were exacerbated with small arms becoming essential households' assets.

The high unemployment and inadequate economic opportunities in the slum also created a fertile ground for the youth to arm themselves with illegal arms, and to resort to robbery as a source of livelihood too.<sup>117</sup>

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<sup>115</sup>Maina wa Kinyati, "History of Resistance in Kenya 1884-2002, Nairobi". *Mau Mau Research Centre*, Nairobi, 2008, pp.30.

<sup>116</sup>Ibid.

<sup>117</sup>Africa Watch, "Divide and Rule: State –Sponsored Ethnic violence in Kenya" *Africa Watch*, Nairobi, 1993, pp.3



Issues to do with widespread poverty and unemployment among the youth and fanatical support for some political players emerged as challenges that could still precipitate future conflicts and evictions in the slum areas every election cycle. Candid discussions provoked many of the young leaders in the slums to aspire for better living conditions and improved socio-ethnic relations.

This led in 2009 to the launch of the Nairobi Slums Assembly, a forum in which young leaders from the slums met every month to discuss specific issues affecting their particular environments and to come up with proposals which they then shared with the Provincial Administration, the police and elected leaders. In many cases, this led to positive change as well as the building of bridges with the authorities.<sup>118</sup>

### **3.4 Militia groups**

The rise in numbers of idle youth forced many of them to join illegal militia gangs like ‘mungiki’ and ‘jeshi la mzee’ where they extorted money using these cartels. The deplorable living conditions in the slum areas made life difficult thus rendering many youths idle. The conditions presented politicians with good opportunities to recruit the youth whom they paid as little as Kshs.100 to cause violence and subsequent evictions from the slum areas, mostly of those inhabitants suspected to be supporting opposing candidates in the slum.<sup>119</sup>

This coupled with poor infrastructure in the slum areas made it difficult to open up the slum for development. It also made it difficult for the security officers to access the slum especially during election violence. In Mukuru Kwa Njenga, militia groups took over the functions of the Kenya Power and Lighting Company, tapping electricity and supplying it to residents at a monthly fee, in addition to provision of security and water at a fee. They had after all the blessings of the powerful political figures.

In the wake of the post-election violence of 2007, most of the landlords’ in Mukuru Kwa Njenga hired militia to secure their structures from destruction and to forcefully evict the tenants who illegally took occupation of their houses. Businessmen also relied

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<sup>118</sup>*Daily Nation February 29, 2008, p.23.*

<sup>119</sup>*Daily Nation February 29, 2008, p.23.*

upon the services of the vigilantes to protect their shops from looting or burning. Similarly, illegal tenants constituted their own vigilante groups to keep away the landlords and their agents and to do 'intelligence' work.<sup>120</sup>

The militias had also been active in land-related conflicts since the mid 1990s. With the un-developed public infrastructure and utilities in the slums against a background of widespread corruption among the police and land office personnel, the rate of land-grabbing in Nairobi increased significantly under the Moi government. The land grabbers found it convenient to hire the militias mostly Mungiki to demolish temporary structures and to displace occupants in Mukuru Kwa njenga.

The same militias were also used to fence off and guard the grabbed land. In situations where large populations suffered displacement or public utility facilities such as playing fields were lost after land grabbing, there were always the temptation to organize a fight-back operation leading to bloody confrontations between the slum residents and the militias.<sup>121</sup>

Lack of adequate security in Nairobi slums since the early 1990s, following the violent introduction of multi-party politics and the consequent emergence of 'Mungiki', led to simultaneous mushrooming of vigilantes in non-Kikuyu dominated sections particularly in Mukuru Kwa Njenga. Neighbourhood security surveillance increased, especially after post-2007 election violence, which also led to the re-organization of settlement patterns in the slum along distinct ethnic lines.<sup>122</sup> The mission of the vigilantes was to curtail increased incidents of crime in the slums and to safeguard the political community from potential attacks by opponents' ethnic militias.

But beneath their social and political functions, most of the militias had an economic motive which related to the survival needs of their members'. Political vigilantes were particularly active among minority communities when surrounded by a dominant ethnic community perceived as a political opponent.<sup>123</sup> In Mukuru Kwa Njenga, vigilantes

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<sup>120</sup>Peace and Development Network, "A Rapid Assessment of the Conflict and Security Situation in Nairobi Urban Area and its Environs", Nairobi, 2009, P.56-60

<sup>121</sup>*Daily Nation April 1, 2008, p.17.*

<sup>122</sup>Mutsotso, B. and S. Kinyanjui. (ed), "A Ticking Time Bomb: Nairobi's Informal Settlements", p.58.

<sup>123</sup>*Daily Nation March 19, 2008, p.23.*

existed in villages outside areas where Mungiki reigned supreme. The landlord versus tenant conflicts that erupted after the December 2007 polls particularly popularized neighbourhood vigilantism.<sup>124</sup>

### 3.5 Ethnicity

The influence of the cold war since its end in the 1990s caused aggressive competition for political power, economic opportunities and social status in an already complex Kenyan society. In the circumstances, negative ethnicity became the simplistic but most effective ideology for the access and maintenance of power and opportunities. Indeed, ethnic nationalism survived but was suppressed both by the Kenyatta regime and during the early years of Moi rule. It is the liberalization of the political space after the abrogation of section 2A of the Kenya Constitution in 1991 that burst the bubble.<sup>125</sup>

The elections related ethnic violence which was witnessed in Mukuru Kwa Njenga slums in the election years between 1991 and 2013 mainly involved four main ethnic groups as illustrated in table 2 of this research.<sup>126</sup> With a total population of 74,799 as in 2009, the Kamba constituted 27%, Kikuyu 22%, Luo 16% and the Luhya 11% of the total population. The Maasai, Kisii, Somalis and other ethnic minorities in the slum area constituted 24% of the total population. The ethnic violence majorly involved the Kikuyu and the Luo on either side, while Kambas, Luhya and other ethnic groups aligned themselves to either side of the two tribes during elections violence. The 2007/2008 post election violence saw the Luo and the Luhya who were in ODM gang up against the Kikuyu and Kamba communities who were in PNU.

The KANU government sowed the already deep rooted seeds of ethnic violence, in suppressing the opposition movement and civil society lobbies at the height of the clamor for multipartism. When their strategy was met with resistance, KANU resorted to the use of unorthodox means which involved torture and evictions to contain the opposition. It is in reaction to the KANU strategy that the opposition mobilized ethnic militias for self-defence in the fight for democratic space. Apart from the pro-KANU

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<sup>124</sup>Peter Kangwanja, "Killing the Vote: State Sponsored Violence and Flawed Elections in Kenya", *Kenya Human Rights Commission*, Nairobi, 2001 pp.70

<sup>125</sup>Berman, B., Lonsdale J., "Unhappy Valley: Conflicts in Kenya and Africa", Heinemann Publishers, Nairobi, 1992, pp.4-9.

<sup>126</sup>KNBS, 2009.

‘Jeshi la Mzee’ , other slum-based militias in Mukuru kwa Njenga and from other Nairobi slums emerged primarily out of the economic need for survival and to take advantage of insecurity situations that resulted from lack of state-provided security surveillance measures.<sup>127</sup>

The devastation brought by the post-2007 election violence led to the revival of ‘Jeshi’ culture, and the failure of the government to contain ‘Mungiki’ also made non-Kikuyu communities such as Luo and Luhya insecure, given it’s suspected powerful political links. The history and development of ‘jeshi’ culture was therefore a demonstration of failure by the state to discharge its cardinal role and purpose, namely the provision of security to the citizens living within its territorial jurisdiction. Indeed, the mushrooming of slums and their poor living conditions exposed the neglect by successive regimes to plan for its urban population.<sup>128</sup> The physical conditions prevailing in the slums encouraged the emergence of ‘jeshi’ culture that in some areas was the ‘government’ for the residents.

### **3.6 Multi- Party Politics**

The re-introduction of multi-party politics in 1991 saw the emergence and rise of election violence during the election years of 1992,1997,2002,2007 to 2013.Each election period had it’s unique cause of election related violence and evictions in Mukuru kwa Njenga slums.

#### **3.6.1 Clamour for Multi Partysm during Moi’s Rule**

The end of the cold war era brought about a new global political dispensation which had a big impact on the political behavior not only in Kenya but to the entire African continent as a whole. Donor countries made demands for democratic development and placed pressure on countries that were never seen as violating the democratic rights of its citizenry such as the government of Kenya. As it were in other African countries, Kenyan citizens had at the same time began demanding for multi-party system of government.President Moi’s government was put under pressure to embrace multi-

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<sup>127</sup>Mutsotso, B. and S. Kinyanjui, “A Ticking Time Bomb: Nairobi’s Informal Settlements”, Friedrich Ebert Stiftung (FES), Nairobi,p.56-57

<sup>128</sup>Waki Report, “The Commission of Inquiry into Post-Election Violence (CIPEV)” Government of Kenya, 2008, pp.24.

partysm. However, his Kenya African National Union (KANU) government instead began to employ unorthodox methods and tricks to suppress the proponents of the multiparty system of government. The youth for KANU 92 (YK92) was used as the pro-government trouble makers in regions where the opposition had had a strong following like in the Mukuru Kwa Njenga. The KANU youths were used to harass opposition members and provoke riots in democratic and peaceful demonstrations. The YK92 was therefore used as a tool of unleashing violence and igniting of ethnic clashes in some parts of the country with Mukuru Kwa Njenga not being exempted although the proponents of multiparty did not relent. In July 7, 1990 members of the opposition organized a demonstration to pressure the government to relent and introduce multi-party politics. The government went ahead and banned the demonstration terming it illegal. The so called illegal demonstrations came to be known as the 'Saba Saba protests'.<sup>129</sup>

The government responded to the demonstrations by sending police, who used brutal force killing at least 20 people and arresting hundreds of demonstrators, including politicians, human rights activists and journalists. Some of the notable leaders who were arrested included; Martin Shikuku, Masinde Muliro, Kenneth Matiba, Charles Rubia, Raila Odinga among others. The arrests however did not deter in anyway the movement for the re-introduction of multi-party politics. A new opposition political party was formed in 1991 under the name Forum for the Restoration of Democracy (FORD).<sup>130</sup>

The party was at first banned by president Moi. Western countries responded by suspending their economic aid to Kenya in condemnation of the political oppression and human rights abuses by the Moi regime. Moi finally gave in and allowed the re-introduction of the multi-party system in Kenya after the repeal of section 2A of the Kenyan Constitution. Moi gave in to political change reluctantly and his government was determined to maintain the status-quo by devising new ways of suppressing the opposition. As Kenya approached the first multi-party elections in 1992, violent conflicts became a common phenomenon in some parts of the country especially in the

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<sup>129</sup>Johan de Smedt, "No Raila, No Peace: Big man Politics and Election Violence at the Kibera Grassroots", in *African Affairs*, USA, Oxford University Press, 2009, pp.598-604.

<sup>130</sup>David Throup & Charles Hornsby; "The Multi-Party politics in Kenya: The Kenyatta and Moi States & the Triumph of the system in the 1992 Election", USA, Ohio University Press, 1998, pp.242-278.

