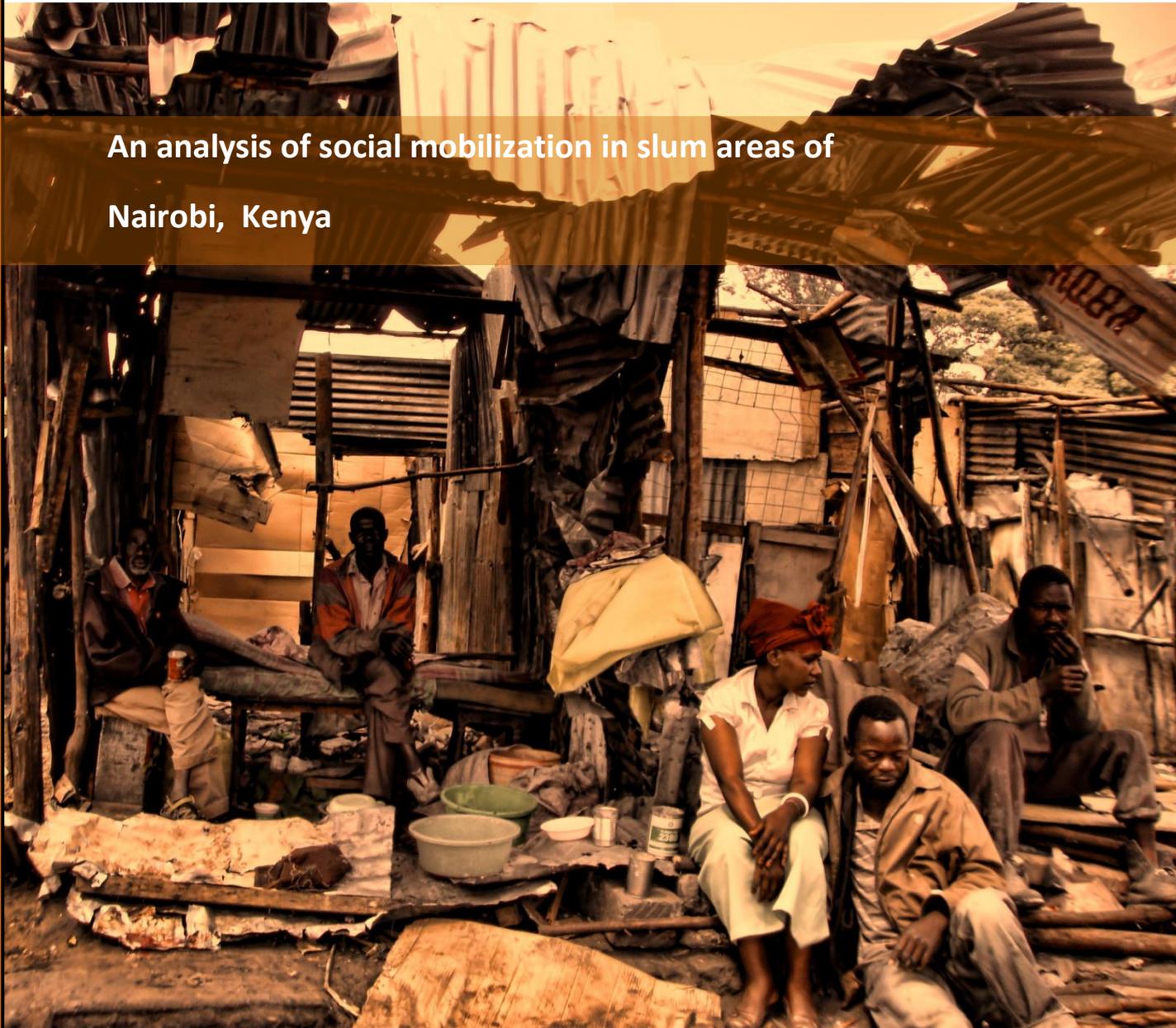


Fighting against urban land grabbing

An analysis of social mobilization in slum areas of
Nairobi, Kenya



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Nairobi, Kenya**

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Prologue

In the early hours of the 10th of May 2013, City Cotton settlement (also called City Cotton village) in between Wilson Airport, South C estate and Moi Educational Centre in Nairobi was attacked by a group of approximately 200 young men, backed up by a strong Police force headed by the Officer Commanding Station (OCS) of Langata Police station. The gangsters were attacking in the middle of the night on the grounds of Moi Educational Centre (MEC), which is owned by the former Kenyan President Daniel Moi and used the MEC grounds as their base to stage the attack from. The group, identifying themselves as 'Mungiki', claimed they were hired to auction off the properties based on a court order. The group attacked the settlement around 4 am with utmost brutality. Armed with machetes, crowbars, sledgehammers, and all kind of other tools and weapons, they started to break the huts of the settlement while most of the people were sleeping inside. Several huts collapsed with people inside, while anybody of the inhabitants who resisted was thoroughly attacked, beaten up and hacked by the armed goons. In several huts women were raped. In advance I knew the land issue in Kenya was a really sensitive subject, but I hadn't expect this impact. To actually experience the grabbing of land in the case of City Cotton village was one of the most intense situations I ever experienced. For me as a student after six weeks I went back to the safety of my country The Netherlands, while the people of City Cotton are never be sure if the future brings more evictions, *if* they survived this one. But don't get me wrong, land grabbing is and was everywhere. It is not related to Africa, South America or Asia as often is expected. As I was watching the 'Tour de France' back home, the commentator mentioned that when Versailles was showed at the last day of the tour, King Louis XIV evicted a whole village in order to build his palace and garden. But not only in the past, land issues were a problem in Europe. Today, concentration of land in Europe controlled by fewer hands, resulting in land grabbing and resulting in shrinking access to land for small-scale food producers (Franco and Borres, 2013). Even the government of my country which is claiming they are not grabbing land, is according to a recent report, investing in projects that are harmful to the local population and environment of foreign countries (Farmland grab, 2013).

Acknowledgements

My research would not have been possible without my parents, because without their adventurous way of life (I was born in Mombasa) I never would have done research in the slums of Nairobi. As I had much difficulties in contacting poor slum dwellers and the danger lying in wait several day's I went to the 'field', I got pep talks by my girlfriend, family and friends. I want to thank Skype for their fantastic medium. Without the help of Fleur van Dissel who is a documentary filmmaker from the Netherlands and living in Nairobi, the start of my research would have been much harder. She got me in touch with some very interesting people which were useful for my research. Also I would like to thank the people I interviewed for their time and interesting stories. It has become a research that is very critical towards the politics in Kenya, but also towards the NGOs who are present in large numbers in the slums of Nairobi. This is because many people who I talked to were very critical about these politics and NGOs. Still, I would like to thank the NGO 'Pamoja Trust' for the help and contacts they provided me. Especially I want to thank Ralf Graf whose knowledge and courage were an inspiration for me. After twelve years in Nairobi he is still fighting for the good cause. Together we became a team which went on an adventure every day the last weeks of my research period. We knew we had to deal with the great powers of Kenya and the gangsters who were hired. When we went to the field we couldn't tell who was a villager and who was a gangster. Without Ralf I never had the courage to do this and collected the data I have now. Lastly, this thesis could not have been written without the feedback, with helpful comments, and support of several people and my supervisor. As for the motivation to keep on writing the last months, Jacqueline Klopp told me in a personal email: *"It is very hard to do this research, but very important. Your thesis will be a contribution. The stories behind different cases of land grabbing are often very complex and challenging to unravel and often involve influential politicians."*

Acronyms and Abbreviations

Askaris	Watchman (Hired security person)
DC	District Commissioner
DO	District Officer
Eviction	Forceful evacuation of people
ICC	International Criminal Court
KAA	Kenya Airport Authority
KRC	Kenya Red Cross
Ksh	Kenya shilling
LR number	Land Registration number
MEC	Moi Education Centre
MP	Member of Parliament
Mungiki	Gang in Kenya
Mzungu	White person
NGO	Non Governmental Organization
OCS	Officer Commanding Police Station
OCPD	Officer Commanding Police District
Slum	Informal settlement with poor conditions
Swahili	Language spoken in Kenya (Kiswahili)
Squatter	Illegal tenant

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1 Introduction

Over the past years, large-scale acquisitions of farmland in Africa, Southeast Asia, Central Asia and Latin America have made headlines in a burst of media reports across the world. *“Lands that only a short time ago seemed of little outside interest are now being sought by international investors to the tune of hundreds of thousands of hectares”* (Cotula et al, 2009; 3). But these land deals are in the international press according to Lorenzo Cotula et al. the tip of the iceberg (Cotula et al, 2009). Alao (2006) argues that land is *“the most important natural resource in Africa, indicating not only a symbol of economic power, but also the spiritual link between the living and the dead”* (Alao, 2006; 6). A lot of land issues in Africa started during the late 19th century, when the indigenous people had most of their lands taken over by white settlers (Alao, 2006). In Kenya, independence came on 12 December 1963 from British rule and this independence came with high expectations and hopes (Branch, 2011). But according to Jacqueline Klopp the political liberalization process in Africa has been far more problematic than before was expected (Klopp, 2000). Some things have become better, such as greater electoral competition and some expansion of political and civil rights. But on the other side, in an alarming number of cases there is an expand of corruption and escalating violence (Klopp, 2000). Nowadays, the convergence of global crises in energy, food, finance, and the environment has driven a dramatic revaluation of land ownership, especially in Sub-Saharan Africa (Borres et al, 2011; 209). Also privatization of public sites including schools, bus stations, forests, etc. present a particularly dramatic demonstration of corruption for most Kenyans. Many Kenyans are mobilizing and fighting back, but these actions are the cause to ever more violent battles around land grabbing (Klopp, 2000). Also in urban environments, like Nairobi, more and more land is grabbed, not least in the form of slum evictions. People first defend the land they use by legitimate means. If that is unsuccessful, the community may organize itself to oppose the violence of the government with organized violence of their own (Klopp, 2000). But there are more ways to fight this land grabbing. From urban squatters to middle-class Nairobians, many Kenyans resist to the irregular privatization of public land (Klopp, 2000). The Draft National Land Policy Report stresses that informal settlement comprise 30-80 percent of a typical developing world city and it is projected that by the year 2020, 63 percent of the African

population will live in cities. This is largely due to rapid rural urban migration (Pamoja Trust, 2011a). This research is about the characteristics of social movement groups in their struggles against the phenomenon of urban land grabbing in Nairobi, which comes in many cases in the form of forceful evictions.

The topic land grabbing is getting more important as an issue in world politics every year.

“Investors and corporations are intensifying their acquisitions and global competition for land” (Margulis et al, 2013; 2). Land grabbing is seen more and more as a major threat to the lives and livelihoods of the poor (Borras et al, 2011). This salience is confirmed by the Group of Eight (G8)/Group of Twenty (G20), because land grabbing is now on their agenda. Also the World Bank has it at the core of their new global development agenda (Margulis et al., 2013). But, according to Cotula et al. (2009) a lot is written about the phenomenon of land grabbing in media reports, but not so much in academic journals. There is hardly any empirical evidence about international land deals and their negative and positive impacts. This is the reason why it is hard to say to what extent the problem of land grabbing occurs (Cotula et al, 2009; 16). Despite the eruption of media reports and some published research, land deals and their impacts remain still unknown (Cotula et al, 2009). The objective of researching global land grabbing is according to Borras et al. (2011) *“to provide a platform and network to generate solid evidence through detailed, field-based research that incorporates and complements a range of policy-oriented donor and NGO-led reviews, as well as more activist political work”* (Borras et al, 2011; 211). Something often lacking in the current debate, these studies will focus, ultimately, on the politics of land deals. Through these studies the authors *“hope to foster a dialogue with activists, social movements, concerned academics and policy makers to produce data and debate potential implications”* (Borras et al, 2011; 211). Local investors are also playing a major role in land grabbing, a phenomenon that has gotten far less international attentions so far (Cotula et al, 2009). Civil societies and social movements are mobilizing more and more around this phenomenon of land grabbing (Margulis et al, 2013). But Wendy Wolford is asking in her book (2010) if academics should be engaged in analyzing progressive social movements when those movements are fighting for causes with which we very much agree. She answers this question herself by arguing that understanding social mobilization within movements is important for both political theory and political work. Thus researching these movements is

to keep *“our academic theories up with the times”* (Wolford, 2010; 7). Research on social mobilization specifically in urban areas is relatively less studied compared to rural areas according to Staniland (2010). The major theories about social mobilization and related violence are about rural areas. Staniland stresses in his article (2010) that robust urban social mobilization is possible and common. This can provide according to the author a social base for rebellion in areas that prevailing theories deem unlikely sites of civil war (Staniland, 2010; 1623). The next step in research is according to Staniland gathering more fine grained comparative data. *“Historical patterns of urban as opposed to rural settlement, [...] and the specific characteristics of ethnic and religious institutions offer important paths for future research”* (Staniland, 2010; 1643). This research is therefore relevant from both the perspective of land grabbing as well as social mobilization, especially in urban areas there is hardly any empirical evidence.

