

**UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**ENTERPRENUERS' OF POST ELECTION VIOLENCE: A CASE STUDY OF
KIBERA //**

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**Research project presented in Partial fulfillment of the degree of Master of Arts in
international conflict management at the institute of Diplomacy and international
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DECLARATION

I, Owiro Susan Atieno, declare that this dissertation is my original work and has not been submitted for the award of a degree in any other university.

Signed SAO

Date 16/10/2011

Owiro Susan Atieno.

This Project has been submitted for examination with my approval as a University Supervisor.

Signed Mwagiru

Date 14/11/11

Prof. Makumi Mwagiru

Director of the Institute of Diplomacy and International Studies,

University of Nairobi.

DEDICATION

This Report is dedicated to my husband Paul Chege Michino whose immense contribution, support and encouragement cannot be ignored. To my children Cyril, Cabral and Cicero for providing ample space to study. To my father-Alphonse Owiro, mother-Josephine Owiro and siblings Dan, Primus, Fred, Iddah and Leah and finally to my mother- in- law Pauline Magiri Michino who at 82 values education.

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ABSTRACT

The recent post-election violence in Kenya is most commonly framed as politically instigated interethnic violence. This study provides an alternative interpretation by addressing concept of conflict entrepreneurship in Kibera slum of Nairobi. The analysis goes beyond elite-based examinations of political violence and institutional failure. The local socio-economic factors played a key role and lent the conflict its own dynamics. While the perpetrators assumed the roles of conflict entrepreneurs, the pattern of administering their enterprises manifested in nature of predatory and extortionist literally developing into criminal gangs mobilized and engaged at a fee. The trend of election violence and nature of administering the violence indicates that historical injustices and structural dysfunction provides opportunity for emergence of conflict entrepreneurs' and perfection of culture of impunity.

The study adopted structural violence theoretical framework indicating that the conflict in question is embedded in the structures of electoral system. It used research design that entailed both qualitative and quantitative methods of data collection from both primary and secondary sources. The conflict presents an attempt on the part of Kibera youth to overcome, protest, or navigate multi-level insecurity and persisting social injustices through violence. Findings indicate "hustling" youth livelihood strategies, motivated by poverty levels to exercise high level creativity in order to survive the hardship thus become entrepreneurs.

CHAPTER ONE

1.1 Introduction to the study

This chapter introduces the research theme and its scope. The study will investigate the Entrepreneurs of Post Election violence: case study of Kibera. Economic theory¹ holds that entrepreneurs are creative, innovative, risk takers who marshals three aspects of production; capital, and land for their own good. Schumpeter asserts that “an entrepreneur is an innovative hero driven by the dream and will to found a private kingdom” thus disturbs existing status and drives economic development. Schultz on the other hand argues that they are found everywhere; posses ability to deal with costs, returns, perceive, interpret and act in response to new information, therefore allocate time and resources. Economist assumes that each decision maker has individual preference² with ability to choose path of action among all set of possible actions.

Elections provides opportunity for citizens voice and participation in governance³ however, this opportunity in many African countries have been marked with stiff competition among contestants; they use the process to disable and disrupt⁴ normal system for their own benefits. Election has been viewed by many as a window of opportunity for voters to also benefit financially⁵. This has been exacerbated by political aspirants engaging in voter buying⁶

¹ Myint H. Economic Theory and the underdeveloped Countries , London (1971)

² Schmidt C; An Economic Contribution to Analysis of War and Peace in Vayren et al; The Quest for Peace: Transcending Collective Violence and War Among Societies, Culture and States pp 231, 1987, Sage Publications

³ Reynolds A Electoral System and Democratization in South Africa 1999 Oxford University Press New York

⁴ Lindberg S; The power of Elections Democratic Participation, Competition and Legitimacy in Africa pp 134, Political Studies 2004' University of Lund

⁵ Basedau M et al; Votes, Money and Violence, Political Parties and Elections in Sub-Saharan Africa; 2007, Nordiska Afrika Institute' Sweden
Ibidi

The study will seek to explore how election period has been setting grounds for anarchical interplay between economics and politics therefore justification of use of violence to show case perfection of culture of impunity by the rulers and the ruled. In is imperative to note that beneficiaries of election “boom” campaign money and handouts would want to maintain the status quo thus emerging entrepreneurs’ taking opportunity of election period to reap profits from violence.

1.2 STATEMENT OF THE RESEARCH PROBLEM

Elections violence has since become a common phenomenon in Kenya since the on set of multiparty politics. The assumption has been focused on issues of ethnic differences and land ownership thus perpetrators have always intended to drive out “visitors/intruders” from those regions. The trend has been successful in creating internally displaced persons holding claim to land without institutional support to get back to what is rightfully theirs. Perpetrators of election violence have never been punished or apprehended for such gross violations. In urban areas, violence of any sort always occurs in informal settlements where majority are living in abject poverty making them easy target for manipulation during elections. Political class in their campaigns give empty promises that are never fulfilled. Apart from this most informal settlement have unclear land tenure system for instance Kibera entire land belongs to the Kenya government while the structures are owned by majority government officials and individuals from particular ethnic groups (Nubians and Kikuyu’s). In essence the landlords are squatters on government land.

Wide spread violence has persisted between land/structure owners and tenants in Kibera for a long period of time yet those in charge tend to focus on management of the conflict and not finding a permanent solution to the problem . The study therefore acknowledges and critically asses this emerging trend of using elections as a spring board

nature of individuals/groups in Kibera and how did they position themselves? Did they take class or structural forms? Did different conflicts give rise to different modalities of conflict? Was it embedded culture of impunity that supported emergence of entrepreneurs or end of temporary employment that they sought to secure? The consequence is that the practice will promote a vicious cycle of violence and repositioning of other groups to reap benefits.

1.3 Objectives of the study

1. To investigate whether illegal acquisition of houses in Kibera were as a result of the 2007-2008 post election violence
2. To explore the structural dynamics that present opportunities for post election conflict entrepreneurship.

1.4 LITERATURE REVIEW

Conflict Entrepreneurs

Economic theory assumes that decision makers are rational and that they do not take into consideration anticipated changes that could occur in human behavior.⁷ They argue that rational man is efficient and uses his process of action to make informed choices in order to elect a government. Application of rationality in voting is not guaranteed since voters could change preference. They could be influenced by environment therefore they tend to calculate gains and costs and that if they change abruptly without course of action then they act irrationally.⁸ This theory assumes that human beings are rational regardless of any situation at hand. Rationality therefore asserts perfection and negates possibilities of political leaders making errors in political field.

Conflict entrepreneurs just like economists have knowledge of their own preference hence able to choose path of action among sets of possible actions. The most significant is economic reasoning which determines cost benefit analysis relevant to each individual.⁹ In times of conflict they view peace as a zero-sum game that the prices of peace is nothing compared to price of war which is hardly estimated.¹⁰ Therefore the relationship between economics and peace indicates that decision makers do not appear in peace domain.

⁷ Downs A., *An Economic Theory of Democracy*; Harper and Row Publishers New York, p14, (1957)

⁸ Ibid

⁹ Schmidt C., *An Economic Contribution to Analysis of War and Peace* in Vayrynen R et al *The Quest for Peace: Transcending collective violence and war among societies. Cultures and States*, Sage Publications p 33, (1987)

¹⁰ ibid

African economic problems posits that colonial history of exploitation contributed to wide spread poverty through movement of population to 'reserves' and establishment of money economy. That exacerbated class structures. Sandbrook argues that consolidation of effective state power is humped by economic stagnation.¹¹ States inability to ignite economic growth in times of war and or violence contributes to unemployed youths forming groups to participate in war economy.¹²

Marxist theory holds that capitalism creates classes and exploitation ¹³he therefore advocates for socialist approach which offers hope to proletariats and revolution to break the chain.¹⁴ Marx believes that rise of capitalism would eliminate conflict; Waltz views his proposal as utopian and argues on struggle for power as a consequence of international anarchy. His theory offer powerful critique of capitalism and advocates for classless and non exploitative society with socialism as his main agenda¹⁵ offering hope to the low class. He also rejects Kant's belief in human beings rationality ¹⁶ notion of rationality assumes that actor base his decision on reasons that the actor will weigh all options before taking appropriate action.¹⁷Based on this conflict entrepreneurs do not weigh all options since they are interested in benefits.

Feng agrees with Organsk, Kugler, Rasler and Thompson who advocates for modern growth theory which is closely related to Olson's' collective goods theory they observes that political instability and uncertainty are negative effects of economic growth since it interferes with savings, invention of new technologies and smooth

¹¹ Sandbrook R., *The politics of Economic Recovery*, Cambridge University Press, p 20 (1993)

¹² Clapham C., *African Guerrillas*, James Currey Publication London, U.K, p 11, (1998)

¹³ Linklater A., *Marxism* in Burchill et al; *Theories of International Relations* (2001)

¹⁴ Sandbrook R., *The Politics of Economic Recovery*; 1993 Cambridge University Press pp54

¹⁵ Ibid Sandbrook

¹⁶ Linklater A., Op Cit p 20

¹⁷ Boudon R., *Theories of Social Change A Critical Appraisal* Polity Press (1986)

running of the economy.¹⁸ Effects of economic growth are a necessity to negative form of entrepreneurship. Weber posit that rulers tend to have patrimonial mechanism of governance based on distribution of material resources, power and prestige¹⁹ these affects electoral democracies in that Clientelism process of building up factional support on basis of pay offs to clients .

Political chaos aggravate economic problems creating increased budget on military expenditure, repairing war damage, drain scarce resource and scare investors²⁰ Hobbes and Locke believe that state of war is brought about by individuals seeking to bring another under his absolute power by denying him natural freedom which is contrary to natural law²¹ we assume that every individual though rational is selfish. Hobbes famous statement that “everyman against every man”²² marches that of the opportunist in Kibera who takes advantage of the situation to acquire property.

However Locke put importance on property and views political arrangement as a necessary factor to safeguard. Macpherson expresses that Locke and Hobbes motivation is to defend capitalist’s accumulation²³. In Europe it is argued that it is the progressive nature of economic order that includes power of feudal aristocracy ownership of land which later on transferred to urban financiers and entrepreneurs²⁴ thus ownership of property is compatible with law of nature. Macpherson disputes Hobbes view that it is impossible to own property since earth as common gift but unequal distribution emerges.

¹⁸ Vally K., *War and Economic Performance*; “Journal of Peace Research” Vol. 42. No. 1, p, 2005

¹⁹ Ibid Sandbrook

²⁰ Sandbrook R., *The Politics of Economic Recovery* Cambridge University Press 1993

²¹ Downs A., *An Economic Theory of Democracy* Harper and Row, Publishers, New York, pp30, (1957)

²² Sorensen G and Jackson R, *Introduction to International Relations Theories and Approaches* Third Edition p 25, (2007)

²³ Williams H., *International Relations And The Limits of Political Theory* Macmillan Press Limited, London, (1996)

²⁴ ibid

Individual can own property through his labour thus it is illegal to own property through theft since it is contrary to justice or law of nature. Historically European settlers acquired land and cultivated which; Tilly argues that it was rightfully theirs due to the fact that they established it through labour. He further argues that human nature established material inequality when they accepted money, regulation by government and law. Tilly thus justifies ownership and protection of private property. Grotius and Locke affirms that natural law is inherent in human nature while Hobbes contends but argues that it is only effective after state has been founded²⁵

Collier and his colleagues have advanced that most wars in Africa are economic in nature with resource as main bone of contention.²⁶ Their main focus is on greed and grievance theory, Collier focuses on rebels and structural adjustment as weakening state capacity and strengthening regional global markets that rebel movement can access. This is contrary to what Norman Mlambo thinks about conflicts, he views them as war of liberation motivated by desire for emancipation but not “looting resources”. Election conflicts are not by any way driven by economic greed²⁷ but by struggle for political power. Ballentine and Sherman²⁸ views greed and grievances theory as limiting as they stress those political and economic factors of conflict as inseparable

Thandika Mkandawire assess literature of African conflicts from economic perspective like Collier, his argument is based on rational choice paradigm as affiliated to World Bank’s “looting model of rebellion” that they tend to associate political rebels to common criminals. He further asserts that rebel movements have urban origins and crisis.

²⁵ Valley K., Op Cit

²⁶ Zeleza P. T and Nhema A., *The Roots of African Conflicts: The Causes and Costs, Zimbabwe. Lesotho. Kenya. Sudan. Uganda. The Horn of Africa* James Currey Limited U.K, p21, (2008)

²⁷ Collier P., *Wars, Guns and Votes : Democracy in Dangerous Places*, Vintage Books, 2009

²⁸ Ibid Zeleza

According to him rent seeking states are more prone to rebellion of any nature than merchant because of high level of deprivations.

Errol Henderson observes that at independence political elite created institutional vacuum which allowed for African insurgencies, state failure and inability to respond adequately to state building and national building. Collier and Hoeffler implicate economic factors and argue that economic stability is paramount to political stability²⁹ thus economically marginalized citizens often provide fodder for insurgencies. Emergence of insurgencies are attributed to certain factors for instance economic development as a necessary factor to security; Tilly argues that during state formation in Europe, leaders were compelled to provide measures for economic development and pay wages/salaries for military personnel as security. The security nexus seemingly is absent in Africa thus contributing to insurgencies to provide security at all times. Military spending are likely to heighten probability of insurgence groups. Gurr's³⁰ asserts that there exist politicized ethnic groups ready to support their own leader in times of need and to protect ethnic group.

This literature pays attention to concept of “gangs” and or “vigilantes” who have been in existence since independence. Thrasher³¹ defines them as groups formed spontaneously then integrated through conflict and that they have characteristics of meeting, moving together, conflict planning and have collective behaviour. Moore refers to them, as unsupervised peer socialized by streets and not conventional institution and

²⁹ Collier P., *The Political Economy of State Failure*; “Oxford Review of Economic Policy”: Vol. 25, No. 2 p 221 (2009)

³⁰ Gurr T., *Theories of Political Violence and Revolution of the Third World* in Zartman W and Deng F., *Conflict Resolution in Africa*, The Brookings Institution (1991)

³¹ Eller J.D., *Violence and Culture: A Cross-Cultural and Interdisciplinary Approach*, Thomson Wadsworth USA, p 307, (2006)

have capacity to reproduce in neighbourhoods; thus positioning themselves to cause, promote violence and ensure profits from their actions. They present challenges to state structures³² Chung-Si Ahn asserts that social change creates opportunity for conflict and that political violence are clear indication of failure of the ruled to comply with authority.³³ Structural conditions that give rise to conflict are not taken into consideration. Conflict entrepreneurs' emerge due to state inability to provide security,³⁴ leading to predatory nature of behavior among youth vigilantes or militia group's ³⁵third wave of democratization has seen African countries experience the use of nontraditional military intervention insurgencies including vigilantes, armed state terror and armed private terror that have emerged to serve particular purpose in the political arena.³⁶ They tend to deviate from traditional military systems which are constitutionally controlled and observe internationally recognized rules of armed conflicts however, there engagement in politics may at times result in usurping national political power and seizing opportunity to get into power through coups. This literature therefore posit that election violence trend is currently gathering momentum and producing groups of individuals who view it as presenting profitable opportunities arising from conflict extortion, illegal acquisition of houses, theft of humanitarian supplies, banditry and predation on civilians. Apart from this continued relevance of organized gangs on hire by political elite and high stake in

³² Clapham C., *African Guerrillas*, James Currey, London, UK, p 58 (1998)

³³ Ahn C-S., *Social Development and Political Violence: A Cross National Causal Analysis* () Seoul National University Press pp 9, (1984)

³⁴ Kanyingi K., and Okello D., *Tensions Reversals in Democratic Transitions: The Kenya 2007 General Elections*, SID and IDS; University of Nairobi (2010)

³⁵ Agbase P.O and Kieh G.K., *The Military Politics in Africa: From Engagement to Democratic and Constitution* Ashagate Publishers Company. USA p 10,(2004)

³⁶Ibid Agbase p 12

elections coupled with what Kimenyi³⁷ and Kagwanja³⁸ refer to as predatory economy supported by gangs.

1.4.2 Electoral Violence

Mwagiru defines electoral violence as political violence aimed at election process where by there is use of force to eliminate rival and acquire power³⁹ while Okombo view election as legitimizing governance and accountability.⁴⁰ Election violence can be interpreted to mean deviant form of political participation accompanying electoral process and thus opportunity to make genuine choices. Basedau et al posit that electoral violence is informed by excising structure or institutions.⁴¹ To prevent election violence there is need for political competition to focus on conditions favouring violence like history of the region, colonial legacy, ethnicity claims, cleavage structures⁴² produced by political parties i.e. Cameroon where stigmatization of opposition, religious linkages in Ivory Coast, Assassinations e.g. Burundi, leaders seeing themselves as father figures⁴³

Election violence succeeded due to structural weakness, institutional conditions like constitution and election commission laws, state weakness leaders control use of violence oligopolies acceptable to citizens who profits from state decay for example ruling elite neo-patrimonial- form of domination embedded in economic deficiency, dynamics of education, dominance structurally unstable. Use of violence dependant on social cleavages,

³⁷ Katumanga M., *A City Under Siege: Banditry and Modes of Accumulations in Nairobi 1991-2004*: Review of African Political Economy, Vo. 32. No. 106, Africa from SAPS (2005)

³⁸ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 elections*, African Affairs, 105/418, Oxford University Press (2005)

³⁹ Mwagiru M., *The Water's Edge Mediation of Violent Electoral Conflict in Kenya*, Institute of Diplomacy and International Studies, Nairobi (2008)

⁴⁰ Okombo O., *Discourses on Kenya's 2007 General Elections: Perspectives and Prospects for Democratic Society* p40, Nairobi (2007)

⁴¹ Basedau Mathias et al *Votes, Money and Violence, Political Parties and Elections in Sub-Saharan Africa*, Nordiska Afrikainstitutiet Sweden University of Kwazulu Natal Press South Africa (2007)

⁴² Ibid.

⁴³ Nurgent P., *Africa Since Independence Comparative History* Palgrave Macmillan Publishers New York (2004)

quality of state monopoly, legitimacy and efficiency of electoral process, organization capacity of parties, use of violence to profit from historical chances, They challenge frequency of the use of admission of perpetrators to negotiating table-Gap interviews with party leaders, empirical legitimacy of violent behaviour and motivation of youth and consequences of violence- study of electoral and political parties.

Galtung observes that all societies have vertical gradient built in them and there exist a distinction between actors, system and structures and view structures as a unifying factor ⁴⁴ Gurr groups theories related to political violence as violation theories which he emphasizes discontents, cultural ideological disposition and rational choice. He also talks about structural theories as disruption of relationship between value and environment as dysfunction or disequilibrium thus set of values achievement is disrupted. Marx attribute violence to inequalities, Political process theory characteristic of political institution is that interest groups are manipulated therefore failed political process of conflict resolution and mediation thus political system spilt apart.

Huntington looks at characteristics political institutions that makes them resilient in political pressure for the change while Tilly⁴⁵ places weight on capacity of challenges to mobilize collective against governments He argues that they are incomplete and does not show how regime respond to opposition. He argues that this theories omits international linkages and are silent on conflict outcome for instance who gains and who loses and why? Ellen Trimberger shift attention on state structures and class supports, she makes clear separation between bureaucratic and military, landlords and merchants. Thus identifies limitation of political theories as focusing on causes and processes and not out comes. Ted

⁴⁴ Galtung J., *Peace and Social Structure*; "Essays in Peace Research" Vol. 3, Illexim Bucuresti, Romania p30 (1978)

⁴⁵ Gurr T., *Theories of Political Violence and Revolution in The Third World* in Zartman Wand Deng F., *Conflict Resolution in Africa* The Brookings Institution (1991)

Gurr asserts that these theories have been based on comparative reference to Western, Asia and Latin America than specific political violence in independent Africa. The Western theorist excludes communal violence and importance of communal loyalties and traditions of inter-group conflict, extent of inter-group inequalities and patterns of ethnic dominance. He advises that they need to make consideration of international economic and political factors played by African states and elites.