Rift Valley, Coast and Nairobi provinces among others. In Nairobi, most of the conflicts were witnessed in the city slum areas.<sup>131</sup>

### **3.6.2 Multi-Party Elections -1992**

The failure of the opposition (FORD) to agree on leadership, disputes over nomination of candidates in some constituencies and the subsequent split of the party contributed to some violence too. Old ethnic divisions were brought to the fore with supporters of Kenneth Matiba and Oginga Odinga confronting each other. In Nairobi where Oginga and Matiba factions had considerable support, there were outbreaks of violence in Mukuru kwa Njenga as each faction tried to out shine the other.<sup>132</sup>

The internal wrangles and divisions in the opposition led to the split of the FORD party into FORD-Kenya and FORD-Asili which saw more election violence as both Oginga Odinga and Matiba supporters in Mukuru Kwa Njenga aligned themselves to the two parties. Matiba had the massive following of the Kikuyu community while Oginga Odinga enjoyed a massive following from his own Luo community and the Luhya community.

Owing to a divided opposition, the government went on to win the elections of 1992; with the opposition also winning critical constituencies in the city such as the Langata parliamentary seat which was won by Raila Odinga, on a FORD-Kenya ticket.<sup>133</sup>

### **3.6.3 Party Politics and Multi-Party Elections - 1997**

On January 20, 1994 Oginga Odinga, the national chairman of Forum for Restoration of Democracy-Kenya (FORD-k) died. A vicious contestation over the party's chairmanship erupted pitting Raila Odinga, the then Deputy director of elections of FORD-k against one Michael Kijana Wamalwa who was the vice-chairman of the party.

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<sup>131</sup>Johan de Smedt, "No Raila, No Peace: Big man Politics and Election Violence at the Kibera Grassroots", in *African Affairs*, USA, Oxford University Press, 2009, pp.598-604.

<sup>132</sup>David Throup & Charles Hornsby; "The Multi-Party politics in Kenya: The Kenyatta and Moi States & the Triumph of the system in the 1992 Election", USA, Ohio University Press, 1998, pp.242-278.

<sup>133</sup>David Throup & Charles Hornsby; "The Multi-Party politics in Kenya: The Kenyatta and Moi States & the Triumph of the system in the 1992 Election", USA, Ohio University Press, 1998, pp.242-278.

Youths allied to the two politicians' camps engaged in running battles in which crude weapons such as pangas (matchets), knives, whips and axes were used to settle scores. The differences between the two politicians took the form of personality clashes and ethnic calculations rather than being ideologically based. Serious violence broke out in Mukuru Kwa Njenga slums particularly pitting the Luhyas and Luos.

This internal party wrangles culminated into ethnic violence that was witnessed mostly in slum areas in the city with a higher percentage of the Luo and Luhya communities namely; Kibera, Mathare and Mukuru Kwa Njenga. Each of the two ethnic groups secretly organized meetings to strategize on how to counter each other. The Luhyas branded their strategy meetings "*Bukhungu*".<sup>134</sup> On the other hand the Luo strategy meetings were christened "*Kamukunjis*".<sup>135</sup>

In 1996, after intense FORD-k leadership wrangles, Raila resigned from the party, forsook his parliamentary seat and took up a little known party, the National Development Party of Kenya (NDP) on which he sought re-election in the Langata constituency in subsequent by-election. The KANU government backed one Okiki Amayo, a fellow Luo to Raila to offer him steep competition in the by election. To the contrary, Raila easily retained his seat hence going down in the political history of Kenya as the first politician to have resigned from parliament under the multiparty democracy, sought fresh mandate from the electorate and overwhelmingly received it.<sup>136</sup>

Raila invigorated NDP turning it into one of the most prominent political party in Kenya at the time. He contested the presidency in 1997 on the party ticket and ended being third behind the incumbent president Moi; and his closest challenger Mwai Kibaki. He teamed up with other presidential losers like Mwai Kibaki to denounce the elections on

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<sup>134</sup> "*Bukhungu*" A Luhya cultural phrase or term used to describe the famous public Bukhungu stadium in Kakamega where most of the public functions including the traditional or cultural activities of the Luhya Community are held.

<sup>135</sup> "*Kamukunji*" A term popularly used by the Luo to refer to the famous Kamukunji grounds in the city of Nairobi where the multi-party proponents including Jaramogi Oginga Odinga used to hold public rallies in early 1990's to push the KANU government to allow multiparty democracy.

<sup>136</sup> Westen Kwatamba Shihalo, "Ethnic or class conflict? The Politics of Conflicts in Kibera of Nairobi Kenya" Johannesburg, University of the Witwatersrand, MA project paper, 2006, pp.42

the grounds of irregularities; but soon thereafter Raila changed his tune and congratulated Moi following the latter's re-election.<sup>137</sup>

### **3.6.4 KANU- NDP Merger**

Raila's NDP and Moi's KANU began working together under a formula loosely referred to as a 'cooperation' through which it metamorphosed into a 'partnership' then a merger on March 18<sup>th</sup> 2002 before the general elections that year after which Raila became the secretary general of the 'new KANU' as he preferred to call it. By October 2001, the two politicians appeared to have struck a winning formula with a section of the Kikuyu, Luhya and Luo ethnic groups joining KANU. The alliance could have easily vanquished any opposition challenge in the general elections that were a year away.

The meticulously crafted ethnic calculus, as it was known in Kenya's political circles was officially cemented through the KANU and NDP merger. Most of the informal settlements formed the stronghold of opposition support. To stem any resistance from the KANU-NDP merger, it became imperative to make statements that would likely make the people support the 'new KANU'. Violence broke out in the lead-up to the third multiparty elections in 2002 as both Moi and Raila issued inciting statements to slum residents resulting to ethnic and landlord-tenant tensions which escalated into full violence and evictions in Mukuru Kwa Njenga. President Moi had constitutionally been barred from contesting for presidency, having completed his second and final five year term.<sup>138</sup>

### **3.6.5 Multiparty Politics in Mukuru Kwa Njenga slums**

By November 2001, Mukuru Kwa Njenga slums being host to different ethnic groups in Kenya, was a hotspot for ethnic divisions, which was a major ingredient within the wider succession politics in the country. Having manipulated ethnic divisions to his advantage throughout his 24 years at the helm, President Moi knew how to make political capital in such situations, better than any other politician in Kenya.

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<sup>137</sup>Westen Kwatamba Shihalo, "Ethnic or class conflict? The Politics of Conflicts in Kibera of Nairobi Kenya" Johannesburg, University of the Witwatersrand, MA project paper, 2006, pp.42

<sup>138</sup>Law Society of Kenya, "Land Reforms Programme: Mission to Kibera-Nairobi 2002."



On October 22, 2001 the Presidential Commission of Inquiry appointed to review the Land Law Systems in Kenya and popularly known as the Njonjo Commission visited various slums in Nairobi as part of its countrywide mandate to collect and collate views of Kenyans on land laws reform process.<sup>139</sup>

In the run up to the visit, 'tensions' had been brewing pitting members of different communities against each other. Some residents in slums like those in Mukuru Kwa Njenga claimed that Mukuru Kwa Njenga was their ancestral land and that they were the rightful owners of the land. The local politicians were ambivalent in their comments on the controversial Mukuru Kwa Njenga land ownership. They did not support any side publicly. They simply stated that lack of land security had led to the mushrooming of slums, as owners of shanties feared demolition. Most of the sittings organized by the Njonjo Commission in the slum ended in heckling name calling and near fights.<sup>140</sup>

Moi visited some slums within the city including Mukuru Kwa Njenga in October 31, 2001 to preside over a funds drive in aid of poor children in slums. In a rally held in Lang'ata, Raila used the occasion to raise the controversial issue of land ownership and asked the president to intervene so as to save the tenants from the high rents. He referred to the way Moi had intervened on behalf of tenants in other Nairobi slums such as Korogocho, mathare and Mukuru Kwa Njenga.<sup>141</sup>

He decried the poor living conditions and the terrorism by goons hired by landlords to deal with rent defaulters.<sup>142</sup> Raila Odinga argued that since land in most Nairobi slums including Mukuru Kwa Njenga belonged to the government, the landlords who did not pay any tax fleeced tenants unfairly. In his address Moi agreed that the land in most slums belonged to the Government and those levying rent on the temporary structures were breaching the law. Moi ordered the then Nairobi Provincial Commissioner (PC) Cyrus Maina to arbitrate between the landlords and the tenants over the rent issue.<sup>143</sup>

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<sup>139</sup>Law Society of Kenya, "Land Reforms Programme: Mission to Kibera-Nairobi 2002."

<sup>140</sup>Peace and Development Network, "A Rapid Assessment of the Conflict and Security Situation in Nairobi Urban Area and its Environs", Nairobi, 2009, P.56-60.

<sup>141</sup>Westen Kwatamba Shihalo, "Ethnic or class conflict? The Politics of Conflicts in Kibera of Nairobi Kenya", *MA project paper*, Johannesburg, University of the witwatersrand 2006, pp.42

<sup>142</sup>Ibid.

<sup>143</sup>*Daily Nation*, December 7 2001, pp.24.

The PC called for a consultative meeting between the representatives of the two parties during which he seemed to contradict his senior by ordering tenants to continue paying rent as they awaited further negotiations. At this point violence erupted in Nairobi slums since the tenants took it that the provincial administrator had sided with the landlords.

<sup>144</sup> At another meeting later called by the PC on November 9, 2001 with representatives of landlords and tenants, from Nairobi slums, the landlords refused to concede to proposals for rent reductions.<sup>145</sup> Tenants on their part demanded a 50% rent cut and even non-payment of rents for some structures. Tenants seemed to have received a message from Moi's speech that they could stay in houses without paying rent. Doubt had after all been cast by none other than the President of the Republic as to the title of the land claimed by the landlords.<sup>146</sup>

Some slum dwellers and tenants in Mukuru Kwa Njenga like James Kariuki and Rose Mugo argued that the president in effect had settled the land ownership problem once he had said that land in slums belonged to the government and not to the landlords. This assertion was also confirmed by the tenants' representative leader James Matu. Through Moi's directive, tenants were emboldened and felt that they had a stake in the whole issue. Most of them started holding meetings popularly known as Kamukunjis in which they gradually moved towards a resolution against payment of rent.

Moi's 'directive' made majority of the landlords in the slums unable to collect rent from their tenants who refused to pay. The landlords turned to the local vigilante groups like Mungiki to assist in forcing the stubborn tenants to pay rent or face eviction from the structures. In some instances, the tenants resisted the evictions by hiring their own vigilantes who fought back resulting to evictions, loss of life and property.<sup>147</sup> Mungiki's use of violence to demand rent and evict uncooperative tenants resulted in hostilities. The Kenya police soon moved in December 2001, in an attempt to restore order after violent confrontation erupted between the two groups. Thousands of residents fled their houses and sought refuge in church compounds, mosques and

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<sup>144</sup>*Daily Nation, December 7 2001, pp.24.*

<sup>145</sup>Peace and Development Network, 2009, P.56-60.