2 Theoretical Framework

According to Shipton (1994) *“nothing excites deeper passions or gives rise to more bloodshed than do disagreement about territory, boundaries, or access to land resources”* (Shipton, 1994;347). In this research I will refer to literature on land grabbing. The theory starts with general land grabbing and limits itself to observations from the cities. In most theories land grabbing is described as the grabbing of vast pieces of land, but according to Borres et al. (2011) there is no one grand land grab. Cities are also the scene of land grabbing according to some authors, for example in the form of forceful slum evictions. Finally I will describe urban land grabbing more specifically in relation to social mobilization.

2.1 Land grabbing

According to Borres et al. (2011) *“the phrase ‘global land grab’ has become a catch-all to analyze and describe the current explosion of powerful transnational and national economic actors from corporations to national governments and private equity funds who are searching for and acquiring presumably ‘empty’ land often in distant countries”*, especially in Sub-Saharan Africa (Borres et al, 2011; 209). In the literature land grabbing is about vast tracts of land, but the phenomenon has taken different forms and character as compared to processes that occur in different regions in the world and even in one country (Borras et al, 2012). The contemporary conditions for large-scale land acquisitions are certainly specific to our time, and their scope is daunting (Borras et al, 2011). Yet, they argue that there is no one grand land grab, but a series of changing contexts, emergent processes and forces, and contestations that are producing new conditions and facilitating shifts in both de jure and de facto land control (Borres et al, 2011). Also according to Cotula et al (2009) *“land deals take many different forms and proceed in a wide diversity of contexts”* (Cotula et al, 2009; 102). For example cities have largely been, according to Mahadevia (2011), the arena of action like scams, large investments, land-grabs, and people’s resistance movements against eviction (Mahadevia, 2011). The size of the land is often not considered if people use the term land grabbing and because the term “Land grabbing” is commonly used by Kenyans to describe the irregular allocation or sale of public land to individuals to reward political patronage. That is the reason I define land grabbing for the purpose of my study: *“official and private*

actions, steps and procedures in relation to land acquisition, ownership, occupation, use or any other dealing in land, both private and public” (TJRC, 2013).

2.2 Urban land grabbing

Nairobi which is the capital of Kenya is one of the largest and fastest growing cities in Africa (Lamba in Mundia and Aniya, 2005). For the last decades, the city of Nairobi has grown fast in terms of spatial extent and population. According to Mundia and Aniya (2005) the population was in 1970 500.000 people and increased to the current three million. This process of urbanization is not only characterized by population growth, but also by increasing economic and social activities, industrial expansion and intensified use of land resources (Mundia and Aniya, 2005). These factors are increasing according to Foley (2007) the value of land in urban areas. So, people can't afford to buy land and often establish in slum areas (irregular settlements) which are raising issues like social services and crime and complicating urban planning (Foley, 2007). Half of Nairobi's population lives in slum areas. These areas of informal settlements lacking services, basic infrastructures and legal recognition. The slum areas in Nairobi ranging in size from small squatter villages to slums of 100.000 people and more (Lamba, 1994). According to the World Bank, the United Nations Centre for Human Settlements and for the purpose of my research, *“slums are neglected parts of cities where housing and living conditions are appallingly poor. [They] range from high density, squalid central city tenements to spontaneous squatter settlements without legal recognition or rights”* (UNCHS, 1991 in Otiso, 2002; 253). Because the value of land is rising and among several other factors (see Paragraph 2.3) Kenya is the stage of massive slum evictions. According to Klopp (2008) such violent urban displacements are likely to intensify (Klopp, 2008). For the purpose of this research the definition of *forced eviction* is used according to the United Nation High Commissioner for Human Rights: *“the involuntary removal of persons from their homes or land, directly or indirectly attributable to the State. It entails the effective elimination of the possibility of an individual or group living in a particular house, residence or place, and the assisted (in the case of resettlement) or unassisted (without resettlement) movement of evicted persons or groups to other areas”* (UNHCHR, 1993 in Otiso, 2002; 252). According to Otiso in cities in developing countries these forced evictions are widespread and are mainly targeting poor people in slum

(informal) settlements (Otiso, 2002). Land grabbing involves not only forced evictions in urban areas, but according to Klopp (2008) also places where no individuals are living like prominent public sites including, roads, markets, schools, forests, bus stations, present a particularly dramatic display of land grabs for most Kenyans (Klopp, 2008).

2.3 Factors enabling urban land grabbing

Regulation and jurisdiction

Since the Roman times the cadastre has been according to Harvey (2006) the leading form of coordinating land ownership. This recording rights to land and private land ownership has been endorsed around the world through imperialism and colonialism. But Harvey argues that the formal cadastre is often conducted in parallel to the informal organization (Harvey, 2006). A range of statutory, customary and hybrid institutions, and regulations having de jure or de facto authority, according to Cotula et al (2004), over land rights in the same territory. This is called legal pluralism. The difference between this formal and informal in land tenure can be manipulated to gain or increase access to land. In Africa this is often done by local elites and foreign investors (Cotula et al, 2004), which is the cause of tension between civil and political society (Harvey, 2006). Although on paper some countries have effective procedures and laws that raise local voice and benefit, there are still big gaps between practice and theory (Cotula et al, 2009). According to the authors these gaps between statute books and reality on the ground are the reason of major losses of local interests, livelihood and welfare for the local people. There are some countries where legal requirements for community dialogue are in place, but even here the negotiation about land access with communities remain unsatisfactory (Cotula et al, 2009). According to Shayer Ghafur (2004) lack of identity contributes to the isolation of the poor to their biased slum sub-culture (Ghafur, 2004).

Government

According to Opiyo (2013) the question of land in the urban context is not only very complex but also politically and economically sensitive. Weru (2004) argues that the official government policy of Kenya was from 1963 to the late 1970s to demolish informal settlements. Even by the fact that much of the urban population had no other ways of living,

government officials were supporting or permitting many slum demolitions and evictions (Weru, 2004). But besides the official policy land was also linked to politics in a different way. Political liberalization was forced in the 1990s according to Klopp (2000) by large aid donors who stopped their payments. Former President Moi allowed this political liberation but in order to stay in power he needed clients that delivered political and electoral support. He bought the 'cooperation' of opposition leaders with his wide ranging powers over land. (Klopp, 2000). He and his clients were increasingly and violently turning to public lands in order to give to the land to the opposition. So, when they faced declining patronage resources, the government will find alternative sources, often involved with corruption and violence (Klopp, 2000).

Complex grabbers identity

In the era of colonialism and imperialism land grabbing occurred on a large scale (Borres et al, 2011). Back then it was more easy, but now it is in many cases hard to tell who is behind the grabbing of land (Cotula et al, 2009). Because of the global crises in finance, food and energy more grabbers appeared over the last years (Borres et al, 2011). According to Borres et al (2011) *"powerful transnational and national economic actors from corporations to national governments and private equity funds are searching for and acquiring presumably 'empty' land often in distant countries."* (Borres et al, 2011; 209). For example, the countries China, South Korea and India are among those at the forefront of the agricultural enlargement. They seek land according to Hall (2011), to produce food overseas for their expanding populations (Hall, 2011). The land grabs do often have a North-South dynamic, however, with economically powerful non-Northern countries such as Qatar and Brazil more grabbers are involved (Borres et al, 2011). But already in the middle 1980s economic liberalization attracted foreign investors seeking for natural resources. These investors, along with African elites, rapidly grabbed the best land and natural resources (Igoe, 2003). This liberalization created also the possibility of registering Non Governmental Organizations (NGOs) according to Igoe. (Igoe, 2003). According to Chabal and Daloz in Igoe (2003) besides foreign investors also NGOs were searching ways to new resources. The authors warn that Africa's NGO revolution may be less about grassroots democracy. According to them it is *"a successful adaptation to the condition laid down by foreign donors on the part of local*

political actors who seek in this way access to new resources" (Chabal and Daloz, in Igoe, 2003; 867). This is logical with Africa's history of aid dependence and colonialism, because African elites have constantly sought connections with powerful outsiders from Western countries. According to Igoe this was to strengthen their political positions (Igoe, 2003). Chabal and Daloz *"maintain that this situation continues, and that NGOs are often nothing other than new 'structures' with which Africans can seek to establish instrumentally profitable positions within the existing system of neopatrimonialism"* (Chabal and Daloz, in Igoe, 2003; 867). The NGO sector in Africa is, after the shift of donor money from government to the NGO sector, one of the few growth industries whereby most economic sectors were shrinking in the 90s. For example in Tanzania, the government eliminated 50.000 civil service jobs in the 90s, but many of these redundant civil servants just followed the money to the NGOs. Igoe (2003) argues that the very same people who were running African states in the past now dominate the NGO sector. NGO leaders become gatekeepers between the communities and western donors. According to Igoe (2003) *"More energy is spent in accommodating donor ideas and meeting reporting requirements than in empowering local people"* (Igoe, 2003; 881). The number of NGOs increased dramatically since the mid 90s, which had become a 'get-rich-quick gimmick for the upper-middle classes in Africa. According to Ohayo in Igoe (2003) *"The sudden and visible change in the lifestyles of a number of founders and directors of NGOs during this period, and the fact that many such NGOs have proved to be inconsequential while their founders trot from one foreign mission to another, hat in hand, seeking donor funding to continue underwriting their opulent lifestyles, has not been lost upon Kenyans either"* (Ohayo in Igoe, 2003; 872). But even slum dwellers are often land grabbers, because the land is often illegally occupied. Also in the case of eviction which leads to secondary displacement, often there is no other alternative according to Foley (2007) than occupy land that belongs to other people (Foley, 2007).

Economy

The city of Nairobi grew the last decades not only by population growth, but as said before also by increasing economic activities like the industrial sector. This intensified the use of land resources in urban and peri-urban areas which drove up rents and increased the value

of land (Lamba, 1994; Foley, 2007). Also the arrival of large numbers of international aid workers (NGOs) inflated property values according to Foley (2007). Before the economic liberalization, according to Jenkins (2006), one of the few resources which could be largely controlled by local and national elites and become wealthy in a quick way, was land access. Together with this rising demand for urban land, this led to increased land grabbing (Jenkins, 2006).

Social Cultural

According to Foley (2007) conflict between people can be a reason for the drift of populations towards urban areas. This can lead to pressing social issues in urban and peri-urban areas in the case of land rights (Foley, 2007).

Demography

Landless agricultural workers, according to Shipton (1994), often chose to migrate to nearby towns or cities in search for a job. Landlessness and rural land poverty helps to force migrations into the same difficult situation in cities. So, through this rural land grabbing people lose their land and migrate to the overcrowded cities (Shipton, 1994), even as these cities have lack of basic amenities and infrastructures (Lavalle et al, 2001). Also despite raising issues like crime Nairobi still attracts people from rural areas and this is the cause of even more problems (Foley, 2007; Lavalle et al, 2001). All these people are looking for a place to stay and most of them end up in an informal settlement because of lack of money (Foley, 2007). According to Cotula et al (2009) concepts such as 'idle', 'available', or 'waste' land, are also a cause for land grabbing. These concepts used to justify the grabbing of land to investors, but this land is in many situations not 'waste' land according to the authors. Evidence collected in Africa suggests that at least in some situations the lands that were grabbed *"being used for shifting cultivation and dry-season grazing. In other words, concepts as "idle" land often reflect an assessment of the productivity rather than existence of resource uses: these terms are often applied not to unoccupied lands, but to lands used in ways that are not perceived as "productive" by government"* (Cotula et al, 2009; 62). De Smedt (2011) stresses that tribes which are larger in population than another tribe they can take over land of the smaller tribe, often by ethnic violence. The last violent confrontation

between tribes in Kibera was according to the author after the 2007 elections (De Smedt, 2011). In the case of the Nubians in Kibera they were not able to stop the invasion of other tribes which was the reason they are now only a small minority. They control according to the author only a small part of the rental rooms. The slum is no longer recognised by others as a Nubian area (De Smedt, 2011).

2.4 Factors enabling to mobilize against land grabbing

Where populations are expanding rapidly and land is becoming scarce, this can become according to Foley (2007) an important source of tension. The land issue has been the underlying cause of many conflicts in Africa in the last two decades (Foley, 2007). Klopp (2008) argues that in Kenya many people are mobilizing and fighting back against the grabbing of land, but a side note is that these dynamics are often the cause to even more violent struggles around land (Klopp, 2008).

