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Ethnic or class conflict? : The politics of conflict in Kibera, Nairobi, Kenya

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CHAPTER 1

INTRODUCTION

The overarching question in this narrative analysis is: What is the genesis of the perennial conflicts in Kibera informal settlement Nairobi Kenya?

1.1 Aims and Objectives

This research report aims to explore the dynamics of the 2001 conflicts in Kibera in Nairobi. The report asks what precipitated the conflicts in Kibera and how were they manifested? Did they take class or ethnic forms? Did different conflicts give rise to different modalities of conflict?

1.2 Rationale

The reason for choosing Kibera is that it has a long history of conflicts that predate independence. It is thus possible to trace the nature of conflict over time and provide analysis of the variables that have contributed to the ongoing conflicts in the area. According to Peace and Development Network (Peace-Net), an umbrella body for nongovernmental organisations working to resolve local conflicts in Kenya, 'Slum dwellers do not identify conditions of deprivation that subject them to such kind of a livelihood. Instead, they turn against each other, coalescing around various identities as either tenants or landlords, where housing conflicts are concerned or along ethnic lines, when perceived 'ethnic interests' are at stake, or along gang lines, among other identities" (*Peace Monitor* 2003; 50). Using these variables as a launching pad, the report hopes to disentangle the variables that account for the conflicts in Kibera.

1.3 Background to the Study

Geographically, Kibera is located 10 kilometres to the west of Nairobi city centre. Officially it is estimated to have a population of 700 000 people although the population could be as high as one million since 90 per cent of the slum houses were single rooms that measured 100 square feet in area and housed between three to five people (Law Society of Kenya 2004; 4). It was estimated that Kibera had that population though it covered foursquare kilometres (Rowan 2001). The population consisted of almost all of the ethnic groups in Kenya. Prior to colonisation, the land where Kibera stood formed part of the vast grazing grounds for the pastoralist Maasai community. During colonialism Nubians, a southern Sudanese ethnic group, who came with the conquering British forces, settled on it. Indeed the word Kibera was derived from a Nubian word *Kibra* (Ndeti no date, Parsons 1997*;* 88) which means forest or jungle. The Kenyan government in the post-colonial period, however, defined them as foreigners notwithstanding the fact that they had occupied the area since the colonial period in the 1920s. They had difficulty finding work because they were viewed as outsiders by Kenya's authorities and they did not have identification papers (Daily Nation, December 7 2001) Kibera grew from a village housing the Nubian soldiers of the demobilised arms of British East Africa at the end of the Second World War in 1947 (Rowan 2001).

1.3.1 Nubis or Sudanese

Kenya's Sudanese were part of a larger community stretching throughout East Africa that was shaped by the institution of slavery and military service. The Nubians in Kenya, Uganda and Tanzania organised a festival each year in which fellow

community members from the other two countries joined their counterparts in Kenya (Daily Nation, December 6 2001). These slave soldiers had been referred to either as Nubis or Sudanese in both historical literature and common usage, but both terms were relatively inaccurate (Parsons 1997; 87). The former reference relates to their supposed ties to the fourteenth-century African Christian kingdom of Nubia that was located north of modern Khartoum on the Nile River. The designation Sudanese (or Soudanese) comes from an Arabic term for the region, and reflects their links with what is today the southern Sudan, but this label is equally misleading (Ibid). Through the dual process of military recruitment and assimilation, slave soldiers of southern Sudan absorbed a heterogeneous array of peoples with origins in the modern states of Egypt, Ethiopia, Uganda, Zaire (currently Democratic Republic of Congo-DRC) and even Nigeria [(Pain in Twaddle 1975; 177-8 Lwanga-Lunyiigo 1977; 27 Moyse-Bartlett 1956; 59) in Parsons 1997; 88].

The Sudanese who served in Britain's East African colonial forces, the King's African Rifles (KAR), were originally recruited for the Uganda Rifles (later the 4th Battalion KAR) by Captain Frederick Lugard (later Lord Lugard) in 1881. Many Sudanese made KAR their career, and served lengthy terms, some lasting as long as thirty years (Parsons 1997; 88).

1.3.2 The Value of Land and the Valuelessness of the Sudanese

Problems arose when the Sudanese soldiers became either too old or sick and injured to be of further military value. Although the Sudanese exhibited gallantry and loyalty during their service in KAR, the civil administration of Kenya would have preferred them simply to disappear when discharged from the army. The land on which their

settlements were founded was increasing in value, and their communities were labelled breeding grounds for crime and resistance to colonial rule. Kibera being the largest of Sudanese settlements, was considered the greatest problem (Ibid).

1.3.3 Kibera

Originally a remote military exercise ground assigned to the army in 1904 (only two years after the formal establishment of the KAR), and settled by the first Sudanese veterans in 1911, Kibera became a perpetual irritant to the European government and citizens of Nairobi as the town gradually expanded to meet it. From the 1930s onward, the colonial administration tried either to evict the Sudanese veterans, or at the very least to redevelop the settlement along more orderly lines. These efforts failed in part because Kibera was quite similar to the ex-soldier colonies of the Sudan. Far from being a static settlement of aging military pensioners, it was a dynamic community which grew through inter-marriage and assimilation of local people (Ibid; 88-9).

1.3.4 Formation of Ethnic Identity

The history of Kibera is an excellent illustration of the factors which influenced the formation of ethnic identity in colonial East Africa. Kibera continues to exist today because the military identity and traditions of the Sudanese made them much more difficult to deal with than any other ethnic group in colonial Kenya. As “detribalised Natives” they had no legal claim to land in the “Natives reserves,” thus their tenure in Kibera was based on their status as former servants of the British Crown. The Kiberans’ life-long military service put the British in their debt, and they were able to call in a host of powerful military patrons to oppose any attempt at eviction. This

protection was a tangible reward which encouraged the Sudanese of Kibera to embrace firmly the tradition of military service and Islam as part of their identity. The two became the main factors defining them as a group apart from the greater African population of Kenya. Yet when British rule in Kenya drew to close in 1963, a younger generation of Kiberans, under the influence of African nationalism, recast their identity to define themselves as Nubis, an indigenous "tribe" entitled to full rights as Kenyan citizens (Ibid; 89).

1.3.5 Urbanization and Housing

Since the depression of the 1930s, the urbanization of the Second World War, rural urban migration increased and led to many people moving into the area as a result of a shortage of housing. The outcome of this influx was the mushrooming of temporary structures. Due to the high demand for housing, the first Nubian tenants claimed ownership of the land, began cashing in on the housing problem by constructing mud-and-wattle structures which they then sub-let to newcomers. These structures were on state owned land with only temporary lease agreements. The occupants of the land were provided with Temporary Occupation Licences (TOL) by the provincial administration and the structures were not recognised by Kenya's official legal policies (Taya 2004). To date the area is mainly made up of these shacks. Landlords in Kibera did not have much incentive to carry out improvements to the dwellings, although this could have allowed them to increase rent, as there was the risk that the dwellings may be torn down if the government developed other plans for the area (Wegelin-Schuinga et al 1997). The amount of rent paid was not related to the provision of basic infrastructure such as water or latrines but more to the provision of electricity and the "finish" of the building, that is, cementing of floors and walls

(Wegelin-Schuringa et al 1994). In cases where water and electricity were provided, the residents complained about exorbitant bills that were far higher than the consumption rate (Anonymous 2007). City authorities had over the years, not regarded the provision of basic services as their responsibility, as this area was considered illegal and therefore did not qualify for city services. Thus water services in Kibera were inadequate; drainage consisted of channels formed in the paths and roads which rendered the roads impassable during the rainy season; sanitation facilities were insufficient and waste disposal services did not exist (Wegelin-Schuringa et al 1997). Previously urban/slum residents had been treated as temporary. It was assumed that migrants from rural areas would eventually retreat to the countryside after realising their targets. Urban dwellers had therefore been seen as people in transition. However a study on slums in Kenya found that "slum residence is not as temporary as conventionally thought…" The study found that the residents covered had stayed in their current households for an average of six years (GoK/UNHABITAT 2003).

People who moved into Kibera from other parts of the country tended to live in ethnic clusters otherwise known as villages, even though these villages, which were 17 (Ndeti, no date), overlapped. Some of these villages include Silanga, Laini-Saba, Lindi, Mashimoni, Kisumu Ndogo, Katwekera, Kianda, Makina, Ayany, Raila, Kichinjiyo, Soweto, Quarry, Kambi Muru and other smaller ones. An indication of the variety of ethnic groupings is observable in the names of the villages; Kisumu Ndogo is comprised predominantly for Luo, Silanga for Kamba, Kiandaa for Kisiis, Makina for Nubians, Kichinjiyo for Luhya etc (Peacenet and Kyppede 2002; 7). The major reason why informal settlements such as Kibera sprang up in Nairobi was because

since 1985 the government had not even kept statistics for low cost housing and its dismal investment in housing fell 37 per cent in a single year, the 1998/99 financial year (Daily Nation, December 10 2001, Rowan 2001).

1.4 Literature Review

1.4.1 Ethnic Politics

Ethnicity has often been studied in the context of modernization. There are three ways of relating ethnic conflict to the modernisation process. The first is to view ethnicity as a mere relic of an outmoded traditionalism, doomed to be overtaken by the incursions of modernity. The second is to regard ethnic conflict as a traditional but unusually stubborn impediment to modernization. The third is to interpret ethnic conflict as an integral part – even a product – of the process of modernization itself (Horowitz 1985; 97). However, most modernisation theories place emphasis on elites, the modern stratification system, and the modern sector of developing societies in general. These theories therefore tend to give insufficient attention to the conflict motives of nonelites, whose stake in the benefits being distributed is often tenuous at best (Ibid; 102). The thesis in the modernization interpretation of ethnicity is that men enter into conflict not because they are different but because they are essentially the same. Therefore, it is by making men "more alike," in the sense of possessing the same wants, that modernization tends to promote conflict (Horowitz 1985; 100).

For Marxists, ethnicity is an epiphenomenon that masks the more critical class distinctions and contradictions extant in society (Omolo 2002; 210). They argue that social and political behaviour can be reduced to economic interests, particularly those of classes. Ethnicity, they contend, is nothing but a disguised economic interest "false

consciousness" which acts to inhibit people from pursuing their "real" class interests (Kellas 1991 in Omolo 2002; 211). But then the question would be why the masses buy into ethnicity. The assumption that the elite machinations and deceptions bring the masses along requires a leap of faith, and a far-reaching one at that. What it suggests is that nonelites by suffering from a case of "false consciousness" are serving interests other than their own. This argument which is implicit in modernization writings has been explicitly advanced:

> … tribal movements may be created and instigated to action by new men of power in furtherance of their own special interests which are, time and again, the constitutive interests of emerging social classes. Tribalism then becomes a mask for class privilege (Sklar 1967; 1-11 in Horowitz 1985; 05).

Primordialists view ethnicity as an unmediated trans-historical constant that is traceable to instinctive behaviour and to pre-modern societies. It is a static identity rooted in the historical past. The approach thus emphasises cultural and psychological aspects of group identity, seeing them as natural and unchangeable (Ibid). However Sklar argues that tribalism in new societies should be treated as a dependent variable and not as a primordial political force (Sklar 1967; 1-12 in Bienen 1974; 131). Bienen states that the term primordial implies that ethnic identities are "givens," fixed categories, whereas these categories can be created out of a modernizing process and ethnic perceptions can be fed by politicians (1974; 131). Moreover if ethnicity is seen largely as a primordial, then institutions can do little beyond reflecting differences. Thus prospects for the furtherance of democratic institutions in multi-ethnic societies in this context can only be doomed, since every ethnic group will be predisposed to

exclusivist political behaviour (Omolo 2002; 210). Both Marxists and Cultural pluralists have disputed the primordialist conception of ethnicity. The latter have argued that ethnicity is a modern rather than a traditional and atavistic phenomenon. Pluralists have been faulted for under-emphasising the significance of common institutions and crosscutting relationships that develop over time in the contact between sections in polity. Marxists have also criticised this approach on account of its insensitivity to the bonds of common interests that arise on the basis of similar social relations of production (Kuper 1974 in Omolo 2002; 211). It has been observed that pluralists have a tendency to see cultural cleavages as permanent within the society and that the mere existence of plurality seems to account for conflict. They therefore, downplay the economic and political aspects of ethnicity. As such, ethnic conflicts in this understanding play themselves out in a social vacuum (Oshaghae 1994 in Omolo 2002; 211).

Oyugi shows how ethnic consciousness was buttressed as people moved from their indigenous areas of habitation into urban areas in tandem with the tempo of urbanization (Oyugi 1997). The politico-administrative regimentation of areas compartmentalised people into ethnic administrative enclaves which in turn led to the heightening of ethnic identity (Ibid). This notion of ‘a people’s own area’ as Oyugi calls it led to a rejection of ‘outsiders’. Leys suggests:

> The foundation of modern tribalism were laid when the various tribal modes and relations of production began to be displaced by capitalist ones, giving rise to new forms of insecurity, and obliging people to compete with each

other on a national plane for work, land and ultimately for education and other services seen as necessary for security (Leys 1975; 199 in Oyugi 1997).

Ethnicity has been identified as a key component in economic competition and political conflict (Nnoli 1978, Leys 1975). Income and educational disparities work to foreground ethnic divisions (Oyugi 1997). Blanton et al argue that despite colonialism's central role in the development of weak and ethnically divided African states, there have been few efforts to analyse ethnic conflict and Africa's colonial legacy. They further state that most efforts to analyse ethnic conflict have employed grievance-based models which emphasise economic, political and social deprivation or discrimination as sources of ethnic strife. They however, argue that despite their intuitive appeal, grievance models generate little explanatory power with respect to ethnic conflict in Africa (Blanton et al 2001). Korolina, who analysed the role of ethnicity in Kenyan politics, defined ethnic politics as the striving to share government power or striving to influence the distribution of government power within a state by ethnically defined actors (Karolina 2004; 36). While Nagel and Olzak defined ethnic mobilization as the process by which a group organizes along ethnic lines in pursuit of collective political ends (Nagel and Olzak 1982).

Blanton et al argue that the indirect decentralised rule of the British fostered an unranked system of ethnic stratification, while the legacy of the centralized French style approximated a ranked system (Horowitz 1985; 22 in Blanton et al 2001). The most elaborated structural models of ethnic strife rely on the contrast between ranked and unranked systems of ethnic stratification, a distinction that 'rests upon the coincidence of social class and ethnic origins. Where the two coincide, it is possible to

speak of *ranked* ethnic groups; where the groups are cross - class, it is possible to speak of *unranked* groups' (Horowitz 1985; 22 in Blanton et al 2001). Blanton et al further argued that because unranked systems fostered competition between ethnic groups – which could readily spiral into conflict, they posit that the British colonial legacy is positively related to both the frequency and intensity of ethnic conflict. French colonies on the other hand, were left with centralised bureaucratic power structure that impeded ethnic mobilisation and suppressed non-violent ethnic challenges. It has been said that many ethnic groups encountered each other for the first time during colonial rule. The inference is that most ethnic antipathies have their genesis in colonialism (Horowitz 1985; 98-99). It is clear that all these approaches emphasise different aspects of a much larger picture. The limitations lie in the tendency towards axiomatic and monocausal explanations. There is therefore need for a multi – dimensional approach to analysing the phenomenon of ethnicity in political process (Omolo 2002; 212). At the local level, ethnicity became a means of exclusion. Thus the Nubians found themselves identified as outsiders, with no rights to employment. The implications of this exclusion in creating conflict will be explored.

Since Kenya attained independence in 1963, ethnicity had played such an influential role in the politics of Kenya that it tended to become the significant basis on which political decisions were taken. Jomo Kenyatta, the first president, was openly biased towards the Kikuyu, his community. Perhaps in Kenya more than anywhere else in Africa did the conduct of politics during Kenyatta's tenure fit the cynical billing that: Ethnicity entailed not the collective will to exist but the existing will to collect (Horowitz 1985; 104). So insensitive was Kenyatta to the ethnic diversity of the country that he, in a most cavalier manner, ignored the imperative of meritocracy. For

instance, the first vice-chancellor of the University of Nairobi, the then only public university in Kenya, Dr Josephat Karanja, a Kikuyu, had only served a stint as a lecturer in the History Department of the university before his appointment to this highly sought after position. Omolo states that there were several senior non-Kikuyu Kenyan academics who were passed over (Omolo 2002; 221).

When Kenyatta University, Kenya's second public university was opened in 1972, Koinange, also a Kikuyu, with only an ordinary diploma certificate in education, was appointed the college principal. These partisan appointments permeated the gamut of Kenyatta's administration. Another Koinange served as a Provincial Commissioner, yet he had no formal education! So widespread were such appointments that Kenyatta's critics derisively referred to his rule as the "Kikuyunisation" of the Kenyan state (Omolo 2002; 221, Ajulu 1992, Muigai in Berman 2004).

1.4.2 Class Politics

Economic differentiations could also be said to be responsible for strong ethnic passions among some Kenyans. Before the advent of new capitalist modes of accumulation among the urban poor in Nairobi in the early 1960s, it was possible for a parliamentary candidate to win even if members of their ethnic community did not constitute the majority of the voters. For instance, in the 1961 Nairobi East election the electorate refused to be swayed by ethnic appeals and voted in Tom Mboya, a Luo. He defeated Dr Munyua Waiyaki, a Kikuyu, even though the electorate were 64% Kikuyu (Chege 1981; 76). With time this changed and it would be almost impossible today since divisions have emerged among the urban poor as a result of the shrinkage of economic opportunities. Mboya's charisma cost him dearly later. He

was assassinated in 1969 once those in Kenyatta's government realised that he could effortlessly appeal to national solidarity and consistently win elections in a constituency where the Kikuyu outnumbered the Luo (Muigai in Berman 2004; 213). The assassination of Mboya and its significance in Kenya's polity will be explored later in the report.

Atieno-Odhiambo identifies four strands of historical themes that he argues influenced the political terrain in Kenya since the colonial period. The first, he states, is the high politics of state with its concomitant power and the question of who should control it. He points out that racialism was the subtext of this strand until 1963 when tribalism took over. In the current political discourse, he adds, it is referred to as ethnicity. 'The tyranny of property' is what he cites as the second strand which pits the bourgeoisie against the lumpenproletariat and informs the nature of class formation. Thirdly, he mentions what he calls the deep politics of the clan and tribe which pits those who are referred to as insiders against outsiders, clansmen against foreigners, and original landowners against sojourners. The result of this dichotomy, he informs us, is the idiom and practice of ethnic cleansing. Finally, is what he refers to as the theatre of world citizenship which links the individual to the state, the international discourse on democracy and a desired world moral order established by international laws against all forms of discrimination. I shall try to explore the mix between 'the tyranny of property' and the deep politics of clan and tribe in relation to ethnic violence in Kibera (Atieno-Adhiambo 2004; 168-9).

Commenting on the nexus between ethnicity and class in most African polities of which Kenya was a part, Berman opines that 'the dialectic of ethnicity and class'

engenders both class differentiation as well as ethnic affiliation. He further states that the ubiquitous patron-client approach to politics in Africa buttressed local and ethnic identities which muted the development of a clear class consciousness. Ethnicity reproduced ties of reciprocity that cross-cut class lines. Moreover, he identifies ethnicity as the factor that hampered the development of broader national affiliations (Berman 2004; 48-49). Furthermore he asserts that the fragmentation and privatisation of the state that often accompanies ethnic politics severely militates against the state acting as an agent of a social transformation project (Ibid). Despite promises to improve housing in slums like Kibera, successive governments have not made good electoral promises, for example. Why not? This question will be considered through the prism of local government programmes focused on Kibera.