<sup>146</sup>ibid

<sup>147</sup>Oral interview, Patrick Mutuku, Mukuru Kwa Njenga slums, 27/5/2013.

administration offices.<sup>148</sup> Given that Moi's rent directive was a populist pronouncement as opposed to a policy statement; no follow up was made after he left office in 2002.

### **3.6.6 Multi-Party Elections - 2002**

At a meeting in Mount Elgon before the 2002 December general elections, the delicate ethnic mix that Moi had so deftly brought together under KANU in preparation for his succession imploded after he imposed Uhuru Muigai Kenyatta; Kenyatta's son, on the party as a presidential candidate. The choreographed elevation of Uhuru to the pinnacle of the party elicited stiff opposition from within the party and among a cross section of Kenyans. Moi and Raila faced each other as fierce opponents supporting different presidential candidates following his declaration of Uhuru Kenyatta as his preferred presidential candidate. Raila decamped from KANU together with other disgruntled members of KANU key among them being Kalonzo Musyoka, Prof. George Saitoti and Musalia Mudavadi to join Liberal Democratic Party (LDP) and then merged with Mwai Kibaki, Kijana Wamalwa and Ngilu's National Alliance Party to form the National rainbow coalition (NARC), with Kibaki as its presidential candidate.<sup>149</sup>

In the 2002 December general elections, Mwai Kibaki of the National Rainbow Coalition (NARC) won with a massive landslide of 3,646,277 votes which was 64% of the total votes cast against Moi's choice of Uhuru Kenyatta who gunned 1,835,890 votes which was 35% of the total votes cast. For the first time, Kenya had a new president after more than two decades of Moi's rule. The transition of power from Moi to Kibaki was peaceful with a massive crowd attending the handing over power ceremony at Uhuru park in Nairobi. No serious election violence was reported emanating from the announcement of Kibaki as the president of Kenya. Cases of violence reported in Mukuru kwa Njenga in 2002 were mainly as a result of the normal internal political contests in the slums. Raila Odinga, Stephen Kalonzo Musyoka, and Prof. George Saitoti of Liberal Democratic Party (LDP) were all appointed to the cabinet in the NARC government as ministers.<sup>150</sup>

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<sup>148</sup> Oral interview, James Kariuki, Mukuru Kwa Njenga slum, 2/6/2013.

<sup>149</sup> Westen Kwatamba Shihalo, "Ethnic or class conflict? The Politics of Conflicts in Kibera of Nairobi Kenya" Johannesburg, University of the Witwatersrand, MA project paper, 2006, pp. 42

<sup>150</sup> Ibid

### **3.6.7 The Kenya Constitutional Referendum**

After Kibaki assumed power on December 31, 2002, he worked well with Raila until and after the November 4, 2005 referendum when they broke ranks following a dispute over the proposed Constitution of Kenya. Raila joined hands with the opposition party leader Uhuru Kenyatta of KANU. Raila's call for the rejection of the proposed Constitution of Kenya triumphed against Kibaki who supported it. The triumph gave birth to the Orange Democratic Movement (ODM) which Raila used later to challenge Kibaki's presidential re-election bid in the 2007 General elections.

The outcome of the referendum also saw Kibaki dissolving his cabinet before appointing another one where he dropped Raila and his team including Kalonzo Musyoka.<sup>151</sup> Political tension and sporadic violence were a common occurrence in Mukuru Kwa Njenga slums during and immediately after the referendum. Raila's political opponents could not be peacefully allowed to hold political rallies as the youth frequently disrupted the meetings mostly after incitement by ODM politicians.

### **3.6.8 Multi-Party Elections – 2007**

On the election date of December 27, 2007, tension was evident within Nairobi slums. Vote counting in Mukuru Kwa Njenga slums just like in any other slums went on well and concluded peacefully and within the specified time. Mukuru Kwa Njenga residents there after followed vote counting keenly and even prepared for victory celebrations.

The situation in Mukuru kwa Njenga as was in other informal settlements in Nairobi was tense as word went round that elections would be rigged hence most of them flocked in thousands to the election nerve centre at Kenyatta International Conference Centre (KICC) to await the results. The move prompted the government to deploy a high number of GSU, regular police and Administration police at (KICC) to ensure security.<sup>152</sup>

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<sup>151</sup> Westen Kwatamba Shihalo, "Ethnic or class conflict? The Politics of Conflicts in Kibera of Nairobi Kenya" Johannesburg, University of the Witwatersrand, MA project paper, 2006, pp.42

<sup>152</sup> Peace-Net-Kenya, "The Quest for Human Dignity: Kibera violence, Nairobi", Acken Media Services, 2001, pp.34

However, the situation turned chaotic when the ODM politicians claimed that there was doctoring of the results and that the people would not accept the results. There was intense friction and commotion at KICC pitting PNU and ODM politicians thus sending panic signals around the country. The declaration of the 2007 general election results sparked off almost simultaneous violence in Nairobi, Nyanza, Rift Valley and Coast provinces as ethnic communities perceived to have supported either side attacked each other brutally.<sup>153</sup>

In Nairobi, the announcement of the results by the Electoral Commission of Kenya (ECK) came at a time when ODM supporters were already charged for a combat with the government security forces and PNU sympathizers. ODM supporters took to the streets in large numbers in protest. Some targeted the Kikuyus physically for vengeance, while others set out to loot, vandalize and burn their property. Residents who were caught unawares in 'opponents' territories were killed or injured. The Kikuyu became the immediate target of some ODM supporters in the slums, thus were forced to defend themselves.

The ethnic Kikuyu militias soon attacked in what looked like revenge missions in Mukuru Kwa Njenga and other slums in Nairobi where they dominated. In the ensuing chaos during the first week after the ECK announcement, physical ethnic boundaries emerged in the slums which marked movement limits for competing ethnic groups. Kikuyu landlords in ODM territories were ejected and their premises taken over by illegal tenants. Thugs also took advantage of the chaos to loot, destroy property, rape and commit murder. The chaos led to the activation of militias for self-defence. In fact, male residents from nearly every community were placed on night vigil to ward off possible attack from opposing ethnic communities, militia or thugs.<sup>154</sup>

Following the merger of ODM-K with PNU, the Kamba ethnic community also became targets for ODM supporters, as they saw his joining PNU as a betrayal thus widening the battle front. Small neutral communities such as the Kisii, Nubians, Somali and

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<sup>153</sup>Peace-Net-Kenya, "The Quest for Human Dignity:Kibera violence,Nairobi",Acken Media Services,2001 ,pp.34

<sup>154</sup>ibid

Borana were subsumed in the violence though they were not a direct target of either side in Mukuru kwa Njenga slums.<sup>155</sup>

The situation in Nairobi slums remained very tense pending negotiations between ODM and PNU. After former UN Secretary Kofi Annan arrived on January 22, 2008 to mediate, the situation improved and most vigilante groups stopped their night vigils. The calmness was however disrupted by the killing of a ODM Member of Parliament (MP) elect for Embakasi Constituency in Nairobi, Melitus Mugabi Were, who was shot by armed gangsters outside his house on January 29, 2008.<sup>156</sup>

To most ODM supporters the killing was seen as being politically motivated. In Mukuru Kwa Njenga slums, the killing triggered renewed attacks on the members of the Kikuyu community. After the signing of the Kenya National Dialogue and Reconciliation Accord (KNDR) on February 28, 2008, the country soon realized peace although ethnic mistrust remained a major problem in the country and in any government decision.<sup>157</sup>

### **3.7 Conclusion**

The re-introduction of multi partyism in Kenya in 1991 marked the beginning of election violence and evictions in most parts of the country and Nairobi slums including Mukuru Kwa Njenga slums. The re-current outbreak of violence every election year further strained ethnic relations in Mukuru Kwa Njenga slums resulting to landlord-tenant conflicts and the underlying issue of land ownership in the slum areas. The political elites further escalated election violence and evictions in the slums by rewarding loyalty through land grabbing and allowing the use of militia and vigilantes for their own selfish political scores.

Politics of ethnic hatred and affiliation also came to the fore during electioneering periods, which were indeed some of the key serious contributing factors to subsequent conflicts and evictions in Mukuru Kwa Njenga slums during the multi-party era. Land issues in the slum areas also came to the fore during the electioneering periods and

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<sup>155</sup>Peace-Net-Kenya, "The Quest for Human Dignity:Kibera violence,Nairobi",Acken Media Services,2001 ,pp.34

<sup>156</sup>Johan de Smedt, "No Raila, No Peace: Big man Politics and Election Violence at the Kibera Grassroots", in *African Affairs*, USA, Oxford University Press, 2009, pp.598-604.

<sup>157</sup>ibid

being politically instigated contributed to the increased election violence and evictions in the slum areas. From the discussion in the chapter, it is quite clear that elections related conflicts and evictions in Mukuru kwa Njenga informal settlement resulted from multiple causes. The causes were social, economic, political and to some extent psychological and included among other causes; landlord-tenant conflicts, poverty, rise of militia groups, ethnicity and the introduction of multi-party politics.

One of the important findings of the study was that the land question in Mukuru Kwa Njenga was central to many evictions in the slum areas. Politicians used the land issue and politicized it fanning conflicts between tenants and landlords in the slum areas. The persistent rent disputes witnessed in the slum areas were tied to the land issue. It was also evident that the move by the government of Kenya to withhold certain essential services in the slum area and its failure to address poverty levels also contributed to conflicts and evictions every election cycle. Thus there was the dire need for the government to address the land issue and massive investment of resources to upgrade the slum.

Furthermore, it was very clear that most of the conflicts in the slum were politically instigated and therefore, if all the above remained unresolved, then politicians of the area will keep on taking advantage of the situation by inciting the residents to violence every election year.

**CHAPTER FOUR**  
**IMPACT OF ELECTIONS RELATED EVICTIONS IN MUKURU KWA**  
**NJENGA SLUMS (1991-2013)**

**4.1 Introduction**

Elections related evictions in Mukuru Kwa Njenga slums left behind residues of a fractured society. The suffering left many families with very little or no means of livelihood. Many school going children dropped out of school especially when the key bread winner of the family died as a result of elections instigated conflicts in the slums during the election years of 1992, 1997, 2002 and 2007.

In general, the victims suffered in many different ways in the aftermath of the election violence and the inhabitants were faced with enormous challenges as they struggled to reconstruct their lives. Forced eviction targeted the most marginalized and vulnerable populations in terms of economic, political and social impacts most often with far-reaching implications in respect to their housing, employment, education, physical and mental health, family life, culture, and overall well-being.<sup>158</sup> The impacts of election related evictions in Mukuru Kwa Njenga ranged from psychological, social, economic and political to environmental.

**4.2 Trauma and Animosity among the Slum Inhabitants**

The breadth and depth of the effects of elections related violence and evictions in Mukuru Kwa Njenga slums introduced new challenges and strains on the slum communities and the nation at large. In particular, the violence occasioned social, economic, political and even psychological disruptions in Mukuru Kwa Njenga inhabitants which the Kenyan government and other actors had to respond to in the aftermath of the violence to speed up recovery.<sup>159</sup> The 2007 post-election violence provoked mistrust and bitterness between ethnic communities on both sides of the political divide in Mukuru Kwa Njenga. A joint force of mainly Luo and Luhya youths

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<sup>158</sup>KNCHR, "On the Brink of Precipice": *A Human Rights Account of Kenya's Post-2007 Election Violence*, Nairobi, 2008.