Regulation and jurisdiction

According to Afsar (2003) government authorities in India have made several attempts to evict slum dwellers from most of the large settlements. However according to the author this is contrary to the 1996 Habitat Agenda. The government in India is a signatory, so this is illegal even for the government. Besides the Habitat Agenda the government violates also the Constitution, which guarantees fundamental freedoms and human rights to all citizens. This is the same in Kenya with the Habitat Agenda en the new Constitution which replaced the 1969 Constitution. According to Igoo (2003) several people who are working as advocates argue that the only way the courts will transform into an impartial arbiter is through a national movement for legally protected customary rights of land for all people in a certain country (Igoo, 2003).

Government

According to Weru (2011) there was a decrease in the demolitions in Kenya by the government. This process of reduction in demolitions began before the change of government in 2003 (Weru, 2011). Former President Moi (see Chapter five 'Empirical Context) was the cause of many demolitions, evictions and violent conflicts. The reduction

came after President Moi was voted out of office in 2001 (Weru, 2011). This means that a leader has much influence on the policy of the government. According to Gettleman (2010) Kenya's ethnic divides were exacerbated under a winner-take-all political system that ensured enormous powers in the presidency, and led to amazing levels of corruption. Kenya's new Constitution aims to repair this by giving more power to local governments, giving a bill of rights and paving the way for land reform (Gettleman, 2010).

Protection from powerful people

In order to create a critical mass of political opposition capable of stopping land grabbing they often need outside allies (Leach and Scoones, 2007). In the past, movements have influenced national policies, and they have created transnational networks (Wolford, 2010). According to Klopp (2000) many government officials are partaking in land allocations, but there are also many elected officials who actually are engaged in protecting people for the irregular privatization of public land (Klopp, 2000). The patronage of political leaders is according to Afsar (2003) very important for the people who live in squatter settlements (Afsar, 2003).

NGOs

Igoe (2003) stresses that some NGOs *do* try to do the right thing for local people. The author gives the example of the NGO 'Land Rights Research and Resources Institute' (LARRI) which brought together a coalition of NGOs to form a National Land Forum in Tanzania. Several NGOs participated in the event and together they called for increased community control of natural resources and land. Outsiders, like foreign investors would be required by the Forum to negotiate directly with local people to have access to their land. They recommended that the judiciary be decentralized so the people had direct legal authority in their own communities over land disputes (Igoe, 2003). According to Jane Weru NGOs do support low-income communities to improve housing and basic services. Weru gives the example of the NGO 'Pamoja Trust' which is a Kenyan NGO that was set up to help poor urban communities to organize themselves to fight against slum demolition and forced evictions.

Economy

Apiyo (1998) stresses that land is not only a basic part of human activity, but in most cases the very most important means of livelihood. According to the author it is the foundation for work, food, shelter and a sense of nationhood (Apiyo, 1998). According to Weru (2004) money is a way to organize people, as she is arguing: *“daily savings is a mechanism, a technique or a simple system of mobilizing and organizing communities of the urban poor. It is based on the daily collection of money for savings”* (Weru, 2004; 55). Collecting the savings is not only collecting money for savings and loan repayments, but also pass on information and becoming better informed about what is happening in the community (Weru, 2004) This can lead to the checking of records, linkage, solidarity building and peer-monitoring. The hope of getting land is the reason that many of these schemes started. The author stresses that saving schemes are the basic part of a social movement; *“When these are strong, the whole [movement] is strong”* (Weru, 2004; 57). Saving schemes demonstrated that they help organize groups act collectively and they were able to cope with crises (Weru, 2004). In the case of the Nubians they refused according to De Smedt (2011) to leave their settlement, because they benefited from the huge market for the alcohol they distilled. The income it generated was possibly a reason to mobilize against relocation, also because of the location of the slum near the city centre of Nairobi (De Smedt, 2011).

Technology and communication

According to Adam and Wood (1999) the rapid advances in communication and information technologies have resulted in a social condition which is new in sub-Saharan Africa. This is affecting according to the authors the day-to-day activities of organizations, society and individuals (Adam and Wood, 1999). In order to communicate and to create collective identities newspapers and television are used. By accessing media channels the members and the public can be informed, also in order to gain the support of others. Media can bring people together into a community and also expressing a philosophy of action and subject (Wolford, 2010). Movements even produce their own newspapers where movement leaders and activists actively engage in the production of meaning and movement discourse, *“framing”* the movement for both the outside world and its members (Wolford, 2010; 94). But, also new information technologies and media networks have been according to Leach and Scoones (2007) critical in enabling connection between spatially scattered movement

participants (Leach and Scoones, 2007). Once the collective has been established, information technologies play an important role in the continual process of socialization among members (Wolford, 2010). The calculated spread of social movements across the Arab world is called the Arab Spring. According to Lisa Anderson (2011) activists in the Arab Spring used technology like social media to share ideas and tactics (Anderson, 2011). The people shared a common call and were fighting in different countries for personal dignity and responsive government, which started the end of 2010. But according to the author the revolutions across these countries were different in grievance and social dynamics (Anderson, 2011). According to Wolford educational systems also contributing to the nationalization of the collective identity. This can be done by educating the members through dance, song, theater, chants, and symbols: *“The more that the masses attach themselves to their symbols, their leaders, and the organization, the more they fight, the more they mobilize, and the more they organize themselves”* (Wolford, 2010; 87). As said before, some movements are producing their own newspaper, because *“informed popular support is an important means of creating a critical mass of social pressure for reform”* (Wolford, 2010; 90). Politically, collectives are according to Wolford a key resource for the movement (Wolford, 2010). Research about land grabbing is according Borres et al (2011) very important. Research can provide a platform according to the authors to generate solid evidence. Especially when the research is field-based that includes a range of NGO-led as well as policy oriented donor reviews. By researching this subjects, the authors want to stimulate a dialogue between social movements, activists, concerned academics and policy makers (Borres et al, 2011).

Social Cultural

According to Borrás et al. (2011) there have been strong reactions against land grabbing around the world from corporations and civil society groups (Borrás et al, 2011). The authors arguing that *“some see land grabs as a major threat to the lives and livelihoods of the [...] poor, and so oppose such commercial land deals. Others see economic opportunity for the rural poor, although they are wary of corruption and negative consequences, and so call for improving land market governance”* (Borrás et al, 2011; 210). Of course there are many other groups between these two positions according to the authors. This ongoing ‘stealing’

of public sites provoked according to Klopp (2000) escalating resistance among societies from rural communities, but also among urban squatters and middle-class Nairobians. In her article she gives some examples of the resistance as some grabbers said: *"We have money. We have the power, money power, and you won't get anywhere."* Whereby the potential leader of the community said: *"Okay, they use money power, and I will use people power and we'll see"* (Klopp, 2000; 20). The land never got grabbed. Alain Tourain (1985) is arguing in his article 'An introduction to the Study of Social Movements' that there is an almost general agreement that social movements should be conceived as a special type of social conflict. Many types of collective behavior are not social conflicts: panics, crazes, fashions, currents of opinion, cultural innovations are not conflicts, even if they define in a precise way what they react to (Tourain, 1985). There are many different definitions for social mobilization, because different terms are used to mean the same thing. The word 'social' is often replaced with global, national, organizational, community, or local (Patel, 2005). For the purpose of my study, social mobilization is defined as: *"a broad scale movement to engage people's participation in achieving a specific development goal through self-reliant efforts"* (UNICEF in Patel, 2005; 93). The authors Leach and Scoones (2007; 11) are arguing in their paper that citizens in collective action come together *"to highlight grievances or to press demands, which in liberal theory are usually in relation to the state."* Citizens are seen as individuals who act to advance their own interests, while the state protects and enforces their rights. Mobilization emerges according to the authors where the state fails to do this (Leach and Scoones, 2007). According to McCarthy and Zald (1977) important preconditions for the emergence of a social movement is shared grievances and generalized beliefs (loose ideologies) about the causes and possible means of reducing grievances (McCarthy and Zald, 1977). *"Geographers [...] have argued that social movements flow out of the interplay of space, power, framings and resources, with an understanding of spatial location and context critical to seeing why the political processes of social movements unfold as they do"* (Miller in Leach and Scoones, 2007; 13). To overcome the obstacles to joint action is explained through political strategy, emphasizing consciousness, ideology and leadership, action, solitary incentives and socially constructed collective identities (Fox, 1996). In the book 'This land is ours now' Wendy Wolford stresses that people made the decision to join a movement because they were in need of new land to continue the family production, and

because they were grounded in strong ethnic communities. Wolford stresses “[the movement] message and methods were channeled through church meetings, and through community leaders who spread word of the occupations” (Wolford, 2010; 45). These leaders are very important, according to her, because they play a big role in many people’s decision to join a movement. They provide an important connection between the radical ideas of resistance and mobilization and the settlers’ own hunger to change. Social movement leaders use bargaining, persuasion, or violence to influence authorities to change. Choices of tactics depend upon prior history of relations with authorities, relative success of previous encounters, and ideology (McCarthy and Zald, 1977). Currently in Kenya many areas are organized under an association of slum dwellers. A group which is called Muungano (Swahili for ‘association of villagers/slum dwellers’), embodies eighty-six communities, most of them in Nairobi but with ambitions to “reach out to other slum areas across the republic” (Klopp, 2000; 21). The article of Staniland (2010) offers a theory of urban insurgency that explains when and how group mobilization escalates into sustained urban rebellion. He stresses that some urban areas are marked by robust, religious and ethnic networks that link ethno-religious groups to cities and provide the base for high-risk violent collective action. “These communities and networks can both motivate and facilitate violence” (Staniland, 2010; 1628).

Demography

Parsons (2012) stresses that the colonial officials sought for manageable units for the many ethnicities in Kenya. The officials linked physical space to ethnic identity and so the Kenyan reserve system simulated that each of these ‘tribes’ had a tribal homeland (Parsons, 2012). According to Klopp (2000) the most affected people are the growing number of squatters in urban areas. For them, entrance to land from the government is a matter of survival and that’s why, it is hardly surprising that some of the most verbal resistance is to be found among the people who are living in slums (Klopp, 2000). This is even more important for the Nubians in Nairobi, because the informal settlement they live in is their ‘tribal land’ (De Smedt, 2011). In the colonial era the British allowed its Nubian ex-soldiers to settle on land near the city Nairobi. Today that land is surrounded by the expanding city and became a slum area called Kibra (Kibera) (De Smedt, 2011). Even by the fact that they became over the

years a minority in the area, *“they still claim to be the only and rightful ‘owners’ of Kibera, given to them as their pension after retirement from the British colonial army”* (De Smedt, 2011; 10). In the past, several land grabbers tried to relocate the Nubians for the expansion of Nairobi, but the community in Kibera have always been fighting against this. According to them Kibera is their tribal home area, the place where they grew up, and even were born (De Smedt, 2011).

2.5 Factors obstructed to mobilize against land grabbing

Regulation and jurisdiction

According to Cotula et al (2009) there are several factors that limits improvements for fighting against land grabbing. These are among others, inaccessible registration procedures, legislative gaps, vaguely defined productive use of requirements which are all threaten the position of local people in the legal process (Cotula et al, 2009). Foley (2007) stresses that on much land that is occupied, people often do not have documents proving their rights to it (Foley, 2007). Since many people are living in informal settlements and these are illegal, neither the ownership nor the allocations of plots is recognized by the authorities (Lamba, 1994). Lamba (1994) argues that the absence of formal recognition or a legal system, tenants and landlords can never be sure they will not be forced out (Lamba, 1994). If they have official records, often they have been destroyed during conflicts or were never proper to begin with. In many cases where large numbers of people are displaced from their homes, the capacity to deal with settlement claims in a fair and transparent manner is missing (Foley, 2007). This is because of the gap between the reality and the formal legal situation. According to Cotula et la (2009) it is also hard to fight land grabbing in court because land uses and claims go unrecognized . This is because the land users are often marginalized from access to law and institutions and formal land rights. Conflict and displacement are often accompanied according to Foley (2007) by a failure in law and order. This can lead to land grabbing by people with influential political connections and even by armed groups, which in some cases are hired by these people (Foley, 2007). Jim Igoe (2003) gives an example in his article about some evictions which were taken to court. He argues *“once the evictions were taken to courts, the situation became an all-or-nothing proposition. Unfortunately, it was a high stakes political game, and local people were bound to lose. Evictees, who initially*

expressed feelings of empowerment and euphoria, later showed bewilderment and dismay, as judge after judge steadfastly refused to deliver justice” (Igoe, 2003; 879). Often they don't want to deliver justice because they don't want to put their career on the line by fighting the Government. What most of these people have learned from this process according to Igoe (2003) is that *“they will not receive justice no matter how good a case their attorneys present”* (Igoe, 2003; 880).

Government

The manipulations of powerful politicians is according Weru (2004) the reason that any attempt to improve conditions in Nairobi's slums is very complicated. Potential conflicts between tenants and landlords on one side and conflict between different ethnic groups are often caused by these politicians according to the author (Weru, 2004). Foley (2007) is giving the example of political issues in Angola. In Angola the government has violently evicted thousands of people. The government have done this according to the author in violation of Angola's own laws and the human rights obligations. The evicted people had no chance to go to court and received rarely compensation. The government stands above the law in this country in Africa (Foley, 2007).