1.4.3 Religious Dimension

The Nubians were a predominantly Muslim community whereas the Luo and many other ethnic groups staying in Kibera were largely Christians (NPI-Africa 2003). This research report will look into this religious dichotomy to find out whether it had any correlation with the 2001 conflagration in Kibera. It was pointed out that the refusal by some tenants to pay rent or to pay half of it following remarks by Moi and Odinga made it difficult for Nubians to plan for their Ramadan celebrations which were only two weeks away because most of them relied on rentals for upkeep (Ibid).

1.4.4 Landlords and Tenants in Kibera

Conflict between landlords (who were in fact tenants on government land) and sub-tenants in Kibera were common. They will be analysed. During the 2001-2002 electioneering period, conflicts escalated. The question I ask is whether ethnicity was

a camouflage for other issues of contestation. Horowitz argues that politics cannot be reduced to ethnic ties. Not even in highly divided societies (Horowitz 1985; 7). In 2001, a long-running feud between landlords and tenants precipitated violence leading to the loss of 12 lives and displacement of 3000 residents (Irinnews 2001). Struggles seemed to take an ethnic dimension, where the landlord/tenant relationship (which could be seen in class terms) reflected Nubian/Luo ethnic divisions. The complexity of these differences will be explored. The 'Outsider patronage' i.e. the influence of political forces from outside Kibera will also be explored. The 2001 conflict will form the core of the study.

The government position was always that it owned the land in Kibera and those living on it were squatters, including the Nubians. The Nubians knew no other home in a country where the ubiquitous question is "Where are you from?" Horowitz states that open-handed questions that ask "Who are you?" What is your nationality?" or what is your country?" overwhelmingly elicit ethnic responses even when the "set" before the question is fixed on "national" rather ethnic identity (1985; 7). It is taken for granted that no one comes from Nairobi since everyone has a village in the countryside (Lynsey 2005). The government position vis-à-vis the status of the land accounts for the lack of social amenities in the area. There was no electricity, sanitation was appalling and the water pipes ran side by side with raw sewers. Statistics indicated that the one million people had only 600 toilets. As a consequence, most residents used plastic bags which were then simply thrown away hence the infamous "flying toilets" phenomenon (Rowan 2001). In a nutshell, there had never been any planning in the area because it would imply acknowledging government responsibility and would encourage people to settle on government land. The historical circumstances

that the Nubians found themselves in Kenya because of the British colonialists were deliberately evaded by the government. The approach of successive governments was to ignore the existence of slums (Leys 1975; 179, Cooper 1983; 167-194). Why the government took this stance will be explored.

1.4.5 The Informal Sector Phenomenon

Was part of the government's lack of interest with regard to the numerous challenges facing the people of Kibera due to its being associated with the informal sector? Most of the residents of the area were engaged in informal economic activities: hawking, and enterprise artisanship such as carpentry, wielding, garment/footwear making, and food preparing/selling among others. It appeared as if no effort had been made to ameliorate their plight so as to be able to render an effective contribution to the socio-economic and political activities of the country. The popular view of the informal sector activities was that they were primarily petty traders, street hawkers, shoeshine boys and other groups of 'underemployed on the streets of big towns.' (Bangasser 2000). The informal sector sometimes meant economic activities which largely escaped recognition, enumeration, regulation and protection by the government (Leys 1973). The International Labour Organisation (ILO) report as early as 1972 further stated that most governments in the developing world had abandoned the informal sector as a 'dumping ground for youth and the unemployable', a 'haven for idlers and loafers' who had no space in the formal sector (Bangasser 2000).

Hake, in a comprehensive account of Nairobi's slum areas depicted slum residents as innovative and hardworking people who endured wretched lives, simply because the rich, the government and the formal capitalist sector were too disingenuous to

appreciate and support the 'self help' initiatives of the urban poor (Hake 1972). The ILO Report noted that the so-called 'informal sector' denoted primarily a system of very intense exploitation of labour, with very low wages and often very long hours underpinned by the constant pressure for work from the 'reserve army' of job seekers (ILO Report, 1972 in Leys 1973). The contrast between Nairobi's gleaming skyscrapers and the hovel-like structures of the informal sector was stark. In 1972, the ILO report counselled what it referred to as "a leap of imagination" for one to be able to place the informal sector, typified by Kibera, within the matrix of Kenya's economic development (ILO, 1972 in Bangasser 2000). Moving from the city centre to the informal sector was akin to moving from the Silicon Valley to the Stone Age era. In chapter 13 of the report, the authors suggest that the informal sector, though being marginally productive, was economically efficient in spite of being 'simple in technology, hamstrung by capital and severed from the formal sector' (Ibid). The report further noted that the informal sector provided services to the poor and in it were carpenters, masons, tailors, and other tradesmen and had a whole range of basic skills that offered goods and services.

The Kenya report changed the perception of the informal sector from the "miserabilist" vision in which it was perceived to a positive attitude. Yet successive governments in Kenya ignored the sector and failed to integrate it in the micro economic plan (Ibid).

1.4.6 Prebendary Politics

It is against a seeming background of prebendary politics whereby a disproportional fraction of the leadership in Kenya had a high propensity to promote their own that I

analyse the squalor in Kibera. The use of the term prebendary in this context refers to unofficial fees0 that local leaders in Kibera had imposed on people before they could access land and licences for businesses. For example, on realising that the government had abdicated its responsibility of ensuring that there was decent shelter for the dwellers in Kibera, leaders at the local level especially civic ones were in the past implicated in scams whereby they dished out spaces within the slum in exchange for money. Corruption, officialdom, and nepotism had conspired to reduce Kibera to a dilapidated place. For instance, Mashimoni, one of the villages of Kibera, was an open recreation ground ten years previously where youths used to play football. In 2007, today it is packed with mud and iron sheet structures because the chief allocated plots to newcomers. If a landlord built houses and left spaces, the chief would identify such spaces during his many tours and allocate it to a new landlord. However it has to be mentioned that not all non-Nubian landlords got their plots in that way as some had bought them from their Nubian neighbours (Daily Nation, December 7 2001). The national government accused such leaders of compounding the problem in Kibera by encouraging the expansion of the slum contrary to the government's 'plan' to upgrade it (Mulama no date, UNHABITAT 2005). This behaviour, by local government leaders was in consonance with that of their counterparts at the national level who rather than devise tangible plans for improving the lot of the masses in Kibera, turned their misery into vote-banks (Verma 2002; 18 Kitching 1980, 438-455) and avenues for personal aggrandisement.

1.4.7 Clashes in Kibera

Violence broke out in the lead-up to the third multiparty elections in 2002 more than a decade after the reintroduction of plural politics in 1991. Moi had been

constitutionally barred from standing, having completed his second five year tenure. His party the Kenya African National Union (KANU) merged with the National Development Party (NDP). The latter had a support base among the Luo community and its leader was Raila Odinga, the political successor and son of the doyen of opposition politics in Kenya, Jaramogi Oginga Odinga (Ogot and Ochieng' 1995; 241). In November 2001, Kibera became a microcosm of ethnic divisions and was used within the wider succession politics in the country. Having manipulated ethnic divisions to his advantage throughout his 24 years at the helm, perhaps no other politician in Kenya knew how to make political capital out of it better than Moi (Ayittey 1999, Bayart, 1993, Lewis, 1998, Russell, 2000). In a country where voting is still, mostly along tribal lines, Moi was concerned to find support from other ethnic groups such as the Luo to ensure sufficient votes for his preferred successor, Uhuru Kenyatta. Odinga, who at the time was in Moi's cabinet, was quoted as telling a group of angry residents that, "The government is the true landlord, the landlords are the tenants and the tenants are the subtenants… the government will tell the landlords to lower the rent" (Rowan 2001). His comments on the housing situation in Kibera fed into populism aimed at wooing the Luo, a community that had come to symbolise opposition politics in Kenya, and who were largely tenants. Odinga found a platform in Kibera through the electoral pact but his aim was to foster his presidential prospects. However, the two politicians' comments on housing in Kibera fanned conflict between Nubian and Luo and other groups. The political discourse used by Moi and Odinga laid blame on landlords and masked the role of local state neglect.

1.4.8 The Narrative of the Conflict

On 22nd October 2001, the Presidential Commission of Inquiry into the Land Law Systems in Kenya popularly known as the Njonjo Commission visited Kibera as part of its countrywide visits to collect and collate views of Kenyans on the land laws reform process. In the run up to the visit, tension had been brewing pitting Nubians against non-Nubians over land ownership. During its sitting, the Nubian community claimed ancestral, rightful and "constitutional" ownership of the land in Kibera arguing that they had lived there for over one hundred years. Moreover, the former were reported to have made a submission to the effect that all non-Nubian residents were 'squatters' and therefore did not deserve to live in Kibera. They asserted that all land in the area be given to them as they were the original allottees. The Nubians further claimed hosting other communities that had instead turned to oppressing them and in a memorandum suggested that hundreds of squatters from their community be decently settled on the more than 400 acres of the land in Kibera (Peacenet and Kyppede 2001; 32, Law Society of Kenya 2002; 6). The corollary was that the non-Nubian particularly the Luo did not take kindly to the statements (Law Society of Kenya 2002; 6)

The area MP Hon Raila Odinga was ambivalent in his comments on the controversial Kibera land ownership. He supported neither the Nubians nor the other communities' claims. He simply stated that lack of land security had led to the mushrooming of slums, as owners of shanties feared demolition of decently built houses. The sitting ended acrimoniously in heckling, name-calling and near fights as pandemonium, confusion and commotion reigned (Kyppede 2001; 32). At that stage, the conflict put

the Nubian community on a collision course with all the other tenant resident communities over land ownership (Ibid).

Exactly ten days later as tension began rising, Moi went to Kibera on 31st October 2001, to preside over a funds drive in aid of Lang'ata Bursary Fund. Raila raised the controversial issue of landownership and asked the president to intervene so as to save the tenants from high rent the same way Moi had intervened on behalf of tenants in other Nairobi slums called Korogocho. He decried the poor living conditions in which the tenants lived besides being terrorised by goons hired by landlords to deal with rent defaulters:

> There is a rent problem in Kibera. It is an issue to the tenants. There are landlords who have built on government land but have not provided their tenants with toilets and bathrooms. Gangs hired by landlords evict rent defaulters. Land in Kibera belongs to the government. Landlords do not pay any tax. They fleece tenants. It is unfair. Tenants request you to reduce rent in the same way you did in Korogocho (Raila Odinga, video tape 2007).

In his address Moi stated that the land in Kibera belonged to the Government and those levying rent on the temporary structures were breaching the law:

> I understand Kibera since I do not stay far from Kibera (see Daily Nation, December 7 2001, Peace-net and Kyppede 2001; 13).[1] People grabbed land, built mud houses and moved tenants in but the land is not theirs,…Those

[1] Kibera is dirt poor in spite of neighbouring Moi's private residence. According to the Nubians the original land they were given by colonialists included the one in which the former president's residence is located.

> illegally occupying land in Kibera would have been prosecuted but have to reduce rent to the level... (Moi, 2007; videotape).

Moi ordered the Nairobi Provincial Commissioner (PC) to arbitrate between the landlords and the tenants over the rent issue. The PC called for a consultative meeting between the two parties during which he seemed to contradict his senior by ordering tenants to continue paying rent as they awaited further negotiations. At this point violence erupted since the tenants took it that the provincial administrator had sided with the landlords (Law Society of Kenya 2002; 7).

At another meeting called by the PC which representatives of landlords and tenants attended, landlords dug in their heels and appeared as if they were determined to maintain their optimum income. They did concede to proposals for rent reductions: rents of between Kshs 100 and 200 would be reduced by Kshs 50; those of Kshs. 300-900 by Kshs. 100; Kshs 1 500-2 500 by Kshs 200 and Kshs. 3000-10 000 by Kshs 500. Tenants on their part maintained a half cut and even non-payment of rents for other structures (Peacenet and Kyppede 2001; 25). The message that the tenants got from Moi's speech was that they could after all stay in houses without paying rent as doubt had been cast by none other than the President of the Republic as to the title of the land purportedly claimed by the landlords (Law Society of Kenya 2002; 6). The president in effect "settled the land ownership problem" once he said that land in Kibera belonged to the government but not to the Nubians who ten days previously had claimed its ownership (Peacenet and Kyppede 2001; 33).

Moi significantly upped the stakes in the festering conflict with tenants being then in a position to challenge the legitimacy of the hitherto, undisputed landlords by reference to Moi's directive. The tenants were emboldened and felt that they had a stake in the whole issue. Most of them started holding meetings popularly known as 'Kamukunjis' in which they gradually moved towards a resolution against payment of rent (Law Society of Kenya 2002; 7).

On 3rd December 2001 the area Member of Parliament, Raila Odinga, attended a rally in Kibera and demanded that rent be reduced by 50%. Unlike the president, the MP was unequivocal and as such was seen to have sided with the tenants. It was a statement made more for its populist appeal as opposed to with an intention of looking for lasting solution to the perennial Kibera conflict over land. Indeed the MP's pronouncement resulted in physical violence that very night (Law Society of Kenya 2002; 8). When a landlord went to ask for rent from his tenants they refused to pay, no doubt relying on statements made by the two politicians. The landlord in turn mobilised youth who went and beat up the tenants. The tenants fought back in defence and overpowered the landlord and his gang. Being a Muslim, the landlord sought refuge in a mosque from where he proceeded to raise alarm. The intention seemingly was to create the impression that a Muslim was being attacked by non-Muslims in a mosque (Ibid). Certain aspects of this chronology of the 2001 Kibera violence will be referred to in some sections of the report.

1.4.9 Disorder in Kibera - The Televised Story

For the following two days, the violence spread throughout Kibera as it sucked in more and more members of the public all fighting on one side or the other. The police

then moved in, in an attempt to restore order. Thousands of residents fled their houses and sought refuge in church compounds, mosques and administration offices (Ibid). On television, I witnessed mostly women and children running helter skelter as some of the residents engaged the police in running battles as the police used live ammunition against charging crowds. The cameras showed that heavy palls of smoke from burning structures as well as tear gas engulfed Kibera. Some women pleaded for mercy from the terrifying police. Some of the landlords were caught on camera removing roofing to evict tenants who had defied rent payment (Videotape 2007). For those who were fighting, every destruction, death or damage was sought to be similarly avenged on their adversary. Thus people were maimed, others were killed, houses were burnt and property destroyed. A camera captured a gory sight: I saw a viciously attacked man breathing his last. There were bodies lying in pools of blood whom Cllr Opette Opette, from whose house I watched the videotape, said were those of Nubians caught up in a predominantly Luo area. There were blood soaked bodies savagely mutilated using *pangas* (machetes) twitching from gutters and along the railway line with blood oozing out and cascading into gutters (Video tape 2007). It was a ghastly sight. A respondent told me that, "I know of a person who learnt how to murder on that fateful day (Anonymous 2007)." Before the police could restore some semblance of order, the orgy of violence had gone on for two weeks.

1.5.0. Law Enforcers or Law Forces?

The police who were deployed to Kibera during the clashes were accused of breaching the law they were expected to maintain. Among the offences levelled against them were rampant looting, rape (BBC News 6 December, 2001; 16:22 GMT, Daily Nation, November 9 2001), breaking into houses, attacking anyone they found

outside their homes and chasing away anyone looking for safety (Peacenet and Kyppede 2001; 50).

Ms Joyce Chebet reportedly said that the police invaded her house, beat her up, stole from her and attempted to strip her naked with intentions of raping her and was saved by some relatives who screamed an alarm. “I feel traumatised by the incident; the police should protect us and not harass us” (Daily Nation, December, 6 2001). A butcher, Jonhstone Wachira, reportedly said officers in full uniform entered his premises and ordered him to roast meat for them, “They had carried bottles of beer stolen from other shops, which they drank as they ate meat behind the butchery.” A resident, John Obiero, said the officers broke into his shop and took away more than KSh 3,000 as Mr Patrick Njoroge claimed he lost KSh 6 000 and goods estimated at KSh 10 000 including bottles of sodas, packets of milk and perfumes (Peacenet and Kyppede 2002; 50).

Ms Everlyne Adhiambo claimed the officers broke into her house and ordered her to surrender all her money, “I gave them KSh 11 000 belonging to our women group and now the owners are demanding the money or my property.” Eunice Achieng’ reportedly said that, “The police broke into my locked kiosk and took all the money and bread. They mixed sugar, water and paraffin…” (Ibid).

1.5 Theoretical Questions

In analysing this case study, I will be guided by some of the following questions whose responses will provide the framework for the study. My focus is to explore local political relationships - the dialogue between local organisations and local

government to improve local living conditions in Kibera. I also intend to explore the relations between tenants and landlords, and how these relationships exploded into conflict in the context of broader national politics in 2001. I will attempt to look into questions of democratic accountability, legitimacy, and transparency (Mbai, 2003) among the local leaders in Kibera and how these issues intersected with the politics of the 2002 elections. Local leaders within the local authorities were able to evade their responsibilities and seemed to have benefited from the situation in imitation of their counterparts on the national stage. One explanation is that the uneven distribution of the benefits of modernisation among ethnic groups in Africa often results in competition for resources with the emergence of concomitant ethnic tensions which if not handled carefully cause violence (Sadbrook; 1985 cited in Omolo; 2002; 210). I seek to explore the nexus between the resource crunch, ethnicity and conflict through a case study of conflict in Kibera. My analysis of the slum, will critically question why almost every actor in the Kibera fray was criminalized. The local government viewed the settlement as illegal thus those who inhabited had subverted the law. Paradoxically, politicians urged some of the residents to defy rent payment since the area was a reservoir of votes. Landlords in turn criminalized the area by employing gangs to deal with rent defaulters and some tenants defied rent payment in obedience to the politicians' directives or organised themselves into gangs for rent collection with a promise to give it back to the landlords but failed to do so (Taya 2004). These complex relations will be explored.

1.6 Theory of Political Relationships

There are different theories that have been advanced in an attempt to understand African politics. One of the most commonly advanced frameworks is that of

neopatrimonialism presented by some analysts as the 'distinctive hallmark of African regimes'. This theory upon which this report will draw propounds that the process of rule and leadership are personalised and operate through patronage rather than through ideology or law (Hutchful and Aning in Adebajo; 2004; 197). The consequence of this personalisation of power is that violence becomes part of everyday life. Consequently, rebellions present on the continent are a reflection of state related violence. The same could be said about acts of violence at the local level such as the ones in Kibera. Another framework is the convergence of "high" and "low" politics as postulated in Adebajo. According to this perspective, Africans have been subjected to structural violence by their own governments, market conditions as well as international financial institutions such as the International Monetary Fund (IMF) and the World Bank.

Politicians desperate to cling onto power used ethnic identity as a means to retain power in an ironic replication of divide and rule. It is in the light of this development that ethnicity was used as a rallying point by communities that consider themselves shunted away from the largesse. The thrust of my argument is that ethnicity per se is not the issue rather the politicisation of it. The deployment of ethnicity by self-seeking politicians to ascend to power is. Rwanda, Somali, Sierra Leone to name but three provide classic examples of this disturbing state of affairs (Sidiropoulos 2001; 14-16). Politicians employ ethnicity to try and shore up their shrinking power base as well as to crackdown on opposition (Ibid, 208). There appears to be a contradiction between promoting a multiparty democracy and neopatrimonialism which bolsters ethnic divisions. The contradictory nature of these ideas will be the lens theory through which the politics in Kibera are explored.