Hobbes believes that human beings can live in harmony without third party intervention in enforcing laws he assumes that individuals are rational and can economically exploit common resources for their own benefits he concurs with Aquinas⁴⁶ who believe that human beings are bound to use reason in acquisition and management of property they thus see the role of government in settling disputes where man fails to observe laws. Locke posits that human nature wants more⁴⁷ than they have so they are bound to engage in process of acquisition and expansionist. Locke favours representative governments and defends individual and state ownership of property thus supports bourgeois rights. Locke edifies economic system⁴⁸ that would lead to high standards of living and accept natural law favoured by reason. He deviates from Hobbes but agree with Grotius on natural laws favoured by reason however like Hobbes they are both pessimist about human and international condition and political repression Hobbes views human nature as egoistic and combative. Civil society organization recognizes law of nature therefore war between them would mean that standards of society have failed.

⁴⁶ Williams H., *International Relations and the Limits of Political Theory* Macmillan Press; London(1996)

⁴⁷ *ibid.*

⁴⁸ Downs A., *An Economic Theory of Democracy* Harper and Row Publishers New York (1957)

Mwagiru⁴⁹, Okombo⁵⁰ and Jeong⁵¹ assert that conflicts have a history and are embedded in social structure; Mwagiru indicates that the electoral violence in Kenya had memory and life cycle. Okombo, Mwagiru, Kanyingi and Okello asserts that underlying structural violence, historical injustices and unresolved past electoral violence played a key role in the 2007-2008 election violence and that young people viewed as major allies and actors in perpetrating the violence. Okombo alludes to failure of legal framework as lack of sanction on illegal acts and silence on previous acts of forced eviction, damage to private property, voter buying and poorly managed electoral body.⁵² Kanyingi and Okello support him and assert that persistent conflict in Kibera of landlord tenant dispute over rent. They identify four major causes of post election violence as emanating from dispute over land rights, recurrent violence, persistent impunity, and pre-existing violations of economic and social rights and vigilante groups. Mwagiru in conjecture faults lack of structures for addressing grievances and implementation of past commissions investigating electoral violence he eludes that conflict cannot be rationalized.

Nugent⁵³ Wyk⁵⁴ and Gurr⁵⁵ apportion blame to colonial legacy in Africa. They argue that the current governance system is inherited from colonial master and that the leaders are interested in using the system of divide and rule, use gross human rights violations, they impose authoritarian system and fear losing power to opposition. Atoubi,

⁴⁹ Mwagiru M., *The Water's Edge Mediation of Violent Electoral Conflict in Kenya* Institute of Diplomacy and International Studies, Nairobi, (2008)

⁵⁰ Okombo O., *Discourses on Kenya's 2007 General Elections; Perspective and Prospects for Democratic Society* 2009 Nairobi

⁵¹ Jeong H., *Understanding Conflict and Conflict Analysis* Sage Publications London pp 54(2008)

⁵² Kanyingi K and Okello D., Op cit

⁵³ Nugent P., *Africa Since Independence: Comparative History* 2004, Palgrave Macmillan Publishers New York p 213, (2004)

⁵⁴ Wyk J. A., *Political Leaders in Africa: Presidents, Patrons or Profiteers*, Occasional Paper Series Vol. 2 No.1, p(2007)

⁵⁵ Zartman W and Deng F., *Conflict Resolution in Africa*, The Brookings Institution (1991)

Assefa⁵⁶ and Nugent⁵⁷ argue that the Africa leaders play politics of self interest and fear regime change. Contested elections have become the norm associated with African leaders remaining in power.⁵⁸ Election violence are explained into perspective cultural and structural-involvement of political parties⁵⁹ Political culture of impunity among ruling class⁶⁰ can benefit and generate clashes to remain in power. Mamdani underscores culture of impunity as unjust political, economic and social system⁶¹ inherited by rulers.

Assefa asserts that current violence trend in Africa have history of both external and internal Violations he suggest that to manage the conflict it is necessary for “political system to avert the negative consequences by emphasizing healing and wholeness through reconciliation politics”⁶² Election literature is limited since it focuses on rules on political stability, democracy governance with minimal focus on institutions and voters role in election related violence.

Social structure generates change, conflicts and contradictions are inherent in social structures. Dahrendorf defines class as determined by unequal distribution of authority. Relationship in position of authority involve conflicting interests and class revolve around struggle for authority⁶³ In his theory of social conflict he edifies⁶⁴ that role of conflict is eminent in any group that is threaten with loss of privileges or power, they are

⁵⁶ Assefa H., *Peace and Reconciliation As A Paradigm A Philosophy of Peace and Its Implications on Conflict Governance and Economic Growth in Africa*, Nairobi, p 15,(1993)

⁵⁷ Ibid Nugent

⁵⁸ Baraton M and Walle N., *Democratic Experiments in Africa: Transition in Comparative Perspective*, Oxford University Press New York.(1997)

⁵⁹ Jeong, H-W., *Understanding Conflict and Conflict Analysis*, Sage Publications (2009)

⁶⁰ Klopp J., *Ethnic Clashes and Winning Elections: The Case of Kenya Election Despotism* “ Canadian Journal of African Studies” Vol. 25, No. 35 pp 478, (2001)

⁶¹ Mahamood M and Lehman H., *The Question of Justice Lessons and Challenges* Conference Paper Presented to Human Rights Institute, Nairobi, p 17, (2008)

⁶² Ibid Assefa

⁶³ Wallace W. L., *Sociological Theory: An Introduction*, Heinemann Educational Books Limited, London (1969)

⁶⁴ McNeil E., *The Nature of Human Conflict* Engle Woods, Prentice-Hall, INC London, UK, p 83 (1965),

like to struggle to maintain advantage position by disrupting, disturbing and disorganizing the system functioning. Conflicts in many regions have been related to income and wealth distribution thus the rise of bourgeoisie who become powerful through top economic and political positions.⁶⁵ In Kenya for instance, potential for class emerged in allocation of land. Political stability poses as a prerequisite to economic development. Structural violence needs not be overt, however social system commits structural violence by keeping one group on top of the other Denis Goulet ⁶⁶expresses that degrading poverty, ignorance, non participation in decision making among others are forms of structural violence. Political violence is overt act of structural/physical force⁶⁷ initiated by political motives which include use, actual potential threat of use of force.

Hobbes argue that before politics there was war of “every man against every man” on one hand and Karl Marx asserts that the struggle was natural order therefore class struggle is the force behind history and social change.⁶⁸ States claims monopoly of legitimate force, yet they face real threats from non-state actors. Clausewitz famous quote that “war is the continuation of diplomacy by other means”

1.5 Justification

The literature review has shown clearly that there is a debate in emerging trends of election violence accompanied by criminal gangs ready to engage in political assignment at short notice. Attempts to manage the vise tend to place responsibility on political elite whose focus remains on victims. However; perpetrators of this violence have never been

⁶⁵ Siegler R and Berg-Schollosser D., *Political Stability and Development: A Comparative Analysis of Kenya Uganda and Tanzania* Lynne Rienner Publishers Boulder and London p 57, (1990)

⁶⁶ Ahn C-S., *Social Development and Political Violence: A Cross National Casual Analysis* , Seoul National University Press, Korea, p 11, (1984)

⁶⁷ Ibid Ahn

⁶⁸ Eller J.D., *Violence and Culture: A Cross Cultural and Interdisciplinary Approach* (2006) Thomson Wadsworth USA p 209, (2006)

apprehended thus they mirror the political class and perfect the culture of impunity since they are aware that they cannot be pursued.

The conflict entrepreneurs banked on the opportunity provided by the post election violence, calculated the cost- benefit analysis of their intended action, innovatively engaged in predatory and extortionist to reap benefits. They were aware that due to existing structural dysfunction, absence of rule of law the government may not intervene thus by the time they change the structures they will have immensely profited.

This study sees a gap in reconciling perpetrators and victims of election violence, and in ending culture of impunity. The findings of the study may be used by policy makers, researchers and conflict managers to engage in early warning and prevention to deter development of war economy

1.6.1 Theoretical Framework

The literature review present analysis of existing data on election related violence exploring issues focused on social, political and economic causes of election violence. It is evident from data gathered that the conflict in question is embedded in the structures of electoral systems. The structures creates situation for competition for power and status⁶⁹ relating to political violence theory. The theory indicates that their exist variety of contrasting issues and interests as the case of Kenya post election violence 2007-2008 conflict over power is viewed at structural level of social system.

Galtung asserts in his structural theory of revolution that actor's individuals or groups clash in search of goals due to the way structures influence interaction. He argues that their two main ranks of people referred to as top dogs and under dogs; the latter has more power in structure and that in voting system structural equalization does not

⁶⁹ Jeong H-W., *Understanding Conflict and Conflict Analysis* 2008, Sage Publications

translate into political action⁷⁰ The emerging entrepreneurs of post election violence in the study can be viewed as a group of opportunist taking advantage of dysfunctional structures of the society. It can be deduced that the youth acquiring houses illegally are aware of failed structures, existence of inequality, wide spread poverty and culture of impunity.

The literature review done in this study, contend that there are several theories related to this study however chose to focus on structural theory since the violence is deep rooted in existing structures which have made election violence inherent with the trend taking a different turn of events every election. Land tenure system in Kenya is equally wanting

1.6.2 Methodology

The study will use research design that entails use of qualitative and qualitative methods to collect data from secondary and primary sources this will be done through designed questionnaires to collect the primary data, an interview guide will be prepared and administered key informants. The research tend to combine several data collection methods namely random survey, key informants interviews, unstructured interviews, observation and secondary data reviews and preference will be accorded to qualitative methods.

1.6.3 Random Survey

Random survey will be carried out in the selected villages in Kibera that were grossly affected by the violence. Focus will be placed on landlords/structure owners and tenants. However the sample will also be categorized or stratified further in terms of age,

⁷⁰ Galtung J., *Peace and Social Structure* "Essays in Peace Research" Vol. 3; Ilexim, Bucuresti; Romania (1978)

occupation, opinion leaders, religious leaders, community based organizations and gender. A structured questionnaire with open ended questions will be used as the data collection instruments

1.7.2 Key informant interviews

They will be purposively selected to include government administrators like chiefs, assistant chiefs, village elders, youth leaders, (vigilante) women group leaders, landlord-tenants association leaders and other relevant key leaders like Nubian elders.

1.7.3 Unstructured Interviews

This will include unstructured interview, unplanned or impromptu discussions that accompany other data collection methods, they will include informal and formal consultation with stakeholders in the field. This can yield very useful information on the subject of study and data will be recorded on field note book.

1.7.4 Observation

Observation is an important data collection tool which can be used to record any relevant issue observed as part of qualitative primary data. Like unstructured interviews, observation has no formal check list however; there are certain details that will be derived from the social interaction that can be observed.

1.7.5 Site selection

As outlined in the study the site selected is Kibera in Nairobi Province. It has been chosen as a case study and that the in Nairobi, it has highest responsibility of tenant /landlord conflict, with complicated land tenure system where by some structure owners (Nubians) view it as their pension paid to them by the British government. The entire land is also owner by the government while the structures belong to individuals.

Secondly Kibera, is selected as site where political threats are perceived and translated into action basing on her history as an epicenter of violence in the city, gap between the rich and the poor and big man small man political playground. It is also convenience to the researcher in terms of cost, resources and access.

1.7.6 Data Analysis

Data analysis will be carried out from the interviews collected from structured, unstructured and observation notes and compiled according to thematic/situational context. They will be analytically presented

1.7.6.1 Data organization

This will entail organizing data from both primary and secondary sources to reflect and relate to subject matters as a lined in the chapter outline. Will create themes and patterns as they emerge

1.7.6.2 Analyzing and interpreting information.

This will be determined by evaluating and analyzing data gathered on the subject matter. The process will synthesize and portray credibility, authenticating information gathered and usefulness of the study

1.8 Chapter outline

The study will comprise of the following chapters

Chapter one: Proposal

Will introduce the research study by contextualizing the research problem, present objectives, literature review, justify the study, provides theoretical framework and present methodology of the study.

Chapter two: Conceptual on election Conflict

This chapter will introduce the concept of election conflict to the study of entrepreneurs of post election violence. It will focus on the role of structural violence and its contribution to the conflict cycle whilst exploring how conflict entrepreneurs are mobilized and their consequences.

Chapter three: Election violence in Kenya 2007

It will focus on pre-during and post election violence it will deal with the ways election violence has manifested itself. It will highlight the trends of election violence, Focus will be of the structures that support and or hinder peaceful elections

Chapter 4 Case study entrepreneurs' of post election violence

This chapter will critically analyze the emerging trend of entrepreneurs of election violence, impact of the entrepreneurs on Kibera tenants and landlords, what motivated them and what are the benefits accrued. Focus will also be laid in investigating the structural dysfunction that makes them succeed.

Chapter 5 Conclusion

This chapter will provide findings; give recommendations and suggestions for further study and conclusions of the study it will also record any methodological challenges to inform future researchers.

CHAPTER TWO

Concept of Election Conflict

This chapter will introduce the concept of election conflict to the study of entrepreneurs of post election violence. It focuses on dynamic of structural violence and its contribution to the conflict cycle. At the same time highlights the role of conflict entrepreneurs, their mobilization and impact on residents of Kibera.

Define Election violence

Election violence is a form of political violence aimed at the electoral process with main focus on winning political competition or power through violence.¹ It is any act that causes harm to an individual or group of people, or damage property intended to influence election choices and outcomes. Mwangi observes that “Its tool of trade is Intimidation and disempowerment of political opponents.” The election violence, takes place before, during and after elections.² Collier has described political violence as a variant struggle for power he claims that the 90s has seen changes in Africa from getting to power through wars to willing elections. End of cold war era has marked changes from bullets to ballots³ He points out that presidents have discovered new technology that enable them to win elections that opening space for democracy has increased political violence

Patrick Quantin defines electoral violence in Africa as deviant or unconventional form of political participation. He observes that failing capacity and legitimacy of

¹ Atoubi S.M; Election- Related Violence in Africa

² Mwangi M. *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, Institute of Diplomacy and International Studies, Nairobi, p13, (2008)

³ Collier P; *Wars, Guns and Votes: Democracy in Dangerous Places* , Vintage Books, London, p44, (2009)

electoral administration, incumbent who wants to save ancient regime⁴ may manipulate excess of violence to generate argument against challenger(s)

This study argues that election related violence and emergence of entrepreneurs in Kibera can be traced to inherent structural weaknesses in administration and poor management of election violence, Culture of impunity and historical injustices pertaining to land in informal settlements across board. It focuses on the perpetrators of election violence as members of political parties, political parties and militia who use violence as a means of influencing the electoral process to their advantage. It also focuses on the intention of reversing electoral outcome and entrepreneurs ripping benefit from the violence.

2.2 Election conflict

The concept of election violence in this paper is understood and placed in the context of election conflict whose main background is embedded in the nature of structural conflict. This process is an embodiment of the idea of structural conflict, which presupposes an un-peaceful situation that exists between the dichotomies of peace and war evident that structural conflict that at times ends in structural violence, is about correcting the situations of extreme deprivation of one or several communities at the expense of another or others. The link between political affiliation, ethnic belonging and access to resources is also evident and is as a result of longstanding interactions of these three dimensions.

A discussion of electoral processes falls within the ambit of the meaning of conflict as an incompatibility of goals⁵ between two or more parties as the parties. In the electoral process each party has a distinct reason for taking part in the process often at

⁴ Basedua M. et al; *Votes Money and Violence, : Political Parties and Elections in Sub-Saharan Africa*, Nordiska Afrikainstitutet Sweden; University of Kwazulu –Natal Press, South Africa (2007)

⁵ Ibigi Mwangi

variance with each other. Conflict disrupts working system due to competition and divergent interests.⁶ The incompatibility of goals between the various parties plays out in the electoral processes.⁷ Political conflicts involve different groups and are characterized by a high level of organization that can also alter the context hitherto social conflicts into political conflicts.⁸ Election conflict is therefore categorized as a form of political conflict; its manifestation gives it a clear form which is either referred to as crisis or violence.

Paul Collier has described political violence as variant struggle for power. He views the 90s as period that witnessed changes from use wars to ascend to political power “bullets” to voting “balloting” to winning elections. Political violence takes place within a single state; violence therefore becomes rational instrument in pursuit of political goal. Stohl views violence resulting from a rational assessment of political condition and identifies gaps that present opportunity for the actions that follows.⁹

Adejumobisa Ake argues that elections in multiparty era has disempowered masses conditions in which they are forced to vote without choosing while Sally Mwangola¹⁰ on the other hand argues that youth have widely been included in the political arena through demands for affirmative action in order to redress historically injustices as they claim social legitimacy in political realm.

⁶ Cahn D. and Lulofs R., Conflict : From Theory to Action Second Edition; Ally and Bacon, New York 2000

⁷ Mwagiru M., The Water's Edge Mediation of Violent Electoral Conflict in Kenya; Institute of Diplomas and International Studies Nairobi, 2008

⁸ Okombo O., Discourses on Kenya's 2007 General Elections: Perspective and Prospects for Democratic Society (2009) CLARION, Nairobi

⁹ Stohl M., War and Domestic Political Violence (1976) Sage Publications, London

¹⁰ Nasongo S and Murugu G., Kenya The Struggle for Democracy (2007) CODESRIA, Zed Books pp 160

Identifying causes of election violence can be problematic, first, any attempts to explain a phenomenon can be subjected to objection in establishing the connection with socio, economic and political realities, secondly viewing election violence as outcome of societal feature gives way to perception that emergence of election violence is unavoidable while mass violence in essence is not irrational. The concept of election violence in relation to election conflict thus poses a challenge in distinguishing the process from the outcome. The concept thus relates between the election conflict cycle, election violence and structural violence and mobilization process into political conflict.

2.3 Election Conflict Cycle

Gabrielle Bardall examines election management and planning as cyclical, rather than event-driven, field. She believes that conflict cycle begins with pre-electoral activities (such as planning, training and registration) and moving through election-period activities (candidate nomination, campaigning, voting and results management) to the post-electoral period (legal reform, reviews and strategic planning), each phase of the cycle is interdependent.¹¹ The conflict cycle has at least four faces conflict analysis, prevention, management and resolution.

Rigby observes that conflict moves in a cycles from beliefs to conflict to response and to consequences and that each conflict is a part of a larger conflict so that every unit is at different stage in the main conflict.¹² Initial escalation of conflict can be controlled to create positive peace when structural dimensions are addressed. When dealing with the conflicts there is need to begin from hurting stalemate, de-escalation, and conflict

¹¹ Bardall G., *A Conflict Cycle Perspective on Electoral Violence: Taking the Long and Broad View on Election Violence* ; Center for Democracy and Elections, International Foundation for Electoral Systems (IFES) 2010 pp 15

¹² Rigby L., *Beyond the Ballot Box*, Monday Developments Magazine of Elections and Conflict Preventions, p 13, (2010)

settlement/resolution then move to post conflict peace building and reconciliation.¹³ Previous election violence in Kenya indicates that since 1991 they have been marred with violence¹⁴ creating a vicious cycle. It is evident that post conflict peace building strategies have never addressed structural violence embedded in the political governance system. Elise Boulding¹⁵ assumes that the role of election is meant to provide important aspect for conflict management.

Dudely and, Lulofs,¹⁶ Katumanga¹⁷ and Mwangi¹⁸ confirms that all conflicts have a life cycle which moves in stages¹⁹ from stage one prelude to conflict where parties are frustrated but still experiencing some level of peace; stage two characterized by trigger events, stage three viewed as initial stage, stage four differentiation stage where parties tend to work out their problems and stage five conflict resolution It is important to note that election related conflict cycle is unique just like the issues and interests in conflict.

