

**BENEFICIARIES OF POST-ELECTION VIOLENCE OF 2007 / 2008:  
A CASE OF KIBRA INFORMAL SETTLEMENTS, NAIROBI. KENYA**

**BY**

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**C50/73362/2012**

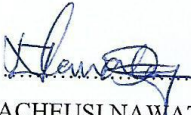
**A PROJECT PAPER SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENT FOR THE AWARD OF A MASTER OF ARTS DEGREE  
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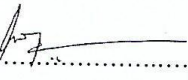
## DECLARATION

### DECLARATION

This is my original work and has not been submitted in any other University for the award of degree.

Signature:  ..... Date: 13<sup>th</sup> DEC 2023  
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This project has been submitted for examination with my approval as university supervisor.

Signature:  ..... Date: .....17-10-2023.....  
DR GEORGE GONA

## **DEDICATION**

All those the Scholars, Policy Makers and Peace/Conflict practitioners in Kenya.

All those working to enrich the peace and conflict discourse.

To my parents; Julius W. Macheusi (RIP) and Rose Nelima (RIP), I am forever grateful for the fire you lit inside me to keep seeking knowledge.

My daughters Audrey and Andrea, I had to finish this work for you.

## **ACKNOWLEDGEMENT**

To Dr. George Gona without whom I would have not completed this work, thank you! Always kept in touch with me, sharing ideas and discussions beyond my research topic. Kept my mind geared towards this work even when I felt I had had enough, his guidance, instruction and scholarly insights made this possible.

Blessings!

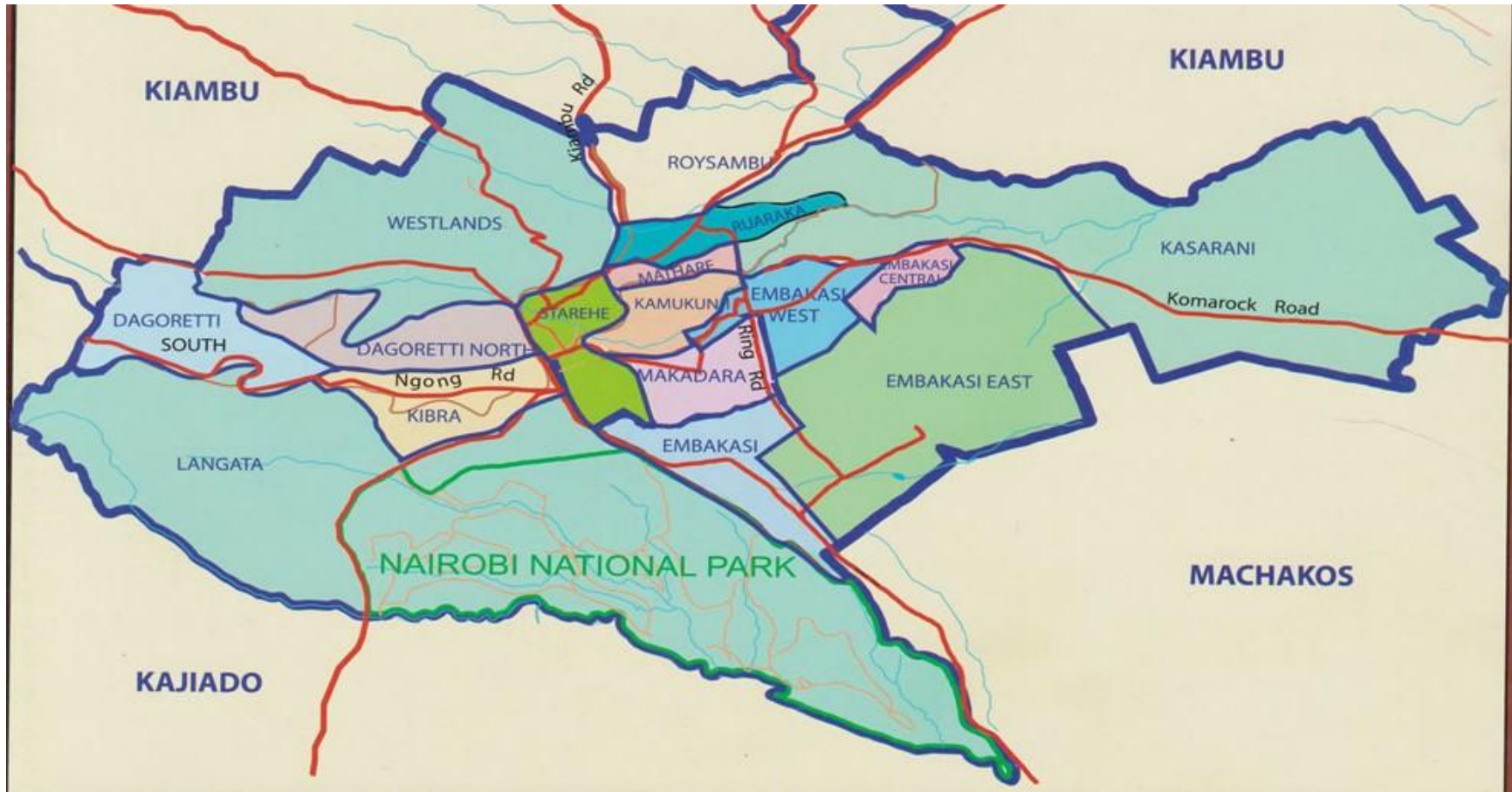
## **ABSTRACT**

This study examines the actors, activities, and motivations of those in Kibra informal settlement in Nairobi's during the post-election conflict in December 2007 and January 2008. It specifically looks at those who benefited from the violence and lawlessness. Taking a political economy approach and shifting away from an emphasis on the cost of violence the study unravels specific reasons for engaging in the violence; to loot and benefit from the chaos. Through in person interviews with locals who lived during the violence the study draws findings regarding both actual gains, such as higher sales for illicit businesses, and immaterial gains, such as enhanced control space for gangs of Kibra, including what the various participants to this fight received from the pillage. Beyond the Greed and Grievance argument, the study shows the beneficiaries alongside their specific roles, and shed light on the complexities of conflict

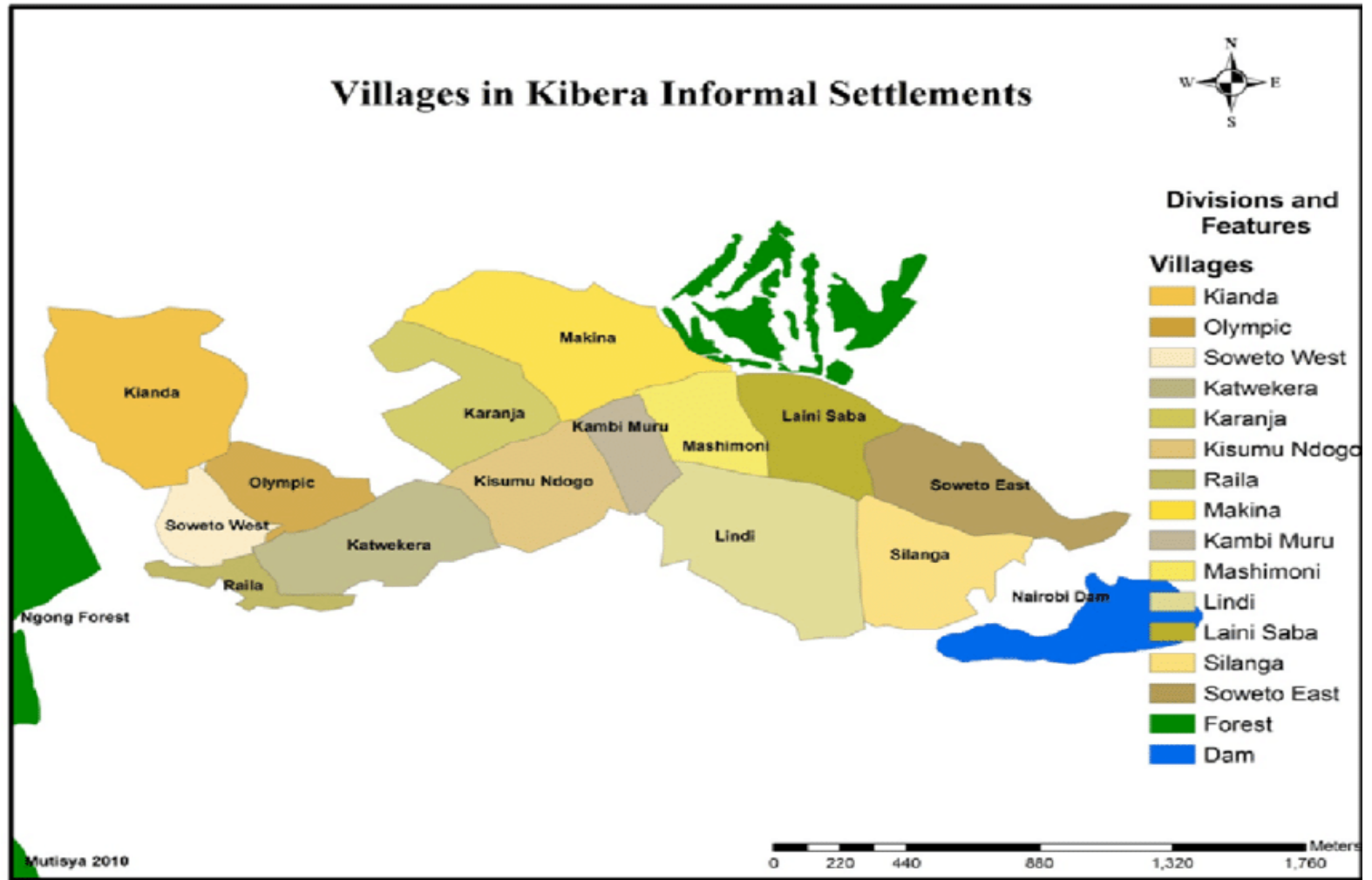
## LIST OF ABBREVIATIONS

|                     |   |
|---------------------|---|
| <b>IDPS</b> .....   | Internally Displaced Persons                    |
| <b>KANU</b> .....   | Kenya African National Union                    |
| <b>UN</b> .....     | United Nations                                  |
| <b>PEV</b> .....    | Post- Democratic Movement                       |
| <b>ODM</b> .....    | Orange Democratic Movement                      |
| <b>PNU</b> .....    | Party Of National Unity                         |
| <b>KNCHR</b> .....  | Kenya National Commission for Human Rights      |
| <b>NGOs</b> .....   | Non-governmental Organizations                  |
| <b>KAR</b> .....    | Kings African Rifles                            |
| <b>ISIS</b> .....   | Islamic State                                   |
| <b>CIPEV</b> .....  | Commission Investigating Post-Election Violence |
| <b>KNDR</b> .....   | Kenya National Dialogue and Reconciliation      |
| <b>UNHCR</b> .....  | United Nations High Commission for Refugees     |
| <b>UNICEF</b> ..... | United Nations                                  |
| <b>TJRC</b> .....   | Truth Justice and Reconciliation Commission     |

# MAP OF NAIROBI



# MAP OF KIBRA





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## CHAPTER ONE

### INTRODUCTION

#### Introduction

Our perceptions of violence are usually associated with its observable dimensions. Kenyans who survived the events of the 2007/2008 post-election violence, will for a long time to come remember (individually and/or collectively) what they witnessed. In urban areas, the memories of flames ravaging through residences and the familiar commercial premises, reducing them to ashes with evil relish, while hundreds of noisy half-clad unruly youths, welding sticks, bars, and chips of rock, toyed with destiny in the streets. There are also persistent memories of women with babies on their backs and panic painted all over their faces, fleeing to unspecified destinations. But when you go through some literature, you come across such statement as

An earlier statement issued on Saturday from the Prime Minister's secretariat was met with anger and fury from Kenyatta and Ruto who termed Odinga, a "principal beneficiary of the post-election chaos" that rocked Kenyan soon after the 2007 disputed presidential election.

Odinga believes Kenyatta and Ruto are the real beneficiaries of the post-election violence, contrary to the Sunday announcement by Ruto that it is Odinga who benefitted most." The real beneficiaries of post-election violence are only too evident. They include those currently in the process of returning property acquired in areas where post-election violence victims were known to have been dispossessed of their land. Now these beneficiaries are rushing to return the land, to evade the court processes. What greater admission of guilt could there be," the premier posed in an apparent reference to a move by Ruto to return land being claimed by an IDP in an ongoing court case.<sup>1</sup>

It is, therefore from the above text that one would want to interrogate the idea that there were gains made either directly or indirectly from the violence.

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<sup>1</sup><http://www.standardmedia.co.ke/?articleID=2000053910&pageNO=2>, Accessed June 7, 2013

## Background to the Study

Kenya conducted the fourth elections since the return to a multiparty system in December 1991. While the first two elections, in 1992 and 1997, had clearly fallen short of meeting the international standards for democratic elections, the 2002 elections were also the first where the Kenyan people voted out the ruling party- the Kenyan African National Union (KANU) - that had been in power since independence in 1963. The 2002 experience boosted the Kenyans' confidence and trust in democracy as a political system. For the international community, it indicated a consolidation of democracy in Kenya.