1.7 Methodology and Sources

The research is qualitative in nature. Qualitative research is a broad approach in social research that is based upon the need to understand human and social interaction from the perspectives of insiders and participants in the interaction (Greenstein 2005; 50). Greenstein explains that the main aim of projects and studies that follow this approach is to describe, understand and explain human behaviour (Ibid). Drawing on theories explored above, the research uses the following sources:

1.8 Sources

1. Press reports on the 2001 conflict: I refer to press sources such as The Nation and The Standard newspapers, which are the two most prominent newspapers in Kenya.
2. One on one interviews with key informants such as leaders of tenants and sub-tenants, leaders of ethnic associations and leaders of religious groups. Greenstein defines an interview as a conversation that puts emphasis on the art of asking questions and listening. Some of the questions I asked the respondents are:
    i. In what way did the 2001 conflict in Kibera affect you as a tenant?
    ii. How were you affected as a 'landlord' following the 2001 conflict in this area?
    iii. What was the conflict about?
    iv. What role did local leaders play in the conflict?
    v. What led to the rise in conflict?
    vi. Do you think that people's ethnic identity had any role in the conflict?
    vii. Do you think religious affiliation had anything to do with the conflict?
    viii. How do Nubians relate with the other ethnic groups in this area?

ix. Are the residents in this area united as an economic group?

x. Was land a factor in the 2001 conflict?

3. Government reports: I refer to government reports on Kibera especially those related to local government plans for Nairobi, reports by presidential commissions of inquiry into land issues as well as those that investigated the causes of ethnic clashes in some parts of Kenya in the early 1990s. I attempted to refer to City Council reports and minutes.
4. I intended to conduct focus groups. A focus group can provide insight into how a group thinks about an issue, about the range of opinions and ideas, and inconsistencies and variation that exist in a particular community in terms of beliefs and their experiences and practices (Greenstein 2005; 60). Greenstein further adds that focus groups are important as they provide background information for designing question guides for individual interviews (Ibid). I intended to conduct one focus group interview with a group of Luo tenants since they were among the majority tenants in the area. In addition, I intended to conduct another among Nubian landlords/ladies to get their perspective given that most members of Nubian community own structures in the area. Individuals from the latter group shed light on the religious angle to the conflict.
5. I used the Internet to access a number of key documents and journal literature. These are listed in the bibliography.

1.9 Challenges Encountered

While in the field, I met some prospective respondents who were suspicious of my intentions. Kibera had a history of clashes and once I broached the issue of the 2001 conflict, some people were unwilling to talk to me about it. Indeed a respondent was

agitated when I approached him and requested to talk to him about the 2001 conflict (Hamsa 2007). Some agreed but were so cagey that I could not gain any information from them with regard to my research (Anonymous 2007). Consequently, it was not easy to organise focus group discussions as I had purposed to do. Moreover because of suspicions, I could not tape the interviews that I did undertake.

At the Nairobi City Council, I was informed that my research had nothing to do with them. The response came even after I had given them my letter of introduction from my supervisor and explained further what my research was about. It goes without saying that the Nairobi City Council (NCC) was one institution that could have been of relevance to my research. However, going by some of the findings in the report, their reluctance to talk to me was not entirely unexpected.

The NCC referred me instead to the public relations office at the Police headquarters. I approached the police, but I was told I could not be attended to since the person in charge of the department was to travel to another province to organise a presidential function. I was instead told to provide them with interview questions to which they would respond in a week's time. I was not able to extract any information from them because within that duration, I was supposed to leave Kenya for South Africa. The evasiveness of the police had to be seen within the prism of offences police officers deployed to Kibera perpetrated against the residents.

I could not get first hand information from any of the provincial administrators in Kibera. Those who were working in the area in 2001 had either retired or been posted

to other stations. The chief in Kibera for instance referred me to his elders who were in the area at the time.

There was a Muslim teacher whom I booked an appointment with but he simply made himself unavailable.

The time frame for the research report made it impossible to pursue key informants.

However, the primary sources, such as Commission Reports and Newspaper reports, as well as discussions with some residents filled some of the gaps.

1.1.0 Data Gathering Methods

This being a qualitative research, I relied on the methods indicated below in gathering data from the field:

1.1.1 Internet Sources

The Kibera conflict is of a fairly recent occurrence. There are a number of sources on the World Wide Web net which were useful in gathering my data. They are listed in the bibliography.

1.1.2 Interviews

This research explores ethnicity and ethnic identity. I used the interview method particularly semi-structured interviews to access these qualitative issues from key informants. Greenstein et al (2003) state that this method involves a clear list of issues to be addressed and questions to be answered but there is flexibility around the sequence in which they are asked and the interviewer allows the respondent to speak

more broadly about the topics being discussed. The answers are open-ended and the respondent has room to provide greater detail on points of interest. Before I interviewed the respondents, I explained to them what my research was about, why I approached them, what I wanted to ask them about and how the information would be used (Ibid).

I used in-depth interviews because of the latitude it provided to respondents to express themselves and develop their own train of thought.

1.1.3 Focus group interviews

Greenstein has this to say about this form of data collection: A focus group usually involves between 8-12 people from similar backgrounds and experiences who discuss a specific topic of interest. It is guided by a moderator who helps the group discuss in a natural and lively debate among themselves. The moderator relies on a question guide to do this. The question guide is an outline of major questions to be asked of the group and is flexible enough to allow the discussion to develop naturally, but at the same time provides sufficient structure and direction to prevent digression from the original topic of study. I spoke to a group of Nubian landladies who nonetheless, did not constitute a focus group. I spoke to Luo and Luhya tenants individually. The Nubian women told me they were born and brought up in Kibera while most of the Luo and Luhya tenants moved to Kibera from the countryside in search of a better life. There was a Luo tenant who told me he was born and brought up in Kibera.

1.2.0 Hypotheses

- In the Kibera conflict, class is masked by ethnicity.

- Successive governments in Kenya have been responsible for the creation of insiders and outsiders in Kibera.
- Ethnicity has been used as a mechanism to prevent any united front in Kibera.

1.3.0 Ethical Question

People interviewed were appraised of the objectives of the research and freely chose whether to be interviewed anonymously or not.

CHAPTER 2

LAND, LANDLORD, TENANT AND GOVERNMENT INERTIA

2.1 Overview

The chapter sets out to explore the land politics in Kibera. It attempts to trace the history of the land in this settlement and how it had evolved over the years since colonialism to post independent Kenya. The thrust of the argument here is that successive governments in Kenya since colonialism mistakenly thought that Kibera was a transient settlement area. Kibera has however, not disappeared as envisaged at the time it was established between 1904 and 1928 (Parsons 1997; 89**).** The Sudanese as the Nubians were alternatively called were encouraged to settle near government stations in order to provide a form of military reserve should their services be needed on short notice (Ibid). Besides they had to be closer to administrative stations where they would pay nominal rent and be supervised by district commissioners (DCs) with the power to evict them if they became unruly (Ibid). In 1916, a provincial commissioner discouraged the making of settlements in which the Sudanese lived too large for fear that they would become ungovernable permanent communities. Therefore he proposed a scheme where only disabled veterans would have the security of rent-free tenure, while healthy men and their families would become a class of rent- and tax-paying tenants residing at the will of the colonial state, subject to eviction at any time (Ainsworth 1916 in Ibid). As the chapter unfolds we realise that Kibera is one area that seemed to have such intractable problems that even the national government seemed not to have mechanisms to address them. The theme running through this chapter is about the ownership of land in Kibera.

The land question in Kibera was an emotive and polarising one. It had been so since colonialism. The government maintained that it owned it while the Nubian community advanced the argument that having settled in the area for close to a century, they were the rightful owners of the land (Daily Nation, December 7 2001). The government ownership of the land was officially declared in 1933 when the Kenya Land Commission clarified that the area was crown land with the implication that the Nubians were then tenants of the crown. (Peacenet and Kyppede 2001).

2.1.1 The Kenya Land Commission

In 1932 and 1933, the "Kibera problem" was brought before the Kenya Land Commission (KLC) otherwise known as the Carter Judicial Commission. The Kenyan government hoped the Commission would provide legal sanction for the removal of the settlement, and marshalled a great deal of evidence to show that the Sudanese had no title to the land and were a source of crime and disorder (Adams C.H. et al and Montgomery B.F. 1933 in Parsons 1997). C.H. Adams, the District Commissioner (DC) of Nairobi told the KLC that "land around big towns is much too valuable to start 'native farms' adjoining them," and argued that the Sudanese were in fact "tenants at the will of the Crown" who could be evicted by the Minister of Lands at any time. Adams maintained that the Sudanese veterans received a discharge gratuity in cash payment, and not legal title to Kibera. Colonel R. Wilkinson, the commander of KAR's Northern Brigade and the highest ranking officer in the colony, did nothing to defend the Sudanese. He favoured relocating Kibera because the Sudanese no longer enlisted in appreciable numbers. Captain B.F. Montgomery, the adjutant of 5 KAR, was more sympathetic. He argued that only the second generation of Sudanese who failed to fulfil the residency requirement through military service should be

evicted. The older ex-askaris (ex-soldiers), he argued, should still be allowed to spend their final days in Kibera (Ibid).

The Sudanese themselves were allowed to offer testimony to the Commission, and in a joint memorandum repeated their claim that Kibera was their pension (Ex-Soldiers 1933 in Parsons 1997). While a formidable group of European witnesses testified against the Sudanese, the Commission declined to sanction their outright eviction. It did find that "… there is nothing whatever to support the contention of the Sudanese that the whole area was given to them as a reserve forever. They were merely given permission to live there." However, it qualified this statement by noting they were also owed certain obligations:

> We consider that Government had a clear duty to these ex-askaris either to repatriate them or find accommodation for them. They were told that they might make their homes at Kibera and in our judgement they ought not to be moved without receiving suitable land elsewhere and compensation for disturbance, and we consider that a similar obligation exists in respect of their widows, or sons who are already householders in Kibera (Government of Kenya 1933 in Ibid; 96).

The Sudanese were expected to die out slowly, and their presence could be tolerated until old age moved them. The Commission denied the Sudanese the right to build more houses in Kibera as it accepted the argument that the settlement had become "useless" as a military recruiting ground. Houses were to be destroyed after the death

of veterans and widows, with the second generation Sudanese eventually moved to the Muslim neighbourhood of Pumwani (Parsons 1997; 96).

The Commission felt that if relocation was necessary, the government had the obligation to settle the Sudanese on good land within easy reach of Nairobi. The Commission singled out the non-Sudanese in Kibera as the primary cause of disorder in the community. They were to receive the "bare cost" of their houses and crops, and were to move to Pumwani or their home reserves (Ibid; 96-7). Therefore the Kenya Land Commission's recommendations pleased neither the civil administration nor the Sudanese. The Sudanese claim to Kibera was repudiated, but the government was not given the sanction to summarily evict them. Furthermore the optimistic hope that order could be imposed on the settlement until the ex askaris conveniently died of old age proved to be entirely unfounded (Ibid; 97).

Contestation over land had been at the centre of most of the conflicts that Kibera had had and the 2001 conflict over rent was not an exception. In the latter part of the 19th century the colonial government allocated Nubians land measuring 4 197 acres (Daily Nation, December 7 2001, Hake 19977; 96). But for close to ninety years, the Nubian community have held no title to their ancestral land that is held in trust and which they say stretches from Kibera railway station to Bomas of Kenya, then to Wilson Airport and back to Ngong Road. All that was left were the ten areas of Makina, Laini Saba, Katwekera, Kambi Muru, Mashimoni, Siranga, Kisumu Ndogo, Lindi and Kianda which measure 500 hectares (Daily Nation, December, 7 2001 The Standard, October 5 2006). It was imperative to point out that not every other piece of land within Kibera was exclusively Nubian owned since a substantial part of the slum was

built on railway and road reserves (Daily Nation, December 6 2001). However, successive governments had hived off the land Nubians laid claim to till Nubians had been squeezed into a mere 300 acres which they shared with members of other ethnic communities thus turning it into slums (Daily Nation, December, 7 2001). Some of the intentions that the government had in taking way part of Kibera land seemed noble even to the Nubians.

The purpose of the Commission was to look into the legal position of Kibera, land ownership and residence (Peacenet and Kyppede 2001; 64). Following recommendations by the Commission, a number of developments came to the fore: many unauthorised housing units were destroyed and occupants evicted with only partial compensation. This latter seemed a strategy expressly to limit the exponential local population growth. With concerns over the area's continued deterioration into a slum, a development plan presented to the Council of Ministers in 1960 for approval officially allocated 500 acres to settle about 15 000 African residents (Parsons 1997; 120). Nubians were allowed to remain in Kibera. Sewage and water connections to Kibera were recommended. These modernisation efforts continued leading to the construction of modern estates in the postcolonial period. The irony however is that Nubians never benefited from those modernization efforts as villages were razed to the ground to pave way for modern housing. Instead most of the houses in those estates were allocated to other Kenyans from outside Kibera (Hake 19977; 96). As a result Nubians were compelled to seek refuge among relatives in villages that had not been affected, thus putting more pressure on dwindling vacant land within the remaining villages. The remaining villages with Nubian names such as Toi, Makina, Lindi, Kambi Lendu, Kambi Aluru, Kambi Muru, Mashimoni, and Makongeni had

attracted other Kenyans from outside Kibera thus further contributing to the marginalisation of Nubians (Daily Nation, December, 7 2001). It was with this history of dispossession in mind that a Nubian landlady categorically stated that: "We do not want estates. We want Kibera. We are opposed to the upgrading of Kibera since it will render Nubians homeless" (Anonymous 2007). Against this backdrop, the anger that most Nubian respondents expressed against successive governments in Kenya was palpable. The generation of Nubians I interviewed however seemed not to be aware that even under colonialism, the government gave their concerns only fleeting attention, if at all.

The government seemed to be in no hurry to resolve the dispute over land ownership in Kibera. It was curious to note that a presidential Commission of Inquiry into the Land Law system in Kenya (otherwise known as the Njonjo Commission) appointed in 1999 and that handed in its report in 2002 mentioned neither Kibera nor the Nubian community despite having held a sitting in the area. Instead the report had this to say:

> The rights founded on historical claims based on colonial or recent expropriations are at present a serious phenomenon in Kenya. They could receive legitimacy as a result of pressures being exerted by representatives of certain communities particularly the Maasai, the Pokot, the Sengwer, the Endorois, the Pokomo, the Orma, the Ogiek, the Talai, the Bajuni, the Boni and the Mijikenda communities (Government of Kenya, 2002; 58).

The grievances these communities had over land dispossession were similar to those of the Nubian community. The silence over Kibera land ownership reflected

reluctance by the government to deal with the Nubian issue. In its recommendation the commission counselled that mechanisms be put in place to investigate and resolve historical claims by communities particularly in the Rift Valley and Coast Provinces and conspicuously left out Kibera (Ibid). The neglect by government of the land dispute in Kibera meant that all sorts of people had emerged over the years laying claim to the land in Kibera. However the Nubian community maintained that Kibera belonged to them:

> Kibera belongs to Nubians and it has been so since time immemorial. The British gave it to them before independence…This house (pointing to his house) was probably a mess in a barrack…Are you seeing this piece of metal on this door, (showing me a metal plate that seemed to have had some inscriptions) it had a number that the British gave to my forefathers. If I take you to our cemetery you will see evidence that Nubians settled here long time ago. Some epitaphs read 1918 as the date of death of persons whose remains are lying there" (Khamis 2007).

I passed through a Nubian cemetery but did not see any epitaphs dating to the year mentioned above. It was impossible to research or visit the cemetery as our traditions believe that visits to such a place for purposes of research borders on abomination.

In 1931, the Nairobi DC, E.B Hosking, accompanied by the municipal Native affairs officer and the police inspector of Kilimani, held a *baraza* (meeting) with the Sudanese of Kibera. During the meeting, Kiberans holding legal residence permits received round door metal plates stamped with the letters "KAR" and numbered from

1-350 (Parsons 1997; 94). From the interviews I conducted among members of the Nubian community, it was clear that, 'To the Nubian community, Kibera is home, ancestral land, pride, an identity and nationality. Any "invasion of Kibera" amounts to invasion of their sovereignty. The Nubian community in Kibera had the feeling of "illegal" occupancy of their land, exploitation and domination by the populous and powerful outsiders' (Peacenet and Kyppede 2002; 9). The Nubians demonstrated their determination to reclaim their land through a suit they filed against the government of Kenya before the African Union's African Commission on Human and People's Rights. It was scheduled for hearing during the 40th Ordinary Session, from November 9 to 15 2006, in Banjul, the Gambia. They took the move after what they considered as the Kenyan government's failure to address their grievances (The Standard, October 5 2006).

2.1.2 Government and "Landlords'" contest over Landownership

The terms 'landlord' and 'tenant' as used in Kibera had their own meanings and what one might call 'uncommon' usage. 'Landlords' in Kibera were in essence not real landlords, having regard to the government claim and 'tenants' were again not real tenants for their tenancy was derived from people with no better title than theirs (Law Society of Kenya 2002; 12). It would suffice to regard a 'landlord' in Kibera as one who meets the cost of building a house for renting out irrespective of whether it was built on legally acquired land or not. A tenant could be referred to as one who rents a house and agrees to pay the agreed rates at the end of an agreed period (Kituo cha Sheria, 2004). On the other hand according to the government, anyone who purported to own land in Kibera was engaging in an illegal action and should be prosecuted (Law Society of Kenya 2002; 6). On 31st October 2001 while addressing a funds drive

in aid of Langa'ta Bursary Fund in Kibera, Moi had this to say: "…Those illegally occupying land in Kibera would have been prosecuted but have to reduce rent to the level..."(Moi, 2007;videotape).

I have been careful to quote Moi verbatim with regard to the rent issue. One of my findings was that not many people in Kibera, including those who were there in 2001 knew exactly what the then head of state had specifically said on the above-mentioned date. There were those who erroneously attributed the words about fifty per cent reduction in rentals to him while in actual fact it was a figure arbitrarily arrived at by Raila Odinga. While carrying out my research at the chief's office, two members of his council of elders differed with each other in front of me. When I asked what the cause of the conflict was, one answered that: "The conflict was due to landlords refusing to lower rents by 50% which was to be lowered as per the directions of MP Hon Raila Odinga and President Moi" (Musa 2007). The other countered by saying: "Moi did not make any commitment on the rent issue. The 50% figure was part of Raila's re-election bid and should be seen within the framework of politics of grandstanding and brinkmanship" (Anonymous 2007).

The government persistently argued that Kibera land was its property and all those who occupied it whether as owners of houses and other premises or tenants were all tenants. Raila Odinga, was quoted in a local newspaper as saying: "The landlords must reduce rents because the land on which Kibera slum is built is government land. You cannot be called a landlord if you do not own land; those who have constructed houses on government land are the government's tenants" (Daily Nation, December 4 2001). Raila, the then Energy Minister, maintained this line of argument +and he was

once again quoted saying that there were no landlords in Kibera but "land tenants", who had leased land from government and added that the government issued the "land tenants" with temporary occupation licences and not title deeds (Daily Nation, December 7 2001). The government had the force of the law on its side because none of those who had property in Kibera had title for proof of ownership. There was no legal system of permanent allocation of land in informal settlements in Nairobi. Chiefs appointed by city authorities only issued temporary occupation licences (TOLs) that could be revoked anytime by the government. The chiefs determined at their discretion those that may have a TOL and at what price, thereby establishing a system of discrimination and patronage (Kituo cha Sheria, 2004). The president's remarks served to underscore the status of landlords as mere squatters and even exposed them as fraudsters who had no better claim to the land than those from whom they demanded rent. To the tenants, the president's remarks simply meant non-payment of rent and it was at this point that battle lines became drawn between landlords and tenants that culminated in a conflagration (Law Society of Kenya 2004; 6). Some of the landlords I interviewed questioned the motive behind Moi and Raila's comments on rent,

> I have saved and gone through a lot to construct these structures. They are my only source of livelihood. A tenant has to negotiate with me if he realises that the rent is too high. Through negotiation, I can reduce rent" (Abdala 2007).