Adopting Bradall's Conflict Cycle model, this research understands the cycle to move from position of idle youth (hustling)- become vigilant (hired by strongmen/politicians)- youth winger- vigilante criminal (abandoned by strongmen/politician)-no job and back to idle youth

¹³ American Economic Review www.american economic review.co.ke (2010)

¹⁴ Kanyinga K and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*, Society for International; Development(SID) and Institute of Development Studies (IDS) University of Nairobi, Nairobi (2010)

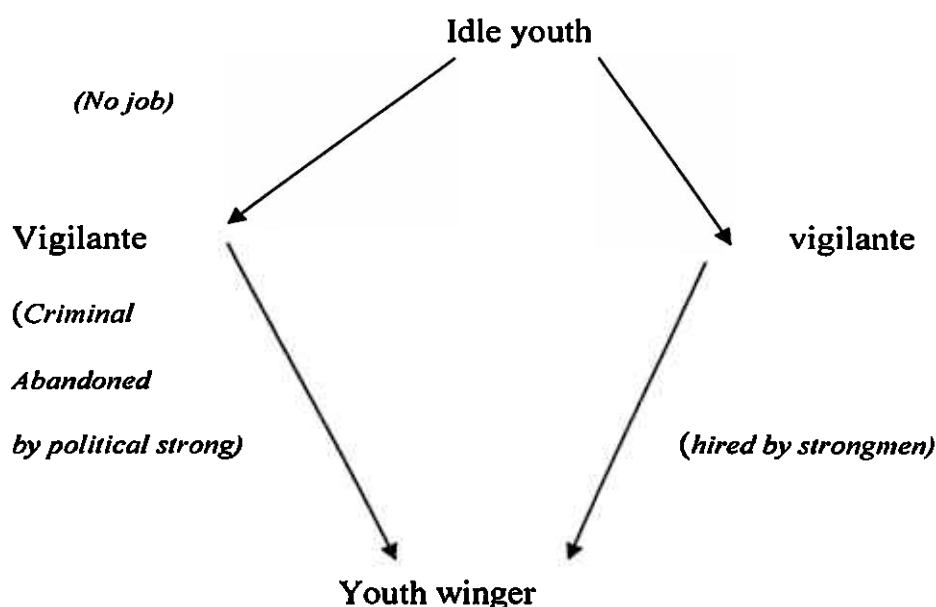
¹⁵ Boulding E., *New Agenda's for Peace Research* Lynne Rienner Publishers, Colorado (1992)

¹⁶ Ibid Cahn

¹⁷ Ibid Kanyingi and Okello

¹⁸ Ibid Mwangi

¹⁹ Op cit Cahn



The scenario depicts situation prior to election violence of 2007-2008. It is evident that before elections the youth existed as idle youth/hustling to make ends meet. Election period spells out opportunity for temporary employment;²⁰ the youth then form or join existing groups to align themselves with existing vigilante groups for collective bargaining. They are hired by politicians as agents, crowds/supporters, messengers of elders and private armies (Jeshi).²¹ They are also equated and raised to the position of youth wingers²² who in turn become vigilante/military armed groups. They eventually transform from simple vigilante in services for the elders to criminal vigilante groups and then back to idle youths 'hustling'.²³ Kibera conflict portrayed a clear move from one

²⁰ Dimova M., *Bullets Beyond Ballots Re-Examining the 2007-2008 Post-Election Violence through Long Standing Youth Mobilisation Patterns in Slums of Kibera*, Nairobi; "Masters of Arts Thesis in Conflict Studies and Human Rights," Utrech University, Netherlands; (2010)

²¹ Sisk T., *Elections in Fragile States: Between Voice and Violence*; ' Paper Prepared for the International Studies Association Annual Meeting' San Francisco, California, March 24-28, 2008

²² Nasongo S and Murungu G., *Kenya The Struggle for Democracy* CODESRIA, Zed Books (2007)

²³ Mukinda F., *Militia Turned into Criminal Gangs*; The Daily Nation News Paper February 27, (2010)

stage to another and mainly depended on how each stage was handled. Mwangi²⁴ asserts that movement from structural electoral conflict to violent can be blamed on election system which has institutional laws guiding it but are never implemented.

Election conflict also explains the formation of groups, with issues and interests at stake, in Kibera for example, conflict groups were formed due to perceived grievances, with intention to pursue specific goal. According to Daniels Nicholas²⁵ the aim of these groups are to fill the gaps created by state failure to repair economy and inability to ensure equal opportunity for all citizens. Therefore they will tend to organize themselves in common interest, common interaction, share a measure of grievances and dissatisfaction.²⁶ States structures²⁷ found to be unable to meet societal basic needs contributes to groups seeking alternative means to meet their requirements

Dudley Cahn and Roxane Lulofs²⁸ in attempt to understand structural change model they posit that negative feelings from previous encounter spill over into the current conflict affecting the way in which conflict is defined and enacted. Structural changes can be psychological such that negative attitudes and perception of the adversary create a zero sum thinking of win-loss. For instance announcement of President Kibaki as the winner in 2007, created a trigger that opened up a Pandora box of years of bitterness and anger.²⁹

²⁴ Mwangi M., *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*; Institute of Diplomacy and International Studies, Nairobi p 8,(2008)

²⁵ Daniels N., *Militias, Gangs and Vigilantes in Kenya: The Consequences of Abandoning The Reform Agenda*; Article written to Open Democracy Group; www.opendemocracy.co.ke: p 2, (2009)

²⁶ Francis D.J., *Peace and Conflict in Africa* Zed Books, New York (2008)

²⁷ Collier P. *Doing Well Out of War World Bank Economics of Crime and Violence*, www.wb.org/research/conflict/papers/economics

²⁸ Cahn D and Lulofs R., *Conflict From Theory to Action* Second Edition Allyn and Bacon; New York, pp 82 (2000).

²⁹ Kanyingi K and Okello D., *Tensions Reversal and 2007 General Elections*

Election conflicts like other conflicts are rooted in colonial history. Paul Tiyomba³⁰ confirms these facts and argues that they exhibit multiple and multidimensional causes, course and consequence with a clear purpose he refers to current wars in Africa as “new wars”³¹ While Paul Collier views the conflicts in Africa as economic in nature portrayed as “resource wars”.³² The role of self financing rebel movements and emergence of civil wars have taken stall on Africa with desire to gain from the resources available.

2.4 Election Violence and structural violence

The three phases of the electoral process - the pre-election, the election and the post-election phases - overlap, and structural conflict in the pre election phase breaks out into structural violence in the election and post election phases.³³ In Kenya, the announcement of the presidential election results was the trigger³⁴ to the structural violence.

In order to conceptualize election violence and relate it to structural violence; it is vital to first define structural violence. This paper understands structural violence as a form of violence which corresponds with the systematic ways in which a given regime prevents individuals from achieving their full potential.³⁵ It observes that institutions harms people by preventing them from meeting their basic needs. Structural violence inevitably produces conflicts and often directs violence. Galtung views structural violence as a deprivation of certain social rights and preventing fulfillment of certain universal human needs. It is therefore made up of three aspects that are interdependent and which cannot be properly understood as individuals independent of the whole. The

³⁰ Zeleza P.T. and Nhema A. *The Roots of African Conflicts: The Causes and Cost* ; James Currey Limited United Kingdom's pp 4, (2008)

³¹ Ibid Zeleza

³² World Bank Report, *Violence and Fragility*, World Bank Development Report p 49 (2011)

³³ Pampazuka News: *Kenyan's Continue to Flee Ethnic Post Election Violence*; (2008)

³⁴ Mwagiru M., *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* IDIS, Nairobi, 2008

³⁵ Galtung J., *Violence*, “Peace and Peace Research, Vol. 3) p, 170, (1969)

maxim of 'Conflict: attitudes/assumptions, behaviour, contradiction/ content' perhaps best summarizes these elements.

The term violence is explained in general terms as "cause of difference between the potential and actual,³⁶ between what could have been and what is; violence is that which impedes the decrease of this distance... thus the potential level of realization is that which is possible with a given insight and resources. If insight and or resources are monopolized by a group or class or used for other purposes, then the actual level falls below the potential level and violence is present in the system". According to Galtung, 'violence is needs-deprivation' or violence is 'avoidable insults to basic human needs.' In more detail his understanding of violence is comprehensible with reference to three subgroups or 'super types.' He offers a metaphor that sees direct violence as an event characterized by coercion, use force or the threat of force. Direct violence is what we mean by warfare;³⁷ however his definition is not limited to this. The direct violence in the Kenya's Post Election Violence occurred in specific regions and affected the lives of the victims and created new method that the perpetrators used to acquire property what this research refers to as entrepreneurs of election violence.

Galtung has further differentiated violence in terms of whether or not there is a subject (person) who acts, while Mwagiru has categorized violence into two: physical or behavioural and structural; structural violence is embedded in the structure of

³⁶ Galtung J., *Cultural Violence* in Coady J.A., *Morality and Political Violence*; Murray, New York, USA, (2007)

³⁷ Langer J., *The Responsibility to Protect: Kenya Post Electoral Crisis*, "Journal of International Service" 2011 USIP Report

relationships thus the actor may not recognize it ³⁸ thus he observes that if there no relationships in society then there would never be structural violence.

There exist symbiotic relationship between structural violence and election conflict which overlap into each other in terms of explaining implications ranging from denial of political power, economic development to eroding social fabric of a country. Assumptions placed on political system is that the group that takes up power also inherits states resources³⁹ and directs economic development towards it at the same time shaping up identity politics which in turn polarize groups along ethnic lines. The Election violence can also escalate into larger scale protracted conflict ⁴⁰example Rwanda, Burundi and Cote d' Ivoire, They can derail Peace process like in Angola 1992 and that it has negative impact on the economy by affecting trade, commerce, and agriculture and food production.

Election is the most contested governance process in Africa; it gives opportunity for both citizenry and power brokers to participate in governance and regulating political completion⁴¹. It is imperative to note that violence has been used to serve various purposes for both political elite and citizenry. Basedua et al in their analysis argues that there are certain conditions in various countries that favour violence for example violence can be used to stop elections from taking place i.e. Mail 1997 election and Cote d' Ivoire 1995⁴². In other incidences they cite ethnic party system example of Nigeria and Kenya,

³⁸ Mwagiru M., *Conflict in Africa: Theory, Process and Institutions of Management*, Centre for Conflict Research, Nairobi pp26, (2006)

³⁹ Collier P., *Wars Guns and Votes: Democracy in Dangerous Places*, Vintage Books, London p 23, (2010)

⁴⁰ Kagwanja P.M., *Courting Genocide: Populism, Ethno Nationalism and The Informalisation of Violence in Kenya*, "Journal of Contemporary African Studies" 2008/11/01 (2009)

⁴¹ Bartton M and Walle N. *Democratic Experiment in Africa: Regime Transition in Comparative Perspective* Oxford University Press New York pp79, (1997)

⁴² Basedua M et al *Votes, Money and Violence: Political Parties and Elections in Sub-Saharan African*; Nordiska Africainstitutet, Sweden University of Kwazulu Natal Press, South Africa, pp211 2007

transitional politics not yet implemented e.g. Cameroon used manipulation to win elections, Chad seized power through military coup while Cote d'Ivoire had outburst of violence. In countries that transitional politics had taken place, incumbent used undemocratic behavior to win election and ensure civil war like in Congo 1996 and Burundi 1993 prevented by coup and president murdered.

Election violence can be explained by two perspectives cultural and structural⁴³. Cultural perspective assumes the existence political thuggery⁴⁴ and culture of impunity⁴⁵. This exposes actors to engage in violence and intimidation during political contest with majority of culprits enjoying protection⁴⁶ or goes unpunished. While the structural explanation suggests that the society and politics are organized in a way that generates conflict⁴⁷ since structures fashion a situation of competition⁴⁸ for power and status. Jacqueline Klopp⁴⁹ expresses that election violence is bound to continue since ruling class ripe certain benefits⁵⁰ thus generate clashes to remain in power. In the same light Mamdani understands culture of impunity as portraying unjust political, economic and social system⁵¹ and this is inherited by ruling class from one regime to another.

There exist definite structural weakness in election management, abuse of incumbency that includes use of state resources and manipulation of rules. Capacity of

⁴³ Galtung J., *Peace and Social Structures: Essays in Peace Research* Vol. 3, Heexim Bucuresti, Romania, 1978

⁴⁴ Kagwanja P.M Op Cit

⁴⁵ Mahamood M and Lehman H. *Conference Paper Question of Justice: Lessons and Challenges* Kenya Human Rights Institute, Nairobi, p12, (2008)

⁴⁶ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections*, "African Affairs" 105/418; Oxford University Press, p59, (2005)

⁴⁷ Ibid Galtung

⁴⁸ Jeong H., *Understanding Conflict and Conflict Analysis*, Sage Publications, London p 63,(2008)

⁴⁹ ibid

⁵⁰ Kolpp J *Ethnic Clashes and Winning Elections: The Case of Kenya Despotism*; Canadian Journal of African Studies vol. 35, No. 3 p, 478 (2001)

⁵¹ Mahamood M and Lehman H. *Conference Paper: The Question of Justice: Lessons and Challenges* , Kenya Human Rights Institute, Nairobi p15, (2008)

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³⁸ Mwangiru M., *Conflict in Africa: Theory, Process and Institutions of Management*, Centre for Conflict Research, Nairobi pp26, (2006)

³⁹ Collier P., *Wars Guns and Votes: Democracy in Dangerous Places*, Vintage Books, London p 23, (2010)

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⁴¹ Bartton M and Walle N. *Democratic Experiment in Africa: Regime Transition in Comparative Perspective* Oxford University Press New York pp79, (1997)

⁴² Basedua M et al *Votes, Money and Violence: Political Parties and Elections in Sub- Saharan African*; Nordiska Africainstitutet, Sweden University of Kwazulu Natal Press, South Africa, pp211 2007

transitional politics not yet implemented e.g. Cameroon used manipulation to win elections, Chad seized power through military coup while Cote d'Ivoire had outburst of violence. In countries that transitional politics had taken place, incumbent used undemocratic behavior to win election and ensure civil war like in Congo 1996 and Burundi 1993 prevented by coup and president murdered.

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⁴³ Galtung J., *Peace and Social Structures: Essays in Peace Research* Vol. 3, Illexim Bucuresti, Romania, 1978

⁴⁴ Kagwanja P.M Op Cit

⁴⁵ Mahamood M and Lehman H. *Conference Paper Question of Justice: Lessons and Challenges Kenya* Human Rights Institute, Nairobi, p12, (2008)

⁴⁶ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections*, "African Affairs" 105/418; Oxford University Press, p59, (2005)

⁴⁷ Ibid Galtung

⁴⁸ Jeong H., *Understanding Conflict and Conflict Analysis*, Sage Publications, London p 63,(2008)

⁴⁹ ibid

⁵⁰ Kolpp J *Ethnic Clashes and Winning Elections: The Case of Kenya Despotism*; Canadian Journal of African Studies vol. 35, No. 3 p, 478 (2001)

⁵¹ Mahamood M and Lehman H. *Conference Paper: The Question of Justice: Lessons and Challenges* , Kenya Human Rights Institute, Nairobi p15, (2008)

election bodies to manage transparent, free and fair elections, perform its functions such as voter registration, voter education, vote counting, tallying and announcing results and settling electoral disputes amicably. Election violence especially recurrent ones seem indicative of more wide spread systemic grievances and tensions over land rights, unemployment and ethnic marginalization. The strategic intent and practical consequences of violent acts are designed to in some way to affect the process of election processes, commonly to disable and disrupt opposing forces in order to prevail at the polls, to vitiate the elections all together by undermining the integrity of the results, or to influence voting behavior through threat or intimidation⁵².

Galtung's concept distinguishes between personal and structural violence actor (subject). He asserts that violence is built into structure with unequal power ranking dimension that the person is low. Kumar⁵³ argues that structural violence is accepted as normal fact of life and that violence are contained in the very structure of society according to accepted rules (rules regulating human behavior). Victims of poverty suffer structural violence; experience inefficient administration of justice and believe that they cannot secure justice in existing legal system unless they bribe.

Exercise of democracy is viewed as "top down monologue" with election campaign promises neglected once elections are over. Institutions violence are embedded and tolerated while subversive groups acquired social acknowledgment. Direct violence is characterized by event taking place like election while structural violence is viewed as a process with ups and downs while cultural violence as permanence. Structural violence is thus made up of social rules which have economic, social, political and cultural or

⁵² Collier P, Wars, Guns and Votes: Democracy in Dangerous Places 2010, Vintage Books, London, p 11 (2010)

⁵³ Rubio M and Rupesinghe K. *The Culture of Violence* United Nations University Press (1994)

ideological contents. The current culture of society is organized for authoritarianism, discrimination and economic rule of profit comes first before need in terms of rent working with Galtung's negative and positive peace concept suggests that structural sources underdevelopment. Structural factors are therefore deemed as illegitimate government and lack of political participation⁵⁴ these are supported by proximate factors like human rights abuses and stolen elections. Structural conflicts are argued to be invisible but tend to flare up when it is believed that the systems are not functioning well. In Kenya for example electoral conflicts have been associated to structural violence and that the entire system was attempt to institutionalize and address procedural issues relating to elections rather than structural dimensions necessary to ensure free and fair elections

2.5 Causes of election violence

One of the causes of electoral violence is poverty, this is a state of being extremely poor, it is a situation whereby an individual cannot meet the basic needs of life, such a person is more likely to participate in violence than a rich person unemployment goes alongside poverty and this captures the situation in Nigeria where an "army of unemployed youth" has become a tool for electoral violence.⁵⁵ In Kibera for example the youth were paid to engage in violence.

Makau Mutua⁵⁶ identifies denial to register as voter and also to vote as a form of structural violence he gave an example of the 1992 Kenya election in which many young

⁵⁴ Lind N and Steger M., *An Interdisciplinary Reader : Violence and Its Alternatives* St. Martin's Press, New York, p 51 (1989)

⁵⁵ Independent monitor Newspaper (2010)

⁵⁶ Mutua M., *Kenyan Quest for Democracy Taming The Leviathan* Lynne Rienner, London, (2008)

people were denied the right to register as voters, and those already registered were either barred from voting through omission of their names in the register or vote buying. In 2007, many people were registered as voters, however during vote counting and tallying the numbers exceeded those in the register⁵⁷ by a higher percentage. The various established between parliamentary and presidential created suspicion thus support allegations of rigging based on the outcome and announcement of presidential results.

Ethnicity has also played a major role in contributing to election violence. An estimated ninety percent of the political parties share ethnic identity from which they vote as a block.⁵⁸ These kinds of politics tend to promote enmity between two or more contending parties. In some instances those in high position protect their members and support culture of impunity; political elites ensure that the culprits or perpetrators of electoral violence escape justice. Employments are equally awarded based on ethnicity.

However, Africa suffer high rate of unemployment among the youth which provides a fertile ground for recruitment of mercenaries to be used as foot soldiers for perpetration of electoral violence.⁵⁹ They are engaged on short term basis whose duties are aimed at intimidating, harming, blackmailing political stakeholders before, during and after an election with a view to determining, delaying or otherwise influencing the electoral process.

2.6 Election violence as an enterprise

Reno argues that African Economy is shaped and guided by those who participate in conflict and use “looting model” which according to him explains the

⁵⁷ Government of Kenya; *Preliminary Findings from The 2007 Presidential Election Results* Released by Electoral Commission of Kenya p4 ,(2007)

⁵⁸ Kenya National Commission on Human Rights Report, *On The Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*, Nairobi, p 57 (2008)

⁵⁹ Nigeria NBF News *Rewards as Incentives for Electoral Violence* (2011)

nature and states reliance on rent seeking sources of revenue⁶⁰, low income and the struggle for individuals to make ends meet. It is in this light that we envisage emergence of political entrepreneurs⁶¹ who marshal resources, innovation, skills and risk to cash in on political opportunity like elections. They tend to mobilize young people to form part of militia or private armies to enable them achieve their goals.