<sup>159</sup>Peace-net., "Post Election Violence in Kenya: Facts and Figures", Nairobi, 2008.



who identified with ODM vented their anger against the Kikuyu, Embu, Meru and later the Kamba the majority of who were perceived to identify with the PNU.<sup>160</sup>

The attacks were met with resistance, counter-attacks, and revenge which only increased loss of lives and destruction of property. Indeed, three hundred people perished in the Nairobi slums alone, while thousands were hurt and an unknown numbers displaced through arsonist activity and forceful evictions during elections years of 1992,1997,2002,2007 and 2013.<sup>161</sup> The problem of internal displacement emerged in tandem with food scarcity, broken marriages, uncertainty, and general insecurity caused by the militias and many residents traumatised by their experiences during the violence.<sup>162</sup>

In the wake of the widespread violence in the slums, the government's immediate reaction involved the deployment of the police (mainly the General Service Unit) to "fight fire with fire" and patrol the slums, day and night, primarily to limit casualties and to restore order by controlling unruly youth from swarming into town to loot.<sup>163</sup>

Although police interventions were not very effective in restoring order in the slums immediately, majority of residents in Mukuru Kwa Njenga admitted that the police presence reduced thuggery, looting, arson, vandalism and overt violence in the semi-patrolled areas. However, residents in some selected areas accused the police of failing to stop looting by militia groups.<sup>164</sup> The violence entrenched a culture of mistrust between the conflicting parties to the extent that most owners of residential and commercial structures used agents to collect rent on their behalf. Many other landlords agreed or rejected tenancy applications on the basis of ethnic and political affiliations. Some landlords also insisted on a three-month deposit from applicants before assumption of occupancy due to the state of uncertainty that was still obtained in Mukuru Kwa Njenga slum after the violence.

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<sup>160</sup>Anderson, D., "Vigilantes, violence and the politics of public order in Kenya", *African Affairs*, Volume 101 (405), 2002, pp. 531-555.

<sup>161</sup>*Ibid*

<sup>162</sup>*Ibid*.

<sup>163</sup>*Ibid*.

<sup>164</sup>Mutsotso, B. and S. Kinyanjui. (ed), "A Ticking Bomb: Nairobi's Informal Settlements", p.36.

### 4.3 Loss of Life

The elections related violence and evictions in Mukuru Kwa Njenga resulted into direct deaths of perpetrators of the violence as well as of the targeted victims. In some cases, conflicts led to the deaths of innocent residents who were caught up in the middle of the fighting and who neither supported any of the warring parties. Between December 2007 and February 2008, 125 people lost their lives through violent conflicts, with hundreds injured and thousands displaced.<sup>165</sup> There were those who died also later as a result of injuries sustained during the attacks and evictions.

According to Report by the Waki commission on the 2007/2008 post election violence, the scale of violence was so high leaving behind 1,300 people across the country dead. Most of these deaths occurred within a span of 59 days ( that is between December 30, 2007 and 28, February 2008) before a political compromise was reached between Kibaki and Raila. In Nairobi province alone, a total of 125 people died as a result of the violence. Most of the deaths were reported from slum areas within the city including Mukuru kwa Njenga where a total of 34 deaths were recorded that year, Kibera 66 deaths, while Korogocho and Mathare recorded the remaining 25. The commission documented that most of the victims died immediately or after a short while as a result of injuries suffered through burns, cases of mob justice, guns and arrow shots, and stab wounds. Others died of excessive bleeding, strangulation, suffocation, shock, sexual violence and hyperthermia among other causes.<sup>166</sup>

The untimely deaths and demise of 76 residents in Mukuru Kwa Njenga especially those who had families left leadership gaps in their families. Many families were left with no one to provide for their basic means of livelihood. Considering that most of the Mukuru Kwa Njenga residents are poor, and living below the poverty line of less than \$1 US dollar per day, families found it difficult to challenges that followed. Immediate family members of the deceased found it difficult to meet the burial expenses of the departed ones such as coffin, mortuary fees and transport costs.<sup>167</sup>

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<sup>165</sup>*Daily Nation, December 14, 2001*

<sup>166</sup>Justice Philip Waki; "The report by Commission of Inquiry into the 2007 Post-Election Violence", (2008): [http://www.eastandard.net/downloads/waki\\_Report.pdf](http://www.eastandard.net/downloads/waki_Report.pdf). Accessed.

<sup>167</sup>Justice Philip Waki; "The report by Commission of Inquiry into the 2007 Post-Election Violence", (2008): [http://www.eastandard.net/downloads/waki\\_Report.pdf](http://www.eastandard.net/downloads/waki_Report.pdf). Accessed.

As families struggled to come into terms with the departure of their loved ones, as was the case with John Mutuku who lost his father during the 2007 post election violence.<sup>168</sup> The affected slum dwellers were faced by challenges which included difficulties in meeting their daily basic needs such as food, shelter and clothing since majority of the deceased were the bread winners in their families. In those circumstances, very few families in the slums could afford a good meal while others relied on well wishers for support. Some families skipped several meals and in extreme cases, others went for days without a proper meal. Payment of rent presented another challenge to the affected families where some relocated to cheaper housing structures while others left for their rural areas.<sup>169</sup>

Many lives were mostly lost during the election years as illustrated in the analysis of reported cases of loss of life at the Embakasi Police Divisional headquarters during the election years of 1991,1997,2002,2007 and 2013 as per the table 3 below.<sup>170</sup>

**Table 3: Reported cases of Lives lost in Mukuru Kwa Njenga during elections related evictions in 1992,1997,2002,2007 and 2013.**

<b>Election Year</b>	<b>Number of Lives Lost</b>
1992	18
1997	14
2002	7
2007	34
2013	3
<b>TOTAL</b>	<b>76</b>

Source: Embakasi Police Division Crime Report Records.

From the analysis above, the year 2007 witnessed the highest number of reported deaths resulting from election violence. This can best be explained being as a result of the intense post election violence which erupted as a result of the disputed elections results of 2007. 1991 also saw loss of lives as the clamour for multiparty democracy peaked and the resultant elections under multiparty. 1997 followed with a considerable number

<sup>168</sup> Oral Interview, John Mutuku, Mukuru Kwa Njenga on 14/6/2013

<sup>169</sup> Mutsotso, B. and S. Kinyanjui. (ed), "A Ticking Bomb: Nairobi's Informal Settlements", p.36.

<sup>170</sup> Embakasi police Division crime report records (1992,1997,2002,2007,2013).

of lives lost owing to the fact that it was Moi's second and last term in office and the opposition were pushing for considerable reforms in governance including succession politics which had started in earnest Mukuru kwa Njenga slums being one of the crime hot spots in the city. 2002 saw a minimal number of loss of lives reported owing to the reason that the opposition then under Kibaki defeated Uhuru Kenyatta with a landslide and Moi had left the political landscape. In 2013 elections the loss of lives was also minute though contested. This can be explained to the effects of the intensity of the 2007 election violence which was still fresh in the minds of many slum dwellers thus the fear to revert back to violence after the announcement of the results and subsequent supreme court ruling of confirming Uhuru Kenyatta as the eventual winner of the contest.

The absence of the key bread winner from families especially men forced women to take leadership roles in the affected families. Equally, the families with school going children found it difficult to continue supporting for their education, thus changing them from one school to another while others dropped from school completely to feed for their families. Widowed women bore the brunt of the election violence and were unable to provide for the essential needs including school fees, uniforms and books among other requirements.<sup>171</sup>

In cases where women were housewives, some sought for alternative means of livelihood. There were those who sought employment from the nearby estates like pipeline, south B, Imara daima and Donholm as househelps. Others got casual employment within the slums where they worked as cooks, waiters and stewards in food kiosks while those who did not get employment and could not manage to raise the get their daily bread sought alternative means of survival like frequenting bars and illicit brew dens (joints) where they sought sexual partners leading to increase in prostitution. Prostitution led to increased cases of sexually transmitted diseases and infections like, Syphilis, gonorrhoea and HIV and AIDS. Cases of unwanted pregnancies and abortion by young girls increased too. The situation resulted to rise in deaths related to HIV and AIDS complications though the figures couldn't be established as a result of the stigma associated with the disease in the slums. Incidents of rise in deaths while procuring abortions and during delivery due to lack of proper

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<sup>171</sup>Mutsotso, B. and S. Kinyanjui. (ed), "A Ticking Bomb: Nairobi's Informal Settlements", p.36.

medical care were reported too. The availability and continued use of hard drugs resulted to increased cases of drug addicts and crime in the slum.<sup>172</sup>

#### **4.4 High School Dropout Rates**

Three hundred cases of school dropout was reported in Mukuru Kwa Njenga during the election related evictions in the election years of 1992,1997,2002,2007 and 2013. Most of those who dropped from school joined militia groups like Mungiki, Taliban and Baghdad boys among other groups which provided them with the opportunities to earn a living.

A case in point is Rose Moraa's son who dropped in class eight and joined the dreaded Taliban militia group at the height of the 2007/08 election violence.<sup>173</sup> Those who did not fit in such groupings sought casual employment within the slums with young girls opting for early marriages as others engaged in prostitution while others became street urchins in the slums collecting garbage and emptied human waste from pit latrines within the slum for a fee. Several others engaged on crime for survival. To contain the high rates of crime, insecurity and other vices, local communities in the slum mobilized themselves into vigilante groups to deal with the menace. School dropouts comprised the bulk of the vigilantes members.<sup>174</sup>

There were cases of mob injustice in Mukuru Kwa Njenga where residents' metted their anger on the perpetrators of crime, 4 of the reported cases of loss of life due to mob justice in 2007 established that the deceased were school dropouts from Mukuru Kwa Njenga primary school (as illustrated in table 4 below).<sup>175</sup>

The total number of those who dropped out of school in Mukuru Kwa Njenga slums in the election years of 1992,1997,2002,2007 and 2013 are as per records extracted from the Embakasi division education offices as tabulated on table 4 below.<sup>176</sup>

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<sup>172</sup>Mutsotso, B. and S. Kinyanjui. (ed), "A Ticking Bomb: Nairobi's Informal Settlements", p.36.

<sup>173</sup>Oral Interview, Rose Moraa, Mukuru kwa Njenga, 14/6/2013

<sup>174</sup>Mutsotso, B. and S. Kinyanjui. (ed), "A Ticking Bomb: Nairobi's Informal Settlements", p.36.

<sup>175</sup> Embakasi police Division crime report data, (2007)

<sup>176</sup> Embakasi Division Education office data on school enrollment records (1991,1997,2002,2007,2013)

**Table 4: Reported cases of School Droupouts during Elections Related Evictions in Mukuru Kwa Njenga in 1992,1997,2002,2007 and 2013**

<b>Election Year</b>	<b>Number of School Dropouts</b>	<b>Total School Enrollment</b>
1992	67	2000
1997	48	2400
2002	39	2800
2007	123	3200
2013	23	3400
<b>TOTAL</b>	<b>300</b>	<b>13,800</b>

Source: Embakasi Division Education Office records on Schools enrollment.