The elections of 27 December 2007 led to a largely unexpected political crisis and brought the country to the brink of civil war. The officially-declared victory of the presidential election by the incumbent president Mwai Kibaki was disputed by the opposition, civil society, domestic and international observers alike. The violence had erupted even before Kibaki was declared winner of the elections, but increased in scale after the announcement.<sup>2</sup>

It was in the Rift Valley around Eldoret that violence first erupted, seemingly taking the form of ethnic-based clashes between Odinga's supporters, especially from the Kalenjin ethnic group, and supporters of Kibaki, mostly from the Kikuyu ethnic group. According to some observers, certain local politicians incited the violence.<sup>3</sup>

Partly in response to the violence in and around Eldoret, Kikuyus formed so-called 'self-defense forces'. These militias along with a criminal organisation formed in the 1980s, the Mungiki, carried out organized and large-scale violence in other parts of the country, including Naivasha, Nakuru, and Nairobi slums.<sup>4</sup>

Before I proceed any further, I would like to explore the clash of two interpretations of political violence in recent writings. One focuses on the identity of perpetrators and pleads on behalf of victims. This interpretation centers on the morality of violent action. The other insists on PEV as a social protest, a discredited regime whose abuse of the ballot process explains the descent into chaos.

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<sup>2</sup>Ben Rawlence, Human Rights Watch: "Ballots to Bullets, Organized Political Violence and Kenya's Crisis of Governance" 2008 Volume 20, No. 1 (A)23, 35. *Why the number 24 at the beginning of the footnote*

<sup>3</sup>Kenya Human Rights Commission, *Violating the vote: a report of the 2007 general elections*, Nairobi, 15 September 2008

<sup>4</sup>Human Rights Watch, *Ballots to bullets*, 43-48.

The first interpretation has two voices. One, constituted mostly by Western journalistic reporting, speaks of tribal fights, while the other writes of ethnic cleansing. The *New York Times* reporter Jeffrey Gettleman, for instance, reported that violence seemed ‘to have tapped into an atavistic vein of tribal tension that always lay beneath the surface in Kenya but until now had not produced widespread mayhem.’<sup>5</sup> This is a crude account that eludes to the material basis of the violence in its search for a familiar ‘darker and bestial’ Africa. It misses out the fact that violence is not simply about ethnicity, but that it is the ways in which ethnicities relate to political and economic power that explain the nature and extent of political violence. As Oduor Ong’wen explains elsewhere, ‘Kenyans are not polarised because they belong to different ethnic groups. They are divided because they relate differently to the country’s natural and productive resources.’<sup>6</sup> The renowned Kenyan novelist Ngugi Wa Thiong’o articulated the ethnic cleansing aspect of the argument. In his intervention, which came hours after the burning of a church at Kiambaa in the Rift Valley which led to the deaths of 17 people, Ngugi lamented the deaths and placed the responsibility on the political opposition, citing politicians in the Rift Valley. He pointing out that ‘ethnic cleansing’ was taking place in Kenya.<sup>7</sup>

The social protest interpretation is common to those against this Gikuyu entitlement. They accept the view that PEV was due to election rigging, which invited popular rebellion against that unpopular and unjust abuse of the people’s sovereignty.<sup>8</sup> But in explaining the social protest, they minimize and at times ignore the horrible violence that took over and overshadowed the protest. Yet this violence was planned as a counter-strategy of taming the Gikuyu elite. This became an all-consuming struggle used to electrify election campaigns and mobilise constituencies. The campaigns became dangerous electoral contests in which hate speech and preferred policy statements almost became indistinguishable. The discourse around majimbo was emblematic of this contest, with communities in the Rift Valley interpreting the federalist agenda adopted by the Orange Democratic Movement (ODM) campaign to mean eliminating ‘non-native’ and therefore ‘non-belonging’ ethnicities from within their midst.<sup>9</sup>

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<sup>5</sup> Jeffrey Gettleman, ‘Disputed Vote Plunges Kenya into Bloodshed,’ *New York Times*, 31 December 2007.

<sup>6</sup>Oduor Ong’wen, ‘Class vs. Kinship in Kenya’s Eruption to Violence,’ in *Wajibu*, vol. 23, no. 1, 2008, p. 17.

<sup>7</sup>On Ngugi’s reaction, see Ngugi Laments Kenya Violence, <http://news.bbc.co.uk/2/hi/africa/7180946.stm> (accessed 10 January 2008). See CIPEV Report, pp. 120–1 on the killings

<sup>8</sup>See Peter Anyang’ Nyong’o, ‘Ocampo’s Hour of Reckoning is Here, We can’t Beat Any Retreat’ *Daily Nation*, 5 November 2009.

<sup>9</sup>David Anderson, ‘Majimboism: The Troubled History of an Idea,’ in Daniel Branch, Nic, *Our Turn to Eat: Politics in Kenya Since 1950*, Berlin: LIT Verlag, 2010;

Gikuyu settlers in the Rift Valley became targets. This began as a mild discourse aimed at fostering ‘a sense of Kalenjin we-ness.’ Like the Gikuyu elite, the Kalenjin also deployed well-known grievances framed in terms of ‘state persecution against the Kalenjin’ following the retirement of Moi and defeat of KANU.<sup>10</sup> Eventually, this became the basis upon which the exaggerated idea that the election was a contest of ‘forty one tribes against one’ developed.<sup>11</sup>

From this point on, the hateful discourse of eliminating foreigners in ‘our’ midst matured. In most cases, this referred to people of Gikuyu and Gusii ethnicities, the Gikuyu being reduced simply to the referent of madoadoa (spots) in the Rift Valley. There was mutual contempt within the political class, which killed the prospect of any elite consensus to mitigate the hateful discourse as voting day neared. Binyavanga Wainaina writes that ‘the most visible Gikuyus said nothing about the rising sense of a Gikuyu establishment’ as most opinion leaders took a decidedly partisan stand. Even Kenya’s new ‘cardinal took, exclusively, his tribe’s position in the political debates’ thereby eliminating himself from proffering wise counsel in the event of conflict.<sup>12</sup>

As violence between ethnic communities escalated in the weeks after the election, a long list of foreign dignitaries attempted to restore stability and resolve the political impasse between PNU and ODM. This list included Bishop Desmond Tutu; John Kufuor, President of Ghana and outgoing head of the African Union (AU); UN Secretary General Ban Ki-Moon; and US Secretary of State Condoleezza Rice; among others. Foreign heads of state and international donors put pressure on the two main political parties to bring an end to the violence.<sup>13</sup> Little progress was made, however, prior to the arrival of the negotiating team headed by former UN Secretary General Kofi Annan on January 23, 2008.

The opposition party believed that it had rightly won the presidential election. ODM’s position was that an interim government should be created for a period of six months. After which time the presidential election would be re-run. PNU was unwilling to consider a re-run of the election.<sup>14</sup>

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<sup>10</sup>Lynch, G. ‘Courting the Kalenjin: The Failure of Dynasticism and the Strength of the ODM Wave in the Kenya’s Rift Valley Province,’ in *African Affairs*, vol. 107, no. 429, 2008, pp.556–7.

<sup>11</sup>See Michael Chege, ‘Kenya: Back from the Brink’ in *Journal of Democracy*, vol. 19, no. 4, 2009, p. 132.

<sup>12</sup>Binyavanga Wainaina, ‘In Gikuyu, for Gikuyu, of Gikuyu,’ in *Granta* 103, Autumn 2008

<sup>13</sup>Kanyinga, K and Walker, 2013 ‘Building a Political Settlement: The International Approach to Kenya’s 2008 Post-Election Crisis.Stability: *International Journal of Security & Development*, 2(2): 34, pp. 1-21,

<sup>14</sup>Lindenmayer E, Lianna, J, “A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya,” New York: International Peace Institute, August. 2009.

For over five weeks, negotiations took place, and on February 28<sup>th</sup> 2008, a tentative agreement was reached, limited to the establishment of a coalition government that would include PNU and ODM as equal partners. The position of Prime Minister would be created and later Raila Odinga nominated to fill it up his side of the coalition.<sup>15</sup>

The agreement was entrenched in the constitution through adoption by Parliament of the National Accord and Reconciliation Bill, 2008. The Opposition party, which held the largest share of seats in the National Assembly, would be able to nominate Odinga to fill the position. Two Deputy Prime Ministers would be created, one to be from the opposition party and the other by PNU. When it came to appointing Cabinet ministers, the principle of “portfolio balance” would be followed, whereby the number of seats would be assigned in proportion to the parties’ strength in parliament.<sup>16</sup>

In order to guarantee the agreement ran to term and partners, especially ODM, had faith in the process, guarantees were made that it would only be possible to remove the Prime Minister through a vote of no confidence passed by a majority in parliament. Given that ODM held the largest share of Parliamentary seats, this provision meant that it would not be easy to remove the PM without his party’s consent while Cabinet Ministers would be removed from office only with concurrence from both parties. And the agreement would be entrenched in the constitution through a bill passed by Parliament.<sup>17</sup>

In addition to the creation of a power-sharing coalition, the parties agreed to address the root sources of conflict, the so-called “Agenda Four” items listed on the initial agenda for the negotiations process. These included constitutional reform, regional economic imbalances, land reform, and poverty, among others. In this spirit, the parties subsequently agreed to establish a set of investigatory committees charged with examining fraud during the election, the causes of the post-election violence, and the sources of long-standing grievances in Kenyan society.<sup>18</sup>

The first of the three committees to get underway, the Independent Review Committee, was charged with looking at electoral fraud during the election.

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<sup>15</sup>Ibid

<sup>16</sup>Ibid

<sup>17</sup>Ibid, p.12

<sup>18</sup> Ibid

The committee, headed by former South African judge Johann Kriegler, issued the so-called “Kriegler Report” in September 2008. The report ruled that it was not possible to conduct a recount of the ballots in order to determine the actual winner of the 2007 election. The main recommendations of the report related to the overhaul of the Electoral Commission of Kenya, and particularly the adoption of measures to strengthen the body’s independence.

The second investigatory committee, the Commission of Inquiry on Post-Election Violence, (CIPEV) was mandated to examine the sources of the post-election violence. The “Agenda for the Kenyan National Dialog and Reconciliation (KNDR).” committee, which was headed by High Court Justice Philip Waki, submitted its findings to Annan.<sup>19</sup> The report provided a detailed account of the postelection violence and included a list of alleged perpetrators of the violence, implicating several sitting Ministers and Members of Parliament. The Commission called on the Coalition government to establish a tribunal to bring the alleged perpetrators to trial.

Initial violence witnessed in the Rift Valley was spontaneous and was in part a reaction to the perceived rigging of elections. In areas like the Rift Valley and the Coast, it targeted members of the Kikuyu and Kisii communities perceived to be associated with the PNU and with President Kibaki who were seen as the beneficiaries of the “rigged” election, while in Nyanza and Western, the spontaneous violence was mostly directed towards government facilities and gradually took the form of looting and destruction, and while it also targeted Kikuyus and Kisiis, the intention appeared to be not to kill them but rather to expel them and destroy their property. Subsequently the pattern of violence showed planning and organization by politicians, businessmen and others who enlisted criminal gangs to execute the violence.

That was the case particularly in Rift Valley and Nairobi. In places like Naivasha, Nakuru and the slum areas of Nairobi, Kikuyu gangs were mobilized and used to unleash violence against Luos, Luhyas and Kalenjins and to expel them from their rented residences and, similarly, organized Kalenjin youth particularly in the North Rift attacked and drove out Kikuyus living there.<sup>20</sup>

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<sup>19</sup>Report, KNDR on October 17, 2008

<sup>20</sup>Waki Report-Summarised Version54 ‘Kriegler and Waki Reports on 2007 Elections’



A total of 3,561 people suffered injuries inflicted by or resulting from sharp pointed objects - 1229, blunt objects -604, Soft tissue injury - 360, Gunshot - 557, Arrow shots - 267, Burns -164, Assault - 196, etc. A total of 117,216 private properties (including residential houses, commercial premises, vehicles, farm produce) were destroyed, while 491 Government owned properties (offices, vehicles, health centres, schools, and trees) were destroyed. Gunshots accounted for 962 casualties out of whom 405 died. This represented 35.7% of the total deaths, making gunshot the single most frequent cause of deaths during post-election violence. It was followed by deaths caused through injuries sustained as a result of sharp pointed objects at 28.2%.<sup>21</sup> Approximately 350,000 persons were displaced from their normal abodes of residence and or business. IDPs were concentrated in Western, Nyanza, Rift Valley, Central, Nairobi and Coast Province. About 1,916 Kenyans sought refuge in Uganda. People were displaced as a result of violence and threats of violence.<sup>22</sup>

Sadly, violence has been a part of Kenya's electoral processes since the restoration of multi-party politics in 1991. However, the violence that shook Kenya after the 2007 general elections was unprecedented. It was by far the deadliest and the most destructive violence ever experienced in Kenya. Also, unlike previous cycles of election related violence, much of it followed, rather than preceded elections. The 2007-2008 post-election violence was also more widespread than in the past. It affected all but 2 provinces and was felt in both urban and rural parts of the country. Previously violence around election periods concentrated in a smaller number of districts mainly in Rift Valley, Western, and Coast Provinces. Sadly, violence has been a part of Kenya's electoral processes since the restoration of multi-party politics in 1991. However, the violence that shook

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<sup>21</sup> Ibid, P53

<sup>22</sup> Ibid, P57

<sup>23</sup> Commission of Inquiry into The Post-Election Violence.