Complex grabbers identity

According to Cotula et al (2009) the borderline between private and public investors is fluid (Cotula et al, 2009). Lack of transparency in contract negotiation creates a breeding ground for deals and corruption that do not maximize the interest of the public (Cotula et al, 2004). A fundamental problem is according to Lamba (1994) the land ownership in informal settlements. There is often no data available about the person who owns the slums, but some land that is occupied by squatters is privately owned and rented to the tenants by the legal owner (Lamba, 1994). Land is also held publicly, either by the city or the central government. Finally, the tenants rented land that is privately owned by the legal owner, but in most cases there is an illegal landlord collecting rent from illegal tenants (Lamba, 1994). Igoe (2003) stresses it became common for policy-makers to think that NGOs could be associated with civil society and they concluded that funding NGOs meant building civil society. The crucial weakness in this thinking is according to Igoe (2003) to mistake the

institution for the process. *“NGOs never embodied grassroots social movements; they were a product of them. It is facile to believe that an institution can contain the complex dynamics of a [...] social movement [...]. An NGO at its crudest level is nothing more than an office and a piece of paper, and in case of briefcase NGOs, not even an office”* (Igoe, 2003; 866). One of the best examples according to Igoe (2003) to illustrate these allegations is a project undertaken by a NGO that served a community on the banks of one of the largest rivers in Tanzania. According to the author the community didn't need a water project, but the leaders of the NGO wanted money. The NGO leaders warned that if the community resisted, they would gain the reputation of the community that 'didn't like development'. This meant that in the future donors would almost undoubtedly bypass such community (Igoe, 2003). But on the other side if NGOs don't follow up what a government is telling them to do, they have the risk to be expelled. Like in the case of the country Uganda according to Vidal (2012) Oxfam and other NGOs were threatened to be expelled by the government after publishing a report about evicted people from farmland. The communities were affected by the operations of the government and as a response Oxfam and a group of 60 international and local NGOs had to formally apologize for the criticism (Vidal, 2012).

Technology and communication

According to Hyden et al (2003) the media and their operative staff are still very far from free journalism. They are intimidated by politicians what they have to write or show. The author stresses that being a editorial writer or a journalist is associated threats by government controlled security agents (Hyden et al, 2003).

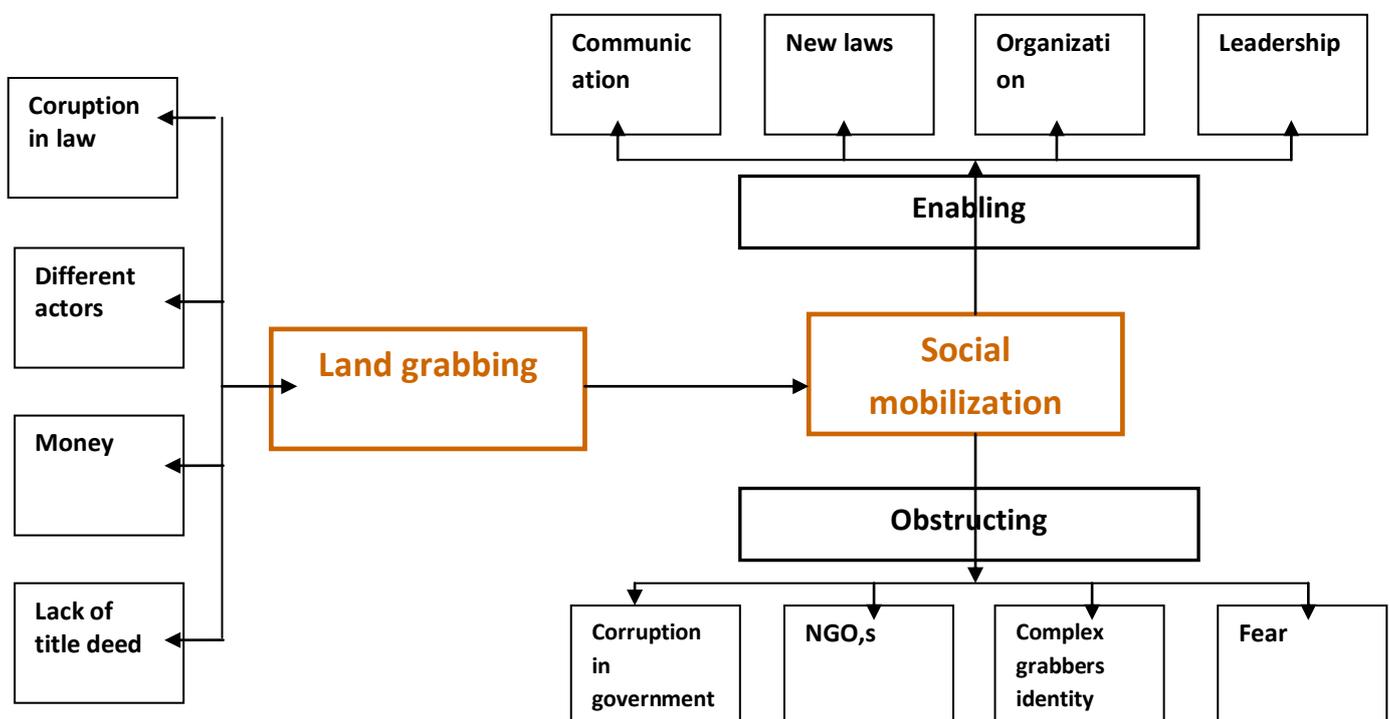
Social Cultural

In her book 'Bad Leadership' (2004) Kellerman quotes Lawrence Summers, the president of Harvard University: *“in this new century, nothing will matter more than the education of future leaders and the development of new ideas”* (Summers in Kellerman, 2004; 3). According to the author we want good leadership at work, at home, and in the various communities of which we are members. A way to accomplish good leadership is by educating people. Another way is to encourage people to explore bad leadership (Kellerman, 2004). Fear is according to Blanchard et al (2001) a reason to hide or run away for many

people, but this depends on the situation. There is a difference between men and women, whereby men will fight earlier than women. If the threat becomes too large, people will often run away (Blanchard et al, 2001).

3 Conceptual framework

In order to outline the concepts of my research clear a conceptual framework is developed. Here the important relationships are shown in relation to the concepts land grabbing and social mobilization. Land grabbing is possible by different factors, for example politicians who are corrupt and stand above the law or for example through rural urban migration the pressure on land rises. Social mobilization has two different relationships. The first is the factors that allow the mobilization against land grabbing. The second is the factors that obstruct the mobilization. In order to make the conceptual framework clear only the most important factors will be shown. The following conceptual framework is the result:



1. Conceptual framework by author

4 Research Questions

As can be read in Chapter Two and observe in Chapter Three there are many factors that influence land grabbing and the social mobilization against it. I have no doubts that there will be many more factors that influence the grabbing of land. Also in the case of social mobilization there are properly many more. Factors that allowed to mobilize as well as factors that obstructed the mobilization against land grabbing. That is the reason I tried to find the dominant factors. These phenomena's are also very complex with many different contexts in different situations. So, it is important to look at the commonalities and differences between the different situations (see also Paragraph 5.1.1). Through this arguments I came up with the following research questions:

What are the dominant factors that influence social mobilization in the case of land grabbing?

Sub questions

- a) What dominant factors allowed land grabbing to happen in each case?
- b) What dominant factors allowed to mobilize against land grabbing?
- c) What dominant factors obstructed to mobilize against land grabbing?
- d) What are commonalities and differences across the cases?

5 Methods

In order to answer my research questions I have used certain methods. In this chapter the used research methods will be explored. I will explain why I chose certain research methods. In the section 'Data collection' for example the construction of the interviews will be explained, but also the limitations and ethical aspects. In the section 'Data analysis' subjects as recording, transcribing and coding the interviews will be explained. In order to structure this chapter I used most of the time the literature of Bryman (2008).

5.1 Data collection

During a period of six weeks (April 8 to May 19, 2013) I generated data within the administrative area of Nairobi, Kenya. Country selection was based on relevance and research possibility, because land grabbing is happening in Kenya on a large scale. Thereby I wanted to focus on an urban area so I chose Nairobi, because of the many slums which are situated there and the pressure on land in Nairobi. But other cities in Kenya not covered by this study would also be highly relevant. I used a qualitative research strategy by interviewing people, because if a topic is highly sensitive, like my research, according to Bryman one needs to be able to observe the interviewees' emotional responses (Bryman, 2008). During many visits to slum areas I was accompanied by Ralf Graf who has lived in Nairobi for over 12 years and therefore is well conversant in the area. This is the reason why I use 'we' in several sentences. In order to answer my research questions I used multiple case studies. According to Bryman (2008) the most common use of the term 'case' associates the case study with a location, such as a community or organization. Besides the case studies I talked to many people outside the cases who are familiar with land grabbing and mobilization against it. In the last week my qualitative study was drawing on participant observation. This was because we followed a slum eviction which was happening at real time. We made many still and moving images and sound recordings in which we tried to capture the situation in the slum.

5.1.1 Case study

I generated data within the administrative area of Nairobi through four different case studies. The case study is used in many situations, to enrich our knowledge of political, social, organizational, group, individual and related phenomena. The reason to use a case study arises out of the desire to understand complex social phenomena like social mobilization (Yin, 2009). According to Bryman (2008) a number of writers have argued for the use of more case study research that includes the study of more than one case. Basically, a multiple-case study takes place whenever the number of cases investigated are more than one. The main argument to use the multiple-case study is that it improves theory building. *“By comparing two or more cases, the researcher is in a better position to establish the circumstances in which a theory will or will not hold”* (Bryman, 2008; 60) This research also contains parts of a comparative research design which means that I studied contrasting cases using more or less identical methods. According to Bryman (2008) *“we can understand social phenomena better when they are compared in relation to two or more meaningfully contrasting cases or situations”* (Bryman, 2008; 58). But because the very different contexts of the cases it is hard to really do a comparative case study. The four case studies will be explained further in the paragraph ‘Units of Analysis’ and the context will be explained in Chapter Six (Empirical Context).

5.1.2 Participant observation

For a small part my research draw on material collected through participant observation, especially during my last week in the field. During this last week I got information about a slum eviction which was happening that same moment. Ralf and I went every day to the slum and observed and interviewed the people in the village about the many things that happened during that week. According to Bryman (2008) participant observation is *“research in which the researcher immerses him- or herself in a social setting for an extended period of time, observing behavior, listening to what is said in conversations both between others and with the fieldworker, and asking questions. Participant observation usually includes interviewing key informants and studying documents”* (Bryman, 2008; 697). I interviewed people who were villagers, including people who were injured and lost everything they owned. Also I had much contact with the elders (leaders) of the village who kept me updated

when I was not in the 'field' by telephone. According to Bryman the advantage of participant observation compared to qualitative interviewing is that the interview relies primarily on verbal behavior. So interviews are less likely to be an external part of something than participant observation. Bryman stresses that *"implicit features in social life are more likely to be revealed as a result of the observer's continued presence and because of the ability to observe behavior rather than just rely on what is said"* (Bryman, 2008; 465). Especially in the case of City Cotton when we followed the NGOs Pamoja Trust and Kituo Cha Sheria we saw a strong difference in what they said when I interviewed them than when we saw them in action. Illustration 2 shows the observation in City Cotton the last week of my research.



2. Observation in the field. *Photo by Ralf Graf (2013)*

5.1.3 Interviews

I also used in-depth interviews. The in-depth interviews are semi structured instead of unstructured or structured. Semi structured means I only used a topic list with broad questions (interview guide). The reason why I used unstructured interviews is because according to Bryman (2008) the researcher had a clear focus of which specific issues he wanted to address (Bryman, 2008). During the interviews I broaden the questions using the information given during the interview, so I also asked questions that were not included in the interview guide. Bryman (2008) stresses that during semi-structured interviews the interviewee has a great deal of freedom in how to reply. In many of my interviews this was the case. The issues which were raised by the interviewees themselves were extra and complementary, and these form according to Bryman (2008) in many times an important part of the findings just as in my research. In the preparation of my interview guide I

formulated questions in order to answer my research questions. All the 20 interviews were face to face in order to see the reaction of the interviewee. As can be seen at Illustration 3, the interview is done face to face with the leaders of the community.



3. Interviewing leaders of Mitumba village. *Photo by Ralf Graf (2013)*

The interviews during the last week were much more unstructured and some took only three minutes. This was because the situation was very tense and people had other things to do than talking to a researcher. After the interviews I made notes about how the interview went and where the interview took place.