Elections has become like a business although it is has a short term cost Chauvet and Collier finds that elections in developing countries improve economic policies only if they are properly conducted.⁶² While Herbert Wolf claims that globalization has affected all sectors of society meant for economic growth, he observes that pursuit of war has become economically viable since they are now fought to acquire resources.⁶³ Conflicts have now shifted from seeking political power to promoting economic interests. Collier concurs with Wolf that acquisition of wealth is the main goal of revolution/conflict and that overthrowing of rulers to acquire political power might be of secondary nature⁶⁴

Elections spell out issues that would make it a complete enterprise. Wantchekon and Vicente points out that vote selling and buying portrays tandems of a complete business with profits and losses evident in political structures.⁶⁵ The structures of campaigns exposes political elites to making promise in exchange for votes, those very close to these

⁶⁰ Kaarsholm P. *Violence, Political Culture and Development in Africa* James Currey Ltd , UK pp, 25, (2006)

⁶¹ Ibid Kaarsholm

⁶² Collier P, *The Political Economy of State Failure*, "Oxford Review of Economic Policy" Vol. 25, No. 2, p 225 (2009)

⁶³ Wolf H.M., *Internationalizing and Privatizing War and Peace* Palgrave Macmillan, New York p 72, (2005)

⁶⁴ Azam J. P and Hoeffler A. *Violence Against Civilians in Civil Wars Looting or Terror?* "Journal of Peace Research" Vol. 39 No. 4 Sage Publications London p 461, (2002)

⁶⁵ Wantchekon L and Vicente P.C; *Clientelism and Voter Buying: Lessons from Field Experiments in Africa*. Africa Oxford Review of Economic Policy Vol. 25 No. 2 p 295(2009)

politicians are usually rewarded kind of process Pedro Vicente observes that clintelism works better for incumbent since they are able to access state resources a view⁶⁶ shared by Wanyande⁶⁷ while voter buying is usually used by challengers. Politicians and parties however do not stand for long- term issues nor make credible commitments on short-term basis.

Nyandemo and Singh argues that faces of underdevelopment are most likely to cause violence as high level of poverty whose major cause is attributed to economic and political mismanagement. Rural-urban migration and security.⁶⁸ Myrdal views development through that he calls “modern man” who he argues should be rational in decision on the action he takes and further asserts that change is not possible without entrepreneurship⁶⁹. Theory of social change explains lack of entrepreneurs’ class on socialization and upbringing therefore the emergence e of entrepreneurs of election violence was long overdue unfortunately they used wrong approach.

McClelland asserts that growth of entrepreneurship depends on the need for achievement. Peace protection and stability have encouraged development of entrepreneurship in the past on while weak administrative and political structure is seen as a big hindrance to economic development.⁷⁰ He expresses that growth of entrepreneurship depends on the need for achievement. Government behavior according to Lewis is important in stimulating or discouraging economic activity government must

⁶⁶ Wantchekon and Vicente Op Cit p 298

⁶⁷ Mbai O.C et al., *The Politics of Transition in Kenya: From KANU to NARC*, Heinrich Boll Foundation, Nairobi p 133, (2003)

⁶⁸ Nyandemo S and Singh K., *Economics of Development and Planning*, Bishan Singh Mahendra Pal Sign, India (2003)

⁶⁹ Ibidi Nyandomo

⁷⁰ Nyandemo S and Singh K., *Economics of Development and Planning*, Bishen Singh Mahendra Pal Singh, India p 28, (2003)

therefore ignite society to desire economic development and create ample space, security and rule of law.

Kuzuhira Miller describes war economy as a mercenary lucrative business which in the new age, armies will not be tied to states, and war will become a business. Therefore war will be a valuable commodity like any other goods/services supported with client base all over the world who will require such services.

2.7 Mobilization of conflict entrepreneurs

Lyons contended that conflict entrepreneurs must be viewed as both economic and political actors, in that they foment and fuel violence as a path for attaining economic and political power. Conflict entrepreneurs often mobilize individuals through three general tactics: appeals to ethnic, religious, and/or ideological solidarity; patronage; and positive or negative promises regarding security. Mr. McCarthy noted that many individuals who incited or benefited from violence often enjoyed positions of economic and political power long after the cessation of hostilities, which is the case in many parts of the Balkans and youth wingers in Kenya today.

The 90's recorded increased formation of militia groups in different locations of the country. Kagwanja⁷¹ asserts that retired president Daniel Arap Moi formed and used KANU youth wingers who engaged in extortion of private businesses with impunity. Their actions were wide spread, across the country and were envied by other young people who were however unable to enjoy similar protection, freedom and support. Thus their mode of operation exacerbated rise of other militia groups like Taliban, Jeshi La

⁷¹Kagwanja P.M., *Power to Uhuru': Youth Identity and Generational Politics in Kenya's 2002 elections*, (2005)African Affairs, 105/418, Oxford University Press p 72 (2005)

Mzee, Bagdad Boys, mungiki, hawkers, and street people among others to counter state criminalization of youth Wingers.

Mobilization for participation into conflict can be viewed through efforts of political elites arousing nationalistic ideologies or ethnic identities⁷² common quotes in Kenya, “our community is being targeted”⁷³ in instances when a political leader is accused of misappropriation of funds or nepotism. War time economic mobilizations brings new groups into the productive process and enhance the economic positions of groups relative dominance segments thus intensifying economic conflict and violence. War time social mobility increases the status position of underdog’s social groups relative to dominate segments which increases the hostility between them.

Politicians resort to mobilization of youth as messengers, servants and defenders to engage in activities related to vote buying and ballot fraud⁷⁴ and also to control how election is run. Populism strategies are part of mobilization strategy. Chatuvel⁷⁵ argues that use of political violence has some sort of benefits⁷⁶ while ideologies have no minimal returns on voting share to ethnic groups. They will engage in conflict if they are fewer. Populism seemed to have a central position in Kibera with Prime Minister Raila Odinga commanding a large following mainly supporters from his ethnic group who view him as a saviour.

⁷² McNeil E., *The Nature of Human Conflict*, Engle Wood Prentice-Hall INC-London p85, (1965)

⁷³ Chweya L., *Electoral Politics in Kenya*, Claripress, Nairobi, p97 (2002)

⁷⁴ Vicente P and Collier P *Violence, Bribery and Fraud: The Political Economy of Elections in Sub-Saharan Africa*

⁷⁵ Chatuvel L and Collier P., *Election and Economic Policy in Developing Countries*; Economic Policy 24/59, p 510, (2009)

⁷⁶ Ibid Vicente

John Oywa⁷⁷ argues that the vigilante groups begin as community policing agents in their respective areas but metamorphoses into criminal gangs executing political assignments. This view is shared by Mutahi Ngunyi, Musambayi Katumanga and Philip Gathungu that they start out as service providers for community and later may transform into hardcore criminals as opportunity for service increases.⁷⁸ While Oywa sees the formation at community level; Ngunyi et al recognizes prisons as fertile grounds for recruitment. Nicholas Daniel equally observes that the formation and recruitment of these gangs is inevitable as they seek to fill the void created by failure to repair Kenya's economy and absence of rule of law.⁷⁹ In Kibera mobilization is necessitated by economic needs and the struggle for survival, the young people in the areas tend to hang out together in the same support and share some level of closeness due to their predicament as either unemployed youth or "hustlers". They exchange phone numbers and avail themselves at short notices depending on the need and or any available job.

Those mobilized belong to non-traditional military groups which Paul Zeleza and Alfred Nhemba divided into six categories as a) warlords, b) new secessionism, c) populist, d) mercenaries, e) ethnic militarist and f) vigilantes⁸⁰. Vigilantes are armed band that seeks to enforce its own brand of laws and order outside legal ambit. They tend to be organized around ethno communal regional links and believe that body politics is infected with chaos and that government is incapable of controlling the violence. They further express that her members are targets of those perpetrating the violence, they

⁷⁷ Oywa J., Resurgence of Criminal Gangs; The Standard News Paper September 13, 2011

⁷⁸ United Nations Report; From Monopoly to Oligopoly of Violence

⁷⁹ Daniels N., Militias, Gangs and Vigilantes in Kenya: The Consequences of Abandoning the Reform Agenda ; September 2, 2009; www.opendemocracy.co.ke

⁸⁰ Zeleza P and Nhemba A., The Roots of African Conflicts: The Causes and Costs; Zimbabwe, Lesotho. Kenya, Sudan, Uganda and The Horn of Africa James Currey Limited, UK, 2008

perform security functions and occasionally are co-opted by government to assist them example is allegations of mungiki involvement in retaliation violence in Naivasha and Nakuru January 2008⁸¹

Ethnic militarism⁸² are other groups common in Kenya who anchored on ethnic group with a dire assumption that the state has marginalized them and are a target for violence. They also allude to the fact that states are incapable of defending their members from acts of violence and that only one of their own can do so. Literature on insurgencies⁸³ attributes their emergence to factors of “self determination impulse” that they are exploited and marginalized, self defense, inability of states to protect civilians from violence and desire to acquire wealth, gain control over resource or assume power. Those mobilized act as perpetrators of political violence who legitimize their action as self defense or restoration of fairness in a failed system. Political violence has claims of grievances and passion, it is goal oriented, have interest groups/interests that if obstructed likelihood of conflict to erupt is very high. They also make claims to political power, resource like land among other things.⁸⁴ Perpetrators have passion for what they desire to achieve thus are unable to be rational, they are angry, emotional and expressive on their hatred. Those engaged in election violence were engaged in harassing voters not to cast their votes and abstracting elections.⁸⁵

A part from politicians mobilizing, the state has also been instrumental in the process for instance there has been development and emergency of youth wingers and

⁸¹ Daniels N., Militias, Gangs and Vigilantes in Kenya: The Consequences of Abandoning the Reform Agenda ; September 2, 2009; www.opendemocracy.co.ke

⁸² Ibid Zeleza

⁸³ Clapham C., African Guerillas, James Currey pp 49

⁸⁴ Eller JD., Violence and Culture: A Cross-Cultural and Interdisciplinary Approach, Thomson Wadsworth; USA pp 212, (2006)

⁸⁵ Adejumobi S. Elections in Africa: A Fading Shadow of Democracy (2000) International Political Science Review vol. 21. N0. 1

private armies. Public has associated the private armies with political violence being perpetrated in service for elders. The association of certain political leaders with the youth groups has seen private armies referred to as (Jeshi la mzee) meaning armies for the elders. These groups have been associated with certain personalities like Honourable Fred Gumo, and the late David Mwenje former Member of Parliament for Embakasi Constituency. Personal successes of some of members of the inner circle of youth for KANU 92 (YK'92) were used into wooing Kenyans for voting for their sponsors. The legacy of lobby groups and use of KANU Youth wingers engaged buying votes. The leaders ended up becoming wealthy and in the next decade rose to be powerful leaders/ministers example Cyrus Jirongo and William Ruto. Youth without affiliates also envied political sons of former leaders like Ngala, Kenyatta, Odinga, Khaniri, Mudavadi, and Maitisi who continued tradition of predecessors⁸⁶.

The shape of political traditions leaving out youth has made them engage in their own agenda to cut out what would give them mileage as service to the elders thus struggle for generational transfer of power, use of force in political arena has been inherited from colonial legacy,⁸⁷

Mobilization in to groups has not been difficult as observed by some economist; that many conflicts are a result of globalizations and that it has affected all sectors of the society.⁸⁸ Effects of globalization, market liberalization and free trade producing new opportunities for economic growth thus create opportunity for financing combatants

⁸⁶ Nasong'o S and Murungu R., Kenya- The Struggle for Democracy, CODESRIA, Zed Books, p 51, (2007)

⁸⁷ Kagwanja P.M, Op Cit

⁸⁸ Wulf H., Internationalizing and Privatizing War and Peace Palgrave Macmillan New York (2005) pp 4

making pursuit of war economically viable and attractive. Collier⁸⁹ asserts that Wars are also fought to attract resources. Initially focus was laid on economic deprivations, underdevelopment and resource scarcity, now it has shifted to conflict promoting economic factors⁹⁰ the focus has now shifted to economic interests' generated from violence market and violence entrepreneurs.

Duffield, Elewert, Keen, Jean and Ruffin, Kurterbach and Lock, Pugh and Copper posit that state inability to exercise force, wide spread insecurity and inability to enforce law and order⁹¹ gives opportunity for militias to operate effectively as they create state of insecurity to get hired. It is eminent to note that the inherent problems of allowing conflict entrepreneurs access to political and economic power in return for renunciation of violence, noting that such strategies often lead to criminal states. However, there are very few recent instances of conflict entrepreneurs disappearing without military defeat or access to substantial power the intervention by International Criminal Court to prosecute perceived perpetrator of post election violence (Honourable Ruto) former KANU youth winger.

In conclusion, this chapter observed that election conflict is unique like all other conflicts despite use of same concepts and strategies the outcomes would be guided by the actions and manifestation of the violence. The election conflict cycle adopted to suit the situation in Kibera explores the emergence of conflict entrepreneurs from position of

⁸⁹ Collier P The Political Economy of State Failure: Oxford Review of Economic Policy, Vol. 25, No. 3 (2009)

⁹⁰ Ibid Wulf

⁹¹ Elwert G., "*Markets of Violence*", in Elwert G et al, *Dynamics of Violence. Processes of Escalation and De-Escalation in Violent Group Conflicts*, www.marketsofviolence.org. Berlin; p 24 (1999). Internet source

idling “hustling” youth to position of hired youth as a criminal gang and back to the cycle as hustling with predatory nature of extortionist awaiting another election.

Election violence has also been viewed as a complete enterprise with, entrepreneurs positioning themselves strategically in the market. Election processes provided tandems of clear business with votes as commodity on sale in exchange for rewards, money favour and employment opportunity for those very close to powerful politicians. Mobilization of the conflict entrepreneurs is both economically and politically with direct aim of filling the gap provided by state failure to provide security and boost economy to benefit her citizens

The chapter extensively adopted Galtung’s structural violence theory in understanding the nature of violence. In this analysis we observed that while certain serious theoretical questions should be asked regarding the stability of Galtung’s political philosophy, in a normative sense the structural theory and concept of structural violence provide an extremely useful guide to the Kenyan 2007 post election violence. However problematic area for the theory identifies vertical structures as dangerous and explains the desirability of transforming them to horizontal structures. Again Galtung’s terminology leaves a great deal to be interpreted. Clearly even in countries where conflicts have ended, and demobilization and re-intergration processes have occurred successfully, unless the state has ‘withered away’ in a Marxist sense surely while there is need for administration and security there will still be some form of state visible in Kibera.

CHAPTER THREE

ELECTION VIOLENCE

This Chapter will seek to explore, analyze and give an account of 2007-2008 election violence in Kenya and link it with the emergence of entrepreneur of election violence. It will investigate the factors that contributed to pre- election, elections and post election violence. It takes note that election provided ground or triggered the crisis

The last general election held in December 2007, turned out to be hotly contested in the history of Kenya with high voter turnout whose majority were mainly the youth. The crisis is said to have brought Kenya to near collapse state, Kagwanja and Southall described the dispute as “reminiscent of the 1994 Rwanda genocide”.¹

Kenya despite history of election violence dating to the clamor for the restoration of multiparty politics² she had been an oasis of peace amidst neighbours plugged in civil wars thus accommodating more than two hundred thousand refugees³. The violence therefore contributed to collapse of social, cultural and economic fabric that the country had built over a period of time, democratic gains and rule of law went down to shambles. Risk Assessment Report tended to place the country in the same index magnitude of genocide as Rwanda.⁴

They were informed by nature of political institution regime and ideology, economic and social cultural set up and past conflict upheavals that had engulfed the

¹ Kagwanja P.M. and Southall R.,) *Introduction: Kenya- A Democracy in Retreat?* “Journal of Contemporary African Studies,” 27: 3 p 2(2009)

²Southall R and Wood G., *Local Government and the Return to Multi-partyism in Kenya* African Affairs, Vol. 95, No. 381, Oxford University Press on behalf of The Royal African Society(1996)

³ United Nation’s High Commission for Refugees. *Report of Status of Refugee in Africa*, Nairobi (2004)

⁴ The Sentinel Project for Genocide Prevention ., *Risk Assessment: The Risk of Genocide in Kenya* p 7 (2011)

country at the onset of repeal of section 2(A) ⁵that saw the return to multi-party democracy. Politically Kenya has been graded as unable to maintain and observe rule of law, corrupt, unaccountable and a government with tendency to use excessive force.⁶

The 2007 general election was observed to have been peaceful ⁷ giving rise to optimistic prediction that Kenya would “witness yet again a peaceful change of guard.”⁸ Post election violence can be described to have had underlying causes, which various scholars observed in their writings raging from structural, institutional failures, historical injustices, ethnic disposition, and elite/clitenlism politics to illegal gangs/militias working closely with government and or politicians.

Samuel Kivuitu’s booklet posits role of Election Commission of Kenya (ECK) it stipulates that the most important aspects of electioneering process is protection of voters and political parties. The report views that code of conduct is a necessary tool to regulate laws and practices governing party and candidate nominations, election campaigns, pre-election activities, vote counting, adjudication of elections disputes. ⁹ A person dissatisfied with election results has a right to challenge outcome in court. Kenya elections continued to break existing laws with impunity. Mwagiru¹⁰ Kimenyi, Kanyingi, Okello,¹¹ Chabal, Kivuit,¹² Okombo,¹³ Vincente and Collier and Kagwanja assert that no

⁵ Ibid Kagwanja and Southall

⁶ Kenya National Commission on Human Rights Report (2008) On the Brink of The Precipice: A Human Rights Account of Kenya’s Post-2007 Election Violence Nairobi

⁷ Cheeseman N., (2008) The Kenya Elections of 2007: An Introduction Journal of Eastern African Studies Vol. 2, No. 2 pp 169

⁸ Kagwanja P.M. and Southall R., *Introduction: Kenya- A Democracy in Retreat?* “Journal of Contemporary African Studies” p272 (2009)

⁹ Kivuitu S.M Election Handbook for Political Parties and Candidates on Parliamentary and Civic Elections (2001), first Edition, Friedrich Ebert Stiftung

¹⁰ Chweya L., Electoral Politics in Kenya, Claripress p 33, (2002)

¹¹ Kanyingi K and Okello D., Tensions Reversals in Democratic Transitions: The Kenya 2007 General Elections, SID and IDS University of Nairobi, p 534

¹² Kivuitu S,M Op cit

one has ever been prosecuted of election offenses. Therefore rendering existing legislations non operational

Types of elections determine out come and political elite behavior Ronald and David asserts that legislative functions are meant to provide clear guidelines that must be respected, cal elite may respect the law fearing repercussions on the other hand they tend to support legislation that encourages and solidifies stake in political system¹⁴. They observe that elections that put more resources on political elite and neglect military may encourage demobilization of government troops and transform militia groups into political parties.¹⁵ At the same time independent power of presidential office makes it lucrative position who may act indifferently to opposition when challenged at the same time he/she may be unwilling to lose seat may use whatever means to disrupt campaigns, repression which could result to greater conflict.