A landlord, as if in response to the two politicians, simply said, "But houses belong to me?" (Khamis 2007).

The president might have had good intentions for the inhabitants of Kibera but the fact that his remarks were equivocal on the volatile issue of rent and making them after the commission he had appointed had held a sitting in the area, he succeeded in adding fuel to burning embers in Kibera rather than extinguishing them.

However the violence that rocked Kibera at that time could not be solely attributed to political statements. The violence was as a consequence of a larger problem which was as old as Kenya itself (Daily Nation, December 6 2001). Although the colonial government did not give the settled Nubian soldiers titles, the Nubians believed they had ancestral claim to the land. In other places in Kenya, lack of title deeds did not necessarily mean the occupants were squatters. There were hundreds of thousands of occupants whose only claim was some ancestral right (Ibid). A common feature of African land tenure was its tendency to permit very widespread, even universal rights, to land and therefore land in Kenya could be regarded as "belonging" (in broad sense) to one tribe or another. Land was not a personal matter but a tribal matter of great importance (Kariuki 2003; 95). Government neglect of the Nubian concern was expressed during the interviews I conducted: "Since the era of Moi, the government promised to issue title deeds to us but we have waited in vain. *Imekuwa kitendawili* (It has become a riddle). Both Moi and Kibaki governments are the same. Kibaki is insensitive to our plight. So was Moi" (Anonymous 2007). Nubians had arguments to back up their claim to land in Kibera which deserved attention. For instance they argued that unlike the Luo, the Kikuyu and other tenants (and landlords) in the slums, they did not have any ancestral land they could go back to as the British had rooted them out of Sudan. According to one Nubian landlady, "Luos have their home in Kisumu, we do not have any home. Once we die we are buried here (in our

cemetery)" (Anonymous 2007). Councillor Opette Opette of Sarang'ombe ward in Kibera, was sympathetic to the Nubians' concerns and seemed to have a quick fix to the issue with remarks that nonetheless, appeared incendiary:

> Nubians should be given 300 acres since Kibera is about 450 acres. The remainder 150 acres should be given to other communities. Nubians have settled in Kibera for long and should be given Kibera as their home. Other communities residing here have their ancestral homes. Luos should go to Luoland. Kikuyus and Luhyas should likewise go to their respective ancestral homes. The Orange Democratic Movement Party of Kenya (ODM-K) government will effect that once they take over from Kibaki following 2007 general elections" (Opette 2007).

The embers of the 2001 conflict in Kibera pitting landlords against tenants were still smouldering five years on. According to Khamis, Kibera was a dangerous place because, "Kuna chemba chemba" (the area is still smouldering) (Khamis 2007). Some tenants had continued to defy rent payment ever since Moi and Raila made their remarks in 2001. In Kianda village, for example, some tenants had appropriated houses in which they were staying without paying rent. There were fears that the aggrieved landlords were planning to hire *Mungiki*, a rag tag militia gang mostly composed of young people from the Kikuyu community, to evict them (Mmasi 2007). There were those who insisted on paying half what they used to pay before the directives from Moi and Raila. Still others simply moved out of houses without paying rent. Some landlords were uncomfortable with tenants who had stayed in their houses for more than five years. This category of tenants was seen to be recalcitrant

and would hear nothing about rent increment. To counter them, certain landlords resorted to hoodwinking them into temporarily vacating their houses for renovations, only for the same houses to be given out to new and seemingly 'cooperative' tenants (Mmasi 2007). On the part of landlords, there were those whose houses had been confisticated by tenants and had never dared to go back and claim them for fear of their lives (Anonymous 2007).

Cllr Opette Opette who rose to the limelight within Kibera during the conflict was, in his own words, a 'grassroots leader' and led tenants in demanding rent reduction at the time. He described the room he occupied at the time as made of earthen floor, without electricity and with walls and roofing made of corrugated iron sheets for which he paid Kshs 750 while it was worth only Kshs 350. It was highly likely that it was because of his outspokenness against what he considered to be dilapidated houses without sanitary facilities whose rent was not commensurate with their sorry state that he ended up being voted in during the 2002 general elections as a councillor for one of the wards in Kibera. In one of the interviews, a respondent said that, "A man aspiring for a civic seat said that tenants should not pay rent for houses without toilets and bathrooms. He led a march to beat up the Provincial Commissioner" (Anonymous 2007). The civic leader described the violence as a 'three day intensive violence in which seventeen lives were lost.' At the end some landlords reduced rent by fifty per cent while others refused to budge. According to Cllr Opette Opette, some landlords were still unyielding five years down the line and treated tenants inhumanely. He stated that sometime before our interview, a landlady had plotted the murder of one of her tenants over a rent dispute in Kianda village. In retaliation twenty houses of hers had been torched by irate residents. Furthermore he alleged that a landlord had

stabbed a tenant to death in Katwekera village over a rent dispute as well and both cases were said to be with the police. “Since 2001 no landlord/lady has been killed but they continue killing tenants” (Opette 2007). Separately another interviewee graphically narrated how the Kianda incident unfolded. According to him, the said landlady (a Luhya) gave her houses a facelift before arbitrarily increasing rent per room from Kshs 400 to Kshs 1 500 upon which tenants complained prompting her to go to the chief for arbitration. It seemed the administrator was of little or no help to her. She allegedly hired a hit squad and had one of her tenants murdered (probably the ring leader). Consequently the rest of her enraged tenants burnt the entire plot. The landlady was arrested but she was alleged to have bought her way out.

Her husband and children were reportedly arrested and locked up for three weeks but she had them released. The respondent went further to state that some landlords pressed false charges against some arrested tenants once they reached the police station. One of the charges fabricated against some tenants included robbery with violence which carried capital punishment within the laws of Kenya once convicted (Ouma 2007).

In this chapter, we have attempted to trace the evolution of Kibera. It appears the area was an issue to the colonialists who set it up oblivious of what it would metamorphose into. The colonialists were torn between reciprocating the gallantry the Nubians soldiers had displayed as members of the Kings Africa Rifles (KAR) and abandoning them altogether once they were no longer of any relevance militarily. After independence, the government seemed to have had a programme for Kibera but without the inclusion of the Nubians. This was demonstrated through the

modernisation efforts that benefited Kenyans of other ethnic groups while leaving Nubians to sink deeper into slummy conditions due to congestion. To date Kibera had mutated into slums with the concomitant challenges such as lack of safe drinking water, poor sanitation, crime, inaccessibility, HIV/AIDS, violence among others which the government seemed either unwilling to address or did not have a coherent programme of action in ameliorating them.

In the absence of that, political populism seemed to rule the lives of the residents with politicians from the grass roots level to even the presidency turning it into a reservoir for votes by playing on the differences among the groups of people resident in the area. In addition organised criminality, if I may use the oxymoron, seemed to have taken root in the area with landlords making use of gangs to evict tenants with whom they seemed to constantly have scores to settle. This had led to loss of lives and property. The law enforcement agencies appeared to be party to the vortex that characterised life in Kibera. Instead of maintaining the law, they seemed to have found the situation a carnival of sorts. What the whole scenario demonstrated was that once an area such Kibera was left to its own devices, it had the capacity to evolve all sorts of problems that boded ill for the political stability of a country such as Kenya.

2.1.3 Colonialism and Land in Kenya

The section focuses on the treatment of the land question by the British colonialists. It also looks at the land debates and arguments espoused by some of the first generation of African politicians in Kenya before and after independence. The argument in this part is that there seemed not to have been any difference on the land policy between

colonial and post independent Kenya. Against this backdrop, the Kibera land issue was left to fester.

The history of Kenya especially between 1945-55 begins and ends with what could be referred to as 'the tyranny of property', that is, the question of who was to own land in Kenya in these years and of the relation of people to land (Ogot and Ochieng' 1995; 27). Acquisition and ownership of land were indispensable to the establishment of a settler economy, the latter more so, since title to land in the western European system was the sine quo non in the exploitation of natural resources (Miller 1984; 13-15 in Kariuki 2003; 100). As European settlement spread throughout Kenya's Highlands, considerable amounts of African land were appropriated. The areas thus became known as the "White Highlands". With time, advocates of European settlement found a variety of justifications for the alienation of land from the indigenous communities. Some land, it was said, was unoccupied or was so sparsely settled as to be virtually unoccupied; some was taken by right of conquest; some areas, it was maintained, were buffer zones between hostile tribes, and European settlement was merely a means of bringing peace to the land; and in other cases, mistakes were allegedly made and later on some minimal compensation was offered (Leo 1984; 34 Kenyatta 1961; 20-52).

The fact that Europeans were occupying a far greater amount of land than they would be able to utilise in the foreseeable future did not seem to disturb them. Their belief in the superiority of European civilisation and the settler enclave economy served to justify, to themselves at least, the primacy of their rights over those of Africans. The settlers not only took their primacy for granted, but also seemed to lack any great

concern for minimising the harmful effects of European expansion (Ibid; 35). As a result of the belief about Africa's inferiority white settlers had enormous discretion within the country. For instance in practice it was laid down that:

> No native has any individual title to land that the land is the commonwealth of the people. A native's claim to land is recognised even according to native custom only as long as he occupies it. The principle usage is to recognise all unoccupied land as crown land, and the administration is free to deal with it as it considers to the best advantage vacant land, i.e., land vacated by a native reverts to the crown automatically (Heyer et al 1976; 155 in Kariuki 2003; 101).

By 1950, widespread unemployment and landlessness among a large Kikuyu population lent impetus to more militant action. African leaders in the small trade union, in the vernacular press and in other circles began calling openly for winning self governance by whatever means necessary. Violence finally erupted in 1951 and was blamed by the British on a secret society called Mau Mau. Mau Mau was a more than a society; it was a land rebellion, a violent uprising of Africans, mainly Kikuyu, against European colonial authority and against landed Kikuyu "loyalists" and European settlers. The movement's origin is clouded in mystery. Authorities at first believed that a fanatic religious group was loose in the land, and rumours of oathings, "barbarous deeds", and other "vile behaviour" were rampant. In reality, oathing harked back to the traditional mechanisms of Kikuyu agreement where no chiefly authority existed. In the 1950s, the issue was to create an agreed strategy to confront

and address the land shortages that dated back thirty years (Miller 1984; 22 in Kariuki 2003; 110-111, Throup 1987).

On 20th October 1952, the governor, Sir Evelyn Baring declared a state of emergency on the assumption that the Kenya government was faced with a planned revolutionary movement organised by some of the Kenya African Union (KAU) leaders. That night Kenyatta and eighty-two others were arrested, troops of the Kings African Rifles (KAR) were alerted. Some chiefs began to form their own bodyguards who subsequently became the backbone of the collaborationist Kikuyu Home Guard (Sorrenson 1967; 67 in Kariuki 2003; 112).

2.1.4 Land in Independent Kenya

After independence the KANU government tackled the land issue and landlessness through a massive resettlement of African farmers on the previously European owned-farms (Bienen 1974; 132). Funds were raised from the World Bank and the Colonial Development Corporation (CDC) for the purchase of farms on their settlement of a 'low density' to provide annual monetary incomes, in addition to subsistence and loan charges, of 100 pounds and more. But a large number of farms were also transferred to Kenyan citizens as intact units, usually with financial assistance from public funds. Wealthy indigenous Kenyans including well-known personalities in public life, also bought farms directly from the departing Europeans, usually with loans from the Land Bank (Cheche 1982 in Kariuki 2003; 140, Ogot and Ochieng' 1995; 88).

The land question still remained a thorny and divisive one in independent Kenya (Bienen 1974; 133, 155). The controversy around it pitted conservative and radical politicians. The radicals accused the KANU government of betraying the pledges that they (KANU) had made to masses before independence. Land policy in particular became a big bone of contention and no one was keener on the issue than the militant nationalist Bildad Kaggia. He was determined to put the government on the road to a land policy that would be good for the expansion of the Kenyan economy, the interest of the landless and the confidence of the poor people who had elected the government. Kaggia and other organisers of KKM (*Kiama Kia Muingi*) a movement mainly made up of landless peasants, insisted that Kenyans should not be forced to buy back the land that was rightly theirs (Cheche 1982 in Kariuki 2003; 141). Kaggia's discontent with the manner in which the land was handled was reflected in a letter he wrote on 5 September 1963 to Bruce Mackenzie, the minister of agriculture, in which he stated:

> Everyone in this country is well aware of the land hunger that has existed among Africans as a result of the dispossession of their land by the British colonial imperialists. The logical method to solve the problem posed by this dispossession would have been to nationalise big estates owned by the Europeans, or hand them to cooperatives formed by landless Africans (Ogot and Ochieng' 1995 94-95).

Kaggia was at one time upbraided by Kenyatta in what was dabbed as 'What Have You Done for Yourself Kaggia?' riposte for being 'petulant' with matters affecting the populace while his colleagues were helping themselves on the gravy train that was

independence: “Look at Kungu Karumba. He has invested in buses and has earned money, but what have you done for yourself since independence’ (Bayart 1993; 242)? On 22 May 1964, Prime Minister Jomo Kenyatta wrote to Kaggia and among other things told him: “I am seriously concerned at your repeated attacks on the Ministry of Lands and Settlement and with your interference with land consolidation in Fort Hall (Murang’a) (Ogot and Ochieng’ 1995; 94). The message though implicit was read as a thinly veiled reprimand which meant that Kaggia had either to shape up or ship out. In June 1964 Kaggia resigned from the cabinet as an assistant minister for education and made the following comment in his departure: “As a representative of the people I find it very difficult to forget the people who elected me on the basis of definite pledges or forget the freedom fighters who gave all they had, including their land for independence we are enjoying” (Ibid). He continued being a thorn in the flesh of the government. He became the de facto leader of the KANU backbench group and virulently criticised what he believed to be the government’s departure from the party policy on land. In February 1965 he had this to say in regard to the land issue:

> It is very important for this House and country as a whole and the world to know the policy on which KANU and other previous parties in this country had struggled for so many years and on which they have fought and won election. Our policy, Mr Speaker, sir, has been that the land in Kenya belonged to African people and his land was stolen from us. This is the policy not slogan as many people tend to make us believe (Ogot and Ochieng’ 1995; 94).

Kaggia locked horns with Kenyatta since their positions on the land question were divergent. The former argued that social justice demanded the return of African land to the Africans, without any cost to the country or to the people. This was the position of the 1930s, the 1940s and 1950s that was prevalent among both the moderates and radicals. However upon independence, the moderates within KANU felt that "the principle of fair and just compensation" was uncalled for because it directly countered the needs and interests of the people. They asserted that "development" would continue along the same lines as under colonialism, making the implicit assumption that the colonial style "development" was in fact the issue. The pro-British land formula, which they agreed upon, represented the most critical compromise of the "independence" negotiations (Kariuki 2003 139).

The radicals on the other hand believed that a total break from the past was necessary for an emerging dispensation. They believed a new beginning was only possible if Kenyans themselves had control of the country's resources and political destiny. They saw no need to pay compensation to the settlers who had come as "thieves". It seemed absurd for Africans to have to buy land that was rightly theirs (Leo 1984). This group was composed of Bildad Kaggia, J.M. Kariuki and Oginga Odinga. The former was made up of the likes of Jomo Kenyatta and Tom Mboya (Cheche 1982 in Kariuki 2003; 139). Kenyatta argued that social justice demanded recognition of the individual's right to the enjoyment of certain things, including fair treatment and just compensation if his property had to be confisticated. Nationalisation of property was therefore out of the question. This was the overarching debate that dominated the land debates in the 1960s (Gerztel 1970; 46).

It was a widely accepted part of Kenya's political yore – and is undoubtedly true - that the Mau Mau war was an important influence in the British decision to end their colonial enterprise in Kenya. As a result, members of the Land Freedom Army - or freedom fighters, as they were commonly called - were credited with having been the foot soldiers in Kenya's struggle for independence. Since independence, a very visible minority of Kenyans had become wealthy, and a much larger minority had become prosperous but, as a rule, former freedom fighters were conspicuously absent from the ranks. It followed, therefore that, many of those who had fought hardest for *uhuru* (independence) had benefited least from it. Conversely, a goodly number of its biggest beneficiaries had remained clear of the military action, or - as it was sometimes alleged - had been loyalists. The existence of the disparity was widely accepted as one of the hard facts of life in an imperfect world, but it was a fact that few people were comfortable with (Leo 1984; 157).

Perhaps it was J. M. Kariuki, J.M. (as he was popularly known) who summed up most crisply what became of *uhuru* that some people fought so hard and sacrificed a lot for. J.M. regarded himself as a man of the people. He stood for 'justice and the equality of man'. Both in parliament and on public platforms, J.M. championed the people's right to free medical services, education and land. On economic and social justice, he said:

> A small but powerful group of greedy, self seeking elite in the form of politicians, civil servants and businessmen, has steadily but surely monopolised the fruits of independence to the exclusion of the majority of the people. We do not want a Kenya of ten millionaires and ten million beggars (Ogot and Ochieng' 1995; 103).

Kariuki was found murdered on Ngong' Hills on the outskirts of Nairobi, in March 1975 and the mystery surrounding his death had never been resolved though it was rumoured that he fell victim to a few people around Kenyatta who were uncomfortable with his radical views which resonated with the populace whom as, he put it, were 'less endowed with the material wealth of the world' (Ibid).

2.1.5 Land, Conflict and Official Corruption

Arguably there is no other country in Africa where land more than anything else was the driving force behind the fight against colonialism than in Kenya. Kenyans took up arms against colonialists in order to reclaim land that had been appropriated by the colonialists. Ever since, land had been a controversial issue especially in the political realm and was responsible for what were referred to in Kenya's political parlance as tribal clashes witnessed in several parts of the country especially following the reintroduction of political pluralism in the early 1990s (Government of Kenya, 1992). The Njonjo Commission recognised the centrality of land in the politics of Kenya since colonialism:

> Land to Kenyans is an emotive issue. It was at the core of resistance to British rule at the turn of the last century and subsequent agitation for land thereafter up to the time of the struggle for independence. It is therefore a central category of property in the lives of Kenyans and as such requires special treatment in the Constitution (Ibid; 91-2).

In post independence Kenya, successive governments used land as an instrument for winning political favour and those in close proximity to the centre of power amassed large tracts of land. Abuse of public office through irregular land allocations were still in practice by the time the Njonjo Land Commission compiled its report. Lack of clear policy on the utilization of public land had led to a disturbing situation whereby influential personalities in the government used public land for personal aggrandisement as the Kibera situation attested. All over the country those who made presentations to the Commission complained about this issue:

> That there has been abuse of trust by Government and the county councils, its officials and councillors in the irregular allocation of public and community land without following legally and laid down procedures that ensure appropriateness, transparency and fairness. This abuse has led to massive grabbing of land reserved for public use e.g. school grounds, cemeteries, playgrounds, parks and forests, to name but a few (Ibid).

During its sitting in Kibera, the Nubians presented themselves as a people that had nothing to celebrate about independence in Kenya. In his memorandum to the Njonjo Commission, Mr Ismail Ramadhan, their representative stated that, “We have waited for justice since independence and can only hope that this commission has come to save us…In 1974 our MP, Mr. Yunis Ali tabled a Bill in parliament to have title deeds issued to the community and it was passed…since the community could not be settled in Sudan, the Kenya government had the obligation to settle them anywhere else in the country…” (Peacenet and Kyppede 2002; 11).

2.1.6 Land as a Political Tool

Land is a central pivot of power because people depend on it for their vital needs. Monopoly control of land leads to monopoly control of power over people. Institutionalised control of land operates through the political system. The reciprocal relationship between land ownership and the political system makes them interdependent (Kariuki 2003; 34). Land in post independence Kenya has been used as a political asset to sustain political loyalty and political patronage (Ibid, 52).