The data on enrollment and school dropouts on the respective election years was mainly collected from the two main primary schools in Mukuru kwa Njenga namely; Our lady of Nazareth primary school and Mukuru kwa Njenga primary school whose enrollment was 1,700 and 1,500 pupils respectively.

From the data analysis on the two public schools in Mukuru kwa Njenga,school dropouts were higher on election years where violence was intense.This is illustrated better during the election violence of 2007/2008 when the schools witnessed the highest number of school dropouts as compared to 2013 where the number of school dropouts dwindled.Election violence thus had a direct implication on the number of school dropouts as per the analysis and denied many pupils the right to education.The number of those who dropped out of school owing to elections violence could even be higher considering that there are over 70 private non-informal education facilities which are more of income generating activities since 85% of the settlements are located on rented spaces that were initially residential rooms in the slum.

#### **4.5 Gender Based Violence**

Sexual violence against women was another common vice in Mukuru Kwa Njenga during the election violence. Although women feared disclosing the atrocities and what they went through during the conflicts, several reports indicated that, several rape cases were carried out in Mukuru kwa Njenga.112 cases of rape on women by criminal gangs and the security personnel deployed to maintain peace in the slums were reported. These

involved cases of rape on women seeking refuge in other people’s houses and even in IDP camps.

There were several cases of rape during the election years as illustrated in the analysis of reported cases of rape at the Embakasi Police Divisional headquarters during the election years of 1991,1997,2002,2007 and 2013 as tabulated in the table 3 below.<sup>177</sup>

**Table 5: Reported Rape incidents during Elections Related Evictions in Mukuru Kwa Njenga during 1992,1997,2002,2007 and 2013.**

<b>Election Year</b>	<b>Reported Rape Incidents</b>
1991	28
1997	22
2002	7
2007	53
2013	2
<b>TOTAL</b>	<b>112</b>

Source: Embakasi Police Division Crime Reports.

From the analysis above,the year 2007 witnessed the highest number of reported incidences of rape resulting from election violence.This can best be explained being as a result of the intense post election violence which erupted as a result of the contested election results of 2007.1991 followed with a considerable number of rape cases reported owing to the clamour for multiparty politics and subsequent conflicts which erupted in Mukuru kwa Njenga.1997 being Moi’s second and last term experienced significant cases of rape with the opposition pushing for considerable reforms in governance including succession politics then at play,which had started in earnest. 2002 saw a minimal number of rape cases reported owing to the reason that the opposition then under Kibaki defeated Uhuru Kenyatta with a landslide and Moi had already left the political landscape. In 2013 elections rape cases were also minute though the elections were contested.This can be explained to the effects of the intensity of the 2007 election violence which was still fresh in the minds of many slum dwellers thus the fear to revert back to violence after the announcement of the results and subsequent supreme

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<sup>177</sup> Embakasi Police Division Crime Report Data Analysis (1991-2013).

court ruling confirming Uhuru Kenyatta as the eventual winner of the contest. The data confirms that incidences of rape were high in Mukuru Kwa Njenga during election years where violence was intense.

In some instances, rape was used as a weapon of violence, aimed at humiliating men of the opposing ethnic groups. The cultural significance of raping enemy's women or women of a different ethnicity or political affiliation was prominent in sectarian conflict experienced in Mukuru Kwa Njenga. Significantly, this was a clear indication of the failure on the part of government to provide security, and its negligence of the tormenting situation in Mukuru Kwa Njenga slums.<sup>178</sup>

In discussing their attackers during the 2007/2008 post election violence at the Waki commission for instance, victims of sexual violence singled out members of various security forces meant to have protected them.<sup>179</sup> Ten victims of sexual violence experienced unintended consequences such as infection with HIV/Aids, and desertion by their spouses, unwanted pregnancy, and loss of trust that they previously had in state security agencies. Some of the victims of the sexual violence already had HIV/Aids while others contracted the disease as a result of being raped. The situation was worsened by the inability to access medical services in time to reduce the chances of getting infected and to prevent the spread of the infections.

Moreover, the victims of sustained serious bodily injuries and suffered enormous psychological trauma after seriously being violated by having bottles and sticks pushed up their private parts.<sup>180</sup> The execution of these beastly acts left the victims with permanent sexual organs disfigurements. Victims had to undergo corrective surgery which presented a big challenge due to the cost involved. Women who had no children faced difficulties engaging in sex and were divorced leaving behind a frustrated and fractured society.<sup>181</sup>

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<sup>178</sup>Oral interview, Dan Caleb Omullo, Disability Focus Africa, 13/6/2013

<sup>179</sup>Waki Report, "The report of the commission to investigate the 2007/2008 Post Election Violence", Government Printer, Nairobi, pp.193-237

<sup>180</sup>Oral interview, Millicent Obaso, Care Kenya, 14/6/2013.

<sup>181</sup>Oral interview, Ruth Musenya, Mukuru kwa Njenga, 14/6/2013



During the conflict, men like women also suffered from similar sexual ordeals. Eight men reported either having been sodomised or forcefully circumcised in Mukuru Kwa Njenga during the 2007 post election violence. Many of the victims were forced to remove their inner pants as that enabled the perpetrators to easily identify them. Six men were forcefully circumcised two of them dying as a result of excessive bleeding others suffered permanent disfigurement of their private parts during the period.<sup>182</sup>

Domestic violence became a common major problem experienced as result of violence and displacement in Mukuru Kwa Njenga particularly after the 2007/08 election violence. Family breakdown and the loss of social and cultural ties were clear effects suffered by women after the violence. Wife battering was common in many families even during peace time.<sup>183</sup>

#### **4.6 Increased Poverty Levels**

Poverty is defined in four aspects namely; not having enough to live on, not having enough to build from, being excluded from wealth and being excluded from the power to change things for better. The 2005/2006 Kenya intergrated household budget survey (KIHBS) estimated the food poverty line in monthly adult equivalent terms being Kshs.1,474 in urban areas compared to Kshs.998 in rural areas. The absolute poverty line was estimated in monthly adult equivalent was computed as Kshs.2,913 for urban areas as compared with Kshs.1,562 for rural areas. It is estimated by policy makers that nearly half of the urban population live in poverty and almost 43% of the total food poor live in urban slums. The poorest of the slum dwellers spend up to  $\frac{3}{4}$  of their income on staple food alone which is exacerbated by increase in food prices.<sup>184</sup>

The policy makers found out that the impact of rising food prices in Nairobi slums made households reduce the size or frequency of meals. The dramatic price increases for basic nececities thus led to negative coping strategies, which included high-risk livelihoods such prostitution and crime as well as high school dropouts.

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<sup>182</sup> Oral interview, John Odhiambo, Mukuru kwa Njenga, 14/6/2013

<sup>183</sup> Oral interview, Hannah Wanjiku, Mukuru kwa Njenga, 14/6/2013

<sup>184</sup> Kenya intergrated household budget survey (2005/2006).

The main poverty key indicators in Mukuru Kwa Njenga during the election years of 1992,1997,2002,2007 and 2013 is best illustrated by the high number of school drop outs, who engaged in crime and prostitution during the election years where election violence was intense as tabulated in Table 4, on school dropouts in Mukuru Kwa Njenga schools.

Each year had it's own fair share of poverty levels depending on the intensity of election violence.2007 was the worst year for the inhabitants of Mukuru kwa Njenga,owing to the number of school dropouts who left school then joined prostitution and other criminal activities to eke a living.The violence distorted the normal business operations in the slum area forcing food prices to plumate as a result of the election violence thus negatively impacting on the economy and social wellbeing of the slum inhabitants.

During the 2007 post election violence, a 2kg packet of maize meal which used to retail at a paltry Kshs.50 before the violence plummeted to Kshs.140 during and after the elections<sup>185</sup>. In addition, election violence in Mukuru Kwa Njenga led to intense destruction of property, Churches, and business premises in the settlement, which severely depressed economic output.The battling casualties of the conflict induced epidemics, had far reaching effects on slum economy including the spread of AIDs epidemic which burdened the slum economy.

#### **4.7 Negative Ethnicity**

In the 2007/8 electoral violence majority of the 42 Kenyan tribes took sides with either ODM or PNU/ODM-K in the post-election hostilities, the violence particularly aggravated negative ethnic relations between the so called GEMA communities on the one side and the three major communities that supported ODM which included the Luo, Luhya and the Kalenjin on the other. The community leaders who participated in this research confirmed that ethnic tension, killings and destruction was more severe in Nairobi between the Luo and the Kikuyu.<sup>186</sup>

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<sup>185</sup>Oral interview,Hannah Wanjiku,Mukuru kwa Njenga, 14/6/2013

<sup>186</sup>Peace-net., "Post Election Violence in Kenya: Facts and Figures ",p.41.

The fact that the Kalenjin constituted a small population in the Nairobi slums made them a lesser subject of Kikuyu aggression than the Luo. But the Luhya then joined the Luo as a part of the target by the Kikuyu. Likewise, the Kamba became automatic targets of the Luo-Luhya aggression when ODM-K presidential candidate, Kalonzo Musyoka, joined PNU. Some Luhya residents in Mukuru Kwa Njenga therefore believed they had been made a target of GEMA aggressions over a Luo cause.<sup>187</sup>

In the same vain significant numbers of the Kamba slum residents held that they were being targeted for a GEMA cause.<sup>188</sup> The power-sharing arrangement spelt out in the National Accord therefore introduced significant challenges about the future of Luo-Kikuyu rivalry. In perception of many Kenyans, the faces of the key personalities of Raila Odinga and Mwai Kibaki in the Grand Coalition only served to sustain the hostilities, hence dragging back the recovery process.<sup>189</sup>

To his opponents, Mwai Kibaki represented the face of Kikuyu cultural prejudice mixed with dishonesty while Raila Odinga was the very personification of Luo arrogance mixed with violence. Many Luo residents were inclined towards reminding the Kikuyu with whom they work or interact that “their man is eating a stolen thing.” Equally the Kikuyu constantly reminded the Luo about their resolve now and in future never to allow an uncircumcised Kavirondo person to lead them.<sup>190</sup>

Politicians used unscrupulous landlords in Mukuru Kwa Njenga to evict tenants who were in the opposing camps of the political divide. This was in order to make room for tenants who could vote in line with their wish or for their preferred candidates.<sup>191</sup>

Typically, in Mukuru Kwa Njenga these evictions were preceded by ethnic political alliances, rent increases and short notices within which to pay rent. The tenants who were unable to comply, or those that tried to resist such arbitrary rent increases, were evicted. While the unfortunate victims of evictions often incurred a substantial element

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<sup>187</sup>*Ibid.*

<sup>188</sup>Mutsotso, B. and S. Kinyanjui. (ed) , “A Ticking Time Bomb: Nairobi’s Informal Settlements”, p.37.