In understanding the problem it is paramount that we explore who a conflict entrepreneur is in the context of the Kibera study. The perpetrators of the violence assumed the role of conflict entrepreneurs. Eide describes conflict entrepreneur as individual who takes necessary steps to ignite a violent conflict by utilizing specific situation in order to gain something through exploitation of new power relationship on one hand.¹⁶ On the other hand Tilly refers to them as political entrepreneurs¹⁷ who specialize in activation, connection, coordination and representation to make gains out of a political situation like an election. Conflict entrepreneurs are usually connected with

¹³ Okombo O., *Discourses on Kenya's 2007 General Elections: Perspectives and Prospects for Democratic Society*, CLARION, Nairobi p89, (2009)

¹⁴ Gelleny R and Richards D., *Good Things to Those who Wait? National Elections and Government Respect for Human Rights* " Journal of Peace Research" Vol .44 No. 4 pp 509 (2007)

¹⁵ Ibid Gelleny

¹⁶ Vermonte P., *Changing Words into Deeds: The Role of Conflict Entrepreneurs in Religious Conflict Between the Moslems and Christians In Maluku (2000)*

¹⁷ Ibid Vermonte

violent specialist in or outside government their main agenda is to mobilize masses through framing speeches, which are exaggerated to create fear¹⁸, they also invoke primordial¹⁹ support and use media to support or portray conflict. In Kibera, Kenya National Commission on Human Rights Report allege that the organized gangs had support from highly powered individuals including Councilors who provided both money and transport inside the villages.²⁰

3.1 Pre-election violence

Pre-election violence can be illustrated from activities that took place before the actual voting date December 27, 2007. Kagwanja and Southall²¹ date it back to 2003 with the NARC violation of the Memorandum of Understanding with LDP. The genesis of wrangles seen as her inability to maintain and solve the existing differences²² that had started emerging hence breaking the ties that drew them together and contributed to them ascending to power in 2002. Unfulfilled promises-failed promises like job creation and constitution review.²³ These were also issues that the government had to deal with.

There also existed competition on governance²⁴ between Raila and president Kibaki both were struggle to deliver on promises that they had given to Kenyans. Key on

¹⁸ Basedau M, et al *Votes, Money and Violence, Political Parties and Elections in Sub-Saharan Africa*, Nordiska Afrikaninstitutet Sweden, University of Kwazulu Natal Press, South Africa (2007)

¹⁹ Ibid Vermonte

²⁰ Kenya National Commission on Human Rights, *On The Brink of The Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence* p 41(2008),

²¹ Southall R and Kagwanja P., *Introduction Kenya A Democracy in Retreat?* "Journal of Contemporary African Studies", 27:3, p 275 (2009)

²² Cheeseman N and Branch D., *Democratization, Sequencing and State Failure in Africa: Lessons from Kenya*; Vol. 108, No. 430; African Affairs, Oxford University Press on behalf of Royal African Society p 6 (2008)

²³ Lynch G., *Courting the Kalenjin: The Failure of Dynasticism and The Strength of The ODM Wave in Kenya's Rift Valley Province*, "African Affairs" Vol. 107 No. 429 p 546 Oxford University Press on Behalf of Royal African Society

²⁴ Okombo O.,(2009) *Discourses On Kenya's 2007 General Elections: Perspectives and Prospects for A Democratic Society*, CLARION, Nairobi p 48, (2009)

their agenda was to deliver a new constitution within 100 days. The sharp division on accepting or rejecting the draft led into contested constitution²⁵ campaign which saw politicians rallying support from citizens to accept or reject the draft constitution. This process led to the 2005 referendum that further complicated and strained relationship between them.²⁶ Those who supported Orange symbol given to *yes team* by ECK and were holding ministerial posts were then removed from the cabinet. Political competitors are unable to make credible pre electoral commitment Wantchekon and Vicente²⁷ asserts that political economy on developing countries need more attention on theorists related to electoral violence since intimidation and ballot fraud are common in Africa. They further assume that secret ballot may hinder voter buying.

Ethnic interplay in politics²⁸ whereby the Luo's through Raila agitating to take up leadership since time was ripe. Kagwanja²⁹ argues that they have always been junior partners yet they command a large constituency; they were junior to Kenyatta, Moi and Kibaki. Ethnic risk factor was portrayed where leaders appealing to communal group consciousness, prior to elections most politicians allied to Raila identified Kikuyu ethnic group (1) verses other ethnic groups (41)³⁰ in Kenya. Each ethnic group assuming power propagate policies that support inequalities, create fear and suspicion based on that

²⁵ Kanyinga K and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* Society for International Development and Institute of Development Studies, University of Nairobi; Kenya(2010)

²⁶ Kagwanja P. M., *Courting Genocide: Populism, Ethno Nationalism and the Informalisation of Violence in Kenya*, Journal of Contemporary African Studies 2008/11/01, (2009)

²⁷ Wantchekon L and Vicente P.C., *Clientelism and Vote Buying: Lessons from Field Experiment in Africa*. "Oxford Review of Economic Policy" Vol.25 No.2(2009)

²⁸ Katumanga M., *A City Under Siege: Banditry and Modes of Accumulation in Nairobi, 1991-2004*, "Review of African Political Economy", Vol. 32, No. 106, Africa from SAP's to PRSP (2005)

²⁹ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections*, "African Affairs", 105/418 Oxford University Press on behalf of Royal African Society p 60, (2005)

³⁰ Southall and Kagwanja Op Cit

background, communities tend to use election period as a preemptive action of voter fraud, intimidation and violence for purpose of self defense³¹

Hate speech PNU laid claims that Raila uncircumcised, friend of communism and Islam³² connoting that the later are well known to support violent ways of handling any situation and that a leader had to be man enough by virtue of circumcision. There were also other allegations by Livodo; Raila's opponent in Kibera that prisoners escaped to join ODM. The campaign slogans were coined by all the opponents³³ who engaged in exchange of words through the media in form of advertisements, short messages and internet. Apart from these, Human Rights Watch Report indicated that there were signs of pre-electoral struggles evident by leaflets that were circulating around the country warning certain communities to move out before elections.³⁴

Existence of gangs and ethnic militia (Vigilante groups) whose leaders purport to sense of belonging and providing group support³⁵ with persistence impunity have been described as major causes of the 2007 election violence. History has it that these groups were organized as early as 1960 for the first president Jomo Kenyatta to harass and intimidate political opponents³⁶ they are groups that exploit urban insecurity for material

³¹ Lynch G., *Courting the Kalenjin: The Failure of Dynasticism and The Strength of The ODM Wave in Kenya's Rift Valley Province*; African Affairs Vol. 107, No. 429; Oxford University Press on Behalf of Royal African Society (2008)

³² Lynch G., *Courting the Kalenjin: The Failure of Dynasticism and The Strength of The ODM Wave in Kenya's Rift Valley Province*, African Affairs Vol. 107 No. 429 pp 546 Oxford University Press on Behalf of Royal African Society(2008)

³³ Peace Net -Kenya Report Post Election Violence in Kenya: Facts and Figures, Nairobi p58, (2010)

³⁴ Human Rights Watch Report *Divide and Rule State Sponsored Ethnic Violence in Kenya*, "Africa Watch, New York, p 44 (2010)

³⁵ Kanyinga K and Okello D, *Tensions and Reversals in Democratic Transitions The Kenya 2007 General Elections* SID and Institute of Development Studies University of Nairobi, Kenya p 279 (2010)

³⁶ Anderson D.M.,) *Vigilantes, Violence and the Politics of Public Order in Kenya*, "African Affairs" Vol. 101, Royal African Society p 536,(2002)

gains. They have in the past been employed to protect interest of their clients (politician) as private armies or gangs for hire.

Existing literature indicate inability of state to protect her citizen ³⁷ at two levels first the number of police officers are not commensurate to population its estimated ratio of one police officer to one hundred citizens and secondly when communities are attacked by the gangs the police are unable to protect the citizens since they are claimed to work together for example 2002 Kariobangi attacks, the then area Member of Parliament Adolph Muchiri reported the matter to the police who declined to give him support ³⁸ Claims by Mungiki leader that they have recruited over 6000 regular police and 1500 CID³⁹. It is also clear that the gangs have in the past offered services to citizens at various levels and with impunity for instance they were hired by Nubian Slum/Landlords in 2001 to evict Luo tenants who had refused to pay rent⁴⁰. Anderson⁴¹ thus attributes formation and existence of vigilantes to high levels of crime, police inability to deal with crimes and ready job from politicians to act as vehicle for political mobilization. Reemergence and use of militia groups by politicians taking up responsibility of providing security and youth for hire⁴² hence assumed role of private security.⁴³ The

³⁷ Ibid Anderson

³⁸ Anderson D. M Op cit

³⁹ Daily Nation Newspaper. "*Mungiki Merely a Symptom of a Deadly Disease.*", April 21, 2008

⁴⁰ Kagwanja P.M., *Courting Genocide: Populism, Ethno- Nationalism and the Informalisation of Violence in Kenya* 2008/11/01; (2009)

⁴¹ Ibid Anderson

⁴² Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections*, "African Affairs," 105/418 Oxford University Press on behalf of Royal African Society (2005)

⁴³ Peace Net-Kenya Report Op cit

gangs are synonymous to politician's private army's example *Jeshi la mzee (Armies for the elder)* that pre existed before the 2007 election violence.⁴⁴

History of Kibera draws attention to the colonial legacy of allocating the land to Nubian war veterans as pension scheme⁴⁵ and unresolved land issues creating the persistent problem of Landlord-tenant dispute over increase of rent without justification.⁴⁶ The vise has demonstrated how impunity and clientism politics of big man (Raila/Moi) dominate the region. It is thus the impunity dating back to 1992⁴⁷ that led to emergency of entrepreneurs of election violence problem has seen majority Luo tenants pushing Raila to seek reduction of rent

Historical administration and management of elections has never been independent of political interference. The commission has been marred with irregularities and manipulated by incumbent president, commissioners comprise of loyal presidential appointees. Inter-Parties Parliamentary Group (IPPG) in 1997 came together to negotiate and recommend on minimum reforms before general elections of 1997. It carted for the involvement of opposition in appointment of commissioners. However, run up to the 2007 elections president Kibaki ignored IPPG and appointed commissioners perceived to

⁴⁴ Kenya National Commission on Human Rights Report *On the Brink of The Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence* p 36, Nairobi (2008)

⁴⁵ Parson T., *Kibera is Ours by "Blood" The Sudanese Military Legacy in Nairobi's Kibera Location, 1902-1968*, The International Journal of Historical Studies, Vol. 30, No. 1, Boston University African Study Center (1968)

⁴⁶ Kanyinga K and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* Society for International Development and Institute of Development Studies, University of Nairobi; Kenya (2010)

⁴⁷ Smedt J., (2009) *No Raila, No Peace: Big Man Politics and Election Violence at The Kibera Grassroots: African Affairs* 108/433 pp 108 Oxford University Press on behalf of Royal African Society

be friendly to government.⁴⁸ His renewal of Kivitu's term in November 2007⁴⁹ created perception of rigging and took a toll on credibility of ECK.

Pre election violence was not evident in the manner in which issues were unfolding. Cheeseman and Branch expresses that former chair of the Electoral Commission had faith in violence free 2007 election, in his address to independent election observes prior to the elections he attributes his assumption to the NARC victory of the 2002 election and citizens rejection of 2005 draft Constitution.⁵⁰ It was clear that he assumed that politicians valued and listened to the electorates and thus would not manipulate the voters to change their course.

Orange Democratic Movement call on majimboism (regionalism) Southall and Kagwanja indicated that they intended to expel other ethnic groups from Rift Valley,⁵¹ where other implied Kikuyu. Raila is argued to have promised that regionalism would devolve power and create equitable distribution while on the other hand PNU felt that it would promote ethnic violence.⁵² ODM seemingly were reading from post colonial script which Anderson viewed as the centre piece of the political agenda of KANU in the 1960s⁵³. At that time it was meant to devolve constitution arrangements that would protect smaller minority communities from larger ones.

⁴⁸ Kenya National Commission on Human Rights Report (2008) *On the Brink of The Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence* Nairobi

⁴⁹ The Standard Newspaper November 20, 2007

⁵⁰ Cheeseman N and Branch D (2008) *Democratization, Sequencing and State Failure in Africa: Lessons from Kenya*; Vol 108, No. 430; African Affairs, Oxford University Press on behalf of Royal African Society pp1

⁵¹ Southall R and Kagwanja (200) Introduction: Kenya- A Democracy in Retreat? *Journal of Contemporary African Studies*, 27:3

⁵² Lynch G., *Courting Kalenjin: The Failure of Dynasticism and The Strength of The ODM Wave in Kenya's Rift Valley Province*; African Affairs Vol. 107, No. 429 , Oxford University Press on behalf of Royal African Society(2008

⁵³ Anderson D., *Yours in Struggle for Majimbo'. Nationalism and the Party Politics of Decolonization in Kenya, 1955-64* *Journal of Contemporary History*, Vol. 40(3) Sage publications London, pp548 (2005)

Vote buying can be drawn back to 1992 elections which according to Lynch⁵⁴, Moi had to design a strategy to limit the opposition votes and at the same time engaged in intimidation of voters. Election violence can also be attributed to vote buying seen as common phenomena in Kenya's electoral process/period. Vote buying and clientelism has been pointed out as structural problem.⁵⁵ Wide spread poverty in the country contribute to individuals willing to sell their votes in exchange for cash, material goods and promises for employment/jobs. Okombo⁵⁶ like Mwangi⁵⁷ asserts that the vice is rampant due to weak institution and legal framework to manage elections

Opinion polls carried out by independent groups aired mainly presidential finding reports via media, the results seemingly suggested clear cut margins for presidential candidates putting Raila and Kibaki in closely contented race.⁵⁸ This led citizens to assume that their candidate was far much better and that if he did not win it would mean that rigging would therefore be anticipated.

Population bulge this factor has put pressure on the country's economic development, raised poverty levels and unemployment. Katumanga argues that this narrows the space for economic participation, struggle to earn a living in economic hardship contributes to social groups to turn against each other, state inability to contain violence thus allows them to arm themselves however when need to contain opposition al

⁵⁴ Lynch Gabrielle *Courting the Kalenjin: The Failure of Dynasticism and The Strength of The ODM Wave in Kenya's Rift Valley Province*; African Affairs Vol. 107, No. 429; Oxford University Press on Behalf of Royal African Society pp 541 (2008)

⁵⁵ Wantchekon L and Vicente P.C., *Clientelism and Vote Buying: Lessons from Field Experiment in Africa*. Oxford Review of Economic Policy Vol.25 No.2 (2009)

⁵⁶ Okombo O., *Discourses on Kenya 's 2007 General Elections: Perspectives and Prospects for A Democratic Society* (2009)

⁵⁷ Mwangi M., *The Waters Edge: Mediation of Violent Electoral Conflict In Kenya*; Institute of Diplomacy and International Studies, University of Nairobi. (2008)

⁵⁸ Southall R. and Kagwanja P.M., *Introduction Kenya- A Democracy in Retreat?* Journal of Contemporary African Studies P (2009)

forces arises, the state uses them and are rewarded through illegal means. State thus support of illegalities⁵⁹ is easily attained through unemployed

Claims that 2007 elections were rigged proved that Kikuyu's were unable to hand over power. Their leaders were arrogant for instance Hon Kiratu's comment that former president Moi should stop engaging in politics, to go home and herd goats. They also shifted attention from search for new constitution to claims that it was no longer necessary since Kibaki was in power⁶⁰.

There exist domestic criminal law framework that is provided under Penal Code and other related Acts that criminalize offences like murder, destruction of property, arson, sexual offenses among others⁶¹ were not taken into consideration and offenders were never apprehended. Okombo argues that despite the fact that penal code exist there is lack of institution capacity to sanction such illegal active⁶²

New Presidential elections are associated with government decrease in respect for human rights. Legislative function provided clear guidelines that must be respected thus political elite may respect the laws fearing electoral consequences however in Kenya it is not the case since those laws are not put in to practice. Political elite in power tend to support legislation that encourages and solidifies stake in political system. Legislative elections⁶³ that put more resources on political elite and neglect military may encourage

⁵⁹ Katumanga M., *A City Under Siege: Banditry and Modes of Accumulation in Nairobi, 1991-2004*, Review of African Political Economy, Vol.32, No. 106, Africa from SAP's to PRSP p507(2005)

⁶⁰ Lynch G., *Courting the Kalenjin: The Failure of Dynasticism and The Strength of The ODM Wave in Kenya's Rift Valley Province*; African Affairs Vol. 107, No. 429; Oxford University Press on Behalf of Royal African Society (2008)

⁶¹ Ibid KNHRC

⁶² Okombo O., (2009) *Discourses on Kenya's 2007 Elections: Perspectives and Prospects for Democratic Society*, CLARION, Nairobi

⁶³ Gelleny R and Richards D *Good Things to Those Who Wait? National Elections and Government Respect for Human Rights* (2007) Journal of Peace Research Vol. 44, No. 4 pp 507

demobilization of government troops and transform militias into political parties equated to youth willingness to participate in violence due to economic circumstances

Lynch⁶⁴ argues that there were signs of looming electoral violence in 2007 dating it back to President Kibaki ascending into power in 2002. He posit that when the incumbent assumed power, he engaged in process of eviction and sacking from the civil serves of those who severed under Moi regime replacing them with those close to him

Election violence can be attributed to mismanagement by the Electoral Commission of Kenya⁶⁵ it's argued that the election itself was peaceful but the manner in which vote counting and tallying were handled acted as a trigger to the violence. Kagwanja argues that the despite calls for recount of the presidential results, Election Commission chair hurriedly organized and sworn in President Kibaki for the second term⁶⁶ thus creating a perception that Kibaki did not win and that votes were modified in his favour.

2007 was the first election that tapped into information age with young electorate battling for votes through the cyberspace⁶⁷ they ensured that they spread information some as rumours, hate speech and truth all compounded with the media unable to census or edit and Role of media in instigate the violence⁶⁸

Money given direct to voters as gifts, fundraising for funerals making elections considered as a period of "boom" as beneficiaries of campaign money can be viewed through organized systems of distribution of the campaign money through women and

⁶⁴ Ibid. Lynch pp541

⁶⁵ Independent Review Commission Report

⁶⁶ Southall and Kagwanja PM., *Introduction Kenya A Democracy in Retreat?* " Journal of Contemporary African Studies" p 263(2009)

⁶⁷ Ibid Southall and Kagwanja

⁶⁸ Government of Kenya Report, *Commission of Inquire into Post Election Violence (CIPEV) Waki Report* (2008)

youth groups. To reconcile presence of money in politics and risk it poses
⁶⁹Demilitarization, demobilization of armed groups and reintegration into society create a symbiotic relationship between them and political class.

3.2 During elections

During the election reports from observers⁷⁰ indicated that the voting was generally peaceful giving hope that the results would also be the same, with reports from media indicated that most polling station materials and clerks arrived on time. Media reports brought to the for front rumours of marked ballot boxes found in Nairobi and missing name(s) (Raila) in the register they were quick to air live on Citizen Television interview with Raila at old Kibera Primary school, described the “omission as deliberate attempt to rig him out of Langat constituency”⁷¹ this stirred up tension from his ethnic community members in the constituency therefore pushing and causing chaos in some polling stations.

Report produced by Independent Review commission found everything wrong with the management of election by ECK⁷² ranging from voter registration, education to the actual voting. Irregularities cited indicate that whatever the situation violence was eminent.

Initial results released first were from ODM strong hold which indicated substantial lead by their candidate and later on drastic changes seemed to have happened when PNU resulted trickled in. Kenyan supporters of the ODM party begun to doubt the

⁶⁹ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections*, "African Affairs", 105/418 Oxford University Press on behalf of Royal African Society (2005)

⁷⁰ Chweya L, *Electoral Politics in Kenya* Claripress, Nairobi p 62 (2002)

⁷¹ Youtube. [http// www. royal media](http://www.royalmedia)

⁷² Republic of Kenya., *Report on the Commission of Inquiry into Post Election Violence* (Waki Commission) (2008)

results so far released, thus they made public outcry claiming that elections were rigged⁷³ At various tallying centers there seemed to have been pushing and name calling especially at Kenyatta International Conference Center which was being televised live, confusion and misinformation on tallied results were aired⁷⁴, coupled with these Kivitu statement that he could not reach some of his returning officers⁷⁵ creating suspicion that the results were being cooked.

On December 30, 2007, release of presidential results indicating that Kibaki won met rejection of results by ODM who promised to form a parallel government.⁷⁶ ODM is said to have opposed options of going to court since they did not have faith in the judiciary

Decision makers ignoring existing conflict memory⁷⁷ since the onset of multiparty elections have been marred with violence⁷⁸ and thus they should have put measures in place to curb⁷⁹ any anticipated violence.