5.1.4 Documents

Besides the interviews I collected documents in order to get more information about the people and organizations I did interviews with. According to Bryman (2008) the term 'documents' covers a very wide range of different kinds of source, for example:

- Personal documents in both written form and visual form;
- Official documents produced by the state;
- Official documents produced by private sources (such as documents produced by NGOs);
- Mass-media outputs like newspapers;
- Virtual outputs, like internet resources;

I used all these different kind of sources because they are according to Bryman (2008) less time-consuming than primary data that need to be collected (Bryman, 2008; 515). Especially I used them for Empirical Context, because according to Bryman (2008) it is tempting to

assume that documents tell something about the underlying social reality, so that the documents that an organization produce are viewed as representations of the reality of that organization. However Atkinson and Coffey (in Bryman, 2008) argue that documents should be studied in terms of the context in which they were produced and their intended readership. According to them *“they are written in order to convey an impression, one that will be favorable to the authors and those whom they represent”* (Bryman, 2008; 526). This means I used the documents carefully and I used them particularly for context or background. Some of the used documents can be found in Appendices 3 – 11. One development that is growing in qualitative research is according to Bryman (2008) the use of visual materials (Bryman, 2008). I used photographs which were taken by Ralf or myself for the purpose of according to Bryman, illustrating points of the findings (Bryman, 2008; 519). The list of illustrations can be seen in Appendix 2.

5.1.5 Units of analysis and sampling

In the preparation of the fieldwork I tried to find cases where land grabbing or slum eviction have been occurred, or where there is a threat of a slum eviction and where the people try to fight against this situation. By reading a lot of literature about the topic I came across a social movement in Kenya named Muungano wa Wanavijiji (English translation from Swahili: ‘United Villagers’). The Muungano wa Wanavijiji is according to Klopp (2008) *“a federation of slum-dwellers united by their desire to protect informal settlements from arbitrary violence and land grabbing”* (Klopp, 2008; 307). Before I arrived in Nairobi I already made some contacts by email with the NGOs Pamoja Trust and Muungano Support Trust which are supporting Muungano. After some time in Nairobi Pamoja Trust was very helpful in getting me in touch with members of this social movement in different locations in Nairobi. This is how I finally came up with two suitable cases where communities were fighting against land grabbing and were involved in social movements. Because of limited time for my research and limited time of the interviewees (businesses), it was hard to focus on just two cases which was the goal before going to the ‘field’ (see limitations below). This is the reason why I tried to arrange more cases, but this meant they were less in dept. In order to find more suitable cases I used snowball sampling during the interviews, which means according to Bryman (2008) that the interviewees are used to get in contact with others (Bryman, 2008).

But, according to Bryman (2008) *“the problem with snowball sampling is that it is very unlikely that the sample will be representative of the population”* (Bryman, 2008; 185), so there will be limitations to the generalization of the results. Another social movement is the Nubian Rights Forum which I got to know about after two weeks in Nairobi. The Nubian Right Forum is fighting for the rights of the Nubian community from which a lot of land got grabbed. So, I contacted this movement and went to visit them several times which became case study three. The last case which got my attention via the network I build up through snowball sampling in the five weeks before. This is the case of the people of ‘City Cotton Village’ which are also involved in Muungano. So, the units of observation of my research are organizations and individuals involved in these social movements which are all present in the four case studies. These include members of the social movement, but also key partners of the movement like NGOs. These NGOs are supporting several movements financial, legal or with other support. The units of analysis are the four different case studies which I compared with each other (see comparing case studies in paragraph 5.1.1). So the four units of analysis are shortly: The Nubian community in Kibra which I called case 1. Kibra or Kibera as it is merely called by Non-Nubians is one of the most well known slums in the world. The Nubians were the first ethnic group to settle there. Over time more and more land was grabbed from the community. The second case was the community of a little slum called “NITD Kabete’ in the West of Nairobi. They were threatened a couple of times with eviction over the years, but every time they fought successfully against it. The third case was the community of ‘Mitumba Village’. This village has been demolished in 2011. The community is fighting for relocation and compensation in court and chances are at the time of printing this report that they might win the case and might receive some form of compensation. The last case is the case of ‘City Cotton Village’ where the slum eviction was actually happening during my stay in Nairobi and we went the whole last week to the area to interview the people and observe what was happening. We also followed the NGOs involved in this case like Pamoja Trust and Kituo Cha Sheria, which is an organization who provide legal advice to poor communities which are unable to afford this legal advice. Besides this we also went to different police stations to interview police officers about the situation. In order to get to know as much as possible about the context of land grabbing and social mobilization in Kenya I talked to many other people outside the four cases. These other individuals know a

lot about land grabbing in Nairobi or are involved in smaller social movements across Nairobi, other than the ones described before. I choose for this strategy because I wanted to know as much as possible about the topics and because of the limitations. These individuals were for example people who work (hustle) at the Kenyatta market. This market is situated next to the neighborhood which I lived in for six weeks. I met there many people during breakfast, lunch or buying groceries. Many of these people live in the nearby Kibra slum and are working at the Kenyatta market. Illustration 4 is showing the Kenyatta Market where I did some of my interviews.



4. Kenyatta Market. *Photo by author (2013)*

Below is a list of people I interviewed. As can be seen in table 1, I named the interviewees respondents. Several times I talked to more than one interviewee a time. In that case I used the plural word ‘respondents’ in the table, with the number of the interviewees in front. The number of respondents per interview ranged between one and eight. In the case of City Cotton I interviewed many respondents, but this were very short interviews, as can be read in paragraph ‘Interviews’.

Interview	Number of respondents	Date	Organization/function	Location
1	1 Respondent	17 April 2013	Bunge La Mwananchi	Alliance Francaise
2	1 Respondent	18 April 2013	Director of a media company in Nairobi	Near Kenyatta Market

3	2 Respondents	20 April 2013	Employee of Area MP Kibra	Near Kenyatta Market
4	1 Respondent	20 April 2013	Member of Nubian Rights Forum	Nubian Rights Forum (Kibra)
5	1 Respondent	22 April 2013	Pamoja Trust	Pamoja Trust
6	1 Respondent	25 April 2013	Pamoja Trust, Programs Officer	Pamoja Trust
7	1 Respondent	25 April 2013	Mitumba community leader	Pamoja Trust
8	2 Respondents	26 April 2013	Muongano Support Trust	Muongano Support Trust
9	3 Respondents	27 April 2013	Kabete community chairman	Kabete village
10	3 Respondents	29 April 2013	Kenyatta Group	Kenyatta market
11	1 Respondent	3 May 2013	Bunge La Mwananchi	Alliance Francaise
12	3 Respondents	3 May 2013	Self help group	Kenyatta market
13	8 Respondents	4 May 2013	Members of Nubian Rights Forum	Nubian Rights Forum (Kibra)
14	5 Respondents	5 May 2013	Mitumba community leaders	Former Mitumba village
15	7 Respondents	14 May 2013	Employees of Pamoja Trust	Pamoja Trust
16	2 Respondent	15 May 2013	Advocate Kituo Cha Sheria	Kituo Cha Sheria
17	7 Respondents	16 May 2013	Meeting about City Cotton Village	Pamoja Trust
18	Many Respondents	16 May 2013	Villagers City Cotton	City Cotton Village

19	1 Respondent	17 May 2013	Director of a media company in Nairobi	Near Kenyatta Market
20	Many Respondents	17 May 2013	Villagers City Cotton	City Cotton Village

Table 1: List of respondents

5.1.6 Limitations

It is important to emphasize the limitations of this research. Research activities were carried out over a six week period. This is a very short timeframe for a study of this kind. Especially because of the difficulties I had in reaching key people for interviews. In a qualitative research on social mobilization I encountered limitations in terms of access and language. The most difficult step in qualitative research is according to Bryman (2008) gaining access to a closed, non public, social setting like social movements (Bryman, 2008). According to Van Maanen and Kolb (1985 in Bryman, 2008) gaining access is not a matter to be taken lightly but that involves some combination of hard work, strategic planning and dumb luck. It was also difficult to get access to these social mobilization groups, since I needed to get in touch with them in a limited time. One reason is that most of the people I interviewed of these social movement groups were poor people who had to work hard to survive. I tried to reduce this limitation by contacting existing organizations and facilities who work on this subject, before I went to Nairobi. But it happened quit often that I made appointments and that nobody showed up on the day as agreed or I even never heard from them again. Gaining access to social settings is also not without danger. According to Bryman (2008) *“it is also fraught with difficulties and in certain cases with danger – for example, when the research is likely to be on groups engaged in violent or criminal activities”* (Bryman, 2008; 408). Like in the case of the slum eviction of City Cotton Village (the slum dwellers in all the four cases prefer to call their slum ‘village’ and themselves ‘villagers’) the gangsters who were hired to do the eviction were still there. The danger prevented us from entering the slum at the final day when it was demolished for good. There were fights between the gangsters and the villagers during the day and the village was set on fire. The police was also involved and was not pleased with us watching them. We tried to interview them, but they didn’t want to be interviewed. Because of the situation, we could not enter the area and

could not see with our own eyes what was happening that last day. In this situation I only drew on information made available by villagers who came out of the slum. The situation got so tense that we couldn't tell anymore who was a gangster and who was a villager. Thus, we even had to relocate to an area outside the slum. In order to know what was happening after we made contact with the villagers, which camped outside the slum, by telephone. But having access to the group is not enough, it is important to keep access to the individuals within the group. People in the slum were suspicious about us. Especially when you are a Mzungu (white person) like me and Ralf, it was hard for them not to notice us. Besides the gangsters and police the villagers themselves were not always happy with our presence. They asked me what I was doing there and what I could do to improve their situation. Also some of them were tired of another white person who they thought wanted to save the world. Several of them were guys who were drunk and aggressive. Because we made good contacts with the elders of the village the first day of our visit, we had some sort of protection, but when the week went further the tension went up and more people became offensive. The social life in the slum was also just continuing by the fact that we saw a woman got beaten up by her husband. After she got away and was hiding in a demolished shanty, he came very close along us to search for her with a knife. My main research of in-depth interviews had constant language challenges since my knowledge of Swahili is limited and the Kenyan accent of English is sometimes difficult to understand. A meeting during the last week by the villagers and Muungano was all spoken in Swahili, which unfortunately I was not able to understand. An illustration of the meeting is shown at Illustration 5. It shows the people of City Cotton and Muungano.



5. Meeting villagers and Muungano. *Photo by Ralf Graf (2013)*

In the preparation of this research a huge limitation was the uncertainty of the political situation in Kenya. After the previous elections, in December 2007 an explosion of tribal violence happened, especially in the slums, my study area. More than 1,100 Kenyans were killed and 600,000 became refugees. Under international pressure, the main political opponents forged a political coalition, after which the rest returned. The person who became president in the last elections (2013) is Uhuru Kenyatta, just before I went to Kenya. The first days of my arrival people advised me to stay indoors, because people were expecting riots. Kenyatta is indicted by the International Criminal Court in The Hague (Schenkel, 2013). Kenyatta has taken part in organizing the violence in 2007/2008, according to the indictment (see Chapter Six). The situation in Kenya seems to remain quiet, even given the fact that many people I talked to said Uhuru Kenyatta stole the elections from his opponent former Prime Minister Raila Odinga, like Mwai Kibaki did five years before.

5.1.7 Ethical aspects and Reliability

For this research the ethical aspects are of great importance, because of the political sensitive and emotive nature of the topic. In order to protect confidentiality and participants' data I will hide their identity in this report. According to Bryman (2008) *"in quantitative research, it is relatively easy to make records anonymous and to report findings in a way that does not allow individuals to be identified. However, this is often less easy with qualitative research, where particular care has to be taken with regard to the possible identification of persons and places"* (Bryman, 2008; 119). The choice to use no names is a common recourse, but may not totally eliminate the possibility of identification according to Bryman (2008), because in my research the places are described. In my research almost all people were fine with using their names. However, because of the sensitive nature in question I will not reveal the real names of my respondents. Before an interview I informed them about my research and I gave them, like Bryman (2008) stresses *"as much information as might be needed to make an informed decision about whether or not they wish to participate in a study"* (Bryman, 2008; 121). As we took photos, we also asked if we could use them in my research. In the case of all the photos I used people approved to use them or in the other cases I didn't asked, I assure that the faces of the people are not recognizable. Wendy Wolford is asking in her book (2010) if academics should be engaged in analyzing

progressive social movements when those movements are fighting for causes with which we very much agree. Robert Michael (2002) is arguing that empirical research is used to explain, describe, and predict natural phenomena, but *“our understanding of phenomena will, nonetheless, always be partial, incomplete, and changing”* (Michael, 2002; 4). Humans are according to him not able to construct or discover ‘absolute truths’. Humans are ruled by their motives, values, history and cultural context (Michael, 2002; 5). According to Bryman (2008) there are numerous points at which bias and the interference of values can occur. Values can appear at any point during the process of research. The researcher may develop an sympathy or affection for the people being studied. It is quite common according to Bryman (2008), for researchers working within a qualitative research strategy, and especially when they use participant observation to develop a close affection with the people whom they study. This possibility may be increased by the way that Becker (1967) indentified for sociologists in particular to be very sympathetic to underdog groups (Bryman, 2008). In my research I had definitely an affection for the people I studied, also because of the underdog position, but I’m aware of this fact and acknowledge that it influenced my findings and will take this into account. Another problem for a researcher is according to Bryman (2008) that blowing the whistle on violence may result in a loss of the researcher’s possibility to do research or inability to have access in the future (Bryman, 2008). This can be a problem because of career issues for myself and even for visiting Kenya in the future.