<sup>189</sup>*ibid*

<sup>190</sup>*Ibid.*

<sup>191</sup>United Nations High Commissioner for Human Rights (UNHCHR), “Forced Evictions and Human Rights”, *Fact Sheet No. 25, Geneva: UNHCHR*, <<http://www.unhcr.ch/html/>>, 1993, p.17.

of violence and/or loss of property, the landlords responsible were seldom prosecuted for such acts of lawlessness.<sup>192</sup>

#### **4.8 Land Grabbing**

Past MPs in Nairobi as well as Councilors at the former Nairobi City Council exploited weak legislations to identify and grab large chunks of land which they subsequently redistributed not only among themselves but also to their ethnic clansmen on whom their political support base hung. The former and incoming residents would also exploit weak legislations that existed between the 1990's and 2002 to encroach on river, rail, and road reserves as well as other public utility lands. And with the increase in corruption, private developers colluded with the then City Council of Nairobi and officers in Ministry of Lands to obtain false title deeds on government lands which they later either sold out or developed.<sup>193</sup>

The problem with this kind of illegal land transactions resulted in different people often being sold or allocated the same piece of land. Since the law of the jungle was a common practice in the slums, the strongest or the most organized group would apply violence on opponents in order to retain a contested piece of land.<sup>194</sup>

Private land was also allocated to influential individuals and in such situations; the actual owner of the land would find it prudent to avoid the protracted legal tussles by simply hiring thugs/militias to forcefully evict invaders. The eviction of tenants from land whose ownership was disputed like the 1996 Vietnam zone attempted evictions was not easy without a fight. The police had to engage the slum dwellers whose premises were threatened with demolition on repeated physical combats some of which left behind a trail of destruction and three fatalities. However, with increasing human rights consciousness and the entrenchment of social and economic rights, attempts to reclaim land from squatters have yielded minimal results.<sup>195</sup>

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<sup>192</sup>Republic of Kenya, "Kenya Interim Poverty Reduction Strategy Paper 2000-2003", Government Printer, Nairobi, 2000, pp.53-56.

<sup>193</sup>Peace-net., "PostElection Violence in Kenya: Facts and Figures, Nairobi: Peacenet", 2008, pp.62

<sup>194</sup>Waki Report, "The Commission of Inquiry into Post-Election Violence (CIPEV)", Government of Kenya, Nairobi, 2008, p.23-30.

<sup>195</sup>*East African Standard*(Online Edition), "Council askaris, [police] bar mayor and deputy mayor over demolition", 2 July, <http://www.eastandard.net>.

Other communities suspected that the Kikuyu, who constituted the majority of structure owners in the slums, had an upper hand in grabbing public land which gave them an economic advantage over the rest, a suspicion which had over the last two decades served to aggravate landlord-tenant relations in the slums where an overwhelming majority of structure owners were Kikuyu while majority of the tenants were people from Western Kenya mainly; (Luo, Luhya and the Kisii).<sup>196</sup>

The politicization of this matter contributed to the high levels of insecurity in the slums. At the core of evictions in Mukuru Kwa Njenga for example, in the landlord-tenant conflicts, the Luo, Kikuyu, and Kisii tenants questioned the practice in which landlords charged high rent rates on structures built on government land where all citizens had a stake. This question came against a backdrop of a hard economic situation especially for the urban poor and intensification of political competition for presidency pitting the Kikuyu against Western Kenya communities such as the Luo, Luhya and the Kisii.<sup>197</sup>

#### **4.9 Landlord-Tenant Friction**

The consciousness generated from the interaction of these factors forced the slum-dwellers to re-examine the political economy of tenancy and specifically question the moral basis of their contract with the landlords. Tenants demanded better conditions of the structures, including toilet facilities, bathrooms, and dumping sites, which were lacking in the majority of the rental structures in the slums.<sup>198</sup> In addition, tenants insisted that landlords should undertake periodic repairs especially during rainy seasons when the majority of the structures leaked or got flooded.

The general trend was that the landlords were reluctant to improve the conditions of the structures. Instead, they insisted that they incurred expenses in constructing the structures and that the tenants had an obligation either to comply or to altogether relocate to other areas where they thought they would get housing for free. Since the mid-1990s, when some high ranking politicians like Raila Odinga and the then President Daniel Moi publicly urged tenants not to pay so much for the structures in

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<sup>196</sup>Fisher, Ronald J., "Inter-group Conflict", in M. Deutsch, *The Handbook of Conflict Resolution, Theory and Practice*, San Francisco, 2006, p.2-11.

<sup>197</sup> Ibid

<sup>198</sup>Ajulu, Rok, "A Reflection on the 2002 Elections: Third Time Lucky or More of the Same?", Braamfontein, South Africa, 2003, p.5-19.

slums because they were built on government land, tenants had been looking for any opportunity to avoid this obligation. The 2007 presidential polls which pitted Mwai Kibaki against Raila Odinga widened the rift that already existed. Indeed, landlord-tenant conflicts took a purely ODM versus PNU or Luo/Luhya versus Kikuyu stance.<sup>199</sup>

In villages dominated by Luo/Luhya tenants, the tenants either torched Kikuyu structures or took illegal possession of them after chasing the landlords away. Where they torched existing structures, the tenants made their own structures that they did not build properly as a strategy of escaping financial responsibility. Even in areas where the tenants did not illegally convert the structures into their possession, at least they missed paying rent for months until normalcy was returned.<sup>200</sup>

This explained why most of the landlords mainly from the Kikuyu community resorted to forcefully evicting Luo/Luhya tenants from their houses including those who were willing to comply. In Mukuru Kwa Njenga, landlords hiked rent way beyond the market rates in order to force the tenants to relocate so as to tilt the balance of votes before the elections. In situations where the tenants were unwilling to cooperate, landlords opted to hiring militias to undertake the evictions. And even in slums villages, landlords imposed other conditions, including production of a national identity card and discrimination based on ethnic considerations after normalcy prevailed following election violence and evictions.<sup>201</sup>

The lessons of post-2007 elections crisis increased unity and resolve among the landlords in the Nairobi slums to bring tenants under some measure of control. In all the Nairobi slums, landlords held meetings at which they decided rent rates. The new rates were not negotiable and they often became effective upon announcement. Tenants saw this as emasculation thus equally developed measures of dealing with the landlords. However, tenants seemed too disorganized to respond effectively to landlords' demands without support from the government.<sup>202</sup>

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<sup>199</sup>Alston, Philip, "UN Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions", *Press Statement, Mission to Kenya* 16-25 February 2009.

<sup>200</sup>ibid.

<sup>201</sup>Amnesty International, "The Unseen Majority: Nairobi's Two Million Slum-Dwellers", *Amnesty International*, London, 2009, p.24.

<sup>202</sup>Ajulu, Rok, "Politicized Ethnicity: Competitive Politics and Conflict in Kenya" *A historical perspective in African Studies*, 2002, p. 251-268.

When enforcing tenant evictions in the slums, the landlords mostly did not adhere to the eviction procedures. The land/structure owners always took law into their own hands to execute evictions without considering the rights of the evictees, such as consultation, compensation and identification of alternative housing/land. The timing of the exercise was always inappropriate and the police were seldom notified about the exercise so that they could come and protect property removed from the houses/land where an eviction was being enforced.<sup>203</sup>

The Government's failure to recognize the slums had negative implications on security. Consequently, security was largely left in the hands of the slum residents although the police occasionally did security patrols along the main roads. The most obvious result was the mushrooming of ethnically distinct enclaves and ethnic vigilantes to secure the community. The vigilantes especially became popular because they spoke the same language as the community members they were created to protect and mainly comprised the unemployed youth.<sup>204</sup>

#### **4.10 Emergence of Militia Groups**

Unemployed youth who were recruited as militia were required to demonstrate good knowledge of all residents inhabiting a particular village in Mukuru Kwa Njenga in order to keep suspicious non-group members away. The services of the militia were compensated for through a set minimum amount of money mainly Kshs.100 collected from every household and businesses operating in the area every month.<sup>205</sup>

The militias like Mungiki and Taliban proved to be a reliable security management organ by the slum dwellers in slums villages where state security was weakly entrenched. Apart from the fear of losing remuneration, the militias felt they had a nationalist attachment to their duty and a responsibility to the community that hires their services. However, these militias were infiltrated by criminals who started imposing unfair tax on alien vehicles that entered their villages and businesses thus becoming a security menace in some villages.<sup>206</sup>

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<sup>203</sup>Anderson, David M., "Vigilantes, Violence and the Politics of Public Order in Kenya", in *African Affairs*, 2002, p.531-555.

<sup>204</sup>ibid

<sup>205</sup>Oral interview, Priscilla Wangare, Mukuru Slum, 11/06/2013.

<sup>206</sup>Oral interview, Priscilla Wangare, Mukuru Slum, 11/06/2013.

Frequent inter-vigilante confrontations for supremacy mainly between the Mungiki and the Taliban were also responsible for violent conflicts among the slum youth. Like the militias, vigilantes were liable to misuse by politicians and businessmen who were prone to hiring them to undertake criminal missions. The vigilantes also served as a recruitment ground for the youth who subsequently served in militias (jeshis).

The above weaknesses notwithstanding, the Kenya government seemed to support the vigilantes as part of community policing apparatus.<sup>207</sup>

Although the militias were initially active only during election years, the opportunities provided by lack of state presence in the slums encouraged its members to find work to do during non-election years. The year 2000 witnessed encroachment of slum-based militias into the matatu (public service vans) business. They attempted not only to control bus termini but also to allocate routes and harass drivers and conductors. The militias also become very useful in waging land conflicts, effecting forced evictions, and managing critical services such as water supply, solid waste management, and even responding to domestic violence. Occasionally, politicians mobilized the militias to advance their agenda in various ways, including fighting for political positions.<sup>208</sup>

The continued operations of the 'Mungiki', including its involvement in the post-2007 poll violence and the actual security challenges in the slums inspired the re-activation of the hitherto dormant ethnic militias and creation of new outfits. By November 2008, the 'Mungiki' operations had gone down significantly. However, the 'Taliban' and 'Kamjesh' militias had started to re-emerge to fill in the gaps left by 'Mungiki' in several slums. New militias had also begun to fight for space and recognition. Among them were 'Siafu', the 'Twelve Disciples', and 'Yes We Can'. Some vigilante groups in Mukuru Kwa Njenga such as 'Bukungu', 'Kamkunji' and 'Leba' had also begun to transform into militias in order to take advantage of the opportunities that abound in an election year.<sup>209</sup>

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<sup>207</sup>Oral interview, Priscilla Wangare, Mukuru Slum, 11/06/2013.

<sup>208</sup>Anderson, David M., "Vigilantes, Violence and the Politics of Public Order in Kenya", in *African Affairs*, 2002, p.531-555

<sup>209</sup>Anderson, David M., "Vigilantes, Violence and the Politics of Public Order in Kenya", in *African Affairs*, 2002, p.531-555



The militias were a security menace to the slum residents because; they levied unnecessary taxes on small businesses thus discouraging investment in the slums. Secondly, sporadic inter militia conflicts or battles between the militias and the then City Council Askaris or the police often spilled over into the slums thus causing the security situation to degenerate.