According to the Kenya National Commission for Human Rights, it is estimated that about 1,300 lives were lost. While another 350,000 were displaced and multiple opportunistic rape cases were reported.<sup>24</sup> The immediate crisis only came to an end after former UN Secretary General Kofi Annan succeeded in brokering a power-sharing deal between Kibaki and Odinga on 28 February 2008.

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<sup>24</sup> Kenya National Commission for Human Rights, "On the Brink of Precipice," KNHCR, Nairobi, 2008, pp. 7-8.

## **Kibra Area**

Kibra, a densely populated informal settlement, in Kenya's capital, Nairobi, is unchallenged in its centrality in the city's volatile electoral politics. Much more than ever before in its recent history, the 2007/08 PEV put the informal settlement on the morass of political violence. The subsequent throes of death, suffering and the destruction not only had interesting diverse dimensions but also dialects, which enabled certain social aggregates to 'benefit' while others suffered. This sad reality therefore is the subject of this study.

Kibra, meaning "forest" in Kinubi, is located Five Kilometres South West of the city, the settlement encompassed an area of 2.5 square Kilometres which accounted for less than 1% of Nairobi's total area, while holding more than 25% of the city's population, at a population density of 2000 persons per hectare.<sup>25</sup> Although reliable population data and statistics for the Kibra slum are sparse and always conflicting, Mike Davis, a well-known researcher on urban slums, placed Kibra population to about 800,000 people depending on the season.<sup>26</sup> From the 2009 Kenyan population and housing and housing census report, the figure was put at 355, 188 people covering an area of 223.2 square kilometres.<sup>27</sup> Out of this figure, 185,836 were males while 169,352, were females.<sup>28</sup>

Kibra is administratively located within the former Lang'ata District constituting of four divisions namely; Kibra, Laini Saba, Nairobi West and Karengeta. The slum is spread in two of the divisions: Kibra and Laini Saba. The two divisions are further sub-divided into four administrative locations namely: Kibra, Sarang'ombe, Laini Saba and Lindi with each administered by chief. The slum is further broken into thirteen villages namely; Kianda, Soweto, Gatwekera, Kisumu Ndogo, Raila, Kichinjio, Lindi, Laini Saba, Silanga/Undugu, Mamo Okinda, Makina, Mashimoni and other smaller villages.<sup>29</sup>

Kibra informal settlement has a long story which goes over 100 years ago when the retired Sudanese (Nubians) soldiers returning after serving the British colonial masters to suppress rebellions against the British rule in Somalia and later against the Germans in the present-day -

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<sup>25</sup>Stella L, "The Geography of Third World Cities," Totowa, N.J; Barnes Noble Books, 1986 P. 14.

<sup>26</sup>Irin News, Kenya; 'Kibera Forgotten City' <http://irinnews.org/Report=62409>. Accessed on 11/06/2011

<sup>27</sup>Kenya National Bureau of Statistics, '2009 Kenya Population and Housing Census', Vol. 1A: 'Population Distribution by Administrative Units,' Nairobi: KNBS, 2010 P. 34.

<sup>28</sup>Ibid, P 34.

<sup>29</sup> Ibid, P39

Tanzania were settled in the forests in the outskirts of Nairobi by the colonial government in return for their efforts. A “Location Survey of Buildings and Shambas at Kibera” prepared by the District Surveyor in 1934 indicates that Kibera was divided into 397 plots, each of which was individually allocated to named Kenyan Nubians, together with an indication of the acreage allocated. At the centre of the map there is also a clear indication of the location of a cemetery<sup>30</sup>

The British colonial government of the time allowed the settlements to grow informally, primarily because the “Nubian” status as former servants of the British Crown; put the colonial regime in their debt. Furthermore, the Nubians being “Detribalised Natives” had no claim on land in “Native Reserves.”

Relocated by force by the British colonial administration from the Nuba Mountains in Sudan, Nubians first arrived in Kenya in the late 19th Century. Today, despite having lived in Kenya for generations, they are still viewed as foreigners. At independence in 1963, few obtained Kenyan nationality and a struggle against statelessness and discrimination has continued ever since. In 2010, at least 13 percent of Nubian adults were still stateless, and most have at some point had their nationality questioned or been discriminated against in access to nationality.<sup>31</sup>

In 1904, the King’s African Rifles (KAR) was established and its officials set up an Army Barracks a few kilometres south-west of the city along Ngong Road.<sup>32</sup>

The military was also allocated a large forested area next to the barracks, which the Sudanese soldiers called “Kibera” or forest. The location was purposely chosen so that soldiers would be available to the central government and could reach the city centre on short notice to repulse any sort of insurgency.<sup>33</sup> As the soldiers grew older and were unable to continue with their military services, they began to set up more permanent residences on the land. In 1912, the KAR permitted nearly 300 Sudanese soldiers to settle in the area rent free as an “Official Pension” for 12 years of military services.<sup>34</sup>

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<sup>30</sup>Location Survey of Buildings and Shambas at Kibera, District Surveyor, 31 October, 1934.

<sup>31</sup><https://www.justiceinitiative.org/uploads/54a364bb-1e8d-493d-91bf-96809a5e9ccb/kenyan-nubians-factsheet-20110412.pdf>

<sup>32</sup>Johan de Smedt, ‘No Raila No Peace; Big Man Politics and Election Violence at Kibera Grassroots,’ in *African Affairs*, 108/433.USA,Oxford University Press,2009 PP.581-598.

<sup>33</sup> Ibid

<sup>34</sup> Timothy, Persons,“Kibera is Our Blood; The Sudanese Military Legacy in Nairobi’s Kibera Location.”

Several unsuccessful attempts were made by the Nubians requesting to be returned to Sudan. In 1931 the colonial government turned down such a request on the ground that the proposal would not be acceptable to the Sudanese government, even though Sudan remained under British colonial control.<sup>35</sup> The Nubians, who by then retained no ties with Sudan and had no claim to land in that country, could not return independently to Sudan and were therefore left with no choice but to remain in Kibra. Further requests were rebuffed in 1939 and in 1950.<sup>36</sup>

Over time, other ethnicities moved in to rent land and houses (Structures) from the Nubian landlords. Kibra quickly became a thorn in the side of government officials as they got weary of increasing crime and declining living conditions on the land they “deemed too valuable and too near European settlements to be left to Africans.”<sup>37</sup>

After the 1919 attempt to relocate Kibra residents which deemed too expensive to be implemented, the KAR ordered for the withdrawal of original residency passes, announced that no more permits would be given, and transferred the authority of Kibra to civil administration.<sup>38</sup> During the remaining years of colonial control in Kenya, the colonial government repeatedly tried, with little success, to either re-organise Kibra or entirely demolish it. From independence to the mid-1970s, the government of Kenya also tried to eliminate slums throughout Nairobi by demolishing some and withholding basic municipal services from others. Yet Nairobi’s informal settlements exploded following independence, as rural Kenyan felt more incentive to move into the city, and Kibra’s numbers increased by thousands.<sup>39</sup>

While conditions of Nairobi’s informal settlements were less than ideal, a 1971 survey of Kibra’s residents found that residents had more pressing concerns that included acquiring better housing, the need to pay school fees and contributing money to extended family members.<sup>40</sup> As the housing sector got commercialised in Kibra, conflicts between the government and residents became less important than the growing tensions between the tenants and landlords.<sup>41</sup>

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<sup>35</sup>Korir A. Singo’ei, et al, Covert Racism. “The Kibera clashes: An Audit of Political Manipulation of Citizenship in Kenya And 100 years of Nubians’ Landlessness” 2002, p. 18

<sup>36</sup>Ibid

<sup>37</sup>Ibid

<sup>38</sup>Ibid

<sup>39</sup>Patrick Amis, ‘Squatters or Tenants? : The Commercialization of Informal Houses in Nairobi’ *World Development*, 12 (1), 1984 PP 87-96.

<sup>40</sup>Ibid

<sup>41</sup>Ibid

Tenants became less concerned with the possibility of demolitions and more with evictions and failure to pay rent.<sup>42</sup> Housing conditions continued to deteriorate as tenants blamed landlords for failing to maintain proper housing and services, while landlords blamed tenants for poor maintenance of their rented properties.<sup>43</sup> While most housing disputes in Kibra were resolved by the local Chief or the courts, Kibra continued to experience hostilities between tenants and landlords and matters got to head in 2001 when Raila Odinga ordered tenants to only honour 50% of their rent obligations due to inadequate housing conditions.<sup>44</sup> This announcement triggered violent confrontations between the Luo tenants and Nubian landlords resulting in at least 25 deaths.<sup>45</sup>

Following the re-introduction of multi-party politics in Kenya in 1991, the political landscape entirely changed in the country. Cases of violent conflicts became a common phenomenon in some parts of the country and informal settlements such as Mathare, Korogocho and Kibra were not spared this development in the country. Conflict was witnessed around electioneering periods, which led to losses of human life and property through looting, burning, and deliberate destruction were common during conflicts in the informal settlement.<sup>46</sup> Since then Kibra remained the epicentre of violent conflicts which had serious impacts to the residents.

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

Across the country violence broke out upon the announcement and quick swearing in of Kibaki as president. An ethnic dimension to the conflict that had been shaped by the highly polarized political campaigns and how different ethnic groups were perceived to have voted, took shape. Eventually, friends turned foes, identified by their tribal affiliations. Past scholarship such as the works of O'Sullivan his work "Household Entitlements During Wartime" has largely focussed on broad aspects of cost of these conflicts and hardly have they looked into benefits of conflicts. This focus has led into a one-sided story about conflicts. This study is thus an attempt to understand both

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<sup>42</sup>Hendry, D.H. "Dynamic Econometrics" Oxford: Oxford University Press. 1995

<sup>43</sup>J.Kunguru, and M.Mwiraria, 'NGO Support for Informal Settlements; A case of Kibera-Nairobi' UNDP-World Bank Regional Water and Sanitation Group-Eastern and Southern Africa, PP.47-58, 1991

<sup>44</sup>Bodewes Christine, Parish Transformation in Urban Slums: Voice of Kibera, Kenya, Pauline Publications, Africa. 2008 PP 41

<sup>45</sup>Ibid.

<sup>46</sup>Ibid

direct and indirect gains made from the time the post-election violence broke out to the time when the peace accord started to be implemented. It endeavours to bring out the views and general mind-sets of those that are seen to have benefitted in the conflict 2007/8 PEV.

### **Objectives**

1. To investigate the modes and targets of motives for the looting that happened during the violence.
2. To examine the beneficiaries of the Post-Election Violence.

### **Justification of the study**

Generally, substantial effort has been put in highlighting the costs of armed conflicts and a good deal of academic research invested therein. In Kibra for example “There were 3000 traders here, and 3000 others depending on the market for their livelihood. If you count their families and the customers, 200,000 people were dependent on this place, ” explained the chairman of the association of traders at the market, Ezechiel Rema<sup>47</sup>Millions of shillings worth of food and clothes went up in smoke on the first Sunday when the results were announced after rioters fired the stalls belonging to members of the Kikuyu ethnic community, to which President M. Kibaki belongs.<sup>48</sup>

On the other hand, limited focus has been put on economic benefits and gains out of war across the world and even less so in Kibra. This study therefore will examine whether post-election violence provided an opportunity for some individuals to benefit amid political unrest.

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<sup>47</sup>*Daily Nation*, 3 January 2008

<sup>48</sup><https://journals.openedition.org/eastafrica/727> (Last accessed 7/1/14)

In the case of Kibra, no systematic study known to me has been done about the beneficiaries of the violence in this slum. Therefore, by understanding the Kibra slum and the dynamics around her conflicts would be a critical step, contributing towards finding the possible beneficiaries of violence both in the slum and elsewhere. Reforms in governance and in the running of national affairs were inevitable. But PEV drew them closer and faster. Commissions to oversee implementation of various pieces of the reform processes comprised of people from both sides of the political divide. Rewarding loyalists may have been a key factor in the selection process because such assignments attracted some sort of remuneration hence benefits. However, the process seemingly flawed and leaning towards cronyism does not necessarily disqualify the gains made courtesy of the PEV 2007/8. In my own view therefore, this kind of structural and institutional restructuring too is a benefit out of conflict to the masses.

Through the greed and grievance paradigm, the study will also examine closely how greed influenced the lawlessness in Kibra after the declaration of the presidential the vote. Therefore, providing peace and conflict practitioners with insight into the complexities surrounding resettlement, cohesion, reconciliation and justice around Kibra and which could be duplicated elsewhere after appreciating benefits that are tied to conflict and lawlessness.

### **Scope and Limitations**

Kibra urban slum was chosen purposely as it was the largest slum in Kenya with almost all the 42 ethnic communities in Kenya living there. The slum located near the city centre of Nairobi, witnessed a number of pronounced violent conflicts around electioneering periods since 1991 unlike other urban slums like Mathare, Korogocho, and Kariobangi among others.