The voter register also recorded a high number or registered voters. It was estimated that the increase pitted six million voters in 2002 to fourteen million in 2007.⁸⁰ The increase in registration indicated that many people were waiting to participate in their democratic right through voting. Politicians thus called for as many young people as

⁷³ Kenya National Commission on Human Rights *On the Brink of The Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence* Nairobi (2008)

⁷⁴ Kanyinga K. and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*, Society for International Development and Institute of Development Studies University of Nairobi (2010)

⁷⁵ Ibid. KNHRC

⁷⁶ Ibid. KNHRC

⁷⁷ Ogot B.A and Okoth G.P., *Conflict in Contemporary Africa*, Jomo Kenyatta Foundation, Nairobi, 3rd Reprint p 130, (2008)

⁷⁸ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics In Kenya's 2002 General Elections*, African Affairs 105/418; Oxford University Press on behalf of Royal African Society. (2005)

⁷⁹ Republic of Kenya Report on Commission of Inquiry into Post Election Violence (Waki report) p 92 (2008)

⁸⁰ KNHRC Report Op Cit

old to come out and vote to ensure that they chose their leaders wisely. This created come election a high turnout of voters

3.3 Post election violence

Role of Election Commission in Kenya Election is the only process in which citizens participate in governance⁸¹ by making choices through the ballot. Manner in which the ECK participated in the whole process has clear indication that they lacked credibility at the tallying,⁸² announcing the election result⁸³ and swearing in of the president. Okombo⁸⁴ posit that Election Offences Act has never found any one guilty of vote bribery and that tokenism was initiated at independence where by the government rewarded losers for instance Oginga was airlifted to study in Russia Solving election disputes

Presidential election results announced on December 30, 2007⁸⁵ acted as a trigger to the simultaneous violence that took place across the country indication on the manner in which ECK handled the vote irregularities and counting⁸⁶ Post election violence brought to the fore front what Collier refers to as state failure.⁸⁷ Tilly⁸⁸ asserts that public policies, institutions within a country and structure of political power determine the state

⁸¹ Basedau M et al ., *Votes, Money and Violence; Political Parties and Elections in Sub-Saharan Africa*; Nordiska Afrikainstitutet, Sweden, University of Kwazulu- Natal Press, South Africa(2007)

⁸² KNHRC

⁸³ Kagwanja PM. Op cit

⁸⁴ Okombo O., *Discourses on Kenya's 2007 Elections: Perspectives and Prospects for Democratic Society*, CLARION, Nairobi(2009)

⁸⁵ Klopp J., *The Politics of Violence in Democratization: Lessons from Kenya and South Africa* Canadian Journal of African Studies Vol. 39, No.2 p 129, (2007)

⁸⁶ Branch D. and Cheeseman N., *Democratization, Sequencing and State Failure in Africa: Lessons from Kenya*; "African Affairs" Vol. 108/430 Oxford University Press on behalf of Royal African Society(2008)

⁸⁷ Collier P., *The Political Economy of State Failure* Oxford Review of Economic Policy Vol. 25, No. 2 p 229-(2009)

⁸⁸ Tilly C and Lodhi A.Q., *Urbanization, Crime and Collective Violence in the 19th Century, France*; American Journal of Sociology Vol. 79, No. 2, 1973

and nature of that society, while Collier⁸⁹ on the other hand views the different power structures and interests that determine how governments invest in institutions. He further argues that citizens rebellion does not pose much threat to rulers since the latter do not have military strength and equipment advantage thus Kenya government assumption that the violence would end when opposition get tired of demonstrations and violence.

Claims that presidential results were modified in favour of Kibaki and his hurried swearing in, helplessness on the part of citizens saw them going to the streets to vent their anger, ODM open lack of belief in political institution to resolve the disputed result contributed into their call for mass action.⁹⁰ Call for mass action by ODM⁹¹ was not explained on mode and nature of the action. This blanket call gave freedom to youth to take any action deemed fit to cause chaos, run battle and destroy property that belonged to others. The barring of the youth in Kibera from marching to town saw them change tactics thus illegal evictions and acquisition of houses within Kibera daring government officers.

Lack of faith in the judiciary also contributed to the post election violence. Those who lost did not envisage appropriate mechanism to address the dispute. Okombo argues that absence of credible mechanism for resolving electoral dispute⁹² were a contributing factor to citizens venting their anger and violating other peoples rights with impunity

History helps understand past and create visions for the future however, Kenya has never learn anything from the past election violence envision the future. Their attempt to

⁸⁹ Collier P. Op cit

⁹⁰ Ibid. Branch and Cheeseman

⁹¹ KNHRC Report

⁹² Okombo O., *Discourses on Kenya's 2007 General Elections: Perspectives and Prospects for Democratic Society* CLARION, Nairobi (2009).

address the vice was and continued to be one of establishing commission to investigate, document and recommend appropriate mechanisms to handle and settle the conflict.⁹³ In 1992 they set up Kiliku committee which concluded that the violence had been planned and instigated by senior politicians allied to president Moi.⁹⁴ The aftermath of 1997 election violence another commission was commissioned referred to Judicial Commission of Inquiry (Akiumi Commission) reached a similar conclusion⁹⁵ same system has been used to inquire into the 2007 elections namely Independent Review Commission (IRC), Commission of Inquiry into 2007 Post Election Violence (CIPEV) referred to as the Waki and Kriggler commissions⁹⁶ it is important to note that the country has never addressed and implemented the findings of this commissions therefore recurrence of the violence in every elections. It has become part and parcel of her inability to make far reaching reforms to permanently resolve the problem

Mwagiru alludes that there were other underlying structural issues judging from the intensity of the conflict, he asserts that it was beyond electoral dispute⁹⁷ and therefore a dire need for the country to address those issues for instance equitable distribution of resources. He argues that the conflict had a life cycle with actors, constituents and allies all interested in the outcome of the violence. Beneficiaries of state decay⁹⁸ will do

⁹³ Kagwanja P.M. and Southhall R., Introduction: Kenya- A Democracy in Retreat? *Journal of Contemporary African Studies*, 27: 3(2009)

⁹⁴ Republic of Kenya Report., *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and other parts of Kenya* (Kiliku Report) (1992)

⁹⁵ Republic of Kenya Report ., *Judicial Commission Inquiry into Tribal Clashes in Kenya, Nairobi* (Akiumi Report) (1999)

⁹⁶ Kenya National Commission on Human Rights Report *On the Brink of The Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence* Nairobi (2008)

⁹⁷ Mwagiru M., *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, Institute of Diplomacy and International Studies, Nairobi., (2008)

⁹⁸ Basedau M et al. *Votes, Money and Violence: Political Parties and Elections in Sub-Saharan Africa*, Nordiska Afrikainstitutet Sweden; University of Kwazulu Natal, South Africa(2007)

anything to affirm their position the violence was inevitable based on economic situation very little or no incite ⁹⁹was required for the youth to engage in violence.

The violence paralyzed the economy which saw several actors including local regional and international accredited persons trying to solve the crisis. The disputing the business community attempt to solve the crisis it took up to two months for the two party leaders to soften their stance and agree to come to table and February 28, 2008 they reached an agreement on PNU-ODM coalition government¹⁰⁰

Electoral violence can be concluded to be a deviant form of political participation accompanying electoral process in attempt to make genuine choices. It has been recorded as common phenomena accompanying every election in Kenya. Attempts to address the crisis continue and remain palliative in nature. The trend of election violence has tended to incorporate the use of private armies vigilantes who have adopted new strategy of promoting culture of impunity.

Interplay of unresolved historical injustices, electoral system management demilitarization of political society and addressing of youth problem coupled with government involvement with institutional reforms. Kenya as a failed institution should be addressed with immediate effect.

We also observe that political institutions are never ready to change new discourse; in line with what Galtung argues that democracy has failed to guarantee certain aspects of human rights and thus transfer of power has to be super limited by well institutionalized human rights. According to him conflict is inevitable due to structures that prove to be difficult to change since the top dogs would never want to easily give

⁹⁹ Ibid. Okombo

¹⁰⁰ Southall R and Kagwanja P.M., *Introduction: Kenya-A Democracy in Retreat?* Journal of Contemporary African Studies, 27: 3 p 274(2009)

power to the underdogs and thus would do anything to win and maintain power. He therefore proposes that the only way out is by changing the structures to suit both under and top dogs¹⁰¹ for a peaceful and human rights free Kenya, this signals need for renegotiating institutional and structural reforms.

¹⁰¹ Galtung J, *60 Speeches on War and Peace* International Peace and Research Institute, Oslo, Sweden p 33 (1990)

CHAPTER FOUR

Case Study: Entrepreneurs' of Post Election Violence in Kibera

Introduction

This chapter explores the concept of entrepreneurs of post election violence by analyzing situation from Kibera historical injustices including land and structure ownership struggle +between the government and the Nubian community who have laid claim to the land prior to Kenya's independence pitting the dynamics of "ownership" claims and "illegal" occupants thus indulge in trying to understand by investigating whether illegal acquisition of houses in Kibera were as a result of 2007-2008 post election violence and explore the structural dynamics that present opportunity for post-election conflict entrepreneurship.

The report examines nature of extortions, role of vigilant/militia/gangs operation in Kibera and election flaws. The report reflects through literature of election violence, which indicates that since 1991 Kenyan elections have been marred with violence¹ creating a vicious cycle. It is evident that post conflict peace building strategies have never addressed structural violence embedded in the political governance system. Elise Boulding² alludes to role of election as providing important aspect for conflict management.

This study defines an entrepreneur as someone who organizes and operates enterprise for personal gains. Their main function is to reform the existing system.³ Post-election entrepreneurs in Kibera adopted a highly innovative technique using forced

¹Kanyinga K and Okello, *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*, Society for International; Development(SID) and Institute of Development Studies (IDS) University of Nairobi, Nairobi (2010)

² Boulding E., *New Agenda's for Peace Research* Lynne Rienner Publishers, Colorado (1992)

³ Shepherd D et al., *Entrepreneurship* 7th Edition McGraw Hill Publishers; Singapore. (2008)

eviction of ethnic based groups from their structures, extortion of money from local residents and public transport (Matatu), looting shops, vendors, local pubs and hotels. These groups were extremely creative in their endeavours to move from poverty to wealth. Hence took the short-cut of looting from peoples since they lacked the means to acquire wealth the conventional way. According to Goldstein the colonial government distorted economic structures in her colonies reducing her subjects into dependants and rents seekers.⁴

The study recognizes inadequate security in the informal settlement and long standing tension between landlords and tenants as pillars to the violence. David Francis⁵ argues that state building can be viewed as a security predicament which is linked to war economics. On the other hand Patrick Chabal and Jean Pascal Daloz assert that political actors in Africa always seek to maximize returns on the state of confusion and chaos. Their observations pits conflict entrepreneurs in Kibera as equal to political actors mentioned above as the sought to use election violence to benefit.

In understanding the problem it is paramount that we explore who a conflict entrepreneur is in the context of the Kibera study. The perpetrators of the violence assumed the role of conflict entrepreneurs. Eide⁶ describes conflict entrepreneur as individual who takes necessary steps to ignite a violent conflict by utilizing specific situation in order to gain something through exploitation of new power relationship. While Charles Tilly⁷ refers to them as political entrepreneurs⁸ who specialize in

⁴ Goldstein J., *International Relations* 6TH Edition, Person Education Publishers pp 521, (2005)

⁵ Francis D.J., *Peace and Conflict in Africa* Zed Books, New York, pp 82, (2008)

⁶ Vermonte P., *Changing Words into Deeds: The Role of Conflict Entrepreneurs in Religious Conflict Between the Moslems and Christians In Maluku* (2000)

⁷ Basedau M ,et al *Votes, Money and Violence, Political Parties and Elections in Sub-Saharan Africa*, Nordiska Afrikaninstitutet Sweden, University of Kwazulu Natal Press, South Africa, (2007)

⁸ Ibid Vermonte

activation, connection, coordination and representation to make gains out of a political situation like an election. Conflict entrepreneurs are usually connected with violent specialist in or outside government. Their main agenda is to mobilize masses through framing speeches, which are exaggerated to create fear, they also invoke primordial⁹ support and use media to support or portray conflict. In Kibera, Kenya National Commission on Human Rights Report ¹⁰alleged that the organized gangs had support from highly powered individuals including Councilors who provided both money and transport for their activities. They strived on spreading rumours, through mobile phones ¹¹ short messages services (sms) of looming attack by “munigiki” fear that griped the area and led to youth group’s guarding their villages at night

4.1 History of conflict in Kibera

Kibera is an informal settlement located South of Nairobi established more than one hundred years by the colonial government for Nubian ex-soldiers part of Kings African Rifles (KAR) who fought for the British in the first and second world wars.¹² They were given approximately 5000 acres as a pension and resettlement, however the land has since reduced in acreage due to land grabbing, subletting and selling to other community members. According to De Smidt¹³, the Nubian community retirees were not given any money and thus had to sublet and sell part of their inheritance to the local Kenyans to enable them make ends meet. Kibera grew from villages housing Nubian soldiers of

⁹ Ibid Vermonte

¹⁰ Kenya National Commission on Human Rights, *On the Brink of The Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*, Nairobi pp 37, 2008

¹¹ Nehemiah Barasa Interview 20, 08,2011

¹² Parson t., Kibera is Ours by” Blood” The Sudanese Military Legacy in Nairobi’s Kibera Location; 1902-1968, *The International Journal of Historical Studies*, Vol. 30, No. 1, Boston University African Study Centre (1968)

¹³ De Smidt J., *No Raila No Peace, The Big man's Politics and Election Violence at The Kibera Grassroots*, African Affairs 108/433 pp 585, (2009)

demobilized arms of British colonial government,¹⁴ to accommodate other ethnic communities migrating to Nairobi.

The Gikuyu's¹⁵ are reported to be among the first Kenyan ethnic community to have moved and settled in Kibera estimated to be around 1920 as they lost their land to colonial government. Their displacement created needs to increase and expand housing units in order to accommodate the population. Amidst this Nubian¹⁶ community who were still negotiating with the colonial government, claimed ownership and begun constructing mad houses and subletting their structures/houses thus cashing in on the housing problem. They had temporary occupation licenses given by provincial administration¹⁷ but not recognized by Kenya official legal policies. Kibera is therefore home to the Nubian community who has no claim to "Native Reserve"¹⁸ like the rest of Kenyan ethnic communities. *Kibera is derived from Kibra, a Nubian word meaning "forest" or "jungle"*

Kibera has a history of landlord-tenant conflict which can be attributed to historical injustice, wide spread poverty, high percentage of unemployed people who are ready to engage in any activity that can earn them any money. Over the years elections have set precedence as opportunity for many young people to engage in some sort of election related short-term employment. The youth are mobilized by political elite, fellow youth and individual initiative to form groups that can be used for campaigns and any

¹⁴ The Daily Nation News paper December 7, 2001

¹⁵ De Smedt J., 'No Raila No Peace' Big Man Politics and Election Violence at The Kibera Grassroots, African Affairs, 108/433 pp 586, 2009

¹⁶ Parson T., Kibera is Ours by "Blood": The Sudanese Military Legacy in Nairobi's Kibera Location, 1902-1968, The International Journal of Historical Studies, Vol. 30, No. 1, Boston University, African Studies Centre, 1968

¹⁷ Ibid

¹⁸ Amani Communities Africa (ACA) Report; Transforming Conflicts Through Dialogue (2009); ACA Publication, Nairobi pp 18

other activities including being hired by landlords to evict defaulting tenants or those who refuse to pay rent¹⁹

The Landlords have never engaged in any form of improvements on the houses since they were constructed. Their basic amenities like water are poorly constructed and lack any form of infrastructure required for a decent habitat.²⁰ The slums are equally treated as temporary dwellings with government assuming that the residents would move out once they realize their goals.²¹ A part from these the informal settlements are considered illegal by local authority therefore the area does not qualify for city services that include water and sewerage, cleaning and maintenance. They are from time to time evicted²² at will by city council security.

The entire land in Kibera is owned by the government meaning that the landlords are squatters on government property; however the structures belong to the various landlords. The government claims puts the landlords in very precarious position and unable to make demands for rent from defaulting tenants. Retired President Daniel Moi in a funds drive at Olympic Primary School told the public that “Kibera occupies state land, no one owns it and that they do pay land rates to the state.”²³ Retired president’s statement at that rally marked the beginning of tenants refusing to pay rents.

Hausner asserts that concentration of poor people in one region has advance effect on economic growth, increased crime rates due to unemployment and insufficient income

¹⁹ Kinyanjui S and Mutsotso., *A Ticking Time Bomb: Nairobi's Informal Settlements*, Friedrich Ebert Stiftung, 2002, p 15

²⁰ Interview with Joyce Nyarenda at Kibera Olympic August 20,2011

²¹ United Nations Habitat Hand Book: *Security of Tenure and Access to Land, Best Practice*, www.unhabitat.org/downloads/doc/155366795, Nairobi, p 17(2002)

²² Macharia K., *Slum Clearance and the Informal Economy in Nairobi*, “Journal of the Modern African Studies” Vol. 30, No. 2, PP 221-236, p 226, (1992)

²³ The Daily Nation Newspaper October 31, 2001 , Accessed as Nation newspaper Archives

act as contributing factor to slums formation.²⁴ These informal settlements are usually ignored by political class until electioneering period when they turn to them for votes. It is during this period when the political elite visit and make promises intended to improve living standards of the residents. Promises of rent reduction, better housing facilities and employment for the youth have been part of their change agenda.

Kituo Cha Sheria asserts that operations between landlords and tenants are ad hoc. Landlords issue houses without following laid procedures on renting of private properties which, includes signing agreements, paying in advance one months' deposit and issuing receipts for payments done.²⁵ It was claimed that follow up to nonpayment is very difficult and that the landlords cannot engage the services of 'Rent Tribunal' to assist them get their dues therefore they tend to hire gangs/militia/vigilante groups to evict defaulting tenants.²⁶

The history of landlord-tenants conflict tend to linger during elections period as is the time in which political elite draws attention to the tenants and they claim support for the groups. At the same time youths, takes advantage of this support to rally behind those politicians and refuse to pay rent with impunity.

4.2 Property Rights

Hernando de Soto argues that privatization and defense of property rights will empower landlords economically. He asserts that security of land title could lead to great investment and productivity of those who own them. Every government has a responsibility to ensure security for private properties and that rights are defended and

²⁴ Hausner V., *Critical Issues in Urban Economics Development* (1987) Vol 11, Clarendon Press, Oxford

²⁵ Kituo Cha Sheria, *The Center for Legal Empowerment: The Draft Landlord-Tenant Bill: A Human Rights Critique*. Nairobi, p 27, (2007)

²⁶ Ko'Otieno interview on August 23, 2011

enforced by existing legal instruments. Libecap notes that those who have titles to their private property can challenge illegal acquisition.²⁷ However Kibera land pose a challenge since owners have no titles for nearly a century settlements in Kibera has never been formalized by the government of Kenya²⁸

Historical injustices can be traced in transfer of power from colonial government to Kenya independent government which was being led by the then incumbent president Kenyatta being in power he used his position to help the Kikuyu ethnic group acquire land through slogan damped “Haraka na harrambee” (quick and come together/raise money together) Settlement Scheme tribes. The tribes that had won 1963 formed the government. Property had to be protected using power²⁹

The question of land in Kenya has faced a lot of challenges since independence. There has been an increase in rural urban migration majority young people in search of employment. Considering their predicament as job seekers, they end up in informal settlements where rent is deemed cheaper than other regions in Nairobi. According to Kituo Cha Sheria, they end up becoming squatters who encroach on government land and stay illegally. Government hold that they have no tenancy rights³⁰ thus they are denied basic services and evicted at will.