The political relevance of land in Kenya and Kibera in particular could not be exaggerated. In many parts of Kenya especially the former white highlands in the Rift Valley and the cosmopolitan coastal province land was used in post independent Kenya to define who belonged and who did not. Most of the people from other ethnic groups who settled in those areas tended not to share the same political persuasions with the original inhabitants.

In a country where, in the absence of fidelity to political ethos and ideological orientation within the political party culture, politicians were wont to invoke tribal sentiments in a bid to consolidate power with often devastating consequences. A parliamentary Select Committee appointed to investigate ethnic clashes in Western and other parts of Kenya in the early 1990s also known as the Kiliku Commission concluded that all of them were politically motivated and fuelled by some officers in the Provincial administration and were instigated in the misconception that some ethnic communities could chase away other ethnic communities in order to acquire their land. So did a Judicial Commission of Inquiry, (Government of Kenya, 1992, 82, Government of Kenya, 1999; 284-291).

Land as a controversial issue in Kenya's polity since independence till the 2001 conflict in Kibera was explored in this chapter. Ownership of land had remained an area of contest since the Mau Mau liberation struggle in Kenya. It seemed that at every turn in Kenya's history, there was a struggle over land. The situation was made worse by postcolonial politicians who turned the politics of land ownership into a battleground for political supremacy as well as personal enrichment. The Kibera violence in 2001 was a reflection of a countrywide practice in Kenya whereby politicians and government leaders invariably invoked the ever-volatile land issue to settle political scores. The 2001 violence in Kibera was a clear indication that unless the government put in place structures to comprehensively address the land question in Kenya, violence and its attendant loss of property and life would be a constant in that country.

CHAPTER 3

KIBERA AND ITS POLITICS

3.1 Overview

This chapter seeks to look into the politics of identity that emerged during the 2001 struggles in Kibera. It shows how differentiations in terms of ethnicity, religion and socio economic placement manifested in the 2001 conflict. The thesis in this chapter is that some of these differences derived from the historic treatment and emergence of identities of different categories of people in Kibera and were inextricably intertwined so that it was hard for any of them to be analysed to the total exclusion of the other. It was not easy for instance to tell whether the conflict was ethnic or class based. There was a dichotomy between landlords and tenants in terms of ethnicity. More often than not their ethnicity was in tandem with their socio-economic status.

3.1.1 Informal Sector in Kibera

Kibera tenants were largely people who eked out their living from what was popularly known in Kenya as *Jua Kali* (Swahili for 'hot sun') which meant the informal sector. The sector earned the appellation since hardly any of the people working under it enjoyed the benefit of either adequate shade or shelter. Their economic, social and political status and position was insecure. Some people in Kibera earned their living from the construction and manufacturing companies as casual or low grade employees (Peacenet and Kyppede 2002; ii). Much as some of the residents were making every effort to earn an honest living, they had to contend with Nairobi City Council (NCC) officials, who often confiscated the wares of those involved in small-scale businesses such as hawking for failure to pay levies. Some of those caught up in the swoop would be locked up. Consequently most projects started by young and enterprising

people collapsed, thus driving them further into destitution (Mmasi 2007). Mmasi, a pastoral teacher at Guadalupe Catholic Church, expressed frustration that most of the training the local church gave to young entrepreneurs went to waste due to lack of cooperation by the City Council in provision of licences coupled with exorbitant levies that the council demanded. In his focus on 'Slum Clearance and the Informal Economy in Nairobi,' Macharia stated that most of the non-regulated enterprises found in slums were often regarded as 'illegal' because they neither paid taxes nor operated in locations that had been zoned for their establishment (Macharia 1992; 221-236).

As a result of constant harassment, most of those trained by the church in management of small businesses had abandoned the venture and were busy running after handouts from what Mmasi referred to as 'briefcase Non Governmental Organisations (NGOs)' that had infiltrated Kibera. He isolated Makina village, with a radius of approximately 500 metres which had twenty five NGOs all involved in the same activity but which could hardly account for the money they received from the government. The precariousness of the informal sector in Kenya had its roots in the Kenyatta era. While in office, Kenyatta promoted a competitive market economy and had little patience for the unemployed and /or those struggling to make a living in the informal sector, as he was particularly supportive of the upcoming middle class. Few KANU leaders exhibited much concern for the truly disadvantaged. The president himself referred to those in the lowest income groups as '*ragai*', loosely translated to mean 'lazy' or 'useless', thereby showing a lack of understanding about the significance of the growing number of Africans who were making a valuable contribution to the economy by their innovative micro-enterprises (Ibid). With

Kenyatta's personal backing, several slum quarters were razed and burned on the grounds that they were a health hazard, and illegally constructed. In addition, periodic drives to round up 'vagrants' and other undesirable residents and expel them from the city was carried out (Leys 1975, 179-180). Upon succeeding Kenyatta, 1978, Moi made it clear that he wanted to be viewed as understanding, down to earth, and a good listener (Ibid). By and large, and at least in public, he was much more sympathetic to the '*ragai*', in contrast to his predecessor who had increasingly promoted the middle class (Ibid). The importance of *Jua Kali* was emphasised in Sessional Paper No. 1 of 1986:

> Rapid economic growth will have to be generated by job creation sufficient to the larger work force at the end of the century, increased productivity in agriculture…a dynamic *informal sector* that creates jobs at low cost and caters to the needs of the people at all income levels (Republic of Kenya, 1986 in Macharia 1992).

And the state's support was confirmed in the Five-Year Development Plan that was promulgated in 1989:

> A serious omission has been the neglect in exploiting the full potential of the small-scale and *Jua Kali* enterprises. This potential can no longer be ignored, if the country is to meet the targets for employment and income generation set out in this plan and in Sessional Paper No. 1 of 1986 (Government of Kenya, 1989; 164 in Macharia 1992).

The industry of some of the residents of Kibera is one of the salient features of this sector. There were other players in the settlement such as the Catholic Church striving to improve the living standards of most of the people. However, government inertia and contempt during the Kenyatta presidency almost condemned the sector. During Moi's presidency, efforts were made to alleviate the plight of those involved in the sector as the policy papers released testified. Nonetheless, there seemed to have been a lacuna between policy and implementation since most people in the sector seemed not to have seen the benefits of those policy papers or were they statements of intent with no real commitment to implementation? Consequently, NGOs had found the area a fertile ground for furthering their interests by cashing in on the destitution of most of the residents. The government through the NCC was intent on frustrating those who wished to lift themselves from poverty by making it hard for them to obtain licences.

3.1.2 Ethnicity and Politics in Kibera

Kibera includes people from almost all the ethnic communities in Kenya. Its ethnic mix makes it appear like Kenya writ small. A resident, Omar Mohammed, 32, who lived with his wife and four children in a structure that housed Kikuyu, Maasai, Turkana and Kamba families, said that, "We all relate very well. No one is concerned about his neighbour's ethnicity. Most of the tribal conflicts here are either fanned by politicians while others stem from differences between individuals who rally communal support" (Daily Nation, January 12 2007, Weru 2004). Mohammed's view dovetails with the explanation that middle-class careerist interests that strike resonance with mass sentiments, and apprehensions have been a prominent part of ethnic conflict (Horowitz 1985; 105). Perhaps it was with this knowledge in mind that

Moi chose to caution the residents and Kenyans at large against ethnicity and urged them to embrace unity. He used Somalia and Burundi to warn Kenyans to shun ethnicity unless they wanted to go the fratricidal route taken by the two countries (Moi, 2007;videotape). The correlation between politics and ethnicity in this informal settlement was a nuanced one. A number of respondents I interviewed stated that ethnicity was not part of the factors that precipitated the violence in 2001. Most of them told me that the conflict was primarily over rent:

> The cause of the conflict was a dispute over rent but the animosity is now tribal. After the eruption of violence there arose ethnicity which is now rife. Kikuyu landlords do not want Luo tenants to stay in their houses. They are told to go and get a house in Kisumu (their ancestral home in western Kenya). Alternatively they are told to go to Raila [Odinga] and get a house. Currently I am looking for a house but cannot get one since I am a Luo (Ouma 2007).

Beyond the local politics of Kibera which sometimes made people from various ethnic communities residing in the area see one another along ethnic lines, the suspicion between Luo and Kikuyu dates back to the first republic when Kenyatta, and a cabal of Kikuyu political elite systematically marginalized their two erstwhile Luo allies, Oginga Odinga and Tom Mboya (Atieno-Adhiambo 2002; 242). It was argued that the ultimate intention of the move was to exclude the Luo from the inner sanctums of power throughout Kenyatta's reign (Ibid; 240). Even under Moi, the Luo were treated with mistrust and Moi invariably had to invoke the divide and rule tactic to stave off Luo opposition during the single party rule. Under the Third Republic, that started on 31 December 2002, following the swearing in of Mwai Kibaki as the

president, Luo had once again found themselves in the opposition in spite of having been instrumental in Kibaki's ascendancy to power in 2002.

The 'othering of the Luo', if I may borrow from Atieno-Adhiambo, under Kenyatta seemed to have percolated into the psyche of most members of the Kikuyu community and beyond. It is within this understanding that the plight of the respondent quoted above could be interpreted. I came face to face with what could pass for insidious ethnicity when I approached the secretary to the Kibera District Officer to find out whether her boss was in. All of a sudden the woman asked me from what tribe I came. I in turn asked her of what relevance the question was to what I intended to see the DO over. She responded by saying that she simply wished to know since she could not tell my ethnic group by merely looking at my countenance (Kibera DO's secretary 2007).

The Kibera conflict seemed to have taken an ethnic trajectory after fighting erupted. First, most landlords in Kibera were Nubian followed by Kikuyu while majority of their tenants were Luo and Luhya. This arrangement seemed to validate the view that social stratification is synonymous with ethnic identity in the sense that the social structure of the nation-state is characterised by one ethnic group being subordinate to the other. It simply means that ethnicity and class coincide. Social mobility of the subordinate group members is therefore restricted by the ascriptive criteria of ethnic makers (Horowitz 1991; 232; 1985; 23-25 in Blanton et al 2001). Consequently, ethnic identity is reinforced and ethnic solidarity is intensified because one's ethnic identity cannot be divorced from one's economic status and political interests (Leifer1981; 26; Birch 1978; 326-327; Nielsen 1985; 133 in Blanton et al 2001).

Secondly there is a railway line which passes through the area and is something of a border between Luo and Nubian occupied villages. It is against this backdrop of spatial division that the ethnic dimension of the conflict must be understood. If a tenant, for instance chose to run after a landlord, chances were that the latter would be either Nubian or Kikuyu. In the same vein if a landlord attacked a tenant on the lower side of the railway line, the person would most likely be a Luo. This is what a landlord told me:

> Yes, ethnicity was a cause. Most of the landlords were seen to be from one ethnic group. They had assets. Kikuyu and Nubian were seen to be owners of assets. There was a 'tribe' that took the government position on rent reduction seriously. The conflict shifted from housing to ethnicity. The Luo were incited" (Khamis 2007).

Of all the ethnic groups that formed the majority of tenants, Luo were seen as the most militant and in the frontline to ensure that rents were reduced not through negotiations as Moi's remarks seemed to imply but reduced by half as directed by the MP or even payment of rent be done away with completely since Kibera was government land. Youth from that community mobilised themselves and arrogated to themselves the responsibility of overseeing rent reductions in those villages that were predominantly Luo:

> It is the National Development Party (NDP) youth that is walking across the villages with placards saying houses are free (*nyumba ni sare*). It is going out

> of proportion and even myself, a Luo sitting among other communities, I am not reflected well. I am viewed as belonging to an ethnic community that is beating people and looting their property…Or which tribe has mobilised its members to fight others? The truth is that it is the NDP and Luos that have brought the violence in Kibera. It is not the landlords. And again it is not the tenants. Take an example of Katwekera, Kianda (Soweto), Silanga, Mashimoni Kidogo, Kambi Muru. There are NDP village offices there. Why are they not beating people in Makina, why are they not beating up people in Soweto? Why are they not beating people in Laini Saba?…It is them who are now saying that those houses that went for Kshs 900 are now Ksh 100 and that went for Kshs 500 are now going for Kshs 50. Others they say do not need any rent to be paid and thus people to live for free. This was purely PC's and DC's work (Peacenet and Kyppede 2001; 29).

In the 2001 conflict in Kibera the rivalry between Luo and Nubian surfaced. Paradoxically the two ethnic groups had the same provenance in Southern Sudan and were both of the Nilotic group of people. However there seemed to be no love lost between them and they could fight one another at the earliest opportunity. One respondent had this to say when asked why the two communities seemed to be the only protagonists in the Kibera fray, "There is rivalry between Nubian and Luo. Whenever a member of either community is suspected to have been killed by members of the other, the affected community retaliates" (Linakha 2007). Another respondent went further and gave what he thought were some of the reasons why most members of the two communities seemed not to get along:

> The two communities are related since they both originally came from Sudan. However most of the landlords in Makina and Karanja Road are Nubian while their tenants are Luo. Secondly both are temperamental and have big egos. Consequently they can fight one another at the slightest provocation. At some point they had a dispute over a football match and ended up fighting for two days as other variables such as girlfriends came into play" (Kidakwa 2007).

Nubians as a community were said to be highly sensitive to outsider interference and had striven hard to maintain their culture intact. They lived in a closely-knit community and often defended each other in incidents where members of the community clashed with outsiders. Furthermore it was said that they did not allow their girls to move out with young men from other communities and had been known to beat up young men who broke that 'rite' (Daily Nation, December 6 2001). Their interaction with members of other ethnic communities in Kibera was largely restricted to those who had migrated to the area before or soon after Kenya's independence. However cultural and religious differences made it hard for them to interact with those who had not stayed in Kibera for long (Fatuma 2007).

Besides Nubians, members of the Kikuyu community owned a substantial amount of property in Kibera. They constituted landlords and owned business premises having been among the first communities to move into Kibera. It was said that both the Kikuyu and Nubian had lived together for so long that there were Kikuyu who were fluent in Nubian in the same way there were Nubian who spoke Kikuyu fluently (Daily Nation, December 7 2001). The tension that characterised the relationship between Nubian and Luo also extended to that between Luo and Kikuyu in cases

where Luo found themselves renting houses owned by the latter. In the Katwekera village of Kibera, that is predominantly inhabited by Luo, it was said that once the violence erupted, Kikuyu owned business premises were raided while Kikuyu landlords were assaulted and their houses razed to the ground. Most of them were driven out of the area and had never gone back to claim their property (Anonymous 2007).

The challenges that faced the people of Kibera seemed to be aggravated by the very government that was expected to alleviate them. The conduct of the Nairobi City Council with regard to those residents who were out to better their living standards beggared comprehension. The saving grace was that in spite of the seemingly intractable problems that the Kibera people had to contend with, there were some among them who were determined to surmount them such as the young entrepreneurs.

In an area where living conditions were appalling such as Kibera, sometimes people got mobilised along ethnic lines. Furthermore some people tended to see their frustrations as being caused by people from the other ethnic group (s) and that was why the age-old Kikuyu-Luo rivalry reared its head. In the same vein, though being from the same group of people and having the same origin, many members of the Luo and Nubian communities could not to see eye to eye. The Kibera situation was complex and volatile because people from certain ethnic groups occupied higher rungs on the socio economic ladder while others were at the bottom of the heap. Due to historical reasons, that setting appeared immutable. A shopkeeper, John Kamau who had lived in the area since 1980, appeared to capture the true identity of the

protagonists in Kibera: “Kibera has only two tribes – landlords and tenants” (Daily Nation, January 7 2007).

3.1.3 Religious Differences as a divider in Kibera

The religious factor cannot go unmentioned in this analysis of the conflict in Kibera. Nubians were predominantly Muslim while tenants such as Luo were Christian (Law Society of Kenya 2002; 12). However during the 2001 conflict religious differences seemed not to have played any role in it. Most respondents Nubian and non-Nubian alike stated that religion was a non issue in the conflict. In fact it emerged that places of worship such as mosques and churches offered sanctuary to all those affected by the violence their religious affiliation notwithstanding. It was from the precincts of these places that relief supplies were distributed to victims of the violence (Mmasi 2007). A Muslim teacher stated that there had been inter-religious dialogue sessions in Kibera between Muslim and Christian youth for many years and there had never been any chaos even when they discussed religious matters so animatedly. He added that it was merely coincidental that the protagonists in the conflict happened to belong to different religions:

> The owners of Kibera (Nubians) are Muslim while their tenants are Christians. If religion was an issue Muslims would insist on staying with fellow Muslims and so would Christians. I do not expect violence to erupt due to religious differences unless politicians refuse to check their utterances (Omari 2007).

In its report entitled ‘Mission to Kibera,’ the Law Society of Kenya noted that certain politicians had the propensity to regard Kibera as nothing else but a reservoir of votes.

In that connection they appeared so callous that they played on the differences among the residents in a populist attempt to win support from some groups within the informal settlement. Since the situation obtaining in Kibera was invariably volatile, inflammatory statements at times led to an all-out war as in 2001 (Law Society of Kenya, 2002; 13).

There were reported cases in which a mosque was razed to the ground by an angry mob ostensibly to smoke out a gang of Nubian youth that had committed murder and turned it into a hideout (Anonymous 2007). The police reportedly lobbed tear gas into a mosque but an Islamic teacher played down the incident as inconsequential as far as religious sensibilities were concerned (Omari 2007). In addition, some Muslim women complained that some of the police officers handled them in a manner that was offensive to the Islamic tenets. Consequently, Muslim police officers were sent to the area as a counter measure (Abdala 2007). According to Mmasi, a Roman Catholic Centre was torched by arsonists in retaliation following Mmasi's revelation to the police that weapons had been hidden in a mosque from where five guns were recovered. Upon finding out that he was the one providing information to the police as well as to the press, the Nubians ordered him to leave Kibera (Mmasi 2007). Besides a Jehova's Witness hall in Kambi Muru was burnt down during the skirmishes (Daily Nation, December 6 2001).

Those could be said to be incidents characteristic of a state of violence and lawlessness whereby even places of worship lose their sanctity and are desecrated as combatants used them to advance their intentions. The issue of weapons being found in a mosque could be termed as an act of criminality. Most likely, those who had kept

the guns in it were people trying to hide under the veneer of religion to commit nefarious acts. Nicholas Linakha, who preferred to be identified as a Luhya tenant as well as a member of a Luhya welfare association, said that the interaction between Nubians and most other ethnic groups in Kibera was restricted to the landlord/tenant relationship. He hastened to add that Nubian young men 'cooperated' with their counterparts from the Luhya and Luo ethnic groups in committing crime (Linakha 2007).

There was a category of residents who were caught in a dilemma with regard to identity during the violence. There were some Kikuyu and Luo who converted to Islam. Based on religion, they were seen by members of their ethnic groups as Nubian while Nubian in turn regarded them as either Kikuyu or Luo (Anonymous 2007). However a Muslim teacher, Hamsa held strong views on the conflict. He stated that according to the Koran, it was absolutely unthinkable that one could expect to take a Muslim owned property (in reference to refusal by some tenants to pay rent) and expect to get away with it. He said that owners of houses in Kibera had worked hard and sacrificed a lot to build them. To him, Kibera belonged to Nubians and that was non-negotiable. In the interview he was bitter and had yet to recover from the conflict. The unfairness of the treatment of Nubians overrode any restrictions in the Koran and the Islamic faith. His view was that Nubians had a right to get even against whoever they believed had wronged the Nubian community at large (Hamsa 2007). When I approached him for an interview he spoke in anger: "What are you reminding us about? What do you want me to tell you? We do not want to remember what happened in 2001 in this area. This hall (pointing at a double storey building) was full

of women and children from ground floor to the top. Some of us lost our people and would not like to remember what happened!"(Hamsa 2007).