This study focuses on Kibra as it is identified by most authors as the ‘epicentre’ of violence in Nairobi County. It is also from Kibra that most of those that engaged in looting in the city originated as well as the infamous uprooting of a major section of the railway line.

Some neighbouring estates like Ayany were even referred to as “Dubai” because of the quality of items the looters could acquire from there. Ayany too was heavily inhabited by the members of the kikuyu community who were the target of violence looting and eviction. Involved herein is a



great risk of being mistaken for a spy because those that are deemed to be beneficiaries may fear to be exposed. It is therefore, hard to identify beneficiaries, the value of the property they acquired as well as taking the words of the complainants to mean they are the true owners of whatever they claim.

The researcher will seek to find out how the internally displaced persons felt with regard to their resettlement in other areas while other people illegally acquired and still occupied their premises and other personal possessions. Critical also, is the issue of whether those illegal occupants/ owners are willing to let go of these possessions and the intricacies surrounding possible surrender and return to the rightful owners.

Furthermore, the resources to facilitate movement into the risky Kibra neighbourhood are limited in terms of mobility and security. There are also some spots where law enforcement officers themselves find extremely dangerous.

### **Literature review**

The High Court ordered Deputy President William Ruto to surrender a 100-acre farm in the lush Rift Valley and pay compensation to a farmer who had accused the politician of grabbing the land during election violence five years ago.<sup>49</sup> Going by the court ruling in this particular case, then there is a possibility that there are unresolved cases out there where people benefitted during the violence that engulfed some parts of the country especially in the informal settlements.

Besides the fact that over 20 cabinet positions were created after the signing of the National Accord in February 2008 and salaries that come with these offices, there is not much literature on them in the public domain documenting the gains that are made in conflict, a handful of writers have had their input in this discourse.

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<sup>49</sup><https://www.standardmedia.co.ke/?articleD=20000087019> (Last accessed 7/1/14)

Berdal and Keen, urge that contrary to ‘revolutionary’ models of conflicts in the 1950s through the 1980s, violence in contemporary conflicts ‘cannot easily be explained as “political”. Rather, it appears to have more local and immediate aims and functions very often economic.<sup>50</sup>This does not sanction the dismissal of political factors but highlights the need to understand and examine both factors as intertwined. The writers for example examine a case of Sierra Leone and argue that: “The continuation of conflict cannot be understood solely by reference to the political objectives and declaratory policies of the conflicting parties. Those who plan to intervene and assist in war termination efforts must also understand the way these objectives interact with, and are distorted by, the economic agendas and may threaten a lasting peace. When war has been previously privatized to groups sustaining themselves through economic activities, or has granted to armed forces political privileges, demobilization is likely to be resisted, either institutionally at an elite level or through a shift to banditry at a ‘grass-roots ‘level.”

Kibra is a well-documented political hot-bed in the Kenyan political scene and its overwhelming political support for certain political figures was clearly evident throughout the campaigns to the extent that any opposing camp would not set foot in Kibra to sell their political agenda to the residents. Berdal and Keen allude to the economic functions of conflict beyond the “revolutionary” models of conflict.

Despite the overwhelming support for their most preferred candidate, political party or ideology, the violence may have not solely been in protest for the supposed loss and therefore aimed at capturing power through a revolution, the violence appears to have had an economic aspect to it. It therefore, may have been an opportunity to create wealth for those that perceived lawlessness as an opportunity for enrichment.

According to Collier, the discussion of civil conflict is dominated by the narrative of grievances. Hence, policy towards conflict tends to be focused upon, on the one hand, assuaging perceived

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<sup>50</sup> M. Berdal and D. “Violence and Economic Agendas in Civil Wars: Some Policy Implications” *Journal of International Studies* 26(3), Millennium, London, pp. 759-818.

grievances, and on the other, attempting to reconcile populations with deep-rooted hatreds. The evidence on the causes of conflict does not really support this interpretation.

The objective factors which might contribute to grievances, such as income and asset inequality, ethnic and religious divisions, and political repression do not seem to increase the risks of conflict. Indeed, to the extent that they have any effect, it is to make societies safer. This does not hold that parties to conflict do not hold grievances and historical hatreds, and it is indeed sensible to try and reduce them. However, the evidence about the causes of conflict points to economic factors as the main drivers of conflict.

The combination of large exports of primary commodities, low education, a high proportion of young men and economic decline added together drastically increases risks. Greed seems more important than grievances. Although societies as a whole suffer economically from civil war, some small unidentifiable groups do quite well out of it. They thus have an interest in the initiation, perpetuation, and renewal of conflict. Naturally, these interests tend to remain low profile.<sup>51</sup>

In his work, Duffield briefly examines how “warlordism” is one such political dynamic in which local strongmen are able to control an area and establish commercial activities, often at an international level, while keeping weak central authorities at bay. The increasing privatization of protection, through paramilitary units, mafias or security corporations is another.<sup>52</sup>

Several vigilante groups have been known to operate in Kibra, offering “protection services” to business operators within the slum at a fee. The gangs exerted their authority over their own communities zoned out in differently within the slum. During PEV, these gangs escalated their extortion with total disregard to the rule of law for more gains and resorted to acquisition of property by forceful eviction and destruction.

According to Olang and Okoth, Studies show that there are 12 well-organized militia groups operating within the Nairobi slums... Among them are Siafu, Twelve Disciples and Yes We Can all based in Kibra slum”<sup>53</sup> Members of these gangs are mostly illiterate, unemployed and poor young men, who are mobilized to attack their sponsors’ rivals, intimidate members of the public,

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<sup>51</sup>Collier, P. “Doing Well out of War” Berdal and D. Malone (eds.), “Greed and Grievance: Economic Agendas in Civil Wars” Lynne Rienner, Boulder and London, 2000.

<sup>52</sup>Duffield, “Post-Modern Conflict: Warlords, Post-Adjustment States and Private Protection” *Civil Wars* 1(1): 1998, pp. 66-102

<sup>53</sup>Olang Sana and Okoth Okombo, “Taking Stock of social-economic challenges in the Nairobi Slums” FES, Nairobi, 2012, p.17

loot, and cause disorder, rig elections, and protect their patrons from similar attacks. This protection is also extended to their own communities from whom they demand allegiance despite extorting money from them.<sup>54</sup>

In north-eastern Afghanistan, Goodhand examines the recent growth in the opium economy. The emergence of the opium economy there is symptomatic of new and expanding trans-border trade, associated with the restructuring of the global political economy.

Since the beginning of the war in 1979, a war economy has developed. Most of the trade is now directed outward, from the provinces to neighbouring countries rather than towards the capital, Kabul. This has fed into a process of national fragmentation- at least until the Taliban movement reunified most of the country- with taxation of exports providing the main resource for warlords. Financial gains are not the only reason behind poppy cultivation compared to traditional livestock rearing and wheat cultivation. Markets for livestock have disappeared; pastures have become degraded and are under yet more pressure.

Such economic transformation has had important consequences for local communities. Wealth disparities have increased, and its distribution has changed. Young men are engaged in cultivation of poppy and the peace would disrupt the opium economy and is not in the best interest of the warlords and their followers.<sup>55</sup> Closer home in Kibra, the gangs offer protection to the marijuana dealers and illicit brewers. In the times of peace, the gangs head cartels that on a closer observation involve some corrupt local administrative personnel and law enforcers.

Unlike the opium trade in Afghanistan as displayed in the works of Goodhand above, where the target market is without Kabul, the illicit brew in Kibra is produced mostly for the market within Kibra and the number of poor unemployed youth here serve as the hinterland for the cheap locally produced liquor.

According to Kaldor, the new war has political goals. The aim is political mobilization based on identity. The military strategy for achieving this is population displacement and destabilization to get rid of those who identity is different and to foment hatred and fear.

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<sup>54</sup>Aniekwe, C., and Kushie, J. "Electoral Violence Situational Analysis: Identifying Hot Spots in the 2011 General Elections in Nigeria" Abuja: 2011, p62

<sup>55</sup>Goodhand, J. "From Holy War to Opium War: A Case study of the Opium Economy in North Eastern Afghanistan" 1999

Nevertheless, this divisive and exclusive form of politics cannot be detangled from its economic basis. The various political/military factions plunder the assets of ordinary people as well as the remnants of the state and cream off external assistance destined for the victims, in a way that is only possible in condition of war or near-war.<sup>56</sup>

Kaldor and the other writers do not pay attention to the destination of the loot and proceeds from the illicit trade during violence. During population displacement and destabilization during conflict, property is left exposed to criminal elements which upon looting, satisfy certain needs and fills in a void in the individual's life, hence a benefit that this study seeks to explore. Unlike inter-state conflict that requires massive deployment of resources to facilitate the conflict, looting in ethnic-based violence is predominantly for domestic sustainability. The "returns" are not significant enough to cause any major financial gains in the perpetrator's livelihoods as compared to the politicians that may benefit from government appointments which attract salaries, allowances, and other trappings of power.

In Mwanasali's work, the definition of a crime in civil war is interrogated. From this question the author argues that informal economic activities taking place during conflicts should not be equated to illegal or criminal acts. Instead, an analysis of informal economic activities should seek to understand the reasons why people choose to produce and exchange outside of the state-controlled economy.<sup>57</sup>

It is also in this perspective that this study seeks to investigate the unregulated trade practices that may have escalated during the period of lawlessness within Kibra and to identify any specific gains made by the perpetrators. In the context of civil war, these informal activities may be facilitated or impeded as informal producers and traders entertain complex relations with warring factions. Siding with rebels might provide a chance to preserve one's livelihood, while corrupting government troops might represent another.<sup>58</sup>

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<sup>56</sup>Kaldor, M. "New and Old wars: Organized violence in a Global Era" *Polity*. Cambridge. Polity press. Cambridge. 1999.

<sup>57</sup>Mwanasali, M 'The view from below' In M. Berdal and D Malone (eds) 'Greed and Grievance: Economic Agendas in civil Wars' Lynne Rienner, Boulder and London, 1999.

<sup>58</sup>Jean-Christophe Rufin and Francois Jean(eds) "Economic des guerres civiles" Paris Hachette, 1996.

Successful rebellion or insurrection typically is seen as a function of the resources or time devoted toward appropriative activities.<sup>59</sup> But it is also important to understand why rebellion occurs in the first place. Collier and Hoeffler discuss how political scientists usually attribute group “grievances” (along political, social, economic, or ethnic lines for instance) as the cause of most rebellions<sup>60</sup> whereas the economics literature usually points to economic incentives (i.e., ‘greed’) and opportunities for appropriating wealth as the proximate cause. In testing the relative impacts of empirical proxies for ‘greed’ and ‘grievance’ on the risk of an outbreak of civil war, conclude that the ‘greed’ hypothesis is more strongly associated with the occurrence of civil war than indicators of grievance.

These empirical findings may explain why individuals with relatively low incomes choose to engage in conflict, as income opportunities in the marketplace may be few and far between relative to those in the ‘conflict sector.’ As an example of this way of thinking, Miguel, Satyanath, and Sergenti, cite the description of a Liberian warlord; “Essentially, (Sekou Conneh, a rebel leader of the group; Liberians United for Reconciliation and Democracy. ‘LURD’) is a businessman, not a soldier or a politician.

Occasionally he seems to remember that he should say something politically relevant and will make a short impromptu speech about the struggle for democracy and the freedom of the Liberian people.”<sup>61</sup>

Nafziger, Stewart and Vayrynen argue that, while political ambitions explain mobilization and conflict, often creating and making use of ethnic politics, these developments occur in the context of certain economic factors. Two economic features particularly predispose states to this type of politics: economic failure and economic inequalities, the latter coinciding with perceived group inequalities (of ethnicity, clan, class or religion. For example, we find that, in the former Yugoslavia, prolonged economic failure combined with regional inequalities. What informed the stealing and looting in Kibra and how was the loot used?

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<sup>59</sup>Grossman, H. I. ‘A general equilibrium model of insurrections’, *The American Economic Review*, 81 (4), 912-921. 1991

<sup>60</sup>Collier, P. and A. Hoeffler, ‘Greed and Grievance in Civil War.’ *Oxford Economic Papers*, 56 (4), 563-595. 2004

<sup>61</sup>Brabazon, J. (2003), ‘Taylor’s Nemesis’, *BBC Focus on Africa* (October–December), 10–13.

In Cambodia, Haiti or El Salvador, discrimination along class lines and in the case of Rwanda and Burundi, Mass impoverishment, went along with long-standing economic and social discrimination along ethnic lines.<sup>62</sup>

Ethnic divisions are not the cause of modern conflict, as popularly supposed. Instead ethnicity (or other cultural differences) was created or enhanced by politicians in crisis situations as a tool for further mobilization behind them.

It was interesting for this study to understand how Kibra too was or is subjected to structural violation by the ruling class, who from independence have predominantly been a preserve of the communities from the central part of Kenya. Having found themselves politically on the opposing side of the government, these structural forces often create a system of winners and losers in which people become trapped in a particular social situation. Structural violence often results, in the form of power inequity, poverty and the denial of basic human rights.<sup>63</sup>

According to O' Sullivan conventional ways of viewing conflict as destructive and irrational have constrained the thinking of policy –makers about the possibility of constructive intervention and development strategies during wartime.<sup>64</sup> It is therefore in the effort to contribute to the knowledge in this discourse that the researcher sets out benefits that are gotten out of conflict in the Kibra area.