Thirdly, residents had noted that the militias hosted criminal gangs who used the opportunity to steal, loot, rape, murder, and to commit all manners of criminal offences. However, some militias were useful to the community because they ensured minimum standards of order in the slums where they dominated. In selected slum villages, the militias were threatening to replace the police as a security surveillance and response mechanism. In such circumstances, residents paid allegiance to the militia leaders and not the police.<sup>210</sup>

Despite many risks involved, the militias also provided a ready source of employment to thousands of idle youth. Further, it provided a sense of satisfaction. Evidently, the militias emerged to fill a security void left by the state. It also emerged to become a big business from which the police, politicians and thousands of unemployed youth benefited.<sup>211</sup> Unemployment and poor socio-economic situation in the slums served to maintain a tribal ideology among slums dwellers.

Various ethnic groups especially the dominant ones were involved in power struggles and therefore saw each other as opponents and each hoped their deplorable situation could only improve if one of their own ascended to positions of power. Conscious about such misplaced hopes, politicians retained contact with their ethnic clansmen not so much to help them out of their apathy but to embed tribal ideology.

Consequently, the aim to win or retain political power was a life and death tussle in the slums leading to the increasing number of youth willing to risk their life for their preferred candidates to win. It was the prevalence of such beliefs which fuelled post-2007 election violence in the slums. Interestingly, slum residents who secured well-

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<sup>210</sup>Anderson, David M., "Vigilantes, Violence and the Politics of Public Order in Kenya". in *African Affairs*, 2002, p.531-555

<sup>211</sup>Oral interview, Moses Odhiambo, Mukuru Kwa Njenga, 13/06/2013.

paying jobs migrated to other residential areas and eventually lost contact with politicians.<sup>212</sup>

#### **4.11 Conclusion**

The effects of election related evictions in Mukuru Kwa Njenga presented a paradox. The election related evictions which had social, economic, political as well as psychological impacts destroyed the social fabric of unity that held the multi-ethnic community of the slum together. The election violence and resultant evictions brought intense enmity and animosity among families and ethnic groups that had co-existed peacefully for many years.

Many people lost their family members through the untimely deaths due to fighting. Families lost their key breadwinners while others were displaced from their rented houses to IDP camps and without going back. It was also evident that cases of personal violence on both men and women through sexual violence and physical injury were perpetrated without discrimination irrespective of age and sex of victims.

The election violence and evictions also had serious impact on economic status of the people leading to rise in poverty levels. Equally, political impacts were inevitable. Although normalcy resumed in many cases immediately after the elections, the impacts of the election related evictions continue to be experienced every election year. Generally, election related evictions are devastating to individuals, families and communities. They represent egregious human rights violations that could be easily avoided if government and other actors simply refrain from engaging in the practice.

The people most affected by forced eviction tend to be those who are poor and without formal title or legal recognition of the land on which they reside. These individuals are often members of already disadvantaged groups, indigenous people, women and particularly female headed households, persons with disabilities, older people, persons with disabilities or chronic illnesses, and children/youth.

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<sup>212</sup>Oral interview, Moses Odhiambo, Mukuru Kwa Njenga, 13/06/2013.

Immediately following forced eviction, residents are traumatized. In many cases, families remain on the eviction site without water, electricity or shelter for days, uncertain as to what to do, and where to go. In most instances they have lost their homes, including all of the investments they made in it, as well as their personal possessions like clothing, furniture, and other valuables. They also lose a place from which to create stability, as well as access to health services and schools. Entire communities are destroyed, family members are separated, a way of life destroyed.

Victims of forced eviction suffer from feelings of depression and anxiety, particularly about their future. Once evicted, residents are rarely compensated, serving to exacerbate their economic hardship and social impoverishment. Eviction not only does it serve to further disadvantage the already impoverished, but it is also very demoralizing. In some cultural contexts, male honor is deeply wounded when the 'breadwinner' role is compromised or taken away. The mental and physical health of residents who have experienced forced eviction is often compromised. Diseases are contracted as a result of living rough or in cramped quarters. Post-eviction can also lead to overcrowded accommodation with relatives and friends.

Women have distinct experiences of forced eviction they are more likely to be "the first targets of police violence during an eviction drive" and will continue to experience "heightened rates of physical, psychological and economic violence before, during and after the evictions."<sup>213</sup> When women are forcibly evicted, it often severely restricts their earning capacity and mobility and results in the loss of their social support networks. In some instances women resort to prostitution as a means of earning money and are extremely vulnerable to being trafficked.

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<sup>213</sup>Human Rights Watch, "Ballots to Bullets. Organized Political Violence and Kenya's Crisis of Governance", *Human Rights Watch*, Nairobi, 2008, p.35.

## **CHAPTER FIVE**

### **CONCLUSION**

The chapter attempts to synthesis the issues raised in the research project. The main theme of the research was that since the introduction of multi-party politics in Kenya in 1991, elections related evictions continued being witnessed in Nairobi slums every election cycle. Cases of elections related evictions were rampant in Mukuru Kwa Njenga slums during the subsequent election years after the introduction of multi-party politics in Kenya.

The period (1991-2013) was significant as most of the election related evictions were witnessed in the slum during and prior to the election years of 1991, 1997, 2002 and 2007. The issue of landownership in the slums and the role of politicians in land tenure ship came to the fore with politicians taking advantage of the precarious land ownership situation in the slums to advance their interests.

Incidents of elections related conflicts and evictions were higher on government land that made up the Nairobi slums. However, controversy surrounded the process of acquiring government land in the slums however temporary. Some early migrants to Nairobi simply identified vacant spaces and built temporary structures on it, while a significant majority said they were assisted by the provincial administration especially the Chiefs and their councils of elders to acquire such spaces.

It was a common trend during the period of single party rule in Kenya for the head of state and high ranking party officials to grab and distribute government land to party supporters or an ethnic group as a token of appreciation for their loyalty to the party and especially the head of State.

The study mainly focused on three key objectives to enhance the understanding of the nature of forced evictions in relation to elective politics with special reference to Mukuru kwa Njenga slums. The objectives of the study included; To examine the initial settlement and growth of Mukuru Kwa Njenga slums; To examine the correlation between forced evictions in Mukuru Kwa Njenga slums and elections and; To examine the causes and impacts of election violence and evictions in Mukuru Kwa Njenga.

The study was justified since, the question of election related evictions in urban slums, it's causes, role and gains of the actors involved had not been adequately addressed in scholarly discourse, and most studies on election related evictions in urban slums in Kenya and elsewhere in Africa tended to be limited to ethnic adversity that informed conflicts and subsequent evictions in slums and other cosmopolitan regions of the country.

The study thus sought to unravel the actors in elections related evictions in slums including their roles and gains in the whole process. Apart from helping to understand the foundations of the evictions better, the study was a useful pointer to some of the issues that require to be addressed concerning slum evictions particularly in situations of elections cycle as in the case of this study. At policy level, the study is thus of great benefit to the government as it provides for the adoption of sound governance, eviction and electoral policies.

The study relied on the structural theory of conflict as propounded by Johan Galtung. According to Galtung, violent conflict is a symptom of a sick state but this does not necessarily mean that the absence of warfare is a sign of good health. He further argues that structural violence is characterized politically as repression and economically by exploitation, both of which are administered from the top downwards and as a result of this, persons at the bottom of the structure have their needs deprived disproportionately by those on higher levels.

According to structural theory, all the violence and conflicts Kenya has been experiencing during electioneering and/or election periods are symptoms of an ailing state where the citizenry are deprived of their needs. As a result; repression and exploitation of its citizenry, by the government of the day, manifested through employment crisis, land problems, overtaxing, negative ethnicity, social exclusion, insecurity, deficient constitution, and impunity all of which are exacerbated by weak governance, legal and economic structures have become the order of the day.

Kenya thus needs to overcome the root of the conflict formation and resultant evictions in urban slums, by urgently addressing these issues otherwise physical violence and evictions will always occur during election periods.

The research was also guided by and tested several hypotheses namely; that Settlement in slums is influenced by lower levels of income of the inhabitants; That Electioneering is the main cause of evictions in the slums and that Evictions leads to destruction of property. The study further utilized data collected both from primary and secondary sources. The primary sources included information/records held by various Non-Governmental organizations (NGOs), United Nation Agencies and the provincial Administration involved in the slum upgrading and evictions in Mukuru Kwa Njenga slums. Secondary sources included various books, scholarly articles, Journals, and Newspaper articles. The researcher also made use of the internet to obtain articles, book reviews, and theoretical discussion about election violence and evictions and relevant case studies from the same sources. The study objectives were thus met.

The study established that the origin and growth of urban slums is pegged on the history of Nairobi city which was essentially uninhabited swamp until a supply depot of the Uganda Railway was built by the British in 1899 linking Mombasa to Uganda. The railway management had picked Nairobi to be the railway headquarters a decision which put them at loggerheads with the colonial government because they did not involve any proper assessment of the idealness of the site since Machakos town had already been established earlier by the colonialists in 1887 as the capital city in Kenya and the administrative centre.

The capital city was thus moved to Nairobi in 1899 because the Kenya-Uganda railway line had by-passed Machakos Town. The location of the camp in Nairobi was chosen due to its central position between Mombasa and Kampala and because of its network of rivers could supply the camp with water and its elevation make it cool enough for residential purposes for not only the thousands of Indian laborers who came to Kenya seeking to be employed, but also for the British settlers.

The study also found out that after independence, Africans who lived in the eastern parts of the city, had less access to basic services compared to the Europeans and some Asians who lived in the western suburbs and the central business district (CBD) where access to better services was provided a position reflected even today not so much in terms of race, but in terms of class and individual incomes. The rich mostly live in areas with low population densities and good facilities like Upper Hill, Woodley, Kileleshwa,

Hurlingham, Kilimani, Lavington, and Muthaiga. On the other hand, Parklands, Eastleigh and Nairobi South, were areas of medium income, medium density population and consisted mainly of owner occupier housing. Nairobi Eastlands constituted mostly low-income densely-populated areas which included estates such as Race Course, Ngara, Shauri Moyo, Pumwani, Eastleigh, Kariobangi, Kaloleni, Bahati, Jericho, Mbotela and Dandora.

The study found out that the growth and development of slums/informal settlements in Nairobi was as a result of a variety of factors ranging from historical to contemporary which included rural-urban migration, income differentials between the rural and urban areas, unemployment, underemployment, and increased population densities in the rural areas which forced people especially the young to move to urban areas. Mukuru Kwa Njenga slums owed its origins to several of these factors which also included urban population growth without corresponding housing provision, resettlement due to new development, slum upgrading or relocation of slum inhabitants to other sites, and extension of city boundaries.