Habitat estimates that up to sixty per cent (60%) of Nairobi Population lives in informal settlements while eighty per cent (80%) of residents are tenants with low income of whom majority earn less than one hundred Kenya shillings per day. Kenya

²⁷ Kituo Cha Sheria

²⁸ Parson T. ,*Kibera is ours by Blood” The Sudanese Military Legacy in Nairobi's Kibera location , 1902-1968*, ‘The International Journal of Historical Studies’; Vol.30, No.1, Boston University ,African Study Centre, 1968

²⁹ Odhiambo A. *Hegemonic Enterprise and Instrumentalists’ of Survival: Ethnicity and Democracy in Kenya* in Kymlicka et al, *Ethnicity and Democracy in Africa* James Currey Ltd, London UK (2004)

³⁰ Kituo Cha Sheria. The Centre for Legal Empowerment: *The Draft Landlord-Tenant Bill (2007). A Human Rights Based Critique*

Government on one hand holds that citizens can lay claim of possession of land after twelve years continuous residency³¹. This fact contradict existing practice and claims by Kibera residents who have occupied the slum since colonial times³²,the Nubian community have laid claims to date but they still have no right to title deeds.³³

Landlord- tenant tribunal decision makers and dispute resolution mechanism body indicates that there are flaws in tribunal appointed government officials; they lack capacity for enforcement and thus do not effectively address land and housing issues. They have also been seen as unable to carry out their mandate of inspection to ascertain fair rent for space/houses being rented. The inspectors are exposed to illicit bribes considering the nature and terrain of the slums, makes them unable to make visits and accept bribes to side with tenants.³⁴ According to respondent named Ko'Otieno he observes that rent tribunal officials cannot settle disputes within Kibera as they are considered outsiders

Inadequate and inappropriate land policy continues to hamper land governance due to low political will, lack of commitment and incoherent involvement of stakeholders³⁵ including civil society organizations, government and political leaders to maintain sound governance and policy in order to provide security of tenure. The policy framework looks at key questions related to land users, owners and government policy to determine knowledge on existing legislation³⁶ at various levels. Joost Van Der

³¹ Ibid Kituo

³² Parsons, T. "Kibera Is Our Blood": The Sudanese Military Legacy in Nairobi's Kibera Location, 1902-1968." *The International Journal of African Historical Studies* 30(1): 87-122. 1997

³³ Ibid Kituo

³⁴ Ibid UN Habitat

³⁵ Pampazuka Publications Guidelines on Land Policy Framework in Africa

³⁶ Ibid Pampazuka

Zwan³⁷ view land conflict as multifaceted and require understanding of political economy, he noted that the problem increased competition and demand for land, inequitable access and distribution coupled with lack of institutional capacity to manage and resolve conflict over land therefore disputes over land and related grievances continues to be inappropriately handled.³⁸ John Oucho ³⁹expresses that key land problems in Kenya stems out of unresolved complex land question, emanating from colonial legacy, imperial constitution and problem of migrant settlers.

The study sort to explore the dynamics of structures that present opportunity for post election entrepreneurship. The findings engage the history of land conflict in Kenya which presents a clear indication of structural violence. The dynamics explores the effectiveness of over forty laws on land. These laws contradict one another coupled with weak judicial system to implement them. The government attempts to address the land question has seen commissions set up to deal with the vise. The Ndungu Commission⁴⁰ is one such that intended to answer specific question of public land. The main aim of setting up the commission was to correct or redress the past mistakes and ameliorate crisis resulting from illegal allocation of public land. Intention was to modify obstructive laws and enact amendment to the Government Land Act (GLA) section 147 (A) in order to operate land title tribunal; revoke illegal registered titles; verify validity of registered titles and restitute unjustly enriched/ return property to rightful owners. The findings

³⁷ Zwan J., *Strengthening Economic Dimensions n of Peace Building Practice Note Series: Peace Building Essentials for Economic Development Practitioners; Practice Note 7; Conflict Sensitive Land Policy and Land Governance in Africa*

³⁸ USAID Tool Kit., *Land and Conflict* www. usaid .gov/our work/cross cutting –programs Washington DC(2005)

³⁹ Oucho J., *Undercurrent of Post Election Violence in Kenya: Issues in the Long-Term Agenda* in Kanyinga K and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* Society for International Development and Institute for Development Studies, Nairobi(2010)

⁴⁰ Habitat Report 2005

were also meant to shed light on issues of corruption, remove corrupt officials from office, and prosecute criminal offenders in illegal allocation of land.⁴¹ The report did take account of political elite engaged in illegal allocation of land as they blocked the process. Illegal allocation of public land for political gain as been practices associated with political class in Kenya to gain mileage and support⁴²

Institutionally there exist legislations that govern land rights⁴³, Housing Act⁴⁴ which is an act of parliament intended to provide loans and grants from public funds for construction of dwellings/houses. Landlord and Tenants Act⁴⁵ this Act is meant to make provision with respect to protection of tenants from eviction and exploitation.

It has often been claimed that landlords in Nairobi are truly exploitative. They profit from the lack of housing by charging high rents for awful accommodation. *“Maintenance is non-existent and the owners’ procedures to collect rent are pitiless”*⁴⁶ Such business practices mean that renting is highly profitable, one of the *“most lucrative investments in modern Kenya”*⁴⁷ What has allowed this unhealthy situation to develop? The basic explanation seems to rest with the limitations on access to urban land. In Nairobi, much of the land used for informal settlement was once public land. The politicians and public officials who controlled that land have frequently been among the beneficiaries who have received allocations. For example, Mugo alludes that more than

⁴¹ Government of Kenya, *Report on the Commission of Inquiry in to the Illegal/Irregular Allocation of Public Land*, Annexes Vol. 2 Government Printers, Nairobi (2004)

⁴² Stohl M., *War and Domestic Political Violence* The American Capacity for Repression and Reaction New York, p 49 (1976)

⁴³ Government of Kenya *The Registered Land Act*, Cap 300; (1985) Revised 1989

⁴⁴ Government of Kenya *Housing Act* Cap 117 (1972), Revised in 1990

⁴⁵ Government of Kenya *Landlord and Tenants Act* Cap 301 (1967), Revised 1972

⁴⁶ Anderson D.M., *Vigilantes, Violence and the Politics of Public order in Kenya*, “African Affairs” Vol. 101, Royal African Society p 542 (2002)

⁴⁷ Amis (1987) pp259

50% of landlords are *government officers and politicians*⁴⁸. The presence of so many tenants in Nairobi has a similar explanation. Since few wield any influence with the power brokers of the city, they cannot gain access to cheap land in the way that occurs in so many other developing country cities. If the migrants arriving in the city cannot get a foothold into 'ownership', lacking relations in town, their only option is to rent. They are welcome to the absentee landlords, who are "*only interested in maximizing profits and increasing their income from 'their' land*" and constructing "as many rooms for rent as possible"⁴⁹

The government is currently involved in a major slum-upgrading programs in Nairobi that it is hoped will address some of the problems in the city. But some doubt whether the offer of greater security of tenure will actually improve the situation rather than simply leading to higher rents. Residents of Kibera when asked about the slum upgrading several respondents observed that the upgraded houses were not meant for the "real slum dwellers" but for the wealthy Kenyans. One respondents drew attention to the Nyayo Highrise in Kibera-Laini Saba and Langat near Otiende Estate he claimed, "A two bedroom house is rented at Kenya shillings fifteen thousand per month and one bedroom goes for Kenya shillings ten thousand per month so how do you expect a hustle in Kibera who cannot afford rent for Kenya shilling five hundred to move to Nyayo Highrise he claimed that those houses are meant for the wealthy"⁵⁰

Destruction of property in Slums⁵¹ has been a common phenomenon or activities linked to general elections majority of the inhabitants of slums are considered

⁴⁸ Mugo (2000)

⁴⁹ Kodo and Wegelin-Schuringa (1997)

⁵⁰ Interview with a resident of Laini Saba Kibera August 19, 2011

⁵¹ Macharia K, *Slum Clearance and the Informal Economy in Nairobi*, (Journal of the Modern African Studies, Vol. 30 No. 2 p221, (1992)

“outsiders”. Pre election time is when certain groups of leaders take advantage of mobilizing the youth to support their initiative for example 2002 a councilor was claimed to be evicting certain groups of people to free the land to be used to bribe voters in the forth coming general elections.⁵² Election period in this instance is seen to provide opportunity for acquisition of houses.

Management and attention given to slums is limited and are viewed as breeding ground for organized and unorganized crimes and a menace to the rich population across the world. Very poor they thus engage in slum clearance⁵³ as a solution to the problem hoping that the population there would move to better houses around the country or return upcountry

4.3 Emergence of conflict entrepreneurs

Conflicts are so dynamic it can start as political instigated and end up as economic or social. The 2007-2008 Post Election violence in Kenya started as political with election result as trigger but turned out in different form. The study present findings of emergence of election entrepreneurs in Kibera and relationship with election result. The entrepreneurs in this case can be equated to vigilantes who are viewed to have been in existence before independence and participated in struggle for independence. Clapham⁵⁴ refer to them as in insurgence movement whose formation is geared towards particular purpose for instance to defend land. They also arise due to blocked political aspirations

Kenya government had inherited security structures from colonial masters with a clear ethnic composition of security land reform strained relationship between Gikuyu Ethnic Group and others. Kenyatta first president established militia group known as

⁵² Central Depository Unit, *Report on Electoral Violence in Kenya, Nairobi* (2002)

⁵³ Ibid United Nations Report

⁵⁴ Clapham C., *African Guerrillas* James Currey Limited, London, U.K p. 7 (1998)

“Ngoroko” who were trained to protect power within their community. Moi later changed the group to “Anti Stock Theft unit.” The emergence of militia gangs can be drawn from as early as Kenyatta regime. It later in the 1990’s witnessed the emergence of illegal privatization of state instruments of violence with an increase of private groups to protect political interest.

Political elite are said to have organized urban “lumpen” into groups to protect and promote their interest through violence.⁵⁵ Katumanga identifies three spaces from which violence was organized, first, “native citizenship was ethnic; secondly, spaces of chieftaincy where youth violence was purchased and finally, national spaces with diminishing security competence”⁵⁶ The election violence took ethnic tone where political elite the Gikuyu ethnic group as “one against forty one;”⁵⁷ In all incidences of violence, youth from various communities are said to have been in the fore front. Organized gangs of young men were in charge of the killings, looting, destroying and burning of people’s property.⁵⁸ Security forces were alleged to have participated in looting-Supermarket in Nairobi⁵⁹, covering up perpetrators and unable to protect citizens.

Nexus between violence and politics and interaction with entrepreneurial spirit provided institutional actors with militant activists’ gangsters’ core to survival of political ambition. Economic sociology of Kibera explain patterns of violence took a different turn from landlord-tenants to electoral process exacerbated Gikuyu-Nubian right of slum

⁵⁵ Katumanga M., *Militarized Spaces and The Post-2007 Electoral Violence* in Kanyinga K and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*, Society for International Development and Institute of Development Studies, University of Nairobi (2010)

⁵⁶ Ibid Katumanga

⁵⁷ Southall R. and Kagwanja P.M. *Introduction: Kenya-A Democracy in Retreat?* “Journal Of Contemporary African Studies”; 27:3(2009)

⁵⁸ Kenya National Commission on Human Rights, *On The Brink of The Precipice: A Human Rights Account of Kenya’s Post-2007 Election Violence*, Nairobi pp138 (2008)

⁵⁹ Ibid KNHRC

dwellers and feeling of dominant of economic space by the two aggravated violence. Pre-election campaigns created feelings among different groups allied to the two main political parties, Orange Democratic Party and Party of National Unity; PNU supporters expressed fear that if ODM won the elections that they would not recognize property rights and tenants would live for free.⁶⁰ Election violence was actual struggle for survival as groups organized themselves seeking territorial gain. Militia gained control of certain regions within Kibera. For example vigilante groups took over security where they guarded their regions day and night Luo Youth guarded Kisumu Ndogo, Sarangombe---- from perceived mungiki attack, while Kikuyu youth guarded Laini Saba from Luos⁶¹ for this service they collected money for “protection”⁶²

ODM’s strategy of paralyzing communication and seeking attention of international community⁶³ they incited the youth to uproot rails thus cutting off railway communication which affected landlocked countries in the East and Central African regions of Rwanda, Burundi, Uganda and Democratic Republic of Congo. This action was assumed to be a typical way of showing disgruntlement over Uganda’s speedy recognition of the PNU’s victory”⁶⁴. One wonders whether the message they want to send is that simple. A respondent Phanis ⁶⁵partly agrees with this information that any issue denying Raila victory contributed to violence. However dynamism on the ground has two fold first the residents believe that the railway line must be repaired, and secondly It will

⁶⁰ Ibid Katumanga

⁶²De Smedt Opcit

⁶³ Kanyinga K and Okello D, *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* Society for International Development and Institute of Development Studies, University of Nairobi 2010

⁶⁴ Drakard M [www.youtube.com/watch /media](http://www.youtube.com/watch?v=...) May 13, 2009 accessed July 29, 2011

⁶⁵ Interview with Phanis a secretary with Kenya Youth Foundation in Kibera August 21,2011

create opportunity for income. The duties will be subdivided to accommodate many people as follows; those providing security for the local workers and railway workers, those actually working, providing of food for the workers ran among others. Another respondent Odeny Ngure ⁶⁶laid claims that Kibera is home to former railway workers (retirees) unable to go back to ancestral homes since they have never been paid their dues (it is not easy to establish the truth on former employees). The informant claimed that situation is so bad that no resident can hire workers from outside Kibera without considering the locals.⁶⁷ They claimed that “any sound of a hammer is a call to the youth that there is some job to be done”.

The violence took ethnic turn such that commuter public transport perceived and owned by renowned Gikuyu businessmen/women were denied entry into Kibera for instance City hoppa bus services were denied access, while rival company Kenya Bus Services permitted to operate at a fee to youths guarding the roads. Violence was not caused by ethnic violence per se but by its politicization pitting the Gikuyu against other communities in Kibera⁶⁸

According to most informants the violence was mainly organized by youth from Gatewikira village who are said to have been organized by local youth leaders associated to ODM. It started off with main activity as looting shops and houses that belonged to the Gikuyu and PNU supporters Kibera did not experience much burning apart from isolated

⁶⁶Interview with Odeny Ngure Chairman Kenya Youth Foundation August 21

⁶⁷ Interview with two youth from Olympic

⁶⁸ De Smedt J., *No Raila, No Peace! Big man Politics and Election Violence in The Kibera Grassroots*, African Affairs, 108/433, pp 590 (2009)

cases of churches and Toi market an informal market dominated by Gikuyu traders. Chair lady of a local women group in Sarangombe⁶⁹ posit that out of all the villages in Kibera “Gatewikira is the most notorious for refusing to pay rent and that majority are tenants from Luo ethnic group who are associated to ODM”

Looting groups were ad hoc; all the youth had to participate for their own safety lest they risked being attacked as in support of the opponent. was the order of the day. This was mainly done in Gikuyu owned shops, kiosks, pubs and houses economic system according to Marx is paramount to power he asserts that in Europe under feudal system land ownership was the crucial resource for power in that the landlords dependent on the tenants

4.4 Role of Conflict Entrepreneurs

Post election violence seemed to have opened a window of opportunity for the youth to engage in extortion and other illegal activities within in the slum. The youth engaged in all sorts of activities that could give them an income. They are said to have engaged in forceful collection of money⁷⁰ from bus operators is their choice of earning an income. Despite the government initiating youth projects for the youth in the area, they have decided to go for the easier way of getting income. One respondent said, “I know what they are doing is not right but I prefer them collecting that money rather than killing people,” according to her that was much better off than violence. Another male interviewed says that the youth who have been taking money at the bus stage do so with the consent of the bus owners. “The bus owners know about these payments since they are the ones who initiated the youths to offer security and make sure that the bus has

⁶⁹ Interview with Chairlady Sarangombe women group August 19, 2011

⁷⁰ Dzilla C, Growing Menace of Extortion January 20, 2011 accessed from Kibera Watch

passengers,” he says. He further notes that since these youths know the area well, the bus owners have been relying on them for security since the 2007/2008 post election violence that gripped the country. Another youth and local chief affirms these claims, that this is done on the road at bus terminus near the Chief’s office, police post and even the District Officer’s office.” he holds.

Key informant Makina ward Councillor claimed that these boys started operating and taking the fee from the buses during the post election chaos since the buses were not allowed to enter Kibera. “The bus managers came to the administration and asked to meet the youths who denied the buses access to operate in the area,” he says. “From that meeting, they accepted to pay the fee for every trip the buses made to the slum.” He states that majority of the youths living in the slum areas are unemployed and they take advantage of any given opportunity to exploit so as to get some money to cater for their needs

In most accounts of vigilante practice in Nairobi, security fee collection and extortion of

matatu (local commuter transport) operators also feature as full scale entrepreneurship.⁷¹ In Kibera, for example, each village has its own gang that protects it against another in the slum⁷² The problem with rising vigilantism, however, does not only stem from its racketeering undertones, but lies in the rapid growth and transformation of vigilante groups into ruthless perpetrators of violence. Kagwanja,⁷³ and Munene⁷⁴ assert that those

⁷¹ Anderson D. *Vigilante, Violence and Politics of Public Order in Kenya African Affairs*; 101 (2002)

⁷² The Standard News Paper (2008)

⁷³ Kagwanja P.M, Op cit

⁷⁴ Munene, M. *Kenya: The Force Behind Terror Gangs.* "The Daily Nation, March 13,2008
<http://allafrica.com/stories> (accessed July 22, 2011).

formed to carry out noble tasks of protecting neighbourhoods often had their focus skewed to cause them for selfish ends the susceptibility of those selfish ends to political manipulation and collusion with corrupt security organs is another knotty issue evident in their dealings.

4.5 The role of conflict entrepreneurs

The most popular assumption revolves around the alleged employment of youth gangs by key political elites. The Commission of Inquiry into Post Election Violence (CIPEV) report puts emphasis on the patron-client relationship between the “ethnic” gangs, which engaged in violence during the 2007-2008 turmoil, and the contending political parties⁷⁵ The amorphousness of the gangs, however, suggests that the gangs that Kenyan politicians usually resort to are less institutionalized and comprising of a shifting group of youths with sundry motivations for perpetrating violence. Their recruitment is often secured through petty payments of as little as 50/ ksh per person per day. Due to the fluidity and, at times, ideological promiscuity of most of these organizations, political conflict entrepreneurs might have trouble mobilizing the kind of cohesive unit that the term “militia” evokes.⁷⁶ What is more, a lot of these youths are casually recruited from street corners and sometimes even paid in food or *chang'aa*(local brew)⁷⁷ In that sense, the substantial involvement of residents in the violent post election protests can be attributed more to spontaneous grassroots mobilization without elaborate plan just chaos” A respondent asserts that there was no time to plan because most of the looting were a basis of need and mob euphoria at the beginning.

⁷⁵ Republic of Kenya Commission of Inquiry into Post Election Violence (2008) pp194

⁷⁶ Clampham C., *African Guerrillas* James Currey Ltd. UK, 1998

⁷⁷ Interview with Nubi elder Mzee Juma August 23, 2011

4.6 Role of Youth-Wingers

Youth wingers are essentially boisterous political devotees, whose campaigning favour is contingent upon the election cycle and their remuneration. Youth entered Kenyan political life immediately upon independence when both the Kenya Africa National Union (KANU) and the

Kenya African Democratic Union (KADU) resorted to campaign support from the younger

sections of their electorates⁷⁸ KANU “invented” the notion of a political youth-winger which was then popularized by Moi in the wake of multiparty election of 1992 who later transformed into private armies (Jeshi)⁷⁹ Sally Mwangola observes that youth participated in politics as defenders, supporters and or messengers of the elders.⁸⁰ It is evident that their position remained at lower lever with role of distributing campaign money, vote buying or basically errand mobilizers of other youth. Despite their predicament, some however rose to position of fame by either mastering the game of politics example Jirongo and Ruto⁸¹ former Youth for KANU 1992 (YK’92) or as sons of former leaders i.e., Raila, Ngala, Uhuru, Mudavadi among. From the field some youths expressed that if by virtue of being close to Raila one may rise and benefit like Ruto or Jirongo why not”, he says⁸²

The youth are said to be majority of the Kenya population⁸³ with high rate of unemployment approximated to be sixty per cent last year. They are also excluded from

⁷⁸ Kagwanja P. (2005) pp 55

⁷⁹ Nasong’o S and Murungu Kenya *The Struggle for Democracy* CODESRIA, Zed Books pp 149, (2007)

⁸⁰ Ibid Nasong’o

⁸¹ Ibid Nasongo

⁸² Interview with Roy Mohammed August 20, 2011 at Olympic Estate a Raila admirer

⁸³ Youth Vibe www.youthvibe.org.ke accessed on August 10, 2011

state political and economic affairs, youth wingers take their grievances, disguised as party affiliations, to the streets, reaching levels of territorial slum politicization. This suggests that youth wingers are a peculiar hybrid between goons for hire and enthusiastic electorate. With this in mind, Kagwanja⁸⁴ encourages an examination of the symbolic dimensions of youth organizations and their involvement in generational politics.