Keen demonstrates the importance of understanding the economics underpinning violence in civil wars while not dismissing psychological, social and political factors driving violent conflict, the author argues that short term economic benefits have become paramount in the dynamics of contemporary conflicts. Current conflicts have been often depicted as irrational, ethnically driven and uniformly disastrous. The author seeks to move beyond this by examining the nationality of and comes to conclude that 'the war has increasingly become the continuation of the economics by other means' rather than politics.

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<sup>62</sup>Nafziger, E. Stewart and Vayrynen, R (eds) "Weak states and vulnerable economies: Humanitarian Emergencies in Developing Countries"Oxford University press, Oxford 2000.

<sup>63</sup>E. Franklin Dukes, "Structural forces in conflict Resolution in Democratic Society" *In Conflict Resolution: Dynamics, and Structure*, ed. Ho-WoJeong: Ashgate Publishing, Vermont. 1999, p.157.

<sup>64</sup>O'sullivan, M "Household Entitlements Wartime: The Experience of Sri Lank" *Oxford Development Studies* 25(1),Oxford University Press, 1997 pp. 95-121.

Supporting the argument that ‘ethnicity, and the importance attached to it, is shaped by conflict rather than simply shaping it’, this research points to the differential impact of violence on winners and losers.

Using Cambodia, Mozambique, Sudan, and Sierra Leone as examples he concludes that the economic rewards may include control over local resources. They may also extend to exploitation of civilian groups through looting, forced labour and protection money. These exploitative economies of war sustain a conflict by rewarding belligerents. With regards to security, it might be more secure for individuals to belong to an armed group and perpetuate violence rather than to remain victims and on the receiving end.

From this perspective, violence can be mobilized ‘from the top ‘by political leaders or entrepreneurs enrolling recruits as well as from the bottom by civilians and low-ranking soldiers.’ ‘Top-down’ violence can provide access to political privileges, ‘while bottom up’ violence can secure the means of daily survival or serve psychological functions.

Ending violent conflicts thus requires an understanding and a modification of the structures of incentives that make violence a solution rather than a problem.<sup>65</sup> He further notes that most reforms, including political through a peace process are likely to be resisted by those in power who stand to lose out from the transition.

A situation well captured by reporter Fergal Keane on the BBC News Website as follows: “But one thing did strike me as scarily familiar. This is a conflict in which the poor are set at one another’s throat”.<sup>66</sup> Indeed, one may talk of benefits of the conflict in Kibra but an interrogation of what Keane regards as self-destruction of the poor is part of the engagement in this project.

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<sup>65</sup>David Keen, “The Economic Functions of Violence in Civil Wars” *Adelphi Paper*, Oxford University Press. 1998

<sup>66</sup><http://news.bbc.co.uk/2/hi/africa/7205762.stm>



## **i. Theoretical Framework**

This study was informed by the political economy approach that focuses on how an armed conflict redistributes wealth, income, power and destitution in a given historical and institutional context. Political economy is a branch of social science that studies the relationships between individuals and society and between markets and the state, using a diverse set of tools and methods drawn largely from Economics, Political Science and Sociology. The term Political Economy is derived from the Greek word polis, meaning “city” or “state”, and *oikonomos*, meaning, “one who manages a household or state”. Political Economy thus can be understood as the study of how-the public’s household-is managed or governed, considering both political and economic factors.<sup>67</sup>

The first comprises of activities that directly contribute to financing the war effort, like diamond or timber extraction and trading in the Mano River region of West Africa in the 1990s. These activities can be a root cause of conflict, or become the main reason for its perpetuation. The second category consists of illegal activities made possible by the climate of impunity and lawlessness that civil war helps to create (e.g. poppy and cocoa cultivation in Afghanistan and Colombia; looting of cultural treasures in Cambodia).

Globalization fosters a third category of war-economy activities, which includes trans-border exchanges through global trade and financial networks involved in arms, gems, drugs and other illicit activities. And the fourth category consists of survival activities and coping strategies carried out by the people caught up in armed conflict. This includes not only vulnerable people engaged in subsistence farming, for alluvial diamonds in Angola, the Democratic Republic of Congo (DRC) and Sierra Leone.

Addressing the second and third questions regarding winners and losers requires looking at the costs and benefits of civil war. Costs are generally much higher and more widely distributed than benefits, and most of the population loses out of war. Indirect costs resulting from the erosion or absence of essential public services are often more severe than the direct costs associated with the destruction caused by armed violence itself.

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<sup>67</sup> David N. Balaam and Michael Veseth, “Introduction to International Political Economy” University of Puget Sound, Upper Saddle River, N.J Prentice Hall 1996.

But there are also ‘winners’ who benefit from looting, racketeering, diverting aid resources and by getting a form of salary by joining the regular security forces, the insurgents or private security firms.<sup>68</sup>

Within and around Kibra, there are no resources that would qualify the applicability of the first and third approach above as presented by Phillipe. The researcher therefore utilized the argument with the limits of the second and fourth approach where the redistribution of wealth, income and power is basically caused by the lawlessness and the need for survival by those caught up in the violence due to the wide spread cost of war.

However, Phillipe leaves out a crucial constituent of the political economy which involves the political elite who benefit from the peace agreements. In the spirit of “inclusiveness” the warring parties often create offices and positions to reward cronies and die-hard supporters.

For Kibra’s case, once the peace accord was signed and Raila recognized in government as the Prime Minister, the looting and conflict came to almost a sudden halt. Putting a question to what really inspired to the entire unruliness.

## **ii. Hypotheses**

The study employed the following hypotheses:

1. In Kibra, looting and displacement was not only influenced by grievance but greed, malice, ethnic revenge and even envy.
2. There are individuals who directly and indirectly benefited during and after the PEV 2007/8
3. To the beneficiaries, the notion of moving on without accountability comes easy unlike they that suffered loss and displacement.

## **iii. Methodology**

Data collected for this study was obtained through conducting library and field research. On the former process, I consulted the following sources used both secondary and primary sources.

- Magazines and journal articles that review or interpret previous research or events.

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<sup>68</sup>Phillipe, B. “The Political Economy of War: What Relief Agencies Need To Know” Network Paper 33 London: ODI, 2000

- Most non-fiction books, including text books, history books, other relevant reference material to source for historical facts.
- Reports such as Waki, Kriegler, and KNHCR and other NGOs that hold factual information regarding the PEV

However, most of the literature I came across was majorly focussed on the cost of conflict and its impact on livelihoods deprived by the intricacies of lawlessness. This information lacuna therefore necessitated the need to delve into Kibra in search of further literature regarding potential beneficiaries of political violence in this particular time. I moved in for first-hand experiences and witness accounts through conducting field interviews and equally wrote notes as I did this.

The informants were reached for interview through the snow-ball technique. This is the method where the initial informants, name other people who had the desired characteristics for interview, until I arrived at the number required.<sup>69</sup> Oral data was collected through field interviews with different stakeholders, including residents of Kibra and Ayany, some whom I personally met and interacted with, as a resident of Ayany at the time.

To enable me proceed to the field, a research permit was sought from the Ministry of Education Science and Technology allowing me to collect the desired data for this research.

The sampling method was purposive; whereby the respondents were sampled based on the people who are knowledgeable in the subject under study. The sample was drawn from residents who were directly affected by the violence, the political leadership (both former and current), religious leadership, civil society etc. Purposive sampling was important in collecting data from selected respondents, who were or are considered to have particularly vital information related to the study.

I subsequently transcribe the interviews, and then coded the data into themes and arguments that spoke to the subject at hand. Using both information from the library and field research I wrote this project paper. .

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<sup>69</sup>Olive Mugenda and Abel Mugenda, "Research methods" Nairobi: Act press, 1999,pp50-51

## CHAPTER TWO

### Beneficiaries of PEV in Kibra

#### Introduction

This chapter explores ways of thinking about actors in conflict in Kibra and possible economic directions that the conflict took. It looks particularly at the political economy of conflict, focusing on economic beneficiaries and consequences. The chapter deals primarily with the post-election conflict in Kibra, with a focus on political and economic benefits that accrued from it. The chapter focuses particularly on the actors, who were the politicians and the gangs of Kibra. It emerged, in addition, that significant economic benefits arose from post-election conflict in Kibra, which of course had a bearing on the urgency of a peace process.

Furthermore, most conflict studies have concentrated on explaining why people fight or go to war. Among various theories, scholars have employed ethnic differences to explain why Africans, for example, have been involved in conflict.<sup>70</sup> Other researchers have observed that environmental scarcity (caused by structural, demand, and supply factors) has resulted in groups fighting over resources.<sup>71</sup> For others, it is the economic reasons (greed) rather than the need for justice (grievance) that drives individuals to war.<sup>72</sup> Essentially, these frameworks attempt to explain the conflict side without helping in understanding the key actors, their motivations for engaging in conflict or even seeking peace, and the activities they engage in during the conflicts. These issues interest us in this study and therefore there an alternative approach is necessary to bring this out.

To adequately assess the different functions of war economies, Jonathan Goodhand discusses a particularly useful taxonomy of “combat”, “shadow”, and “coping” economies.

Each of these economies comprising distinct set of actors, motivations, and economic activities that can have unique implications for this study. For instance, the idea of combat economy. The

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<sup>70</sup> David Lake and Donald Rothchild, *Containing Fear, “The Origins and Management of Ethnic Conflict”*, *International Security*, MIT Press, 1996.

<sup>71</sup> Thomas Homer-Dixon, *Environment, Scarcity & Violence*, Princeton University Press. 2010.

<sup>72</sup> Collier, P. *Doing Well Out of War*. Berdal and D. Malone (eds.) *Greed and Grievance: Economic Agendas in civil Wars*. Lynne Rienner, Boulder and London, 2000.

combat economy involves economic interactions that directly sustain actual combat. It is dominated by a variety of actors, including the disciplined forces and gangs.

Generally, the combat economy is about dominance, manipulation and control of any available resources aimed at facilitating the conflict. The leaders of the criminal gangs whom Nitzschke and Ballentine refer to in their work as “conflict entrepreneurs”<sup>73</sup>, take charge of any loot or cash that falls in their possession from the different engagements they undertake. For example, the Nubian gang whose main agenda is to protect the Nubian Community within Kibra, collects protection fees that they use to sustain their activities. ‘Siafu’, another gang operating in Kibra,<sup>74</sup> is well known for offering protection to politicians, dispute resolution within their community and run the illicit water and electricity connections within the slum area. They aim at generating income from predatory taxation of both licit and illicit economic activities within their jurisdiction, extortion of local businesses in the name of protection fees.

Away from combat economy, there were actors in Kibra who capitalized on conflict to broaden or engage in shadow economy. The shadow economy, also known as “black market economy” includes a wide range of informal economic activities. Shadow economies are easily captured by gangs and become the basis for the combat economy. The gangs also determine how much profit businesses are to make by taking up the regulatory duties due to a collapsed financial regulatory system. Shadow economy is usually in prior existence but suppressed-gains prominence during lawlessness and conflict.

The sale of illicit brew as earlier mentioned was most lucrative. Sold in personal homes and mostly taken up by women, young jobless men were the main consumers. Barter trade between looted items such as books, clothing, and even small electronic gadgets such as phones and radios were traded-in with alcohol. Alongside the sale of alcohol, there flourished the sale of other substances such as marijuana, unprocessed tobacco and prostitution.

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<sup>73</sup> Karen Ballentine and Heiko Nitzschke *The Political Economy of Civil War and Conflict Transformation 2* © Berghof Research Center for Constructive Conflict Management,p8

<sup>74</sup> Olang Sana and OkothOkombo,“Taking Stock of social-economic challenges in the Nairobi Slums” FES, Nairobi, 2012,p.17

Another very lucrative business was in water for domestic use. Since the houses in Kibra are majorly shacks, there is no piped water in the larger slum, therefore multiple water points that had been created by the state were taken over by gangs who gained from daily sales of the rare commodity during violence.

Those who are engaged in direct conflict seem to control the above two typologies of the economy. However, there are those mostly vulnerable groups who might not have an alternative rather than survive. This group of people engage in the coping economy. The coping economy is made up of multiple economic interactions during a conflict that benefits the civilian population, particularly the poor and most vulnerable. These functions are even more important to civilian livelihoods where the formal economy and traditional livelihoods are destroyed or rendered impossible to sustain livelihoods. The coping economy also includes subsistence farming, petty trade, smuggling and mobile money transactions to civilians and their families cope during such times.<sup>75</sup>

On the flipside however, we have the vulnerable persons; majorly women and children who suffer displacement, orphaned, exposed to disease and bad weather. Their lives distracted and for some, stopped. School-going disrupted, businesses brought to a stand-still by cutting off movement of labour, raw materials and even finished products. Worse still, are the permanent injuries and deaths that occurred between gangs, police, and civilians as recorded earlier in this work.