5.2 Data analysis

A main difficulty within qualitative research is the large database that it generates very quickly, because of interview transcripts, field notes or documents (Bryman, 2008; 538) Miles (1973 in Bryman, 2008) has described qualitative data as an attractive inconvenience, because of the attractiveness of its richness but the difficulty of that richness in finding analytic paths (Bryman, 2008). Most of the interviews I recorded, but many conversations I had with people were informal so I took field notes. The recorded interviews were transcribed word for word. After this I coded the transcriptions and made a code tree (see Paragraph 5.2.3 and Appendix 1).

5.2.1 Recording

In my research, the interviews were audio-recorded with a digital audio-recording device. Every interviewee agreed on the recording of the interview. I recorded the interviews because I was interested not just in *what* people said, but also in the *way* that they say it. Like Bryman is arguing, the advantage of recording was also that I was not distracted by having to concentrate on getting down notes on what was said (Bryman, 2008). Heritage (1984 in Bryman, 2008) suggests the following advantages of recording and transcribing:

- *“It helps to correct the natural limitations of our memories and of the intuitive glosses that we might place on what people say in interviews;*
- *It allows more thorough examination of what people say;*
- *It permits repeated examinations of the interviewees’ answer;*
- *It opens up the data to public scrutiny by other researchers, who can evaluate the analysis that is carried out by the original researcher of the data;*
- *It therefore helps to counter accusations that an analysis might have been influenced by a researcher’s values or biases;*
- *It allows the data to be reused in other ways from those intended by the original researcher – for example, in the light of new theoretical ideas or analytic strategies”* (Bryman, 2008; 451).

5.2.2 Transcribing

All interviews were transcribed with an average of 30 pages of data each. According to Bryman (2008) the problem with transcribing is that it is very time-consuming. That’s why I bought this digital audio-recording device with a transcription machine. Unfortunately the transcription machine was not working properly, so the interviews had to be transcribed word for word. I got the help of a Kenyan woman who wanted to help me with transcribing for a small amount of money. She transcribed eight interviews which saved me a lot of time. There are parts of some interviews that are not clear because of background noise or because of the accent of the interviewee. In these cases when there is a missing word or phrase, a convention like this (???) is used. Also, some portions of interviews were not useful so they were left out of the transcription, but this is done rarely.

5.2.3 Coding

After transcribing the interviews I read the text and marked interesting aspects in the data. Then I tried to find themes and concepts and generated codes. Coding is *“reviewing transcripts and/ or field notes and giving labels (names) to component parts that seem to be of potential theoretical significance and/ or that appear to be particularly salient within the social worlds of those being studied”* (Bryman, 2008; 542). As Lewins and Silver (2007) are arguing: by coding the interviews it is possible to identify and systematically analyze complex phenomena hidden in unstructured data (Lewins and Silver, 2007). Charmaz (in Bryman, 2008) makes a distinction between two main forms of coding: initial coding and selective or focused coding. Initial coding is very detailed and may even result in a code per sentence. I used selective or focused coding which means pointing out the most common codes and those that are seen as most telling about the data. This means that some, if not many, initial codes were dropped. After the coding I analyzed my codes and looked for any connection between the codes, and this way new codes were generated by combining the connected codes. Still, codes can overlap each other as can be noticed in Chapter 7 ‘Findings’. The codes I used were structured in a code tree which Bryman (2008) calls a coding frame. This is *“a listing of codes used in relation to the analysis of data. In relation to answers to a [...] interview schedule [...], the coding frame will delineate the categories”* (Bryman, 2008; 692). The code tree with the codes (codes, hereafter called factors) I used for this research can be seen in Appendix 1.

5.2.4 Interpretation of the data

I used as many quotes as possible to explain the different factors. Although in the last case of City Cotton village the situation is more described as I did in that case participant observation. Many people were busy with other things, because of the tense situation. This meant that I only did some short interviews, but I use some quotes of interviews I did in the Findings. The used quotes are as much as possible the literal text of what people were saying, but in some cases the sentence is adapted in order to understand what was said. According to Bryman (2008) *“people rarely speak in fully formed sentences, they often repeat themselves and they may have verbal ‘tics’ in the form of a common word or phrase that is often repeated either through habit or just because they like it”* (Bryman, 2008; 454). So

during the writing of the findings I tried as much to quote directly from the interview transcript, but sometimes I edited out some of these digressions for the sake of length and ease of understanding. But like Bryman is arguing, I made sure that I didn't paraphrase the words of the interviewee (Bryman, 2008).

6 Empirical context

In this chapter the context of the research is described. The context behind the findings is important in order to understand the findings better. In the first section the history of Kenya will be described. The history before the colonization of the British is described in short to show that Kenya has a rich history in relation to land grabbers. After this the history is described until now. I have divided the history in political periods in relation to land grabbing and the rise of social movements. Also the ethnic issues that play a role in many problems in the country will be described. In section two the study areas, land laws and the four cases in Nairobi are explained. In the text I use quotes of respondents.

6.1 History

The political history of the administrations that governed Kenya can be divided in four distinct era's.

- *“British colonial era (1895 to 1963);*
- *President Jomo Kenyatta's era (1963 to 1978);*
- *President Daniel arap Moi's era (1978 to 2002);*
- *President Mwai Kibaki's era (2000 to 2013)” (TJRC, 2013).*

President Uhuru Kenyatta's era has just began (2013 to ?).

6.1.1 British colonial era (1895 – 1963)

During the late 19th century, the European competition for colonies in the African countries had reached a highly agitated state. In July 1885 the protectorate over Kenya was declared by the Britain's (Alao, 2006). The East African Protectorate was formal opened in 1895 and

then the fertile highlands were opened in 1902 for the white settlers. There were many complaints against the land management policy of the colonial government, but the Kikuyus (the dominant ethnic group in Kenya) were the worst affected according to Alao (2006). The Europeans went to the area of the Kikuyus because of the cool climate and the fertile land. So, the white settlers had most of the land of the Kikuyus taken over, including their best suitable area's for agriculture (Alao, 2006). The colonial administrators had little idea that their tribally-based constrictive land policies would provoke within three years the 'Mau Mau Emergency'. This was a revolution by landless young Kikuyu (Parsons, 2012). Even before the social movement 'Mau Mau' was formed, poor Kikuyu farmers who had moved to shanty towns [slums] around Nairobi had begun harboring anti-settler sentiments after being dispossessed of their land by European farmers (Alao, 2006). At the centre of the Mau Mau rebellion was land, which triggered the name 'Land and Freedom Army' for the Mau Mau insurgents (Alao, 2006; 6). According to Alao they thought that land was worth blood and sacrifice. *"It was revolt organized mainly by the Kikuyus, with some support from other small ethnic groups, particularly the Merus and the Embus, to challenge British colonial control"* (Alao, 2006; 6). Many Kikuyu became disillusioned when all the people of the Kikuyu tribe were treated as rebels. Mau Mau or 'the resistance' as whites first called them was banned in 1950 and in 1952 violence exploded on the farms, where restraints on squatter cultivation and grazing rights were vigorously enforced. Also in the slums of Nairobi violence exploded where crime offered more than employment (Lonsdale, 1990). The British tried to bring the Mau Mau down, but Mau Mau did not, as expected collapse in an unstructured movement. The opposite occurred, after months of war it was transformed into a formidable guerrilla force. The British didn't win until early 1954 when their army was backed by Royal Air Force bombers (Lonsdale, 1990). Jomo Kenyatta, a British-trained Kikuyu leader was the hope of the nation and was a major source of inspiration for the Mau Mau. Because he was the key leader in the Kenyan African Union which the Mau Mau owed loyalty, this created confusion. He tried to publicly disassociate himself from the guerrillas, and on several occasions Kenyatta openly condemned Mau Mau activities. The guerrilla fighters had no problem with Kenyatta's double image, because it served to further confuse the British (Alao, 2006).

6.1.2 President Jomo Kenyatta's era (1963 - 1978)

In December 1963, Kenya got independence from British rule. Independence came with high hopes and expectations and the power passed peacefully to Jomo Kenyatta who became the first president of Kenya. These expectations never materialized because Kenyatta made no significant changes to the organization of the state. Nor did he address to repair the land problems created by the colonial administration (TJRC, 2013). Instead, President Jomo Kenyatta bit by bit returned to the ways of the colonial regime (TJRC, 2013). Many people including those who had put their lives on the line for freedom were left without land. Even worse, the early years of Kenya's administration was according to the TJRC (2013) the beginning of irregular allocations and mass land grabbing of public land and other resources. As a respondent said about that period: *"[Jomo Kenyatta] just gets into a car and he tells the driver: 'You start driving', and he gets asleep, and he says: 'When I wake up, that is where my boundary is'. That is how he came up with 30.000 acres of land"*.

6.1.3 President Daniel Moi's era (1978 to 2002)

Following the death of the President the then Vice-President Daniel Arap Moi took over the presidency as was directed by the constitution (TJRC, 2013). Moi was not a Kikuyu but of the Kalenjin tribe and there was hope that he would respect and protect human rights, which did not last long (TJRC, 2013). Land became a valuable currency which Moi's regime used to buy the support of key partners. The grabbing of land for the purpose of political support was as obvious in the 1990s as it had been at any stage since the colonial era. Jacqueline Klopp terms it in one of her articles a time of 'land grabbing mania'. Tens of thousands of people across the country depended for their access to land on unwritten agreements decades before. In the late 1980s the formal registering of landholdings and issuing of land titles began. This was the reason that local authorities and powerful individuals seized the opportunity to dispossess Kenyans in rural areas and in urban areas (Branch, 2011). For example Wangari Maathai, who became in 2004 the first African woman to be awarded the Nobel peace prize, kept up her fearless campaign against land grabbing throughout the 1990s (Branch, 2011). This growth of violence against the Kikuyu created the conditions and widened the support base of a new social movement group called 'Mungiki' ('the multitude' in Kikuyu), as tens of thousands of refugees left their tribal area and piled into the Nairobi

slums (Servant, 2007). Young, landless Kikuyu joined the Mungiki, which began as a rural commune, in great numbers during the 1990s and early 2000s. According to Servant (2007) most of the young followers of the movement “*are descendants of Mau Mau fighters killed by British colonial power*” (Servant, 2007; 522). In the words of one of its leaders, Mungiki were “*the true sons of the Mau Mau*” (Branch, 2011; 236). as providing a voice for the interest of the poor “*for good governance to attain justice and prosperity*” (Branch, 2011; 237). Mungiki became one of the most powerful informal regulators of Nairobi’s 143 outlying slums. These slums are lawless zones ‘protected’ by armed vigilant gangs of poor youths. (Servant, 2007). Some 60 percent of Nairobi’s citizens are crowded into these lawless places where the Mungiki provides a private security service (Servant, 2007). Around 60 percent of the population in the poor areas of eastern Nairobi is aged between 15 and 29. In this area the movement became the voice of a generation, binding its ethnic demands to social slogans and lining up beside other movements in the struggle for democracy against Moi’s dictatorship (Servant, 2007). As a respondent says: “*The struggle for democratic change in Kenya was beginning in 1980, so there was a dictatorship in Kenya. And that was leading to many progressive movements which were organizing that time [...] underground.*” So, the biggest challenge facing Moi in the early 1990s was how to survive in this era of social movements, liberalized media and international support for reform (Branch, 2011). Mungiki claimed that it had over four million members, so the Mungiki had emerged as a shadow state in Nairobi and its surrounding area (Branch, 2011). In the Kenyan media they were pictured as a thuggish, criminal organization set on disrupting the climate in Nairobi and its outskirt which was according to the media already insecure (Atieno, 2007) with the worst crime rates in sub-Saharan Africa (Servant, 2007). Mungiki is regularly suspected in attacks on police officers, murders, hustling on public transport and drug dealing (Servant, 2007). The Kenyan government declared ‘total war’ on Mungiki and the Moi government banned Mungiki along with 17 other gangs, sects, and private armies, blaming them for the uncontrolled insecurity. In one of Nairobi’s largest and most notorious slums, Mathare Valley, there has been a severe government suppression on Mungiki activity (Servant, 2007). There has been widespread speculation for the reason of the governments condemnation of Mungiki. Is it an attack on a rogue ‘terrorist’ organization or does the government see history repeating itself because of fighting Mau Mau? (Atieno, 2007). But opinions on the

movement vary enormously. One person says: *“The Mungiki aren’t barbarians, they’re the young”* (Servant, 2007; 521). Also Wangari Maathai called the Mungiki members *“the disinherited, the ones who have been refused everything. The schools have rejected them for want of space and they haven’t found work. As far as they can see, they’re excluded from everything simply for being ethnic Kikuyus”* (Servant, 2007; 522). According to Daniel Branch (2011) Mungiki was not just a product of the ethnic fabric of politics in the 1990s; it was also an outcome of the increasing role of militias during political elections. The violence and insecurity during the 1992 and 1997 elections meant that groups like Mungiki existed in every town and city in Kenya. Branch (2011) argues that *“politicians sponsored private armies and militias for self-protection and to attack rivals – the Baghdad Boys, for instance, provide security for Luo political leaders in Kisumu throughout the multiparty era”* (Branch, 2011; 237). The management of private militias (thuggery) and the ability to distribute the gains of office around networks of clients became essential parts of the political system. Mungiki was able to expand the scope of its operations and acted as a criminal gang, because of providing these services and enjoying the protection of powerful political persons (Branch, 2011).