Khalid Khamis, a landlord, was one of those few respondents of the view that religion was a factor in the 2001 conflict. According to him the conflict progressed from tribe to religion in the sense that some of the combatants almost burned down mosques. The argument he advanced to bolster his view was that: "When I am fighting against a Luo, the conflict takes a religious angle once I start burning the church" (Khamis 2007). Much as it was widely believed that religion had no role in the conflict, some people seemed to read religion in it. For instance, it was left to speculation why the Jamia Mosque Committee met in Nairobi and described the clashes as a form of ethnic cleansing. In addition, it called for the dismissal of Raila for incitement (Saturday Nation, December 8 2001). It was highly likely that their position was informed by their faith and they felt compelled to side with the Nubians on religious grounds.

3.1.4 Exclusion of 'outsiders' from national electoral politics: Effects in Kibera

As a result of occupying land that they should have ownership of but were said to be squatting on and the labyrinthine process that they had to go through before accessing identification documents, Nubians had been reduced to a community of people that did not belong. They were in essence the 'outsiders' of Kibera. Initially the Nubians extended hospitality to neighbouring communities but with the passage of time this openness had ended up working to their disadvantage. For instance, they welcomed a small number of Kikuyu community members in 1928 from neighbouring Dagoretti,

Riruta and Kabete to settle in the area. However that very happy mix, coexistence and balance of communities began to change to the detriment of the Nubians as their majority declined (Daily Nation, December 7 2001). The assassination of Tom Mboya in July 1969 prompted the inflow of members of the Luo and western Kenya communities from 'hostile' neighbouring Dagoretti and other Nairobi constituencies to the relative safety of 'neutral' Kibera. The assassin was a Kikuyu (Ogot and Ochieng' 1995; 102) and the places Luo were moving out of following his death were Kikuyu dominated areas. It was said that at first they came in as tenants but after learning the ropes they gradually transformed themselves into vocal stakeholders in Kibera (Daily Nation, December 7 2001). Another theory was that the state of emergency declared by the colonial government in 1952, forced members the Kikuyu community out of Nairobi. The Luo and Luhya communities moved into Kibera and became the dominant tenant groups after taking over jobs previously held by members of the Kikuyu community (Daily Nation, December 10 2001). Their situation was compounded by the loss of their representation in parliament in 1974 the last time a member of the Nubian community ever held a seat in parliament as an MP. Consequently, the Nubians' influence in minimising the influx of other interested parties into Kibera continued to wane (Daily Nation, December 7 2001).

With the influx of other communities to Kibera, Nubians had become a minority group so that on their own they could not vote in the Langa'ta constituency to send one of their own to represent them in parliament. Instead other ethnic group leaders represented Lang'ata constituency. To most Nubians these representatives did not appreciate their needs and interests and could not articulate their concerns as vigorously as one of their own might have done. Politics in Kenya is patronage driven

and with Nubians not having members of their community to represent them in the corridors of power, their interests were not attended to. A Nubian landlady had this to say about the local Member of Parliament:

> Raila is the cause of the conflict. He directed tenants not to pay. He is our MP but does not step in Makina (a predominantly Nubian village of Kibera)…He has to foster unity among all the residents of Kibera. He only goes to Raila estate (named after him). During the violence he only approached Luos in *Dholuo* (language spoken by Luo). He does not reach out to Nubians. Moi preached peace. Raila should take after him (Anonymous 2007).

Without representation in power right from the grassroots to the national level, the Nubian community saw themselves as relegated to the periphery of political leadership and thus policy formulation and legislative influence. Without numbers and resources, indispensable factors in any 'meaningful' participation and success in Kenya's elective political sector the community had virtually no influence politically (Peacenet and Kyppede 2001; 9). Even the local administration was seen to be out of their reach. Local provincial administrators posted to Kibera over the years had been people from other ethnic groups. As a result the Nubian community perceived these leaders as people using manipulative power vested in their political as well as administrative office to oppress them (Ibid, 10). Most of the Nubian respondents blamed those leaders for turning Kibera from an informal settlement into a slum (Malhassan 2007). A Nubian landlord stated that:

> The government allowed people to own the area. Government interference in Kibera brought difference/tension. Non resident government officials gave land before consulting Nubians. The government has power. It issued documentation to people who have come from far to own property in an area that is not theirs (Khamis 2007).

The Law Society of Kenya Land Reform Program in its report indicted local politicians and other public officials for allocating plots and structures in exchange for money. These local leaders exchanged the plots illegally but issued receipts and title deeds purportedly legalising them while in actual fact the documents were fraudulent (Law Society of Kenya, 2002; 11-12). Omari explained why there seemed to be underhand forces which resisted the upgrading programme in Kibera:

> Some landlords rake in astronomical amounts of money at the end of every month. Government officials who own structures in Kibera are among the super rich in Kenya. The rich are the cause of the slums. They have shanties in Kibera some of whom own between forty to a hundred rooms while they stay in upmarket parts of Nairobi. Critically looking at things, it is the rich in leafy estates who engendered the emergence of slums. They charge around Kshs 1000 per room for rent. The poor cannot set up structures in slums. It is axiomatic. Anyone who can afford to build more than ten rooms is part of the problem in Kibera (Omari 2007).

Another respondent expressed similar views,

> Land in Kibera belongs to the rich. It is not easy to upgrade Kibera. The rich incite tenants to oppose the programme telling them that once the area is upgraded the poor tenants will be sent away since they will not be able to afford rent for modern houses (Kidakwa 2007).

Because Nubians have to go through an extremely rigorous process of acquiring identification papers few young people in that community have identity cards and therefore cannot exercise their civic right during general elections. As such, a significant fraction of the community was disenfranchised. In addition most young men from the community were constantly arrested and locked up by the police on suspicion of being criminals since most of them did not have identity papers (Abdulrahaman 2007). Nubians complained that they had been used by successive governments only to be discarded once their help was no longer needed. For instance they claimed that they were used by Moi's regime to neutralise Luo opposition in Kibera against his government. At the time of the conflict, Moi appeared to have abandoned them by siding with the Luo tenants who, being numerically stronger, had more political capital during the 2002 general elections (Peacenet and Kyppede 2001).

3.1.5 Nubians and Citizenship

The aspect of citizenship was the clearest indication that Nubians were considered as a separate ethnic group from the rest of the ethnic groups in the country. The propensity within the bureaucratic system to frustrate them when it came to the acquisition of identity documents was what every member of that community whom I talked to about the issue expressed. This section exposes the 'othering' of the Nubian on grounds of citizenship and therefore the mainstream Kenyan society.

It was as if members of the Nubian community were refugees in a country where their ancestors settled before most indigenous Kenyans living in that country today were born. It did not take members of other communities in Kenya over ninety years before they were accorded citizenship (Daily Nation, December 7 2001). Almost all the respondents from the Nubian community I interviewed were unanimous in pointing out that Nubians were excluded from citizenship in Kenya. Here are some of the responses they gave when asked to comment on their status in Kenya:

> To the government, Nubians do not exist. They are not included among 42 tribes in Kenya. The rest of Kenyans are unaware that there is such a tribe in this country. Whenever they hear about us they get surprised. *Kila siku tunaokena wapya* (We are invariably seen to be aliens)" (Khamis 2007).

During national celebrations in Kenya, various ethnic communities entertained crowds as they celebrated and displayed their cultural heritage. Whenever it came to the turn of Nubians, it was said that crowds constantly asked one another who the Nubians were. In the words of Fatuma, a landlady, "We are constantly asked 'who are you?' To which we respond, 'We are Nubians staying in Nairobi.' It is so embarrassing." The consequence of being seen as aliens had had several challenges to members of this community. They had to go through arduous bureaucratic procedures before acquiring identification papers such as identity cards and passports. They complained that the authorities vetted them so thoroughly that the whole process stigmatised them as it made them appear guilty for no apparent reason. Sometimes they were asked to produce documents which the rest of Kenyans seeking the same

papers were exempted from. Besides, they were forced to take oaths to prove that they were citizens of Kenya: “We are required to produce birth certificates of our great grand parents as if whoever asks us for such documents could produce them if they were asked to” (Hafsa 2007). Yet another Nubian landlady in a tone bordering on resignation said, “*Tuko na taabu mingi lakini tunakaa kwa uwezo wa Mungu* (We have lots of problems and it is only by the grace of God that we manage to get by)” (Anonymous 2007). I was moved when I approached a group of Nubian women and requested to talk to them about the issues in question: “He has come to help us. Let us listen to him,” said one of them. Another one said, “He is still in school. We hope he will help us after he finishes.” (Anonymous 2007).

The near humiliating experiences that Nubians had to put up with before getting identification papers was of concern to some respondents who did not belong to that ethnic group. For instance Cllr Opette Opette was concerned that babies delivered by Nubian women from Pumwani (a well known maternity hospital in Nairobi) did not get birth certificates promptly unlike those of mothers from other ethnic communities:

> They are seen not to be Kenyan citizens. If an American does get citizenship in Kenya and a Kenyan does get citizenship in America why not a Nubian? A Nubian is not a citizen, (sic) he is a Kenyan (Opette 2007).

Comparing Luo and Nubian on the question of citizenship, a respondent wondered: “Luo and Nubians come from the same place (Sudan). Why did Luo get citizenship but Nubians?” (Khamis 2007).

The result of an overly strict verification system that led to few young people from the community acquiring identification papers was that most children from the community were said to have missed out on education and employment opportunities. This state of affairs had predisposed most members of the community to illiteracy and poverty (Daily Nation, December 7 2001). However a respondent had his own explanation with regard to the question of citizenship as it affected Nubians. He saw nothing wrong with the government being stricter on Nubians seeking identification papers because of many years of political instability that Sudan, their original homeland, had had. According to him it was proper for the government to vet Nubians so that it did not end up issuing those documents to refugees from Sudan passing for Nubians. He added that it was for the same reason that the government could not unwittingly issue identification papers to Kenyan Somalis without watching out for refugees from Somalia who could easily pass for Kenyan citizens (Kidakwa 2007).

Another respondent stated that a Nubian born in Kenya had citizenship but there were others who streamed into Kenya from Uganda and purported to be Kenyan citizens (Ouma 2007). At Kibera mosque, I met a young Ugandan refugee who had run away from the atrocities of Joseph Kony-led Lord's Resistance Army (LRA) in the northern parts of that country. He was not a Nubian if his confession was anything to go by. When I asked him how he moved around the area without any identification documents, he stated that he had not been at the mosque for long and was in the process of looking for papers though he spoke unfavourably about United Nations High Commissioner for refuges papers which had previously confined him within Kakuma refugee camp in the north west part of Kenya where he had missed out on education as his passion was to read (a young Ugandan refugee 2007).

On the surface, the issue of Nubian citizenship looked simple and straightforward. However, it became much more complex once one realized that it had lingered since the colonial period. Successive governments inherited it and seemed reluctant to address it. Secondly, Kibera was a den for people with various intentions some of which were ulterior. The area was so haphazardly set up that it could be a perfect hideout for people from both within and outside the country whose motives could be suspect. A tenant said that: "Kibera is a den of criminals because of its lack of planning. The residents cannot give out criminals no matter the bounty placed on their heads for they fear for their lives" (Anonymous 2007). Those who supported the vetting of Nubians before issuance of identification papers would easily use the young Ugandan Muslim I met at the mosque to augment an argument. Thirdly, due to instability within the Great Lakes and the Horn of Africa regions, the Kenyan government had learnt to be more cautious when dealing with members of certain ethnic communities that straddled borders between Kenya and her neighbours. However the Kenyan government should have the requisite machinery to deal with matters of insecurity without encroaching on the inalienable rights of citizens of its country, the Nubians inclusive.

3.1.6 Class Differences in Kibera

To someone not familiar with the economic differences that characterised those living in Kibera, it was easier to simply consider Kibera as one homogenous settlement made up of low class people. However the reality was more complex. The 'filth, felony and fate' (Daily Nation, December 7 2001) that Kibera seemed to be trapped in masked opulence enjoyed by certain individuals within the area and others outside

who had property in the settlement. The economic composition also seemed to go beyond a mere surface landlord-tenant dichotomy. There appeared to be a nexus between the problems that Kibera experienced with more powerful interests from outside. Ordinarily Kibera was composed of three classes. There were temporary residents, most of them tenants who expected to move out once their economic situation improved. The majority included members of the Luo, Luhya and Kamba ethnic communities. They were the majority who paid monthly rent, resided in the area but owned no structures or any other permanent property (Daily Nation, December 6 2001). The second was made up of permanent residents, most of whom were Nubian community members, the perceived founders of Kibera who settled in the area about one hundred years ago (Hake 1977; 96). The other residents of Kibera were largely from the Kikuyu community some of whom had no rural backgrounds. Many were landlords and business owners who settled in Kibera or bought land either from the Nubians, the original occupants or the local administration (Peacenet and Kyppede 2001; 7).

However, within the wider Kibera location, there were also middle class residential estates which were established through upgrading. These new estates displaced shacks and the people were resettled in other parts of Kibera. People with means who only saw what happened in Kibera in the comfort of their living rooms on television and by reading newspapers and listening to the radio occupied the new estates. For example there was Ngumo estate that bordered Line Saba. The contrast between the two was stark. A tall wall with barbed wire at the top which separated the two locations accentuated the contrast. Whereas the former had modern houses, paved roads, street lighting and most of the residents owned cars, the latter epitomised squalor and

houses were mud walled shanties, haphazardly constructed and drunkenly leaning onto one another. Press reports on conditions in Kibera however, suggested that 'it was a misnomer and highly misleading to think that 'Kibera' simply connoted 'filth, felony and fate.' Apart from Ngumo, there were other estates for middle class people such as Olympic, Ayany, Highrise, Karanja Road and Fort Jesus which were built as part of the modernisation efforts. A number of Nubian villages were demolished to give way partly to new estates; Sarango'mbe gave way to the construction of Jamhuri Estate (1968); Lang'ata yielded to Otiende, Ngei, Onyonka and other estates (1968/69); Toi surrendered to Fort Jesus, Salama estates (1972); Lombe was converted to Ayany estate (1977); Laini Saba reconfigured to Highrise estate (1988) (Daily Nation, December 7 2001).

Some people who had the means to find accommodation elsewhere but for reasons such as the need to be close to their investments, or even sentimental attachment to Kibera, having been born and brought up there, had elected to stay within the slums. There were members of the provincial administration and other local leaders who had used their patronage to amass property in the area and could afford a lifestyle that would be a far cry from the decrepit conditions in Kibera but did stay in the slums. It was probably for this reason that tenants accused some of the chiefs of being sympathetic to the landlords (Ouma 2007).

Most of the respondents I interviewed seemed to understand the complex nature of the politics of Kibera. On the question of ownership of structures, they clearly pointed out that besides Nubian and Kikuyu landlords, influential people particularly in the provincial administration were among the slumlords (Peacenet and Kyppede 2001;

13) who either directly owned structures or had allocated land to others who had built houses and remitted a certain percentage of rent to them every month (Wadenya 2007). Cllr Opette Opette categorically stated that houses belonged to the provincial administrators and so they had stakes in Kibera. A tenant unequivocally captured the extremes in Kibera, "Kibera has both millionaires and beggars. There are those who handsomely reap from the squalor in Kibera. Kibera *haitaisha!* (Kibera will never be improved!)," she stated fatalistically, "However in spite of class differences, all the residents were bound by similar problems" (Anonymous 2007). A research entitled 'Kibera Social and Economic Mapping: Household Survey Report jointly undertaken by the Government of Kenya and UNHABITAT, found out that only 2% of residents derived their income from rent. The deduction was that non-residents owned most of the houses in Kibera. That meant that outsiders owned 98% of the slum units with a wider implication of the Kibera rent enriching the absentee 'slumlords' (GoK/UNHABITAT 2003).

From the foregoing the appalling conditions in Kibera could be summed up through the following press analysis:

> Slums exist for many reasons, a lot of them having very little to do with poverty. First, because local government is weak and corrupt. Local tinpot dictators such as chiefs and councillors steal land and either sell it or "allocate" it. Secondly, successive governments have not loved Kenyans enough to do whatever it takes to get them out of these places. Then there are sum dwellers who have given up and accepted a life that is possibly worse than death (Daily Nation October, 22 2006).

CHAPTER 4

KIBERA: A POLITICAL BATTLEGROUND IN KENYA

4.1 Overview

The chapter attempts to focus on Kibera and its niche in the political history of Kenya. The thrust of the argument in this section is that apart from the seemingly protracted politics of land that Kibera was infamous for with the dubious distinction of being the oldest and biggest informal settlement in Kenya and probably in East Africa, (Law Society of Kenya 2002; 4). Kenya's national politics had, on a number of occasions, played themselves out in certain ways at certain times in Kibera. I argue that some of these events had altered national politics in Kenya especially from an ethnic perspective probably forever. The fundraising rally that Moi held in the area in October 2001 much as it had an immediate bearing on the inhabitants of the settlement, its nationwide ramifications were not lost on keen analysts of Kenya's politics. Thus the Moi rally hosted by Raila Odinga, the MP for Langa'ta, was within the continuum of political events engineered at the national level but which found a stage in Kibera. I will attempt to trace some of the events that left an indelible mark on Kenya's polity since the colonial period till the 2001 Kibera conflict.

4.1.1 The Presence of Luo and Luhya in Kibera

Kibera's place in Kenya's political history could not be in doubt. Theories that explained the influx of Luo and Luhya into the area were unambiguously political. The declaration of the state of emergency in 1952 and the assassination of Tom Mboya in 1969 were the two milestones in the history of the country that largely explained the ethnic mix in the area (Daily Nation December 10 2001). The latter

incident will be looked at more closely later in the chapter. Partly because of replacement of Kikuyu by the western Kenya tribes in Nairobi in the wake of the state of emergency, some Kikuyu believed that it was largely their community under the aegis of Mau Mau who fought for independence in Kenya (Bienen 1974; 132). In their view, other communities either collaborated or were indifferent to the colonial establishment. There had been considerable controversy over whether Mau Mau was a nationalist or tribal rebellion and whether it had any significant role in Kenya's attainment of independence (Ochieng' 1990; 195). Kibera appeared like a home for both collaborators of colonialism, that is the Nubians, since they were members of the Kings African Rifles and the Western Kenya tribes that supplanted Kikuyu in the city. These groups were considered by some Kikuyu to be people who had sabotaged the fight against colonialism. The claim that particular ethnic groups in Kenya 'contributed more' toward the liberation struggle than their fellow compatriots was reflected in the politics of history making. Who made what history was contested. Inventing history was part of the political struggles.

4.1.2 The Luo-Kikuyu Rivalry in Kibera

The Luo-Kikuyu antagonism in Kibera was a microcosm of broader tensions and testified to the political history of Kenya (Leys 1975; 199, 203). It went deeper than the patina of class differentiation that many analysts could easily arrive at after dissecting the socio-economic configuration of Kibera. Since most members of the Kikuyu community were landlords while most of their Luo counterparts were tenants the majority of whom eked their living from the '*Jua Kali*' (informal sector), the temptation to arrive at a class analysis of the conflict while ignoring the historical underpinnings of the animus between the two communities was strong. It looked to

many in the Luo community that the political elite from the 'House of Mumbi' i.e. Kikuyu land were responsible for their exclusion from national level politics.