### **I. Who The Beneficiaries are:**

In the Combat Economy, the different ethnic groups represented in the conflict and their hierarchies in terms of population were poised to benefit. In this particular case, the tribal groupings identifying with the major political outfits at the time, ODM-Party, affiliated with Raila Odinga, were the majority. They had the support of the Luhya people, Kisii, Kamba, Kalenjin and all the other tribes that identified with the opposition leader.<sup>76</sup>

The gangs of Kibra, who are mainly distributed according to tribe, also gained more territory by taking over the areas previously occupied by their rivals. A conglomeration of tribal gangs mentioned above, would definitely outnumber any rivals that they may encounter. They provided

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<sup>75</sup> Karen Ballentine and Heiko Nitzschke The Political Economy of Civil War and Conflict Transformation 2 © Berghof Research Center for Constructive Conflict Management,p8

<sup>76</sup> Ibid

protection to their communities from attacks by rival gangs and annexed territories that were previously not under their control.

In the Shadow Economy, as the conflict took shape, businessmen especially in the transport sector, acting under protection of the gangs, were used to ferry essential commodities and even weapons in between villages of Kibra and beyond. Shylocks were the go-to persons to quickly dispose off just about anything of value-especially electronics. Drug traffickers, illicit alcohol alongside people running their own personal errands were moved. Even prostitution becomes more pronounced because they have more leeway under the Kibra gangs than the state police force.

In the Coping Economy, the poor families and communities had no choice but collaborate with the gangs to survive the challenges of conflict. For aid of any kind to reach them, both the state and aid agencies would only access the communities in need through the gangs. They were the main intermediaries even between state agencies and the people<sup>77</sup>

## **II. The Motivation:**

In the Combat Economy, the gangs were driven by the urge to vanquish their rivals, domineering over the communities they hail from and those around them; with the primary need to fund the conflict with the aim at achieving any possible military objectives such as violent engagements against rival gangs and the police.

In the combat economy, peace may not be in their interest as it may lead to decreased power, status, and wealth. Although the gangs may have an interest in peace if there are alternative sources of livelihoods available.

Kibra's history of landlords and tenants as captured in my previous chapter often plays out during electioneering period and the gangs endeavor to drive out the landlords so they can take up ownership of their estates from which they collect rent.

In the Shadow Economy however, they are motivated by making profit on the margins of a conflict, and peace could be in their interest if it encourages long-term investment and licit entrepreneurial

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<sup>77</sup> Ibid

activity. Peace for them therefore, ought to envision alternatives to the shadow economy; otherwise, a criminalised war economy will become a criminalised peace economy<sup>78</sup>

Finally, in the Coping Economy, their main agenda is to survive through low-risk activities and to make it through the tough times hoping peace could be soon achieved to enable families return to normalcy and once again thrive.<sup>79</sup>

### **III. How They Benefit:**

In the Combat Economy, the gangs benefit by taxation of licit and illicit economic activities, sell and supply of crude weapons, equipment, and from other regions from external state and non-state supporters; economic blockages of dissenting areas; pillage and looting; aid manipulation by demanding percentages or parts of donations to the afflicted. Blackmail and threats to families, businesses, those must transit through their territory. There is even evidence that some perpetrators of violence were paid a piece rate fee for each hut or shack they burned down and the Mungiki criminal network played a highly active part in organizing violence in Nakuru, Naivasha town and elsewhere while the resident gangs of Kibra also took control of their turf as they were payed to guard against, repel and attack.<sup>80</sup>

The gangs also use this opportunity to send a message to the leadership about their authority and therefore indirectly or directly demand recognition and a seat at the negotiating table during the peace talks if any.

In the Shadow Economy, the participants engaged in smuggling, which in its essence would not be referred to as smuggling because the goods only crossed gang territories unlike other conflicts that engage in cross-border smuggling, between states. In Kibra, water is always a high-value

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<sup>78</sup> Karen Ballentine and Heiko Nitzschke *The Political Economy of Civil War and Conflict Transformation 2* © Berghof Research Center for Constructive Conflict Management,p8

<sup>79</sup> Ibid

<sup>80</sup>King, G., J. Honaker, A. Joseph and K. Scheve. ‘Analyzing Incomplete Political Science Data: an Alternative Algorithm for Multiple Imputation,’*American Political Science Review*, 2001, 95: 49-69.



commodity because the water-points are normally privately owned and an easy target for gang control during conflict. Looted items from homes and shops were also available for trade.<sup>81</sup>

In the Coping Economy, Survival tactics kick-in and it is all about securing the moment or the day's meal, subsistence farming, where Kibra having been a predominantly swampy place with small streams running through, the locals had this place cultivated with vegetables, arrow roots and tomatoes which they turned to for both commercial and subsistence use. Wage labor for cleaning and laundry services to the neighboring estates like Ayany, Jamhuri and Lang'ata was also a means of extra income especially for the women to help them cope.

### **Other Beneficiaries**

Outwardly, the people of Kibra seemed to struggle and literally bearing the brunt of war but on a more critical investigation, conflict had been commoditised and profiteering was on-going.

NGOs, which are usually the main conduits of aid to the slums, were fully operational. In fact some of the main aid agencies have multiple offices within Kibra. Meaning, allowances for the staff were available and facilitation for other logistical purposes in place.

Churches, schools and mosques that acted as rescue centres for the IDPs were a busy with business activities such as sell of snacks, second hand clothes and even illicit brew.

For the politicians, displacing a minority group and maintaining a dominant voting block from their communities was almost a guarantee of re-election in the next polls and this too may have motivated them to facilitate eviction activities, arson, weapons, etc.

The emergency fund which is controlled by the political leadership also comes into play. Tenders are issued to the politically connected businessmen and individuals willing to maximize on the profits. From this fund also, the security forces: others recalled from leave or other duties to bolster the teams helping to restore law and order, do qualify for an allowance on such like unprecedented assignments.

### **Conclusion**

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<sup>81</sup> Ibid

The theoretical perspectives advanced by Ballentine and Nietzsche, alongside the works of Goodhand, from whom they developed their analysis, provides a platform upon which a plausible understanding of beneficiaries of the violence in Kibra can be premised. Clearly spelling out the different stages of conflict and the role of each participant at the different stages while highlighting the unique benefits to each category. However, the benefits only go as far as the politicians and the gangs, who often worked in collaboration because the common Kibra resident had to remain submissive to the new kind of authority under the gangs with mainly women and children being the most affected.

## CHAPTER THREE

### TARGETS OF ACTORS DURING THE VIOLENCE

#### Introduction

In this chapter, I explore the question of how and what exactly those involved in wanted to obtain during the post-election violence. The 2007/8 case involved most of the forms of behaviour commonly associated with disorder, including attacks on individuals, police and property, significant levels of violence, damage to buildings – both residential and commercial – arson attacks, and very considerable levels of theft – from individuals, but mainly from shops. It is the latter - the systematic theft of goods from shops in times of civil unrest that this chapter focuses on to demonstrate specific motivations of these people.

One way to explain what happened in Kibra at the time is to frame it in terms of "looting." While not a completely developed concept, this thought aids in thinking on the events at the time.

#### Understanding 'looting'

Looting is relatively commonplace during conflict and other forms of emergencies, but the literature on this subject is relatively slim, being mainly limited to studies of such activity in the context of war. The term looting draws its roots from the military spheres. First appearing in the early nineteenth century, with its application being confined to the taking of property by force by invading military personnel, usually in a set up where the 'owners' were unable or unwilling to protect and defend it.<sup>82</sup>The term has been loosely used to refer to a 'wide range of activities that differ markedly in terms of the degree of organization, societal level of operation, scale and object.'<sup>83</sup>However, several noticeable key characteristics are pertinent. First and foremost, it involves the appropriation of goods. Second, it is differentiated from straightforward theft or other forms of appropriation by the circumstances in which it takes place. This wider setting is generally one in which there exists a major lapse in the rule of law, most usually: civil emergencies/disasters; war; and riots or disorder.

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<sup>82</sup> Dynes, R. and Quarantelli, E.L. "What looting in civil disturbances really means" *Society*, 1968, P9-14

<sup>83</sup> Mac Ginty, R. "Looting in the context of violent conflict: A conceptualization and Typology" *Third World Quarterly*, 2004, pp857-870

The most outstanding issue in each of these cases, and for unique reasons, the flow of daily lives is very significantly disrupted, and this disorder tends to pose great challenges to the security personnel and other emergency service providers. It is therefore within such a breakdown in controls that appropriation tends to become defined as ‘looting’.

The third general characteristic of looting (as opposed to theft in other circumstances for example) is that it is a collective activity. Looting, by and large, is something undertaken by groups of people, not isolated individuals. Fourth, and relatedly, the occurrence of looting is generally, and relatively speaking, something that is widespread, particularly during riots. Quarantelli’s comparative analysis suggests that looting is much less widespread during disasters than that during riots, not least because there is less popular support for such activity in the aftermath of disaster.<sup>84</sup>

This in turn helps explain the nature of the fifth characteristic of looting in this context: that it is public. During riots, given the ‘breakdown’ in law and order, there is a much-reduced need for those involved to be clandestine. Indeed, looting is often done in a remarkably open and public manner almost as an act of display. Again, the context is crucial, for in addition to serious challenges to the rule of law there tends to be significantly less (local) public censure of looting than there would be for commercial burglary or theft committed under other circumstances. Looting, for our purposes here, then, we take to be ‘the widespread appropriation of goods in the context of wider civil disorder, undertaken by sizeable numbers of people, often in a highly public manner.’<sup>85</sup>

Due to its public nature, the victims are often displaced and lack recourse. This is well articulated in the case of one Mr. Karanja 63 knows so well: On the third of January 2008, I left my house which was behind a hardware I operated. I have lived in Makina for over 40years, but my immediate neighbour is the one that led the gang that evicted me from the only home I have ever known and owned.

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<sup>84</sup>Quarantelli, E. L. “Looting and Antisocial Behavior in Disasters”*University of Delaware Disaster Research Center Preliminary Paper*. 205, 1994

<sup>85</sup> Ibid

The only thing I salvaged was the cash I used to keep in the house and my pick-up, on which I put my family and drove away to a destination I did not even know at that particular time. Since then, I am aware part of my neighbour's family moved into my house and my stock in the hardware depleted. After calm had returned, they rented out my house and the shop. They have since then remodelled the place and it looks nothing like it did before. The local leadership could not listen to my plea out of jealousy, I guess: who will compensate me? Who will resettle me? Who will reconcile me with my former neighbours? Kibra is an informal settlement with a land ownership issue and proof of ownership of anything is usually hard if the neighbours and local leadership do not support your claim...<sup>86</sup>

### **Looting and Riots**

In the major urban disorders in 1960s United States, looting was so regular an occurrence that it ought to be seen as having the status of an established 'group response pattern'<sup>87</sup> and as 'semi-institutionalized'.<sup>88</sup> Of the 189 major incidents that had occurred between 1964 and 1969 in the USA, a significant element of looting featured in at least 122, and over 60,000 people were arrested for such activity. Moreover, the more general thesis that many rioters are in it simply 'for fun and profit' it dates back to at least the American ghetto riots of that era.<sup>89</sup> As is the case in the United States, there has not been a major departure from what informed the looting then as compared to Kibra's case during political violence. Here, for example, Maina describes the disorder on the material evening as:

...widespread looting had developed since about 6pm. Everyone seemed to grab whatever was closest to them at this point, you couldn't tell anyone's tribe or political affiliation both men and women, young and old. But some sort of

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<sup>86</sup> Oral Interview, Peter Karanja, Makina, Kibra. 12/8/2016

<sup>87</sup> Quarantelli, E.L. and Dynes, R.R. "Property norms and looting: Their patterns in community crises" *Phylon*, 1970. pp 31, 2, 168-182

<sup>88</sup> Quarantelli, E.L. and Dynes, R.R. "Looting in civil disorders: An index of social change" *American Behavioural Scientist*, 1968. P169

<sup>89</sup> Banfield, E. "The Unheavenly City" Boston: Little Brown, 1970

organization seemed to have been done on the first night. The following day, the looting was not random...<sup>90</sup>

According to one of the witnesses, the looting was spontaneous; the Luo looted from Luo ran shops. It was just an opportunity to take something by force with no repercussions expected<sup>91</sup> Several witnesses had the impression that many of the looters were idle touts and youth from Kibra who were in a state of confusion and uncertainty as the rest of the country.

As had been the case the American ‘race riots’ of the 1960s, the targets were far from randomly chosen: ‘Predictably, suppliers of consumer durables (particularly clothes, shoe and electrical equipment shops) and off-licences proved favourites. However, shops owned by popular local figures escaped unscathed’<sup>92</sup>

.... In Ayany, there are courts, and each serviced by 2 to 3 shops at the gate. But the shops belonging to Luos were not touched. The looters seemed to have knowledge on whose business to target and the exact items they’d find. Most of the well-stocked establishments were Kikuyu-ran because they are more business oriented as compared to the Luos.<sup>93</sup>

In Handsworth in Birmingham in 1985 a local newspaper reported a police log at the time of the Handsworth riot saying that ‘An air of excitement is noticeable among the looters – one man pushing a trolley-load of stolen property shouts ‘I’m shopping early for Christmas’.<sup>94</sup>

We can therefore make the following conclusions: First, that looting is usual. It is a regular occurrence within civil disorder, particularly in the later stages of rioting. Second, it is often wide spread, whilst some riots will feature isolated outbreaks of looting; it is far from unusual for such activity to be very extensive indeed. Third, looting often involves a quite targeted form of consumption. That is to say, a pattern to the looting is often visible, with particular types of

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<sup>90</sup> Oral Interview, Maina Njogu, Laini Saba, Kibra, 9/8/2016

<sup>91</sup> Oral Interview, Dan Osiemo, Olympic, 13/8/2016

<sup>92</sup> Tierney, K.J. “Property damage and violence: A collective behavior analysis” in Baldassare, M. (ed) *The Los Angeles Riots: Lessons for the Urban Future*, Boulder: Westview Press, 1994

<sup>93</sup> Oral Interview, Rakwach Livingstone, Olympic, Kibra, 7/8/2016

<sup>94</sup> <http://www.birminghammail.co.uk/news/local-news/from-the-archives-police-parking-ticket-sowed-157800>, last accessed 17.1.14.

location, or particular goods, being the focus of the looters' attention.<sup>95</sup> Therefore, what occurred during the PEV in Kibra is an illustration of a long-established trend in major civil violence.