6.1.4 President Mwai Kibaki’s era (2000 to 2013)

In December 2002 Mwai Kibaki, a Kikuyu won the election and became president, ending 24 years of the same party rule. In order to win the important backing of the Kikuyu voters Kibaki’s strategy was to confront the Mungiki. In the first months of 2003 the police arrested some of its leaders. An uneasy cease-fire would held over the next four years, but Mungiki’s dominance in the poorest neighborhoods of Nairobi remained unchecked. As the country approached the 2007 elections, the Mungiki were a credible voice against Kibaki’s presidential bid, so an anti-Mungiki offensive began in May 2007. The police made according to Branch (2011) little allowance for human rights. While the atmosphere in many polling stations was tense, and though numerous bureaucratic delays occurred in several locations, voting itself went relatively smoothly and peacefully. But delays in announcing results from the presidential election caused great frustration, because the suspicion grew that the elections were rigged. As the delay lengthened, suspicion of government malfeasance grew. People who supported the government or were members to the government related ethnic

groups came to fear that they would be the target of violent protests. Despite the delay, expectations of the victory of Raila Odinga (leader of the opposition) were also growing. On the basis of the first batch of declared results, which were won overwhelmingly by Odinga, his supporters thought their man was going to be the next president. But as the announcement began of the results from Kibaki's heartland, the situation changed. These constituencies were those from which the European Union observers' mission reported most irregularities. An election that was in favour of Odinga just a day before had now been won by a surprising margin by Kibaki. Violence erupted almost immediately and in the two months that followed the questionable election outcome, 1.133 Kenyans were killed, property widely destroyed and thousands of women raped. According to Branch (2011) the violence took three forms. The first form was protests against the results itself. The second instance of the violence was the response of the government to the protests. Live ammunition was being used against the protestors, as the police officers in major urban areas brutally cracked down on any demonstration. The third occurrence of violence proved the most deadly. Almost immediately after the announcement of Kibaki's victory, planned attacks were set on certain ethnic communities their businesses and their homes. The fact of the challenged election was used to reignite a much older conflict over land, wealth and power (Branch, 2011). Like many respondents in my research mentioned about the elections: *"The post-election violence was about land."* Quite a number of police officers turned against the violence, also because their own families were in danger. That's why Kibaki's inner circle turned to Mungiki in order to stay in power. *"Mungiki members, who had been the target of state repression just months before, now became the soldiers of fortune"* (Branch, 2011; 275). According to Branch, politicians were able to hire Mungiki for Ksh. 300 (around €3) per person for a gang of 50, to wreak revenge on the Kalenjin gangs that had driven tens of thousands of Kikuyu families from their farms in the Rift Valley. Nearly half of the displaced people were still waiting for resettlement, 18 months after the violence exploded. The payments promised to help relocate or rebuild old homes have been delayed and sometimes never materialized at all. After a combination of international and domestic pressure the violence ended. Kofi Annan finally met Odinga and Kibaki face to face and a coalition government was formed with Raila Odinga installed on the newly created post of 'Prime Minister'. The process of constitutional reform was a way to keep the peace

and stability, but there was limited agreement on what the new Constitution should look like. Odinga told the people: *"This Constitution will help us fight poverty, ignorance and disease and dictatorship"* (Branch, 2011; 282). Such promises could according to Branch never be kept by any Constitution, besides that, it was an extensive and complex document which was presented to the Kenyan people (Branch, 2011; 282). The search for a Constitution has been a long and painful journey for all Kenyans (Branch, 2011). But after the post-election violence the urgency to have a new Constitution was high (Kenya Constitution, n.d.). It is for this reason that the people of Kenya were relieved when on the 27th of August, 2010, the new Constitution was announced (Branch, 2011). Three years after the bloodshed no individual had yet stood trial for their part, because the set up of a tribunal to prosecute the main organizers of the violence failed to get through parliament. This was because many MPs feared prosecution, but for once the politicians were not in complete control to decide. Human rights groups requested the International Criminal Court (ICC) to investigate the crimes against humanity (Branch, 2011). The ICC announced that six individuals were called for, which two of them were Uhuru Kenyatta and William Ruto who are since the 2013 elections the new president and deputy president of Kenya.

6.1.5 President Uhuru Kenyatta's era (2013 - ?)

Uhuru Kenyatta who is the son of the first president Jomo Kenyatta became president in March 2013 at the expense of again....Raila Odinga. Uhuru Kenyatta and his running mate William Ruto denied all associations with Mungiki, but they are not fooling anyone according to Servant (2007). Kenyatta is suspect to have provoked the Mungiki to commit acts of violence in the post-election violence (Edari, n.d.). The alarming Mungiki phenomenon continues to become worse as the population of Nairobi grows by 5 percent a year. Mungiki's next moves will decide according to Servant (2007) what becomes of the sociological time bombs of the slums. Could Mungiki be the new Mau Mau? Wangari Maathai did not doubt it: *"If the oppression continues, if we keep killing our brothers, there will be civil war in this country"* (Servant, 2007; 525). Little hope should be invested in the ability of European, British or American diplomats to influence change either, because Western governments haven't been neutral actors in Kenya's political history. Instead they favored to side with incumbent figures and parties. The influence of Western governments

over Kenyan politicians is in any case declining since China's interest in Kenya has grown extremely. According to Branch Kenyans themselves will have to bring about the change (Branch, 2011).

6.2 Law and order

According to Cotran (1983) *"it is common knowledge that when the colonial powers colonized Africa they brought their law with them"* (Cotran, 1983; 42). For Kenya this wasn't different as English law was introduced into the country through local Ordinances, some of which were copied corresponding English Acts. To administer the introduced English law the British established a Supreme Court and various classes of subordinate courts. The colonial government imported professional lawyers from the United Kingdom to be judges of the Supreme Court and Resident Magistrates of the first class subordinate courts. *"The majority of other magistrates manning the subordinate courts were, however, administrative officers, i.e. Provincial Commissioners, District Commissioners (DC) and District Officers (DO) who were magistrates ex officio"* (Cotran, 1983; 42). When Kenya got his independence, there was no legal revolution. This meant that there was no decision to scrap the laws of the British and start afresh. But things have changed in the legal and judicial system over the years. The problem which judges have been unable to resolve satisfactorily is when there is a conflict or inconsistency between the written law and customary law. They decided that the written law prevails. According to Cotran (1983) it is essential that the judiciary be administered by men and women by their highest integrity and ability. More judges have been appointed but it will not solve the everyday problems of missing files, slow typing, missing documents, absenteeism and general administrative inefficiency. But there is hope according to Cotran (1983) that Kenya will finally achieve *"the objective of having a sound and efficient legal system that will meet the requirements, needs and aspirations of its people"* (Cotran, 1983; 61). A first step forward is the new Constitution which replaced the 1969 Constitution on the 27th of August, 2010. The law is enforced by the police and other law enforcement agencies. The network is split into several sectors all contain the police force. *"The Kenyan Police Force, under the direction of the Police Commissioner, is comprised of the Regular Police, General Service Unit, Criminal Investigative Department, National Security Intelligence and the Administrative Police"* (Aronson, 2010; 1). For example the day-

to-day street operations is conducted by the Regular Police. The police force that takes part in major uprisings and events (the main firearm of the police) is the General Service Unit (GSU). According to a anonymous prominent Kenyan figure in the article of Aronson (2010) “*feared by nearly everyone*” (Aronson, 2010; 1). The Provincial Police Officer (PPO) is head of each county. Each county is divided into police stations headed by the OCPD (Officer Commanding Police Division). The OCS (Officer Commanding Police Station) is head of the different police stations in the police divisions. The above divisions of the Kenyan Police Force all make little money according to Aronson, which breeds corruption (Aronson, 2010). The rising levels of crime and corruption in the Police Force has lead to the response of the widespread development of vigilante-type organizations (for example the ‘Mungiki’) to provide their own security in rural as well as urban settings. The success of this model is because of the corruption and distrust of the police itself according to Heald (2007). Besides that, gangs will remain an essential part of political life as long they are privileged in their efforts to win seats in parliament or on local councils by the inability of the courts and police to arrest and prosecute them (Branch, 2011).

6.2.1 Land

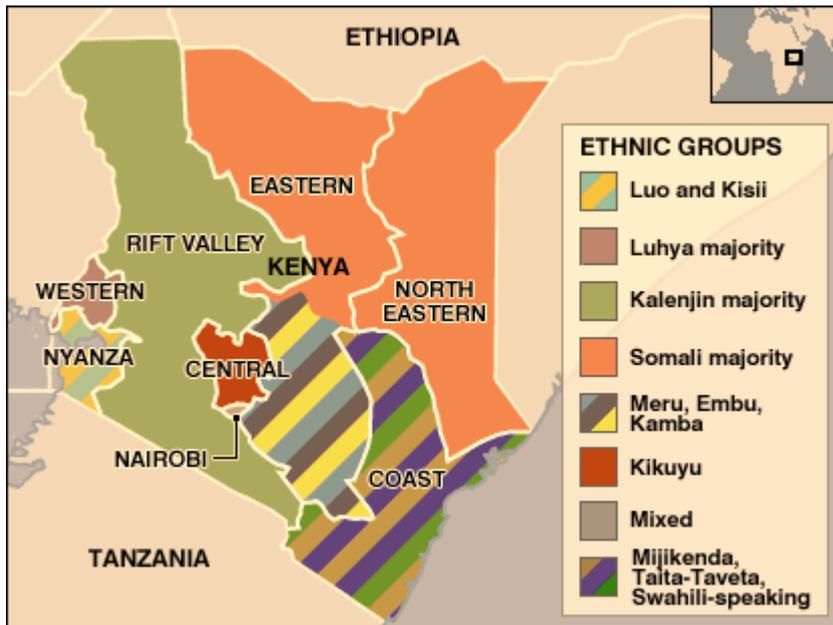
Land has according to Cotran (1983) always been an explosive subject in Kenya (Cotran, 1983). The Truth, Justice and Reconciliation Commission of Kenya states that “*historical grievances over land constitute is the single most important driver of conflicts and ethnic tension in Kenya. Close to 50 percent of statements and memorandum received by the Commission related to or touched on claims over land*” (TJRC, 2013). Kenya operates five main land tenure systems: the Private Tenure, Public Tenure, Customary Tenure, and two special types of tenure; the Ten-Mile Coastal Strip and the Informal Tenure. “*While the customary tenure systems dominate most rural land in Kenya, private and public tenure systems control land in the urban areas. Informal tenure is also dominant in urban areas as evident in squatter situations. In urban areas, such situations normally occur in areas where rapid urbanization outstrips the capacity of the urban management to deliver sufficient and affordable housing for the population*” (Pamoja Trust, 2011b). In the new Constitution rules about land are described among other subjects. For example article 40 states that “*the state shall not enact a law that permits the State or any person to arbitrarily deprive a person of*

property.” For example article 62 states that “*public land is land in respect of which no individual or community ownership can be established by any legal process.*” Article 66 states that “*the parliament shall enact legislation ensuring that investments in property benefit local communities and their economies*” (Kenya Law Reports, 2010). The question is now if the government will comply with the new Constitution. According to Opiyo (July, 2013) land is still a sore point between Kenyans and the government three months after coming into power. However, the Secretary of Lands, Housing and Urban Development disagrees. She said that the government had already started the process to deliver title deeds. According to her: “*Already, 8.000 title deeds are ready and will be given out soon*”. But already 20 public complaints a day were made on issues like delayed or denied official searches, duplication of titles, grabbed public land and corruption by land officials (Opiyo, 2013).