In June 1958, Oginga Odinga, a Luo, earned himself the epithet of a 'radical' by mentioning, for the first time in the Legislative Council, the dreaded and most revered of names, Jomo Kenyatta, referring to him as a respected leader (Ogot and Ochieng' 1995; 60). In the run up to independence, African politicians not in detention, such as Oginga Odinga, agreed to an independence time-table as well as general economic policies and demanded Kenyatta's early release in 1961 (Ibid; 66). Odinga and his fellow nationalists seemed to have held the position that accepting to enter independence negotiations while Kenyatta and others were in detention was tantamount to betraying the collective cause which they believed bound all freedom fighters, their ethnic origin notwithstanding. In fact it was alleged in certain quarters that Odinga could easily have become the first president of Kenya had he not ceded the throne to Kenyatta through his insistence that the latter be released before the Union Jack could be brought down (Sunday Standard February 4 2007). The Luo felt after 'giving' the presidency to Kenyatta, Kenyatta betrayed them by firing Odinga from the vice-presidency and imprisoning him for long periods (Karolina 2004; 208).

4.1.3 Odinga and Kenyatta: Ideological Differences

Seven years after independence in 1969 with Kenyatta as the president and Odinga as the vice president, the two fell out over what was considered as divergent ideological orientations (Orvis 2001) Odinga accused Kenyatta of embracing capitalism that encouraged primitive accumulation of property and especially land thus betraying the

ideals of nationalism that, according to Odinga and his allies, entailed commitment to the cause of the peasantry and the proletariat (Ogot and Ochieng' 1995; 92). The Odinga camp and especially Bildad Kaggia argued that the aim of the fight against colonialism was to revert land back to the dispossessed peasantry but not for the political elite to grab (Ibid, 94). Kenyatta countered by accusing Odinga of trying to introduce communism in Kenya. However, some historians have argued that perhaps neither of the politicians believed what they said about their opponents, but in their pronouncements, they came closer to the truth than in what they said about themselves (Leys 1975; 221).

Odinga's consistent comments on the land question in Kenya portrayed him as a staunch supporter of socialist ideals (Gertzel 1970; 56-57 in Kariuki 2003; 143). The communist epithet was meant to hurt him politically beyond the borders of Kenya. Once he was branded a communist, he became a pariah not only within the capitalist-leaning Kenyatta inner circle but also in the context of a bipolar world at the time. The Kenyatta-Mboya axis represented themselves not only as 'African socialists' but also as nationalists and pragmatists, who put 'Kenya' interests first, and described the radicals as paid puppets of foreign Communist governments. The radicals pictured themselves as defenders of the nationalist movement's original socialist ideals, and their opponents as the tools of foreign capital (Leys 1975; 221). Leys was of the view that Kenyatta and Mboya were not tools of foreign capital, but they were collaborating closely with it, and their 'African socialism' was a formulation of 'comprador' ideology. On the Odinga-Kaggia alliance, Leys argued that they were not Communist stooges and that their socialism was of the petty bourgeois variety. He added that even if they had not been completely outmanoeuvred it was hard to believe

that their thinking would have evolved far beyond a redistributive populist position (Ibid).

The banishment of Odinga into political limbo came in March 1969 when he was publicly humiliated by the abolition of his post of Vice-President at a highly manipulated party conference in Limuru (Ibid; 224). Odinga's political woes extended to his constituency, the Luo community, who galvanised behind him by what they saw as his victimization by the Kikuyu dominated political establishment (Karolina 2004; 249). The Kikiyu became the focus of discontent not only among the Luo but also in many parts of the country because of their domination of critical Cabinet posts and the top of the Government itself (Bienen 1974; 133).

The accusation that many in the Luo community levelled against Kenyatta and his cabal of politicians from Kiambu district (Kenyatta's rural home) was that the latter failed to reciprocate the gesture Odinga extended to Kenyatta which they viewed as the epitome of patriotism and nationalism. It could be argued that had ethnicity not informed the conduct of politics at that embryonic stage of Kenya's independence, what happened in Kibera in 2001 would probably not have come to pass. However, ever since, Kenya's politics have been among the most "ethnic" in Africa (Orvis 2001). The land in Kibera was distributed along patronage clientilist networks. Those in power determined who built where within the settlement. With the Luo out of mainstream politics for virtually the entire period of independent Kenya, most of them could not benefit from the prebendary politics that underpinned Kibera.

4.1.4 The Assassination of Tom Mboya

The elimination of Tom Mboya on 5 July 1969 almost put the political stability of Kenya on the precipice (Ajulu 2002). It drew a wedge between the two communities that has characterised politics ever since. It was widely believed that Mboya was eliminated in a covert campaign of positioning and jostling in the Kenyatta succession battle (Karimi and Ochieng' 1980; 10-11 in Ajulu 2002; 260). The anti-Mboya faction in KANU panicked as Kenyatta's health started failing. Before his assassination, they had come up with constitutional amendments aimed at locking him out of the succession race in the event of Kenyatta's death (Ogot and Ochieng' 1995; 102).

In spite of Mboya's role in the removal of Odinga from power and the subsequent harassment of Odinga-led Kenya People's Union (KPU), his killing was seen by Luo as an attack on the whole Luo people through the murder of one of their most brilliant sons. The corollary was that there was a massive demonstration of support for Odinga as a symbol of Luo solidarity (Leys 1975; 235-236). It was stated that Mboya was one politician, who though being a Luo, was so 'urbane, urbanised and cosmopolitan' in orientation that he stood head and shoulders above most of his political contemporaries in the succession pecking order. He was considered my many as one of the best Kenyan politicians of the time:

> Since entry into national politics in 1952, as acting Kenya African Union (KAU) treasurer, Tom Mboya had always inspired both inspiration and revulsion. By 1960, when he became the first secretary-general of KANU, Mboya was already the most articulate and visible of Kenya's politicians. He represented the new Africans - cosmopolitan, urbane, articulate and self-

> assured. He used to appear, it seemed, every other month on British television: cool, very confident and speaking his piece in measured yet emphatic tone, acting his interrogators and adversaries off he screen (Ogot and Ochieng' 1995; 100).

The style in which Kenyatta and his inner circle dealt with dissidents in his government especially Odinga, Mboya and Kaggia, aptly captured Lewis Coser's definition of conflict as a struggle in which the aim is to gain objectives and simultaneously to neutralise, injure, or eliminate rivals (Coser, 1956; 8 in Horowitz 1985; 95).

4.1.5 The Kisumu Riots

In the wake of Mboya's death, members of the Luo community were up in arms and railed against the Kenyatta establishment for what they believed was its complicity in his assassination. In fact the Luo did not forgive Kenyatta and believed that Mboya's assassin was his agent (Ibid). Matters came to a head during Kenyatta's visit to Kisumu in October 1969 for the opening of a hospital built with Soviet aid. The crowd was hostile and when Kenyatta in his speech launched a bitter and offensive attack against Odinga, who was present, the atmosphere became extremely tense till Kenyatta was pelted with stones. As Kenyatta's car left, the crowd pressed towards it; his bodyguards fired into the crowd killing ten and wounding seventy (Leys 1975; 237). The actual number of casualties has remained in dispute. Some scholars put the death toll at forty-three (Ibid, 102). Arguably Mboya's death coupled with Odinga's confinement to political wilderness sowed the seeds of antipathy between the Luo and Kikuyu.

4.1.6 The Chequered Political History of Kibera

Prior to the multiparty elections in 1992, Langa'ta constituency was the only one in the entire country that had an MP, Philip Leakey, a Kenyan of white descent. Raila Odinga succeeded Leakey. Raila Odinga, Odinga's son had a history as the longest serving political detainee who constantly rubbed the Moi regime up the wrong side while clamouring for political pluralism during the one party state in the 1980s. It appeared that Raila's maiden entry into parliament did not appease his seemingly confrontational political spirit. Soon after the 1992 elections, Oginga Odinga, the national chairman of Forum for the Restoration of Democracy-Kenya (FORD-K), died in 1994. A vicious contestation over the party's chairmanship erupted pitting the younger Odinga, the Deputy Director of Elections of Ford-K against one Michael Wamalwa who was the first Vice Chairman of the party. Youths allied to the two politicians' camps engaged in running battles in which weapons such as *pangas* (machetes), whips and axes among others were used to settle scores. Differences between the two politicians, as is often the case in Kenya's politics, took the form of personality clashes and ethnic calculation rather than being ideologically based (Ajulu 2003; 15).

In 1996, Raila resigned from the party, forsook his parliamentary seat and took up a little known party, the National Development Party of Kenya (NDP) (Karolina 2004; 90. 93) on which he sought re-election in Lang'ata constituency in a subsequent by-election. He easily retained his seat hence going down in the political history of Kenya once again as the first politician to have resigned from parliament under

multiparty democracy, sought fresh mandate from the electorate and overwhelmingly received it.

4.1.7 KANU-NDP Merger and Kibera

Raila invigorated NDP turning it into one of the more prominent political parties in Kenya at the time. He contested the presidency in 1997 on the party ticket and came a respectable third behind the incumbent Moi and Kibaki. He teamed up with other presidential losers such as Mwai Kibaki, to denounce the elections on the ground of irregularities (Mwakikagile 2001; 133) but soon after changed his tune and congratulated Moi following the latter's re-election. Before long Raila's NDP and Moi's KANU began working together under a formula loosely referred to as 'co-operation' through which KANU with a razor-thin majority in parliament relied on Raila to marshal his MPs to counter opposition onslaught. The relationship between KANU and NDP metamorphosed into a 'partnership' then a merger on March 18th 2002 before general elections later that year after which Raila became the Secretary General of KANU or 'New KANU' as he preferred to call it.

On 31st October 2001 when Moi visited Kibera, the two politicians appeared to have struck a winning formula with a section of Kikuyu, Luhya and Luo joining KANU. The alliance would easily have vanquished any opposition challenge in the general elections that were a year away. The meticulously crafted ethnic calculus, as it was known in Kenya's political parlance, was about to be officially cemented through the KANU and NDP merger. It was to be a culmination of the alliance between the two erstwhile rivals following Moi's appointment of Raila and four of his NDP colleagues to the cabinet. The Law Society of Kenya report noted that, "… since Kibera was

supposed to be a NDP stronghold and in order to stem any resistance to the merger, it became imperative to make statements that would likely make the people support the event, in other words political populism came to the fore" (LSK 2002; 13).

4.1.8 Politics of Blame spinning

During the 2001 violence, Kibera became the ground from which various politicians especially from Nairobi resorted to casting blame. They passed on responsibility with regard to who among them was responsible for the violence that erupted. While Moi and Raila and their allies blamed certain MPs from some constituencies in Nairobi of having incited the residents, the MPs in turn threw the blame back accusing the trio of stoking the violence for their own political ends (Daily Nation, November 27 2001, Daily Nation 5 2001, Daily Nation December 7 2001, Daily Nation, December 8, 2001). Many newspaper analysts viewed the conflagration within a framework of national politics at the time whereby the ruling elite had a tendency to reach out to opposition leaders asking them to work closely with the government of the day in return for 'development allocations' (Peacenet and Kyppede 2001; 27). No sooner did Moi's rally in Lang'ata end than NDP supporters led crowds of tenants from the venue chanting 'NEVER PAY RENT' and delivered the message to all the thirteen villages of Kibera slums (Kyppede, no date in Kyppede 2001; 28). Furthermore placards were pinned on all NDP village offices telling tenants not to pay rents until a circular came from the provincial Commissioner's office (Peacenet and Kyppede 2001; 28). A landlord was quoted in a report by the Kibera Youth Programme for Peace and Development (KYPPEDE) monitoring team heaping blame on NDP:

> There is no fight here. What we are seeing is a creation of NDP youth. It is the NDP youth that put up placards saying president Moi decreed rents should not be paid. It is the NDP youth that are attacking and destroying landlords' property. There is no tenant that is fighting the landlord (Ibid; 28).

4.1.9 Kibera and 2002 National Succession

In this section, I attempt to link the 2001 conflict with the national succession in Kenya the following year. Moi had made it clear that it was bound to be a generational succession with elderly politicians retiring with him in 2002 while the youthful ones took the reins of power. He had assembled an array of politicians, including Raila, from different ethnic constituencies to whom he promised to bequeath power once his term came to an end.

The overarching argument is that the Kibera conflict assumed a dangerous form once succession politics in Kenya at the time were subtly introduced to the arena. First, it was curious that Moi after being in power for close to quarter of a century only realized in the twilight of his presidency that the land in Kibera was in dispute. Secondly, given that he had already set up The Commission to look into land law issues, it amounted to political interference in its work to comment on the question of land in Kibera hence pre-empting the findings of the Commission. These issues made one newspaper consider his pronouncements as having been informed by pragmatic politics rather than a genuine desire to find a lasting solution to the land problem in Kibera. Moi's remarks inflated hopes among the poor tenants that rents should be lowered without first putting in place mechanisms of how the same could be achieved without leading to violence (Daily Nation, December 10 2001).

Violence in Kibera was seen within a pattern of politically motivated clashes that had rocked Kenya since the advent of the multiparty system (Government of Kenya 1992; 82, 1999; 284-291). It was highly unlikely that violence would have erupted had politicians not gone to the area and made statements that made tempers to flare. The ruling establishment could have calculated that the directive to tenants to lower rents would appeal to members of the Luo and Luhya communities resident in Kibera. Given that the two communities were among the largest voting constituencies in Kenya, Moi expected them to reciprocate by overwhelming votes for KANU in the 2002 elections. A number of younger KANU leaders and Odinga had floated the idea of an executive prime minister and several deputies. The idea, presumably, could allow an ethnic coalition of a new generation of leaders to replace Moi (Orvis 2001).

4.2.0 Kibera as a pawn in National Politics

Amidst the violence, the Provincial Commissioner confirmed that a survey of the slums was underway. He said that the government was in the process of establishing the boundaries of the land that was allocated to the members of the Nubian community in colonial times and that once they had been established, the provincial administration would have to decide whether to give a communal title deed or individual ones to members of the Nubian community (Daily Nation, December 5 2001). The process was never heard of again after normalcy was restored and people started going about their daily business. The press argued that Kibera did not have leadership on the land issue and that most of the politicians including the presidency appeared keen on scoring points as opposed to being concerned with the perennial land issue. (Daily Nation December 6 2001).

A couple of months before the general elections, the delicate ethnic mix that Moi had so deftly brought together under KANU in preparation for his succession, imploded after he imposed Uhuru, Kenyatta's son, on the party as a presidential candidate (Oyugi et al 2003; 165). The choreographed elevation of Uhuru to the pinnacle of the party elicited stiff opposition from within the party and among a cross section of Kenyans. Moi and Raila Odinga faced the 2002 elections as fierce opponents supporting different presidential candidates. Given that Moi's rent directive was a populist pronouncement as opposed to a policy statement, no follow-up was made after he left office in 2002. Thus it would not be too much of an exaggeration to describe what Moi and Odinga engaged in in 2001 while in Kibera as 'political chicanery' intended for short term political mileage

In this chapter, Kibera has been defined as a platform from which political contests in Kenya were waged. It also served as the ground on which ideological differences were exhibited such as Kenyatta's 'capitalism' juxtaposed against Odinga's 'communism.' Moreover, Moi's reactionary politics as witnessed during the one party era with his clampdown on dissidents such as Raila and his willy-nilly selection of Uhuru as his preferred successor came to the surface. Raila's calculating and radical political orientation during single party rule and during his working relationship with KANU contrasted with that of Moi's. It was obvious that succession politics was so adroitly introduced into the Kibera fray that only the most perceptive among the residents in that settlement would be able to tell that they were being used as pawns in a wider political scheme meant to retain the status quo in a post Moi political dispensation.

CHAPTER 5

CONCLUSION

This chapter attempts to synthesise the issues raised in the research report. The introductory part of this report lays the historical background against which this narrative analysis has been set. From the theoretical section, it emerges that several approaches by various schools of thought have been advanced in an attempt to explain the phenomenon or epiphenomena of ethnicity. It is clear that none of the theories is watertight. They all have their strengths and weaknesses and therefore no single theory could comprehensively account for the phenomenon of ethnicity. However, what seems to be running through most of them is that political ethnicity is closely linked to the question of class and contestation over resources. The Kibera analysis showed that landlords and tenants were people from different ethnic groupings and seemed to testify to this relationship. Furthermore, the section looked at the history of political ethnicity in Kenya under Kenyatta. Kenya's polity gave in to politics of exclusivity soon after independence. One of my arguments in this concluding chapter is that the Kenyatta government largely enhanced ethnic suspicions and mistrust among Kenyans and particularly between the Luo and Kikuyu. This was reflected in the way in which ethnic tensions arose in Kibera itself.

The history of the Nubian community was explored not only its long-standing settlement in Kibera, but also the effective exclusion of this community from the exercise of citizenship. We have seen how the community came to settle in Kibera. One of the fundamental findings about this community is its richly diverse African descent. However, their status was as precarious after independence as during the

colonial period. Hence successive governments had perpetrated the practice of excluding them from citizenship. This had constructed the Nubians as separate 'outsider' group from the other groups in Kenya. The Njonjo Land Commission that held its sitting in Kibera before the violence broke out was reminiscent of the Kenya Land Commission that colonialists set up in 1933 whose findings were not in the interests of the Nubians. Therefore the land controversy in Kibera was one that post colonial governments had inherited but lacked the political will to rectify. The intersection of class, ethnicity, economic activities and religion were explored through the prism of the 2001 conflict. What the discussion showed was the complexity of the interrelationship between these variables and how they were manipulated during the 2001 conflict.

The report traced the link between the history of the politics of land in Kenya and the land politics in Kibera. The land issue in Kenya had been under contestation since colonialism when it was one single most driving force behind the fight for independence. However, it remained a thorny issue after the attainment of self-governance as the first generation of African politicians particularly between the Kenyatta-Mboya axis on one side and the Odinga-Kaggia on the other. It had remained controversial and led to clashes among different ethnic groups in various parts of the country. It was highly likely that it was a factor in the assassination of a vocal MP, J.M Kariuki, in 1975. The Kibera conflict in 2001 was one segmented of this larger configuration of historical conflict. These clashes had characterised Kenya's politics especially since the advent of multiparty politics in the early 1990s. As a result of this, no coherent land policy had been drafted to deal with its allocation

and management in Kibera. The consequence was that land had been turned into a political tool that was used to serve political interests.

The politics of land ownership between landlords and tenants in Kibera explored in the report shows how the two groups of people were so polarised that in the rather heavy handed intervention of national political interests, they easily clashed as the 2001 conflict showed. The report showed how Moi and Raila Odinga were more interested in Kibera because of its political significance but were not ready to come up with programmes of action on how to better the living conditions of the people who stayed in it. The significant finding of the report lies in its portrayal of the politicisation of land ownership in Kibera. I argued that the politicisation of land ownership blocked any possibility of finding an amicable and lasting solution to Kibera's growing landlord-tenant relations.

In the final section of the report, a deeper focus on the politics of Kibera was explored. Through a close reading of the informal sector it was shown that this sector provided support to most of the residents in the area especially single mothers and young people who had left the countryside in search of better prospects. However, in spite of their attempts to improve their living conditions, there were lots of frustrations emanating from the government. The city authorities appeared not to support the entrepreneurial initiatives as they were hesitant to issue licences and waiver levies that entrepreneurs were charged. The need to regulate the industry was indisputable. But what was of concern was the constant harassment that those engaged in the '*jua kali*' informal sector got from the government which resulted in

most of them abandoning their businesses. The outcome was the entrenchment of poverty among most of the residents.

The report attempted too, to engage the question of religion. The Nubians were predominantly Muslim while most of the other ethnic communities were Christian. However, religious differences did not play any significant role in the 2001 conflict save for acts of criminality that were committed within the precincts of places of worship. Religious leaders from both sides were in agreement as far as that was concerned.