### **Looting and the Kibra PEV**

Predictably given the sensitivity of looting, which in a broader sense can be looked at as mere theft, pillage or plunder, is a criminality no one would easily admit to having participated especially before a total stranger. The general lapse in security during the PEV period and inaccessibility of Kibra slums, it is difficult to offer an entirely accurate overview of the looting that occurred. There are several data sources, and even though they tend to measure different things, i.e., incidents and arrests, they can nevertheless be used to construct a moderately reliable picture of what went on. About one third 33% of the 786 or more reported criminal incidents that occurred during the riots were burglaries. Other analysts have suggested that at least 70% of recorded offences in the conflict were acquisitive in nature<sup>96</sup> though they fail to explain how far the court proceedings have gone since these cases were reported.

The significance of looting within the events of PEV varied geographically and over time generally becoming more visible in the third and fourth days of the rioting. It appears taken as a proportion of all the recorded offences in a particular area that the violence in Kibra on the third day was most dominated by looting and arson.<sup>97</sup>

In several occasions however, rioters were prevented from reaching the city centre by the anti-riot police. But whenever the looters managed to beat the barricades, three quarters of offences were recorded as "malicious damage". Office buildings, schools and other establishments that had nothing of value to loot had their windows smashed as the security forces engaged the looters in running battles.<sup>98</sup>

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<sup>95</sup> Tilly, C. "The Politics of Collective Violence" New York: Cambridge University Press, 2003

<sup>96</sup> Occurrence Book, Kilimani police Station, 1<sup>st</sup> to 14<sup>th</sup> Jan 2008

<sup>97</sup> Oral Interview, James Nzioka, Police constable, Kilimani Police Station. Nairobi. 11/8/2016

<sup>98</sup> Ibid

Overall, this involves the recognition that ‘looting’ is not an undifferentiated set of activities but rather a set of social acts capable of harbouring multiple meanings, motivations and understandings.

### **I. Looting and Consumption**

It would be absurd to deny the role of consumerist values in informing and motivating elements of the conduct visible in August 2011 as a “consumerist feast” and recounted in detail the search for designer labels, electronic goods and other commodities found in the modern temples of capitalism.<sup>99</sup> Indeed, a large number of our respondents talked in great detail about the material motivations underlying their involvement in the looting.

It was just nice, it felt good, having things that you cannot afford, things that you never had until this moment...I don’t know if I’m going to have any future, but it was a good, wonderful experience. I felt how rich was meant to be, I felt how to be rich! It feels good having better things than certain people...<sup>100</sup>

Consumerist values were perhaps most conspicuously evident in the shops that were targeted during the riots. Data collected by the Kilimani Police Station based on the cases reported, a total of 218 commercial premises targeted by looters during the PEV. Of these retail premises, electrical shops (electrical hardware, mobile phones, DVDs/CDs, computer equipment), clothing shops, restaurants, cafes, and fast-food outlets.

..Whenever I went for movies, I always wished I could one day own a huge flat screen TV, and I was thinking I can go inside and get one. So, I just waited for crowds to gather around the shylocks shop, then me and my friend went for the shop. The moment we started smashing the door, everyone else joined in, but we had a specific target, flat screen TVs. And that’s exactly what we ran for and left the rest of the stuff for others. We didn’t care if there was ksh10 million if the drawers. We had a mission... then once you do it and nothing happens, you’re like, ‘this is a once in a lifetime thing and you are going to get everything you want for free’. Everyone was like, ‘Christmas came early.’<sup>101</sup>

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<sup>99</sup><http://www.theguardian.com/uk/2011/dec/05/summer-riots-consumerist-feast-looters>, (Last accessed 7/1/14)

<sup>100</sup> Oral Interview, Martin Sidai, Olympic, Kibra, 7/8/2016

<sup>s</sup> Ibid



Ever since Thompson's the identification of the 'moral economy' of the eighteenth-century crowd, analyses have shown that the targets of rioting are often far from random.<sup>102</sup> The violence seems to take a more structured form especially after some retaliation from the "target community". This was similarly true of the PEV, with some of the structuring of such activity being a consequence of the influence of consumer cravings.

Some of this, as argued, was to do with identification with the values of contemporary consumer capitalism, but there is also evidence that the pattern of looting and quite definite patterns were identifiable in what is often portrayed as entirely chaotic.<sup>103</sup> Sometimes reflected affinities with particular locations 'it did not start in Olympic... because we looked after our people here and we were trying to control the others' Male, 30s, Olympic or distinctions between business that were considered to be on or off limits. In the following exchange two interviewees; 28- and 32-year-old males from Karanja discuss the choices they felt were being made:

...Njoroge's bookshop never got touched no-one wants to get books.... A lot of places didn't get touched because nothing in there was going to solve anyone's immediate needs. If you cannot eat it or make a quick sale, do not bother....<sup>104</sup>

Another interviewee stated,

..If you had alcohol in your shop you were getting touched... electronics in your shop... No-one broke into the agro-vet shop or Chemist for that matter.<sup>105</sup>

Looting, at heart, is of course about the appropriation of goods and for many of our respondents, like those I interviewed, looting 'represented an opportunity to advance the consumer and financial interests of the self.' But it was not all about the flat-screen TVs, phones, or the latest mobile phones. For some it was a fleeting opportunity – during what Collins has called a 'moral holiday' - to supplement a meagre existence. Describing themselves as (relatively) poor, many of the looters drew attention to the cuts, to austerity policies more generally, and to declining opportunities.<sup>106</sup> Among those looting, there were numerous tales of people whose actions looked more like those of people exploiting an opportunity to get hold of basic goods they would otherwise

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<sup>102</sup> Thompson, E.P. "The moral economy of the English crown in the Eighteenth Century, Past and Present" 1971, Pp50, 76-136

<sup>103</sup> Baudains, P., Braithwaite, A. and Johnson, S.D. "Spatial patterns in the 2011 riots, Policing" 2013, Pp 7, 1, 21-31

<sup>104</sup> Oral Interview, Michael Amika, Gatwekera, 9/08/2016

<sup>105</sup> Oral Interview, 'Blacky', Gatwekera, 9/08/2016

<sup>106</sup> Collins, R. "Violence: A Micro-sociological theory" NJ: Princeton University Press, 2008

struggle to afford. The following male respondent aged 41 and interviewed in Raila village, had been jobless and almost homeless.

He was contemplating returning to his ancestral village in Homabay:

...like honestly wanted to get a few things, I wanted a bit of money, it sounds wrong, but I was going for like what I need. I was not being greedy; I was going for what I needed. Certain little things. For the first time ever, my house had more than a packet of wheat flour, three litres of cooking oil, I had over Ksh2000 worth of airtime scratch cards, super packs of toilet roll. Stealing to survive because I could not afford any of these items in a thousand years retorted a 41-year-old male<sup>107</sup>

“I personally know certain people that took it as an opportunity to get things that they needed to survive, for them and their kids claimed one”<sup>108</sup>

Many respondents’ accounts described how a lack of money dominated their lives, using words like ‘surviving’ to indicate their situation. One 34-year-old young man from Kisumu Ndogo described his difficulty in meeting the basic costs of living: .....I paid my rent arrears after selling off a phone at I had stolen from one of the shops at ksh3900.<sup>109</sup>

In some of these accounts, we should not be surprised that for some, looting was a brief opportunity to make ends meet. Rather than being inspired primarily by economic objectives, lootings are complex and ambiguous social activities, which are embedded in daily activities and the political rhetoric of the conflict. In Kibra, looting activities were driven by a broad range of motives, including considerations and/or desire to revenge past atrocities and (perceived) injustices, as well as economic interests. Furthermore, the organizational structure, the performance of actions and the main targets of looters have differed widely. Based on an analysis of different waves and phases of looting in the context of conflict and decay in Kibra, the research identifies four types of looting. Beyond a state-centred conceptualization of order, the study reveals that looting is not an expression of political chaos, but rather is patterned by and rooted in local moral universes, which have been fundamentally transformed during the course of the conflict that has plagued the country since the return of multiparty politics in the country in the early 1990s.

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<sup>107</sup> Oral Interview, Ochieng Ouma, Raila, 16/8/2016

<sup>108</sup> Oral interview, St. peter Omari, Raila, 16/8/2016

<sup>109</sup> Oral Interview. Nicoh(not his real name), 8/08/2016

## Types and dynamics of lootings

Lootings are complex social activities. They aim to generate economic benefits, follow Strategic interests and express protest and resistance. Once again, desire for revenge and retaliation can be another driving force.

Table 1

### Types of Looting

| Type                     | Objectives                        | Main Motivation           | Actors  | Performance  |
|--------------------------|-----------------------------------|---------------------------|---|--|
| <b>Strategic Looting</b> | Properties of “Enemies”           | War Strategy              | Militias, Government Forces                         | Selective targeting, humiliation of enemies, revenge, displacement |
| <b>Protest Looting</b>   | Public Goods                      | Protest Exclusion         | Mobs, Masses, gangs                                 | Selective attacks on public facilities, often angry and aggressive |
| <b>Levelling Looting</b> | Properties of “privileged” Groups | Protest Social Injustices | Mobs, Masses  | Urban riots with festive character                                 |
| <b>Poverty Looting</b>   | Food & Medicine                   | Survival                  | Gangs, Urban Masses, Militias                       | Raids on food stores, markets, harvests                            |
| <b>Organized Looting</b> | Exchangeable & sellable goods     | Material Benefit          | Gangs, Militias in cooperation with Businesspersons | Goal-oriented raids, strategic planning                            |

Table 1 presents the four types elaborated above. Since the typology is based on observations from Kibra, it offers a background for further empirical research, which in turn can be used to enrich and further differentiate the Typology. These types are not exclusive. Different kinds of looting may occur simultaneously or at different locations. Types may also overlap or, over time, change from one form to another. If looting persists, it becomes increasingly organized and, due to its tendency to exhaust existing resources, frequently spreads to other areas or targets.

As one 28-year-old carefully states, ‘we woke up each morning with a fresh enthusiasm. Armed with a piece of cloth and a bottle of water in anticipation of teargas. When we realized Ayany was done, we moved to Jamhuri and Woodley. There we would combine efforts with looters from Kawangware – giving the police an extremely hard time because they were waiting for us to go for Raila’s swearing in ceremony at Uhuru park, this took them by surprise...’<sup>110</sup> Once again, an element of organization and strategy appears here.

The most common type of looting is strategic looting, which remains embedded in the political or ideological program of war actors and draws on the rhetoric of friend and foe.<sup>111</sup> The looters seem to have specific targets and are fully aware of the rewards here in. Protest looting, in contrast, often centres on relative spontaneous reactions to grievances. While protest looting demonstrates a collective claim to common goods, levelling looting aims to balance social and material differences.

In prolonged wars, poverty looting becomes likely. If organised looting materializes, violent actors usually cooperate with businesspersons and regularly with local or national authorities and external partners. ‘Jemo’, (not his real name), is known around Kibra for having ready cash to purchase a myriad of un-receipted goods. Though he poses as a shylock, his core business is purchasing stolen items. ‘..I am Kikuyu and I know most of the electronics I bought during the chaos were predominantly from fellow Kikuyus. But to me, it is just business.’ I could buy smart phone for as low as Ksh500 then later sell it uptown at over Ksh7000’.. After the PEV, I made a

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<sup>110</sup> Oral Interview, Karl Max Otieno, Makina, Kibra, 11/8/2016

<sup>111</sup> Jutta Bakonyi, Department of Political Science, Otto-von-Guericke University Magdeburg, Zschokkestraße 32, 39104 Magdeburg, Germany

killing disposing off my stock of electronics, as we speak, I bought a piece of land in Murang'a in April 2008 at Ksh400,000 and will soon develop it for my wife and children...'<sup>112</sup>

This kind of business acumen is what breathed life into looting. Some looters had no use for what they looted but with 'Jemo' around the corner, there was ready market within Kibra.

### **Opportunistic and Exciting**

Referring to the riots in the 1980s, Michael Keith, opines that what had been largely missing was a 'conception of rioting which captures the impromptu nature of events without reducing the actions of individuals to the behaviourist response to an array of environmental stimuli. Such a description demands a notion of spontaneity that does not devalue the rationality of individuals yet at the same time conveys a notion of the social context in which such actions are situated.'<sup>113</sup>In this connection the accounts given by the vast majority of our respondents who were involved in the 2007/8 conflict, described actions that were, initially at least, largely unplanned and were in many respects the spontaneous actions of individuals suddenly freed from everyday constraints and confronted by opportunities for criminal appropriation usually unavailable.