The study established that Mukuru Kwa Njenga slums and the land in which it occupies was originally part of land owned by a colonial white settler called Jack Reuben which was awarded to him by the colonial government in 1958 as a reward for his exploits during the Second World War. He had established a farmstead and a labor camp for his Kenyan workers in the farm. After Kenya attained its independence in 1963, Reuben left the country, and the land reverted to the state. His workers started squatting on the land key among them one called Cucu Gatope who by 1979 had already built shelters in the region with her three daughters followed by other workers named Njenga and Munyao who also constructed rental structures in the area. After Kenya gained independence in 1963, Reuben left the country, and the land reverted to the state. In the 1980's most of the land around Mukuru was given by the government to private developers. Majority of land was not developed, and people migrating from their rural homes looking for job opportunities in the city at an affordable place to stay informally settled in the private land over the years, due to its vicinity to their places of work. As Nairobi's population began to grow, more people from different communities flocked the city in order to make money and support their families.

This led to increased population in the settlement as families sought cheap housing in the city. As the area population continued to increase, many individual villages were formed, each with their own particular history and name resulting to the proliferation of the eight villages/zones which constitute today's Mukuru Kwa Njenga slums. The zones include; Milimani, Sisal, MotoMoto, WapeWape, Vietnam, Riara, MCC and Zone 48.

The study further found out that the causes and impacts of elections related evictions in Mukuru Kwa Njenga can largely be linked to the government's failure to recognize the slums which had negative implications on security of the slum residents. Consequently, security was largely left in the hands of the slum residents although the police occasionally did security patrols along the main roads. The most obvious result was the mushrooming of ethnically distinct enclaves and ethnic vigilantes to secure their community. The vigilantes especially became popular because they could speak the same language as the community members they were created to protect.

The poverty conditions prevailing in the slums also encouraged the mushrooming of militia groups. Unlike the vigilantes, the militias were more aggressive, better organized and inclined to take advantage of weak security apparatus to make economic gains from the slum residents. Unemployment was a major threat to stability in the Nairobi slums. Majority of the rural-urban migrants took years before they could get themselves anything to do that could generate income. The consequences of the problem of massive unemployment among the slums youth included the temptation and motivation among the youth to join militia groups engage in drug abuse prostitution and early pregnancies.

Various ethnic groups especially the dominant ones involved in power struggles saw each other as opponents and each hoped their deplorable situation could only improve if one of their own ascended to presidency. Conscious about such misplaced hopes, politicians retained contact with their ethnic clansmen not so much to help them out of their apathy but to embed tribal ideology.



Consequently, the aim to win or retain an elective position was a life and death tussle in the slums leading to increased number of youth willing to risk their life for their preferred candidates. The state of education in the slums was deplorable.

The number of public schools in the slums was dismal relative to the population of pupils and students. Development and stability in the slums was further undermined by poor political leadership and general lack of civic awareness among the residents. Like other parts of the country, the slum residents' choice of leaders to various elective positions in the Council, Parliament and Presidency was largely determined by ethnic or regional considerations. The slum residents elected people from their ethnic communities irrespective of their capacity and commitment to serve.

Rarely did residents care about the value and content of a contender's campaign policy or party manifesto. The leaders elected to represent slum dwellers were therefore more of ethnic figures than people's representatives. Majority of them were ignorant about slums issues and how to fix them because they lacked sufficient education. The few who had good education served tribal agenda, always developing survival strategies based on ethnic manipulations. The negative attitude of voters also affected the pace of development in the slums.

Interestingly, majority of the voting population in the slums saw election periods as a time for self enrichment through handouts and bribery solicited from different aspirants. The aspirants also faced the elections with the same mindset. They believed that the electorates needed money, clothing, food, alcohol and drugs instead of good policies to permanently fix the mess in the slums.

The majority of the residents did not know the necessary legal measures involved in land transition and believed that a politician and the provincial administration could help them acquire government land for free. They were unable to distinguish between fake and genuine land documents (title deeds), and did not know about development funds in their constituency, their specific purposes and how to access or monitor their utilization.

Several residents did not know the meaning of forced eviction and the necessary steps to follow before forced evictions was undertaken. Majority of the victims of rape/defilement did not know what steps to take after they became victims. Many cases went unreported. Some residents thought they could only have a right to relief food, bursary funds and constituency development funds if they voted for the incumbent MP or any other incumbent leader.

From the analysis of elections related evictions and the issues and conditions in Nairobi slums between 1991 and 2013, there was an evident positive correlation between poverty and violence in the slums. The slums registered a higher magnitude of violence than affluent neighborhoods due to the higher levels of poverty and social problems that existed in these neighborhoods.

There was also a positive correlation between poverty and the inclination to take risks in pursuit of political ideology/agenda. The poor ODM and PNU youth were more willing to sacrifice their lives in the course of fighting ethnic opponents so that their preferred favorites prevailed in the polls.

The government's belated and apparently partisan response to the post-election crisis of 2007 in the slums deprived it of slum residents' trust. The distrust continued to the 2013 general elections. The Nairobi slum residents were actually not sure whether the 2013 poll would be peaceful or violent. However, the majority did not want to take chances because the cost of such a move could have been unbearable according to the lessons learned in 2007/2008. This explained why some were arming while others planned to relocate. Landlords did not similarly take chances with their structures because they couldn't predict with certainty whether the slums would remain peaceful before or after the polls.

The government, civil society organizations and local slum residents made good progress towards restoring normalcy in the Nairobi slums particularly during the 2013 polls. However, the gains made were as yet insufficient to restore residents' trust that there will be no breakdown of law and order in future polls.

The material socio-economic conditions still prevalent in the Nairobi slums presented a challenge to the management of electoral violence in future polls, since the police will have to rely on residents' goodwill and cooperation in the maintenance of law and order to which the desired good will cannot be assured.

Owing to widespread poverty in the Nairobi slums, breakdown of law and order affected business more than any other thing. Massive looting which took place in the slums as well as tenants refusal to pay rent were all cases of people trying to exploit disorder to make pecuniary gains. Security was critical to the survival of the slum community. Lack of state security in the slums influenced the residents to form and even contribute for the sustenance of vigilante and militia groups. These groups became a substitute to the police since they played an important role in the protection and defense of the community when emergency situations arose.

In as much as political violence negatively affected the majority of the households, it did benefit a section of slum residents who always looked forward to another situation to loot and rape. Such groups created tension and even provoked violence to create the opportunities conducive to commit crime. The mismanagement of the polls especially the 2007/2008 elections by the ECK led to severe socio-economic dislocations.

The Kenya government and the police in particular should spare no effort to contain the reactivation of hitherto dormant ethnic militias in the Nairobi slums. This will require that the police act tough on the militias that still operate with impunity because their persistence creates fear and suspicion which consequently inspires the re-emergence of other ethnic militia outfits. In the meantime, the police should monitor the activities of the militias very closely because their involvement in any violent activity could create counter-reactions which could eventually affect the stability in the slums in future polls.

Landlord-tenant relations are crucial to the stability in the slums in future polls. Consequently, the police should closely monitor the relations so as to contain possible eruption of violence between the two parties. In particular, the police should bring the law to bear on the landlords who use illegal means to evict their tenants.

Similarly the tenants who refuse to remit rent should be dealt with according to the law. The police should do everything within their legal powers to ensure that the problem of illegal tenancy which still exists in some sections of Mukuru Kwa Njenga is resolved before elections are held. The tenants who displace the landlords should be dealt with according to the law so as to revert the structures to their legitimate owners soonest.

The police must also increase their physical presence in the slums. The increased police presence should go in sync with the police's ability to contain crime and to monitor and act on cases of political incitement widely expected as various candidates compete to win party tickets during the nominations for elective posts. They should also provide security in all slum villages in order to eliminate the fears which make the militias and vigilantes indispensable

The electoral body, civil society and international agencies interested in monitoring the fairness of the forthcoming polls should include in their monitoring team representatives of the local community who know all sections of particular slum villages and other relevant issues that inform the prospects of violence. Local and international donor agencies should support independent election monitoring in the slums of Nairobi, which account for about 85% of Nairobi's population.

The process of election monitoring should be launched early enough to enable detection and development of interventions around specific issues that could affect the credibility and fairness of future polls. The government should employ every legal means to mop-up illegal firearms feared to be circulating in the slums. The illegal firearms pose a security threat because they could be used against opponent groups during the electioneering period or even after it should conflict erupt over poll results. The illegal firearms also undermine the capacity of the police to respond to crime in the slums.

The Constitution of Kenya 2010 holds the key to the future of economic development as well as the management of recurrent ethnic and political violence in the Nairobi slums. Civil society organizations should intensify civic education (around the constitution) in the slums. The civic education should aim to empower the residents to manage potential violence. It should also seek to sensitize the population to use the

Constitution to demand better service delivery in the slums from the government and the constituted Nairobi County Government.

The police should both recognize and try to control vigilante groups as part and parcel of community police organizations or out rightly disband them because they pose a security threat in the long run. If the vigilantes must be recognized, the government should stipulate rules and regulations which will guide their operations. In the meantime, the police must monitor very closely the operations of the vigilantes. The government and civil society organizations should organize joint landlord-tenant meetings to sensitize both groups on their rights and obligations to each other and the legal process to pursue in the event either of the parties feels aggrieved.

The Kenya Rent Tribunal Commission should make early interventions to highlight the rules and regulations that govern tenancy as well as the legal implications. Such a move could drastically reduce the prospects of violent conflicts between both parties which largely result from ignorance of the law. Further; the government must take a firm position on the issue of protecting public lands that lie in the Nairobi slums so as to reduce the spate of land-based conflicts. Illegal titles on public land should be revoked and those who assisted in the processing of those titles be prosecuted.

The government as a way of protecting rights should let slum residents who occupy government land beware that they are (temporary) squatters and they could be asked to move out when the government decides to develop those lands. It should also conceptualize and implement slums upgrading programmes in a manner that is sensitive to the rights of the poor and consistent with the provisions of the Constitution of Kenya 2010. The government should also increase service delivery in the slums. The Ministry of Education should monitor the standards and quality of education in hundreds of private schools that have mushroomed in the slums. The Ministry of Medical Services should also increase the number of dispensaries and improve quality of medical services in the existing health institutions. The Nairobi City Council should also undertake regular garbage collections and increase the connection of piped water and sewage services.

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## **APPENDIX I: KEY INFORMANT INTERVIEW GUIDE**

1. What are the factors you think have contributed to the enhanced growth and expansion of Mukuru Kwa Njenga slums?
2. Why has forced eviction in Mukuru Kwa Njenga failed over the years?
3. What do you think has caused evictions in Mukuru Kwa Njenga every election cycle?
4. Do you think politicians have previously played any role in slum evictions?
5. What other actors do you think have played a role in slum evictions and how?
6. Where you ever evicted from Mukuru Kwa Njenga and why?
7. Why did you return to Mukuru Kwa Njenga after the evictions (if yes above)?
8. What is unique about Mukuru Kwa Njenga to you?
9. How has living in Mukuru Kwa Njenga benefited you and your family?
10. How do you think is the best way to solve housing and infrastructure issue in Mukuru Kwa Njenga?
11. Do you think upgrading of Mukuru kwa Njenga can be successful
12. Do you think the government is willing to provide infrastructure and other services to the slum residents
13. Would you like to be relocated to another site?
14. What is the most valuable thing you own in Mukuru Kwa Njenga?
15. What do you think is the most appropriate type of protection from eviction you should have?