The analysis showed how significant economic differences were to an understanding of the 2001 conflict in Kibera. Kibera had differences in terms of class that could not be easily identified by one who was not familiar with the complexities of the area. The link between Kibera and some people in prominent positions in the government especially in the provincial administration was arguably one of the fundamental findings in this report. Neglect by government gave both officials and local representatives an opportunity to exploit rent and other opportunities in the area. This prebendalism accounted to some extent for the lack of government interest in the area. The thinking seemed to be that with better living conditions, the people of Kibera would be able to take care of their lives. Thus the residents would then be in a position to resist exploitation by government officials and politicians. Yet vigorous state intervention to improve the living conditions of those in Kibera would be needed to – security of tenure for both landlords and tenants would be a first step.

The Nubians as a community had been treated as outsiders since the time they were settled in the area by colonialists. Attempts to reinvent themselves ethnically had not helped them integrate within the Kenyan society. Their citizenship was controversial and the common thinking in government was that they were people who did not belong to the country. Their exclusion coupled with their relatively small numbers had made it hard for them to assert themselves politically.

In the final chapter, Kibera was looked at as an arena in which significant political events in Kenya manifested themselves. The rivalry between the Luo and Kikuyu particularly found expression in Kibera. In post independence Kenya, the area had also been significant in parliamentary politics, particularly in the form of MP Raila Odinga since 1992. Raila was one of Kenya's foremost politicians in the fight against one party rule by Moi. Ultimately, national succession politics in Kenya in the run up to 2002 general elections were played out in Kibera as elsewhere. As a result, politicians made populist statements without the backing of real political weight or policy intention. This had incendiary results with people resorting to fighting. The new government that came to power in 2002 had housing for the poor, in both rural and urban areas, as one of its planks in its manifesto. However, by the time I visited Kibera for my research in late 2007 nothing seemed to be taking place in that regard.

Bibliography

Adebajo A. and Rashid I. (eds) (2004) West Africa's Security Challenges Building Peace in A Troubled Region, Boulder-: Lynne Rienner Publishers.

Alec, R. (2000) Big Men Little People Encounters in Africa, London, Pan Books.

Ayittey, G. (1999) Africa in Chaos, New York-: St. Martin's Griffin.

Bayart, J. (1993) The State in Africa: The Politics of the Belly, London-: Longman.

Berman, B. Eyoh D. and Kymlicka W. (eds) et al (2004) Ethnicity and Democracy in Africa, Athens-: Ohio University Press.

Bienen, H. (1974) Kenya; The politics of Participation and Control, New Jersey-: Princeton University Press.

Cheche, N. (1992) Politics and Society in Contemporary Africa, Boulder-: Lynne Rienner.

Dewan, G. (2002) Slumming India A Chronicle of slums and their saviours, New Delhi-: Penguin Books India.

Muigai, G. 'Jomo Kenyatta and the Rise of the Ethno-Nationalist State in Kenya,' in Berman, B. Eyoh D. and Kymlicka W. (eds) (2004) Ethnicity and Democracy in Africa, Athens-: Ohio University Press.

Leys C. (1975) Underdevelopment in Kenya The Political Economy in Neocolonialism 1964-1971, London-: Heinemann.

Cooper F. (ed) (1983) Struggle for the City: Migrant Labour, Capital and the State in Urban Africa, London-: Sage Publications,

Coser, L. (1956) The Functions of Social Conflict Glencoe, III-: free press, 1956

Hutchful E. and Aning, K. 'The Political Economy of Conflicts' in Adebajo A. and Rashid I. (eds) (2004) West Africa's Security Challenges Building Peace in A Troubled Region, Boulder-: Lynne Rienner Publishers.

Gertzel, C. (1970) The Politics of Independent Kenya 1963-1968, London-: Heinemann Educational Books.

Greenstein R. (ed) (2003) Research Methods Manual, Johannesburg-: Wits University (Unpublishe manuscript).

Hake, A. (1977) African Metropolis NAIROBI SELF-HELP CITY, Falmer-: Sussex University Press.

Heyer, J. Maitha J.K. and Senga W.M. (1976) Agricultural Development in Kenya: An Economic Assessment, Nairobi-: Oxford University Press.

Horowitz, D. (1985) Ethnic Groups in Conflict, Berkeley-: University of California, Press.

Hulterstrom, K. (2004) In Pursuit of Ethnic Politics Voters, Parties and Policies in Kenya and Zambia, Uppsala-: UPPSALA University.

Karimi, J. and Ochieng' P (1980) The Kenyatta Succession, Nairobi-:TransAfrica Books, Distributors.

Kariuki, S (2003) 'A Comparative Study of Land Reform Policy and Implementation programme in Post-Independent Kenya (1963) and Post-Apartheid South Africa (1994),' Johannesburg-: University of the Witwatersrand, (Unpublished thesis).

Kellas, J. (1991) The Politics of Nationalism and Ethnicity, London-: Macmillan Press.

Kenyatta, J (1961) Facing Mount Kenya, The Tribal Life of the Gikuyu, London-: Mercury Books.

Kitching, G. (1980) Class and Economic Change in Kenya, the Making of an African Petite-Bourgeoisie, New Haven-: Yale University Press.

Kuper, L (1974) Race, Class and Power: Ideology and Revolutionary Change in Plural Societies, London-: Gerald Duckworth and Company Ltd.

Leo, C (1984) Land and Class in Kenya, Toronto-: University of Toronto Press.

Lewis P. (ed) (1998) Africa Dilemmas of Development and Change, Boulder-: Colo, Westview Press.

Miller, N. (1984) Kenya: The Quest for Prosperity. Boulder-: Westville Press.

Moyse-Bartlett Hubert, (1956) The King's African Rifles, Aldershot-:

Mwakikagile, G. (2001) Ethnic Politics in Kenya and Nigeria, New York-: Nova Science Publishers.

Ochieng'W.R. (1990) Themes in Kenyan History, Nairobi-: Heinemann Kenya Limited.

Ogot, B.A. and Ochieng', W. R. (eds) (1995) Decolonization and Independence in Kenya, London-: James Currey.

Okwundiba N. (1978) Ethnic Politics in Nigeria, Enugu-: Fourth Edition Dimension,

Osaghae, E. (1994) "Ethnicity in Africa or African Ethnicity: The Search for a Conceptual Understanding", in U. Himmelstrand, K. Kinyanjui and E. Mbuguru, (eds), African Perspectives on Development, London-: James Currey.

Pain Dennis, "The Nubians: Their Perceived Stratification System and Its Relation to the Asian Issue," in Twaddle M. (ed) (1975) Expulsion of a Minority: Essays on Uganda Asians, London-: 177-8.

Sandbrook R. (1985) The Politics of Africa's Economic Stagnation, Cambridge-: Cambridge University Press.

Sidiropoulos, E. (2001) A Continent Apart: Kosovo, Africa and Humanitarian Intervention, Johannesburg-: South African Institute of International Affairs.

Sorrenson, M.P.K (1967) Land reform in the Kikuyu Country: A Study in Government Policy. Nairobi-: Oxford University Press.

Throup D, (1987) Economic & Social Origins of Mau Mau, London, James Currey.

Journals and Reports

Ajulu Rok, (2002) 'Kenya: A reflection on the 2002 election: Third time lucky or more of the same?' Braamfontein-Johannesburg-: Institute for Global Dialogue.

Atieno-Odhiambo E. (2002) 'Hegemonic Enterprises and Instrumentalists of Survival: Ethnicity and Democracy in Kenya' in African Studies, Vol. 61 No. 2 (226-7).

Birch, A. H. (1978) 'Minority Nationalist Movements and Theories of Political Integration', World Politics 30 (3): 325-344.

Blanton, R. Mason, D. and Athrow, B., (2001) 'Colonial Style and Post – Colonial Ethnic Conflict in Africa.' In Journal of Peace Research, Vol. 38 n. 4 PP473-491 Available online http://0-www.jstor.org.innopac.wits.ac.za/jstor/gifcvdir/ap001211/00223433/ap02015 Accessed 2006.08.24

Chege, M. (1981) 'A Tale of Two Slums: Electoral Politics in Mathare and Dagoretti' in Review of African Political Economy No 20 (74-88).

Employment, Incomes and Equality: a strategy for increasing productive employment in Kenya (ILO, Geneva, 1972).

Evidence by C.H.Adams, DC Nairobi, Colonel R. Wilkinson, o/c N Bde, 28 March 1933 and Captain B.F. Montgomery, Adjutant 5 KAR, 7 February 1933, in Kenya Land Commission, *Evidence*, vol. I

Government of Kenya, (2002) 'Report of the Commission of Inquiry into the Land Law System of Kenya on Principles of a National Land Policy Framework Constitutional Position of Land and New Institutional Framework for Land Administration,' Nairobi-: Government Printer. "The Njonjo Commission".

Government of Kenya (1992) 'Report of the Parliamentary Committee to Investigate Ethnic Clashes in Western and other Parts of Kenya,' Nairobi-: Government Printer. "The Kiliku Report"

Government of Kenya, (1999) 'Report of the Judicial Commission Appointed to Inquire into Tribal Clashes In Kenya, Government Printers, Nairobi-: Government Printer. "The Akiwumi Report".

GoK/ United Nations Human Settlements Programme (UNHABITAT) (2003) 'Kibera Social and Economic Mapping: Household Survey Report' online http;//www.pubpol.duke.edu/centers/hlp/programs/fellows/ccrosson/ Accessed on 16.09.06.

Horowitz, D (1971), 'Three Dimensions of Ethnic Politics', World Politics 23 (2): 232-244.

Kenya Colony and Protectorate, (1933) Report of the Kenya Land Commission, Nairobi-:

Kituo cha Sheria**,** (2004) Participatory Urban Appraisal Report: 'Strengthening Tenants Association Rights and Tools for Negotiation and Effective Dialogue,' Nairobi, (Unpublished manuscript)

Kibera Youth Programme for Peace and Development (KYPPEDE) (no date)

Kyppede initial report about the Kibera violence that informed the need for a more elaborate monitoring and research work about the violence, Nairobi. (Unpublished Report).

Law Society of Kenya, Land Reform Program, (2002) 'A Mission to Kibera,' Nairobi-: Law Society of Kenya.

Leifer, Eric M., (1981) 'Comparing Models of Political Mobilisation: The Role of Ethnic Ties', American Journal of Sociology 87 (1); 23-47.

Leys, C (1973) 'Interpreting African Underdevelopment: Reflections on the ILO Report on Employment, Incomes and Equality in Kenya,' in African Affairs Vol.22 No. 289 pp. 419-429. Available online: http://0-www.jstor.org.innopac.wits.ac.za/jstor/gifcvdir/ap001211/00223433/ap02015 Accessed 2006.08.24

Lwanga-Lunyiigo, (1977) "Uganda and World War One," Makerere Historical Journal 3 pp. 27.

Macharia, K. (1992) 'Slum Clearance and the Informal Economy in Nairobi,' in The Journal of Modern African Studies, 30, 2; pp. 221-236.

Memorandum by Ex-Soldiers of KAR, 7 January 1933, in Kenya Land Commission, Evidence, Vol. I

Memorandum by J. Ainsworth, 8 January 1916, Kenya National Archives (KNA), PC CST 1/11/68/2; Ainsworth to Chief Secretary, East Africa Protectorate, 21 February 1916,KNA

Nagel J. and Olzak S. (1982) 'Ethnic Mobilization in New and Old States: An Extension of the Competition Model,' in Social Problems, Vol 30, N0, 2 .

Nielson, Francois, (1985) 'Towards a Theory of Ethnic Solidarity in Modern Societies', American Sociological Review 50 (April) 133-149.

Odhiambo-Mbai C. (2003) 'Public Service Accountability and Governance in Kenya since Independence,' in African Journal of Political Science, Vol. 8, No.1 (113-145).

Omolo, K. (2002) 'Political Ethnicity in the Democratisation process in Kenya' in African Studies, Vol. 61 No. 2 December (210).

Orvis, S. (2001) Moral Ethnicity and Political tribalism Kenya's "Virtual Democracy" in African Issues vol. 29 No ½: Ethnicity and Recent Democratic Experiments in Africa, pp. 8-13. Available online: http://0-

www.jstor.org.innopac.wits.ac.za/jstor/gifcvdir/ap001211/00223433/ap02015 Accessed 2006.08.24 Accessed on 30.11.06.

Oyugi, W. (1997) 'Ethnicity in the Electoral Process: The 1992 General Elections In Kenya' in African Journal of Political Science (formerly African Journal of Political Economy) Vol. 2 No 1(42-69).

Parsons Timothy, (1997) '"Kibra is our Bold": The Sudanese Military Legacy in Nairobi's Kibera Location, 1902-1968' in The International Journal of African Historical Studies, vol. 30, No. 1

Peace and Development Network (Peace-Net-Kenya) and Kibera Youth Programme for Peace and Development (KYPPEDE) (2001) 'The Quest for Human Dignity; Kibera Violence,' Nairobi-: Acken Media Services.

Peace-NET (2003), Quarterly Peace Monitor Vol. 3 no. 1 (50).

Republic of Kenya, (1989) Kenya Development, 1989-1993, Nairobi, p.164

Republic of Kenya, (1986) Sessional Paper No 1 of 1986 on Economic Management for Renewed Growth, Nairobi, p 1.

Sklar Richard (1967) "Political Science and National Integration – A Radical Approach," in Journal of Modern African Studies 5 May, 1-11 I

Sklar Richard, (1967) "Political Science and National Integration," in Journal of Modern African Studies, Vol, 5, No. 1 May Pp. 1-12.

Swainson, N. (1977) 'The Rise of a National Bourgeoisie in Kenya,' in Review in African Political Economy, No 8 (50-1).

Wegelin-Schuinga M. and Kodo Teresia, (1997) 'Tenancy and sanitation provision in informal settlements in Nairobi: revisiting the public latrine option, in Environment and Urbanization p.181. Available online http://eau.sagepub.com accessed on 31.01.07

Wegelin-Schuringa, Gitonga M.J. and. Kodo T (1994), "Sanitation in Kibera, a low-income urban area in Nairobi", IRC, The Hague (Unpublished) in Wegelin-Schuringa and Kodo T. (1997) "Tenancy and sanitation provision in informal settlements in Nairobi: revisiting the public latrine option" in Environment and Urbanization, Sage Publications. Available online: http://eau.sagepub.com/cgi/content/abstract/9/2/181

Weru, J (2004) 'Community federations and city upgrading: the work of Pamoja Trust and Muungano in Kenya,' in Environment & Urbanization Vol. 16 No 1 April 2004. Available online http://www.iied.org/human.eandu/document/if-1pp47-62werukenya.pdf. Accessed on 5.05.06.

News papers

Daily Nation, Nairobi, December 7 2001

Daily Nation, Nairobi, December 6 2001.

Daily Nation, Nairobi, December 4 2001

Daily Nation, Nairobi December 8, 2001

Daily Nation, Nairobi, December 10 2001

Daily Nation, Nairobi, December 10 2001

Daily Nation, Nairobi, January 12 2007

Daily Nation, Nairobi, November 9 2001

Daily Nation, Nairobi, November 27 2001

Daily Nation October, 22 2006

Saturday Nation, Nairobi, December 8 2001

Sunday Standard, Nairobi February 4 2007

The Standard, Nairobi October 5 2006

Internet Sources

BBC (British Broadcasting Corporation) News 6 December 2001; 16:22 Greenwich Mean Time (GMT), online http://news.bbc.co.uk/2/hi/africa/1695452.stm

Harman D. in 'Kenya's slums: new political battlegrounds available on

http://www.csmonitor.com/2001/1210/p6s3-woaf.html

International Labour Organization (ILO) "Employment, incomes and equity: a strategy for increasing productive employment in Kenya" (ILO Geneva 1972) in Bangasser E. P.(2000) 'The ILO and the informal sector: an institutional history,' Geneva, International Labour Organization. Available online:

http://www-ilomirror.cornell.edu/public/english/employment/strat/download/ep9.pdf.

KENYA: IRIN Focus on violent clashes in 2001 available online

http://www.irinnews.org/report

Kenya Post-election Political violence ARTICLE 19 December 1998. Available online http://www.article19/docimages/465.htm

Lynsey, F. in 'Sociology without Borders Nairobi Fellowship' Boston University, 2005 available online

http://www.sociologistswithoutborders.org/essays/ssF%20Report.pdf

Mulama, J. RIGHTS-KENYA: Slum Upgrade a Tale of 'Later Rather Than Sooner' at http://ipsnews.org/interna.asp?idnews=23550 as well as GOK and UN-HABITAT sign Memorandum of Understanding; Kibera-Soweto chosen for pilot slum upgrading project at http://www.unhabiatat.org/print.asp?=3032&catid=5&typeid=6

Ndeti Y. 'Slums have a history too' available online http://www.oneworld.net/article/view/71289/1/

NPI-Africa (2003), 'Journeying with our partners Activity Report Nov 2001-Dec 2002' available online http://npi-africa.org/documents/activity-report-nov1-dec02.pdf

Rowan D. in 'Kenya: 15 killed in slum clashes' available online http://www.wsws.org/articles/2001/dec2001/keny-d14.shtml. Accessed on May 4 2006

Taya, W. 'Guns in the Borderlands, Reducing the Demand for Small Arms' in Monograph No 95, January 2004. Available online http://www.iss.org.za/pubs/Monograph/No95/Chap3.htm

Un-HABITAT (2005) 'Government of Kenya (GOK) and UN-HABITAT sign Memorandum of Understanding; Kibera-Soweto chosen for pilot slum upgrading project,' Nairobi, Un-habitat. Available online: http://www.unhabiatat.org/print.asp?=3032&catid=5&typeid=6

Interviews

Conversation with a secretary to the District Officer, January 15 2007

Interview with Amina Abdala, a landlady, January 12 2007

Interview with anonymous, a member of the Chief's Council of Elders, January 15 2007

Interview with anonymous businesswoman, January 12 2007.

Interview with anonymous landlady, January 12 2007

Interview with anonymous landlady, January 12 2007

Interview with anonymous landlady January 12 2007

Interview with anonymous landlady, January 12 2007

Interview with anonymous tenant, January 13 2007

Interview with anonymous tenant, January 13 2007

Interview with anonymous tenant, January 17 2007

Interview with a young Ugandan refugee, January 15 2007

Interview with Fatuma, a landlady, January 13 2007

Interview with George Kidakwa, leader of a welfare association and member of a Luhya ethnic group, January 21, 2007.

Interview with Josephat Mmasi, a pastoral teacher at Guadalupe Catholic Church, January 12 2007

Interview with Julius Wadenya, a tenant, January 13 2007

Interview with Khalid Khamis, a tenant, January 11 2007

Interview with Malhassan, a landlady, January 11 2007

Interview with Michael Ouma, a pastoral teacher, Guadalupe Catholic Church, January 16 2007.

Interview with Mohamed Omari, a pastoral teacher, Kibera Mosque, January 15 2007

Interview with Musa, a member of the Chief's Council of Elders, January 15 2007

Interview with Mwalimu Hamsa, a pastoral teacher, Kibera Mosque, January 12, 2007

Interview with Nicholas Linakha, a tenant and member of a Luhya welfare association, January 15 2007

Interview with Opette Opette, Liberal Democratic Party (LDP) councillor Sarang'ombe ward, Kibera, Langa'ata constituency, January 14 2007.

Interview with Toma Hafsa, a landlady, January 11 2007

Interview with Zakia Abdulrahaman, a landlady, January 11 2007

Videotape

Videotape of speeches during the Lang'ata Constituency Bursary Fund rally on 31st October 2001 that I watched on 14.01.2007 in Cllr Opette Opette's house.