4.6.1 Summary of findings from the interview

The study sort to investigate if the illegal acquisition of house in Kibera was as a result of the 2007-2008 post election violence.

Information gathered through key informants' interviews with administrative officials, landlords and tenants, religious leaders, politicians and members of local government confirmed illegal acquisition of houses by young people in Kibera. Who then acquired the title of 'post election landlords'.

The respondent s report that the majority of the Luo tenants in Gatwikira and Kisumu Ndogo villages stopped paying rent a practice that has continued to date.

Some of the respondents especially from the Kikuyu community disclosed that the Luo's acquisition of houses and refusal to pay rent followed their conviction that Rail victory meant free housing and improved livelihood through transfer of wealth from other communities to themselves.

⁸⁴ Kagwanja P.M., Power to Uhuru:

Landlord, key informant, Kibera 'we had our own houses which gave us enough income to take care of our children, the post-election violence reduced us to beggars without any source of livelihood'⁸⁵

Other forms of wealth illegally acquired by the youths/vigilantes include kiosks, shops, pubs and market stalls. Some owners of properties only retained their premises by paying big sums of money as security fee to the vigilantes. Reacquisition of wealth such as reallocation of stalls in Toi market also dependent strongly on who is who, and on how much they were able to pay. Ethnicity was a strong was among the key determinants of who gets what share priority was given to non kikuyu, such Luhyas.

The violence is claimed to have contributed to emergence of several nongovernmental organizations (NGO) and community based organizations (CBO) all engaged in different activities including humanitarian work, peace-building and conflict management which has since created employment to highly educated (at least form 4 leavers) to run seminars/workshops. The informants claimed that this has since created employment and boosted income among the youth. They claimed sitting allowance being given by this groups have also kept the residents occupied.

The informants asserted that those who were of the right ethnic group and their shops were not looted, paid hefty security fees, for protection of business; they at the same time doubled the prices, especially food staff. They argued that they did so since due to the fact that they purchased the goods at higher price than usual and also risked their lives get out and in to Kibera. Kibera was guarded by police and residents were not allowed to move freely.

⁸⁵ Landlord interviewed on August 20, 2011 at 2.30

Looters sold the goods they acquired from fleeing residents and kiosks for a living. Informants argued that some business owners were never sent away but opted to go as they sold their business premises at throw away prices

Interview with some post election landlords revealed that they acquired these houses to be at same level with the former landlords whom they argued were boasting of having been given new houses located at Langat. They also claimed that the landlords had been squatting on government land and are laying claims of ownership. They expressed that the landlords had overstayed in the area especially, the Nubians who they claimed had been compensated and were intending to benefit twice, Kibera and new location. They also argued that if in 2002, the rents were reduced by half, then level of depreciation should make the house free for all.

These groups also cited that most Kikuyu slum/landlords do not leave within Kibera and that they only come to collect rent without improving the facilities and are not aware of the problems tenants experience.

In conclusion the study found out that the violence paralyzed national administrative and communication system as militia operated certain regions within Kibera.⁸⁶ With the absence of state, they took law into their own hands and extracted capital from residents through enforcing taxes/levies on commuter buses⁸⁷, and they constructed toilets, kiosks, provided electricity and water to acquire capital.⁸⁸ Their actions resembled mungiki's operations in 2002-3 when they took over certain matatu

⁸⁶ Katumanga M., *Militarized Space in Post-2007 Election Violence* in Kanyinga K and Okello D., *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* Society for International Development (SID) and Institute of Development Studies (IDS) University of Nairobi p 560 (2010)

⁸⁷ De Smedt J. *No Raila, No Peace! Big Man Politics and Election Violence At The Kibera Grassroots* African Affairs 108/433, pp 592 (2009)

⁸⁸ *ibid*

(public transport) they levied fees, protection money from residents and engaged in illegal connection of electricity in informal settlements⁸⁹ all done with impunity for their own benefit. Chief Mutai⁹⁰ attributes illegal extortion behavior to have been copied from mungiki youth whom he blames the government's inability to avert the situation in good time. He further suggests that it is vital to address the emerging vigilante groups now than later

Nexus between violence and politics and interaction with entrepreneurial spirit provided institutional actors with militant activist's/gangsters core to survival of political ambition. Economic sociology of Kibera explain that the patterns of violence took a different turn of landlord-tenants electoral process exacerbated Gikuyu-Nubian right of slum dwellers and feeling of dominant of economic space by the two aggravated violence. Pre-election campaigns created feelings among different groups allied to the two main political parties, Orange Democratic Party and Party of National Unity; PNU supporters expressed fear that if ODM won the elections that they would not recognize property rights and tenants would live for free.⁹¹ Election violence was actual struggle for survival as groups organized themselves seeking territorial gain. Militia gained control of certain regions within Kibera.

Kenya's disaffected youth have had chance to participate in political activities through electioneering process the fulfillment of the promise of socio-economic integration. This stance challenges Galtung's supposition that those who are affected by

⁸⁹ Kagwanja P.M., *Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections* (2005), *African Affairs* 105/418, Oxford University Press p 65

⁹⁰ Interview with Chief Mutai- Sarangombe Ward August 26, 2011

⁹¹ *Ibid* Katumanga

structural violence are unaware of it and therefore unable to confront it⁹². Even though the respondents who were implicated in the 2007-2008 skirmishes would automatically conjure up images of ethnic hostility as the moto behind mobilization, in the course of discussion they would also elaborate at length the perceived implications of Kibaki's re-election on broader socio-economic issues, with which they were dissatisfied. Once their "battle" for (ethnic) representation was lost at the elite political level, quite logically, the marginalized urban youth attempted to negotiate power relations at the grassroots.

As Smedt⁹³ aptly demonstrates with his depiction of Luos chasing Kikuyus away from their houses and becoming landlords themselves, ⁹⁴the post-election unrest was not an endeavour aimed at completely bringing down "the existing social order," but rather – at making it work for them. They also aspired to benefit from the anarchy by extortionist modes. Illegal acquisition of house in Kibera presented in this study is clearly evident in the manner in which the entrepreneurs of election violence manifested themselves through organized gangs and vigilante groups. The dysfunctional structures coupled with the history of the region all intertwined.

Spirit of entrepreneurship is one such of struggle for survival among residents of Kibera, one is required to exercise high level of creativity in getting employed and or money for survival. The situation of poverty and unemployment is so acute that has turned residents into wolf/lions. They use violence as an alternative to proper livelihood and for wealth redistribution. Poverty has made residents of Kibera to turn every activity into an Income Generating Activity (IGA) so much such that the researchers have to pay

⁹³ De Smedt J. 'No Raila No Peace' Big Man Politics and Election Violence at The Kibera Grassroots African Affairs, 108/433 Oxford University Press (2009)

⁹⁴ Ibid Smedt

for information. Thus election violence presented clear opportunity for employment and income however the kind of enterprises that emerged were so minimal or insignificant in the real sense of meaningful economic gains. Those engaged in the activity did not have qualities and skills of entrepreneurship but were predator/extortionist or mealy criminals. The activities of post election violence in Kibera did not meet the actual threshold of conflict entrepreneurs but resembled the beginning of the vise which if not managed may in future blow up to fully fledged war economy with private armies on hire.

Election violence as elaborated in this study is unique like any other conflict, with a life cycle, in which every stage is different from the other so much so that even if the conflict is repeated it does not take the same shape and or ways of a previous one. Like other conflicts it had interested parties and issue at stake was power. Causes of the election violence were also apportioned to election body, government, political class, politicians, citizens and perpetrators whom I chose to refer to as entrepreneurs. Based on my belief that conflicts are inevitable human experience; the way conflict of any form is handled determines what scope it takes. The way subsequent post election violence had been handled determined the scope of the 2007-2008 violence perfecting impunity and extortion.

CHAPTER FIVE

CONCLUSIONS

The 90s has seen witnessed expansion of democratic space in the political arena in most African countries. Collier ¹ observes that there has been a deliberate move by political class from use of bullets to ballots thus embracing election as the most viable way of citizen's participation into governance and acquisition of power. Basedau et al ² asserts that it is evident that the opportunity to make genuine choice is accompanied by more violence because most political elite fear transition or losing power. Nugent³ supports this fact as he claims that African leaders tend to portray themselves as father figures nurturing loyalties and dependency with tendency to hold on to power. We observe that the since the onset of multi-party politics no government had been removed through ballot except South Africa. Ousting of incumbent presidents has always been marked by violence thus making election synonymous to violence.

The use of violence in elections has become a new trend catching up with almost all countries in African. Kenya was no exception in 1992, 1997 and 2007-2008 post election violence when it joined list of failed states amidst having been viewed as an oasis of peaceful country in her neighbourhood. The nature of violence witnessed brought to the forefront historical injustices, failed/lack of institutions to manage conflict and dysfunctional structures openly exposing structural violence that has existed in the country since independence. The violence created room for innovation and creativity in

¹ Collier P., *Votes, Money and Democracy in Dangerous Places*; Vintage Books

² Basedau M et al., *Votes, Money and Violence: Political Parties and Elections in Sub Saharan Africa*; Nordiska Afrikaninstitut et Sweden University of Kwazulu Natal, South Africa (2007)

³³ Nugent P. *Africa Since Independence: Comparative History*; Palgrave Macmillan Publishers, New York (2004)

engaging with the harsh realities of life in Kibera informal settlement. The region like other parts of the country, acted on election results as the trigger to spontaneous violence, in fact the result were an anti climax to those (ODM-supporters) who were already celebrating 'Raila's victory". Their celebration was thus cut short by the announcement and subsequent swearing in of Kibaki as president.

Did the electoral conflict become an institution in which, young people in Kibera find their way to improve their livelihoods? The new form of election violence saw the perpetrators transform into entrepreneurs as they took note that ended of election spelt out end of temporary employment/engagement and end of income. They had to strategically position themselves to continue earning a living without resorting to "hustling" youth in Kibera. The process of seeking a livelihood transformed the y Studies on entrepreneurship suggest that youth into criminal gangs and entrepreneurs. An entrepreneurs is a person who exhibit certain unique characteristic and specific personality traits.⁴This is a person who is able to look at the environment, identify opportunities, to improve the environment, marshal resources and implement action to maximize those opportunities.⁵ Thus is a person who acts purposefully, efficiently and promptly; these was adopted by the youth in Kibera.

There is economic violence of the sort that leads to deprivation, malnutrition and disease (as in exploitation). Economic violence is based on the use of material incentives, usually money, but sometimes other sorts of goods such as food. An exploitative relationship can be defined as one in which the stronger party regularly gets more out of the relationship than the weaker one. Its long term effect is that rather than converging

⁵ International Labour Organization Report, 1986. <http://www.ilo>

toward some common middle zone, the gap between the strong and the weak grows steadily wider as a result of their interaction. If we accept this plausible definition we would have to conclude that ordinary bargaining, and thus also the free market system, are generally unfair and exploitative. The free market systematically creates wealth, but it also systematically creates poverty. To preserve such a system for its many positive qualities, then, fairness requires systematic compensatory mechanisms such as progressive taxation and guaranteed minimum incomes.

In the free market system, operating normally, with everyone engaging in transactions voluntarily, there is economic violence inflicted on those at the bottom end of the widening gap. The market system imposes a form of structural violence, one for which there is no distinct agent; impoverishment, along with enrichment, arises out of the dynamics of the system itself.

Poverty has in the past been criminalized with several assumptions claimed that such poor people would most likely engage in criminal activities or violence. As Charles Webel and David Barash⁶ pointed out that poverty theory is not a necessary factor to violence but a gap between prevailing condition and public expectation. However Fanon claims that the act of violence is a “cleansing force that frees individuals from inferiority complex and despair” while Che Guevara⁷ view guerrilla fighter as a “social reformer.” These kind of people in this study are equated to conflict entrepreneurs whose main intention is to change the social system. In many cases economic and social deprivation may lead to war with economic gains as motivating factor.

⁶ Wabel C and Barash D Peace and Conflict Studies (2009) 2nd Edition, Sage Publications, London pp 212

⁷ Ibid Wabel

As Baumol has pointed out, the issue is not whether there are entrepreneurs but to establish the type of entrepreneurial activity on the productive-destructive spectrum. Inadequate infrastructure, a severe shortage of reliable (and sustainable) energy sources, absence of the rule of law, and the presence of a whole host of informal, and often illegitimate, “rules of the game” that govern economic activity in Kenya suggest that there are numerous incentives for entrepreneurs to engage in illegitimate (and unproductive or destructive) economic activity. However, there is clearly room for significant measures to promote legitimate entrepreneurial activity and support small businesses. The most obvious measures with potential to bring tangible and widely distributed benefits are improvements in infrastructure, specifically roads, and the availability of basic services such as electricity, storage facilities, and credit. To the extent possible, programs and projects to revive or expand entrepreneurial activity and the private sector need to be carried out through interventions that take account of local production factors and aim to promote products and services for which there is market demand. Support and representation for existing businesses are also important in raising the profile of productive entrepreneurs.

Predatory and extortionist nature of Kibera and other informal settlement have not been checked by either government or any other person. Culture of impunity rampant in the region explains why today gangs are manning and extorting money from private businesses. Absence of rule of law is a clear indication on why extortion and collection of protection money by the vigilantes happens in full view of government authority in Kibera’s District Officers’ office, Chiefs’ camp and outside Kibera law courts. What

other blindness can those charged with upholding rule of law exercise to end this vigilantes' glaring impunity!

In studies of entrepreneurialism in Kenya's reconstruction, we need to establish what is productive, in which sector, and with what level of potential to be receptive to interventions for rebuilding the private sector. One way to establish productive entrepreneurial activity is to identify self-organizing clusters of economic activity in urban and rural areas. Many of the existing clusters are generations-old socio-economic networks with proven resilience and adaptability to survive chronic conflict. A close examination of these clusters would reveal what "works" in an unpredictable and uncertain operating environment, and whether pre-existing forms of entrepreneurial activity could serve as a model or basis for policy intervention. A focus on economic clusters can manageably

Although concluding remarks are known to have a wrap-up function, I could not help but expose some of the aspects of my work which might need future elaboration. Kibera and the dynamics of its entrepreneurs of post election violence proved to be so rich innovation that they even made data gathering as an Income Generating Activity (IGA). Particularly intriguing were the organic networks for distribution of informal justice (vigilantism) and their violent repertoires. How do they challenge the state not only as a security provider, but as a legitimate entity in the public sphere? Can reliance on community-based parallel authority be sustainable or is it bound to result in excessive uses of violence, as demonstrated by vigilante operations thus far? A significantly smaller, but just as puzzling phenomenon was the forced mobilization of Kibera residents by their neighbours. Does "hustling" tell the whole recruitment story in the case of

entrepreneurs or are some members forcefully rapped in illicit activity? Were some of the protagonists in the 2007-2008 unrest committing to violence out of fear? Is Kibera really an enclave of traditional solidarity in the midst of the urban agglomeration of Nairobi? Beyond the territorial boundaries of Kibera, election related entrepreneurship based in the numerous 'hot sports' in the country can be inspiring for future research. A comparative study of common patterns of violence across the country extortion, evictions and burning of properties, for instance, is likely to produce more generalisable results and also help explicate the compelling case of perpetrator gangs

Tackling election violence trend continues to be a major challenge as it seems to be replacing ethnic based violence and shows tandems of developing to wide spread war economy. Nature of management of this form of conflict tends to bring forth role of institutions supporting views of liberalists that all problems can be solved through international institution. Kenya post election violence attracting International Criminal Court attention and intervention to bring to an end this culture of impunity seemingly becomes an exercise of moral affirmation. However dealing with dysfunctional structures including election bodies and judiciary making them operational while giving them teeth to bite might just be the way forward. Further research may also want to legitimacy of violence, mechanism of negotiation by way of admitting perpetrators to the negotiating table or focusing on what motivates them to violence. More strategic studies of election violence may focus on the gap of reconciling victims and perpetrators to reduce the tension and suspicion between the two parties.

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Key informants

Chief Mutai Sarangombe ward

Councilor Mohammed Gore Makina ward

Rose Anyango Chairlady Saragombe Peace committee

Ten landlords

Five post election landlords

Juma Abudullahi land lord

Roy Mohammed

Aziz Abdalla

Odeny Ngure

Anthony Mwaura

Ko Otieno

John Otieno

Monica Wanjiru

Nehemia Amocha

Fred Ngito

Nelly Wanjiru

Saraphna Anyanho

Oditi Tom

Kepha Ndicho

Phanis Kamau

Alice Maloba
Mary Wangui
Bernard Wandu
Kamiti peter
Sakina Mohammed
Japheth Oyuech
Emmanuel Ouma Odhiambo
Joyce Nyarenda
Nicholas Dola
Frank Otieno
Wanjiru Kiragu
wakasa Barasa
Pastor Okech
Five unidentified post-election landlords
Imam Maalim
Arafa juma
John Irungu
Kamau – Landlord

QUESTIONNAIRE

Dear respondent,

Thank you for accepting to answer these questions. I promise you strict confidentiality and that the information you provide shall be used for academic purpose only.

The researcher is currently a student of Masters of Arts in International Conflict Management at the Institute of Diplomacy and International Studies at The University of Nairobi a project on **Entrepreneurs' of Post Election Violence: Case study of Kibera.**

Demographic Information

Gender: Female Male

Age: 18-25 yrs 26-35 yrs 36-50 yrs Above 50 yrs

Marital Status: Single Married Separated Divorced Widow(er)

Occupation: Employed Self employed Not employed Student

Education: Minimal Primary Secondary College Others

Religion: Muslim Christian Hindu Others

Part A: Election Violence

1. Are you aware of any violence that has happened in Kibera in the recent past? Which one and when?

2. Can you classify the 2007 – 2008 violence in Kibera as Election Violence?

Yes

No

Proceed only if you have answered YES in this part

3. What is your understanding of election violence?

4. Did any of the following people contribute to the election violence? If YES(*tick box*), how did they contribute it? If NO, ignore and proceed.

Politicians

Youth groups/vigilante groups

Local leaders/government officials

Police

Women and children

Others

5. What actions were taken against the persons who contributed to the violence?

PART B Economic Effects of Post Election Violence

6. were you economically affected by the violence?

Yes

No

Please explain

7. Do you think there are people who economically benefited from the violence?

Yes (*answer below*)

No

If YES please explain who and how

8. Did you economically benefit from the violence

Yes (*Please explain below*)

No

PART C: Outcome of Post Election Violence

9. How has the 2007-2008 election violence continued to affect you economically?

10. Did you see post election violence as opportunity for employment or entrepreneurship for youth in Kibera?

Yes

No

If YES why?

11. Do you know of people who acquired businesses because of the election violence

Yes

No

If YES what type of business?

12. Why do you think so?

13. How did they acquire their businesses?

14. Has any action been taken against these people?

Yes

No

If YES what has been done?

PART C: Conclusion

15. What can be done to avoid/reduce illegal/political related entrepreneurship in future post election violence periods in Kibera?