None of this is to deny the fact that there were occasions during the rioting, particularly in the later days, when a degree of organization was evident, particularly where the looting was concerned. This respondent, a 28-year-old male from Soweto describes both the chaos and the organization present at one scene:

It was like madness, like a free for all, people running in, you had like your groups of people that you could tell knew what they were doing, they were professional like, they were running in there, they had things in bags I think that they were using to rob, tools of some sort...But then there were people that were just running in, grabbing anything, and running out.<sup>114</sup>

Despite occasional accounts of organized looting, the bulk of the testimony I received clearly indicated that much of this activity was opportunistic or impulsive. They had found themselves out on the streets for a variety of reasons: some simply to see what was happening, some to participate in the excitement, some primarily out of a desire to protest, or to attack the police.

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<sup>112</sup> Oral interview, 'Jemoh'. Laini Saba, 10/8/2016

<sup>113</sup> 'Keith, M.Race, "Riots and Policing: Lore and disorder in a multi-racist society" London: UCL Press. 1993

<sup>114</sup> Oral Interview, Bill Clinton, Soweto, 8/8/2016

## II. Looting as Political Violence

Looting should be regarded as a type of "political violence." Looting should be considered as a type of 'political violence'. Both the idea that it is 'political' and 'violent' requires some elucidation, for to some looting does not just stand on its own. Even if it doesn't involve violence directly, looting is 'precipitated by direct or indirect violence'<sup>115</sup> in the context within which law and order breaks down and the looting subsequently takes place. Looting and destroying property is a relatively mild form of violence that arises within moral holidays when authority has broken down. Looting either requires violence or the threat of violence to take place. That is to say, the context of looting is violence. Over and above this, the centrality of violence to looting in the 2007/8 riots can be seen in several ways. Most obviously, by its very nature much of the looting required forced entry and therefore resulted in considerable damage to property. However, the damage inflicted on retail premises often went far beyond what was necessary to secure entry. Here a 46-year old man describes what he saw happening during the looting in Kibra.

Breaking into shops, there was literally smashing things up they were just trashing it for the sake of trashing it, not for any financial gain or anything. Some financial gain but really you are not going to gain much when you are smashing an ATM machine, are you really?<sup>116</sup>

Although some involved in the riots were there with the sole purpose of looting goods from shops, it would be misleading to see all looting in this way. For many there were no clear-cut distinctions between looting and other activities. What may have started out as a protest, or as an opportunity to exact some form of perceived revenge on the police, might later turn to theft and associated criminal damage as opportunity arose. Says a 48-year-old male that participated in the chaos:

We all threw stones at police trucks, I threw bottles and whatever I could get my hands on, smashed up a car, and the policemen, broke the window, tried to turn it over, there was a few of us, you know, turned it over, left from there and went in a couple of shops, broke in a couple of shops, took a few things and that was it.<sup>117</sup>

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<sup>115</sup>Mac Ginty, R. "Looting in the context of violent conflict: A conceptualization and typology" *Third World Quarterly*, 2004, pp857-870

<sup>116</sup> Oral Interview, Kevin Masibo, Lindi, 11/8/2016

<sup>117</sup> Oral Interview, Lusweti Dickson, Laini Saba, 29/8/2016

This brings me back to Mac Ginty's argument that looting, in part, should be viewed as political violence. Looting is dependent, he says: on its political context and particularly its close relationship with periods of violent political upheaval. Although it may be hard to assume a political meaning from a single act of looting, the political context of the breakdown of law and order, and the temporary permissibility of acts ordinarily deemed criminal, are sufficient and legitimize the categorization of looting as a political act, or at least an act enabled by a political context.<sup>118</sup>

Despite most of Mac Ginty's analysis of looting focuses on a somewhat different context than that of the PEV riots, my argument is that it is important not to present looting as it were effectively apolitical. This is not to argue that every act of looting has a political motive – far from it. Rather, it is to acknowledge two things. First, that the looting took place in the context of riots, elements of which, at least, had a clearly oppositional character. I also hold the view that, not only was there was a significant political component to the disorder, but that the looting, in part, also needs to be seen through this lens. For many rioters the central concerns they expressed were political, and related to what they perceived to be the moral double standards visible around them (their assessment that police officers, MPs and bankers, among others, were rarely if ever held to account for their misconduct), their own marginalization from the mainstream and their sense that their needs and views were ignored by the government.

Second, and relatedly, some of those involved in looting were also involved in other more obviously 'political' elements of the rioting, or saw their actions, including looting, in part, through a political lens. As one 37-year-old male respondent from Kibra observed, 'even the act of looting for a lot of people was to express something for them'<sup>119</sup> As another 22-year-old male respondent from Lindi pithily observed, 'you don't get that many people that angry just because they want to go robbing'. Indeed, one 30-year-old male from Lindi drew a direct connection between the looting and the bungled election. However, as this respondent suggests, it is possible that some of the looting itself, not just the violence, might on occasion have potentially been part of a broader backlash:

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<sup>118</sup> Ibid

<sup>119</sup> Oral Interview, Eustus Bundi, Lindi, 11/08/2016



It is still possible, as this 30-year-old from Lindi argues, to understand elements of the looting as a ‘political’ act:

We took stuff off shelves and we took back what we think the government owes us. That was the bottom line... it was nothing to do with the stolen election, it was just people had had enough of living the way they were living.... It just seemed like everyone was just having a bit of pay back to the government.<sup>120</sup>

As outlined, looting in the context of civil disorder involves a set of activities, and a range of emotions and motivations, that defy easy categorization. Very much in line with Mac Ginty’s approach I take the view that looting in such contexts should, at least in part, be viewed as a form of political violence. To argue this is not to suggest that everyone involved in such activities is consciously engaged in some form of political protest, rather it is to acknowledge both the broader context in which looting takes place and the complexity of the behaviour on view.<sup>121</sup>

### **III. Conclusion**

Most scholars acknowledge that looting is common, almost ubiquitous feature of major contemporary urban violence. It is also evident that, rioting, pretty much by its nature, is varied in character and generally encompasses both a wide range of activities and a similarly complex range of attitudes and motivations. The 2007/8 conflict in Kibra was no exception, with very significant levels of violence, of attacks on and destruction of property, and with motivating energy that was drawn from a whole range of grievances including, initially, the stolen election, but which also encompassed a more generalized anger toward the Kikuyu, and anger toward and resentment to their perceived allies and the system.

Considering Rock’s observation that there are occasions when actions can be relatively ‘innocent of profound meaning’, it has been demonstrated in this this chapter that looting is an expressive and emotional engagement often spontaneous with an opportunistic character. In addition, however, motivationally, looting is more complex to characterize than accounts of riotous consumerism tend to allow. A great many involved in such activity in the riots were undoubtedly

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<sup>120</sup> Oral Interview, Timothy Mutua, 7/08/2016

<sup>121</sup>Mac Ginty, R. “Looting in the context of violent conflict: A conceptualization and typology” *Third World Quarterly* 2004, p 857-870

intent on participating in ‘shopping for free’. However, some were simply taking advantage of the disorder to secure mundane material goods that their disadvantaged socio-economic position meant they often found difficult to afford and the riots offered them a brief opportunity to acquire.

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Finally, the chapter has shown that for some, their involvement in the violence, including looting was an expression, at least in part, of a generalized discontent, part of a broader ‘political’ protest and one means of articulating their resentment of and anger toward the marginalization. In short, it is important to recognize that in the process of ‘looting’ one also targeted those they perceived enemies who must pay for the loss of an election and for along marginalising the Kibra peoples.

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<sup>122</sup>Rock, P. “Rioting, London Review of Books” 17-30 September. 1981, p 17-30

## CHAPTER FOUR

### CONCLUSION

The primary objective of this study was to investigate who benefitted from the violence in Kibra, as well as how and what they did during the Post-Election Violence 2007/8 focussing on Kibra. To accomplish this, the study was guided by a political economy approach that examines how conflict provides opportunity for actors to redistribute wealth, income, power, and in particular frames the engagements of actors in conflict contexts.

The political economy theory guided the rationality of factors that motivated the Kibra conflict. Although, however, as the study has shown, economic reasons may have been at the core but there are a myriad of factors that did emerge during the study which may get overlooked by the political economy concept.

This study began by taking into account the greed vs grievance dichotomy in times of conflict and as much as the two concepts are both mutually critical, in my personal observation, the lawlessness in Kibra highlighted other non-economical motivating factors behind the pillage.

Which included:

- **Revenge;** In some instances, especially during targeted violent attacks and looting, the Kikuyus that for a long time had been perceived as privileged, and enjoying state power in most positions, were a minority in Kibra and therefore vulnerable. Their property was targeted by mobs for looting, arson, and vandalism in general.
- **Malice and Envy;** It is also argued that some of those that feel oppressed or sidelined associate their deprivation with the other people being favored at their expense. And it is therefore the unfair distribution of resources that motivates them to forcefully acquire or damage the 'oppressors' whenever a chance avails itself.
- **Ethnic Revenge;** this is merely an opportunity to make the perceived enemy feel pain indirectly by damaging, stealing, or torching their property during conflict.

Upon the announcement of the results as earlier observed in this work, people poured on the streets across the country to protest the result and therefore the looting that happened at his particular stage was random and haphazard. It was not possible to tell who was under attack and by who. Quickly though, the looting took shape into targeting specific communities that were deemed sympathetic to the regime, mainly the Kikuyu community.

It would therefore be plausible for me to argue that economic factors may have influenced the initial random looting, but the moment the enemy was pointed out, the other factors came into play. The looters were doing it from a point of pain, hence revenge. Bitterness with the kikuyu community as having played a part in their deprivation and actually perpetrated it. It was ethnic revenge, because any business or house that was marked for attack had to fit a certain criterion which was majorly tribal.

They had gone to an election with the hopes that their communities would also finally benefit from state power, government appointments and allocation of resources. But this was once again not to be. These hopes had been dashed by a stolen election. This was one of the ways they could express their dissatisfaction and grievance.

Once the profiling checked in, and news from other regions started trickling in about their own people being attacked by the Mungiki in Naivasha and other places, even those who were not Kikuyu speaking people but perceived as friends to them, were a target alongside their property. There were reported cases of Kikuyus being sheltered by Luo speaking people just to save them from the wrath of angry mobs.

In deploying the greed and grievance dichotomy, to further examine the motives behind the pillage in Kibra, it clearly came out that just as economic factors fizzled away the moment some organisation was evident in the conflict, greed took over from grievance at about the same time. Although conflict is considered illogical, the participants will often have logical justification for taking part. That is exactly how the greed took over.

The looters were forcefully acquiring what they felt they needed in whatever quantities, as much as they could lift at that a particular time. They picked items that would quickly fetch a good amount of money from the ready and thriving black market that lawlessness had bolstered. Value was therefore the motivating factor when it came to choosing what to loot. Food items too were looted for sell but primarily for domestic consumption. Electronics were the most sought-after items by the looters basically for their value, as shysters were ready to pay a good price for them. So, phones, home theatres, televisions, fridges, microwave ovens, sub woofers and stereo systems were very marketable.

In examining the beneficiaries further, the gangs that operated in the slums, controlling certain turf and even trade took this time to try and expand their territories by setting up roadblocks and checkpoints which they used to extort people transporting goods within, in and out of Kibra. The gangs also provided some sort of security to potential targets of violent mobs. Sale of illicit brew and narcotics thrived. The prices were almost tripled due to scarcity and high demand.

Finally, according to the majority of my respondents, the political/ruling class took the lion's share out of the violence; power, money and opportunities for their close supporters and family. And these are the greatest long-term beneficiaries because the proceeds and position may actually last a lifetime.

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## **Oral Interviews**

Njoro, Soweto, 11/08/2016

Peter Karanja, Makina, Kibra. 12/8/2016

Maina Njogu, Laini Saba, Kibra, 9/8/2016

Dan Osiemo, Olympic, 13/8/2016

Rakwach Livingstone, Olympic, Kibra, 7/8/2016

Kevin Maiso, Lindi, Kibra, 11/8/2016

Michael Amika, Karanja, Kibra, 9/8/2016

“Nicko”, Kisumu Ndogo. 8/8/2016

James Nzioka, Police constable, Kilimani Police Station. Nairobi. 11/8/2016

Martin Sidai, Olympic, Kibra, 7/8/2016

‘Blacky’, Gatwekera, 9/08/2016

Ochieng Ouma, Raila, 16/8/2016

St. peter Omari, Raila, 16/8/2016

Nicoh(not his real name), 8/08/2016

Karl Max Otieno, Makina, Kibra, 11/8/2016

‘Jemoh’. Laini Saba, 10/8/2016

Bill Clinton, Soweto, 8/8/2016

Lusweti Dickson, Laini Saba, 29/8/2016

Timothy Mutua, 7/08/2016

Okoth Jensen, Ayany, 9/8/2016

Rose Boreh, Ayany, 9/8/2016

Ramadhan, (Muslim Cleric), Olympic, 7/8/2016