6.2.2 Ethnicity and identity

According to De Smedt (2011) African tribes as we know them, are imaginations or inventions of the colonial era. The administrators needed manageable ‘units’ to be able to regulate their territory better. Sometimes a group moved to another area and they were called a new ‘group’. Another group would merge with a larger group and disappear as a own tribe. So the ‘tribal’ map was constantly changing according to De Smedt (2011; 15). This is how Kenya ended up with 42 different tribes, but some tribes were not recognized as a tribe (De Smedt, 2011). The new Constitution however states that “*a child found in Kenya who is, or appears to be, less than eight years of age, and whose nationality and parents are not known, is presumed to be a citizen by birth.*” The Constitution also states that “*a person is a citizen by birth if on the day of the person’s birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen*” (Kenya Law Reports, 2010).

With 22% of the population, the Kikuyus are the largest single ethnic group in Kenya, followed by the Luhyas (14%), the Luos (13%) and the Kalenjins (12%) (Servant, 2007; 525) as can be seen at the map below.



6. Map with ethnic groups divided over Kenya and Provinces. Source: www.kenya-advisor.com

A respondent said about ethnicity: *“I feel that if as a youth, we come up with good ideas and good policies and kill the ethnicity animal, things can change! Ethnicity is the main decease, because you see that this is a Kikuyu. You fail to understand that this is just a human being like you, he is a citizen like you. The way you go to buy something in the supermarket, the price that he pays, that is what we also pay, so it means that you are the same. Ethnicity is very bad!! And whoever brings that ethnicity are these politicians”.*

6.3 Study Areas

The study areas are within the boundaries of Nairobi. The four case studies are in four different slums in this city. The city of Nairobi is the fourth largest in Africa and is the capital and the largest city in Kenya and lies on Coordinates $1^{\circ} 17'S 36^{\circ} 49'E$. The location on which Nairobi lies was originally a rangeland for the indigenous Maasai people. That’s why the name Nairobi which is derived from the Maasai term ‘Enkare Nyirobi’ which translates to ‘the place of cool water’ (Pamoja Trust, 2011a). Nairobi City was founded in 1899 as a rail depot on the railway linking Uganda to Mombasa. The town grew fast to become the capital of British East Africa (1907) and eventually the capital of the republic of Kenya (1963). In East Africa, Nairobi is the most populous city with a current estimated population of around three million people. According to a 2009 report, in the administrative area of Nairobi, three

million inhabitants are living within 696 km². This is making Nairobi the 13th largest city in Africa looked at population and the 4th largest in infrastructure development (Pamoja Trust, 2011a). For the last 30 years, the city has experienced rapid growth compared to other major cities in the region. Nairobi metropolis still attracts population from rural areas, despite the lack of basic facilities and infrastructures (Mundia and Aniya, 2005). This is the reason that Nairobi is home to some of the biggest informal settlements in Africa and Kenya. *“In urban areas, such situations normally occur where rapid urbanization outstrips the capacity of the urban management to deliver sufficient and affordable housing for the population”* (Pamoja Trust, 2011b). Some of the slums found in Nairobi include Kibera (Kibera), Mathare, and Korogocho among many others. Table 2 shows the population and population density in some large slums in 1992. However, their numbers expended in time as the city grew.

Division	Sub-Location	Area Sq.Km.	(Projected) Population 1992	Population Density 1992
Langata	Kibera	3	147,000	49,000
Mathare	Huruma	1	63,000	63,000
Mathare	Mathare	2	54,000	27,000
Mathare	Korogocho	1	54,000	54,000
Dagoretti	Kawangware	4	54,000	13,000
Dagoretti	Kangemi	5	36,000	7,000
Mathare	Kariobangi	1	26,000	26,000
Makadara	Viwandani	8	25,000	3,000
Kamukunji	Majengo	0.25	14,000	55,000
Kamukunji	Gorofani/Bondeni	0.17	5,000	31,000
Total		25.4	479,000	19,000

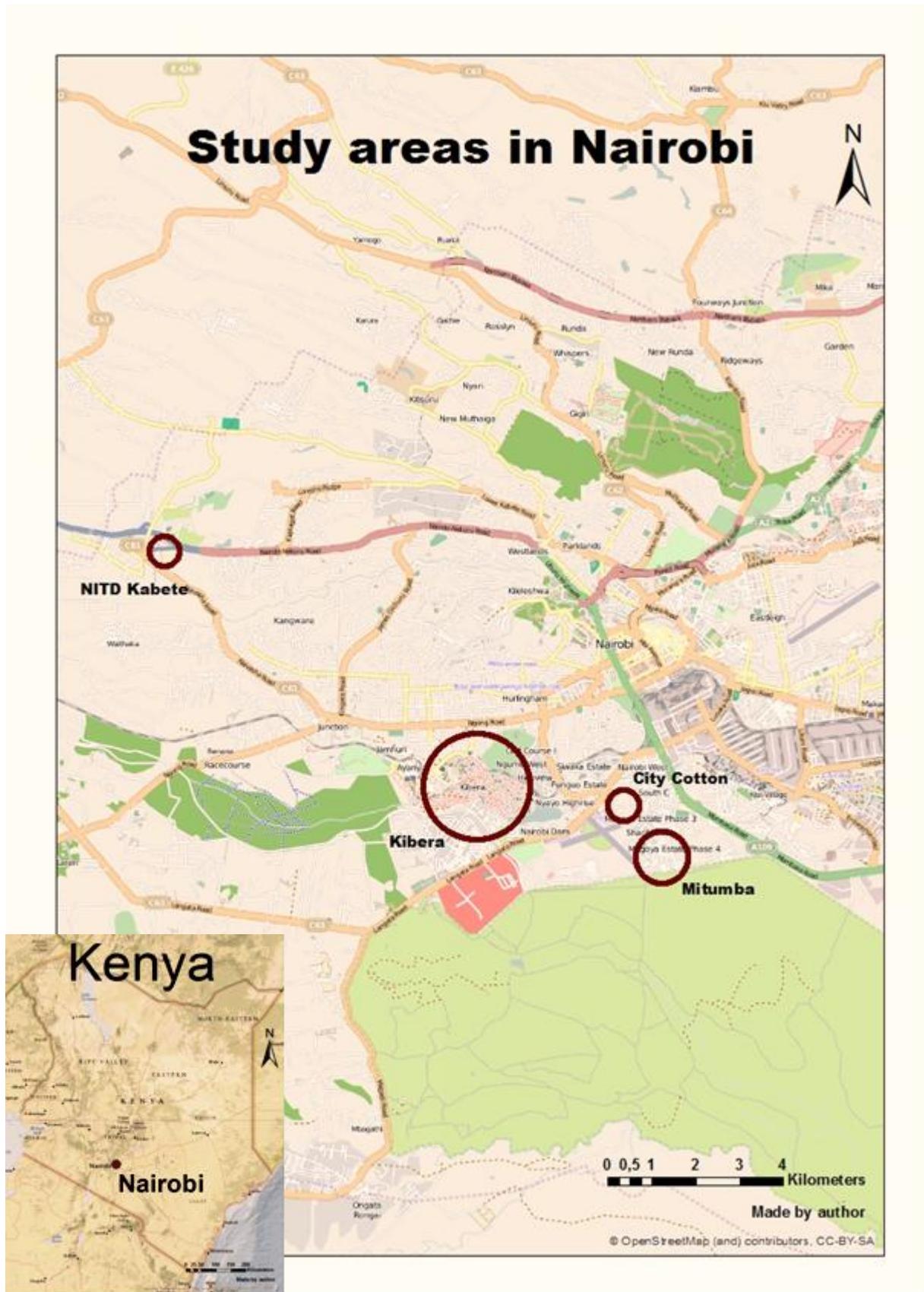
Table 2. Population Densities of Sub-locations with Major Slums (Source: Lamba, 1994; 166)

The birth of the slums in Nairobi can be traced back to the pre-independence period when the population of Nairobi was divided into separate enclaves of Europeans, Asians and Africans. During this period, slums developed due to the negative equivalence in allocation of resources towards employment, housing and infrastructural needs of the separate sections (Pamoja Trust, 2011a). Like a respondent said: *“The slums are actually started by the English. There only used to live whites in Nairobi after the British had settled there, but of course, these people needed people who worked in their houses, gardens, etc. Those indigenous people where allowed to receive the waste wood, etc. which they used to build their huts in certain areas. This way the slums arose.”* Neither were most black people officially allowed to settle permanently in Nairobi by the colonial government. Therefore the

erection of permanent structures by black people was discouraged and restricted by the colonial government. This colonial policy contributed largely as well to the initial foundation of slums in Nairobi. The period after independence saw a relaxation of the colonial residential segregation policies with little or no barrier to the increase of the slums as long as they were not located near the Central Business District (CBD). This gave rise to the development and growth of slums that emerged up all over town within the hope of employment (Pamoja Trust, 2011a). Without access roads, rubbish collection could not take place; and without running water, most of the residents had either to draw water from often heavily polluted Mathare Rivers or else buy it from stalls operated by the City Council (Branch, 2011). Today informal settlements in Nairobi can be classified in three “*broad categories depending on the land tenure system and history of evolution of the settlement:*

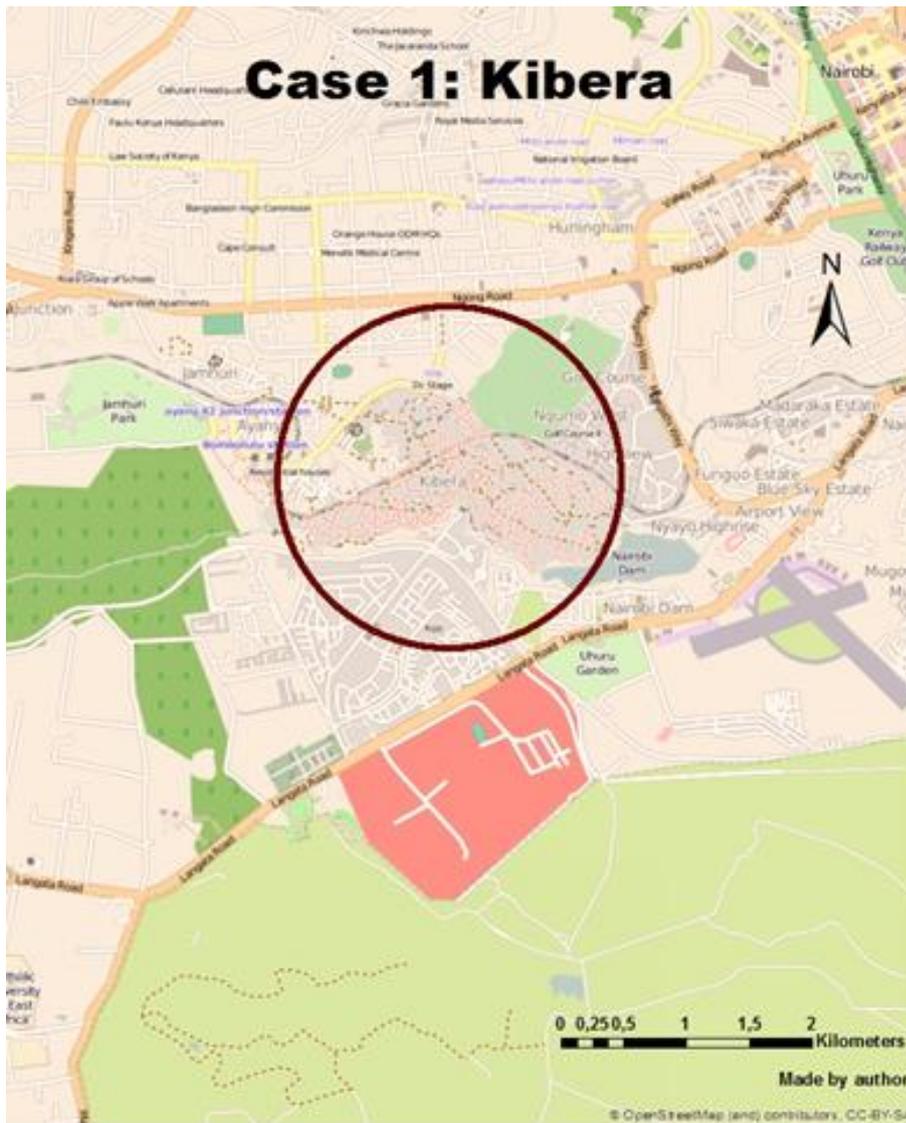
- *Settlements situated on government land;*
- *Settlements on private land;*
- *Settlements on indigenous land”* (Pamoja Trust; 2011b).

The four slum areas I did visit for my research are Kibra, NITD Kabete, Mitumba village and City Cotton village. How these four study areas are situated in Nairobi and Nairobi in Kenya is shown on the map below.



7. Map with study areas in Nairobi.

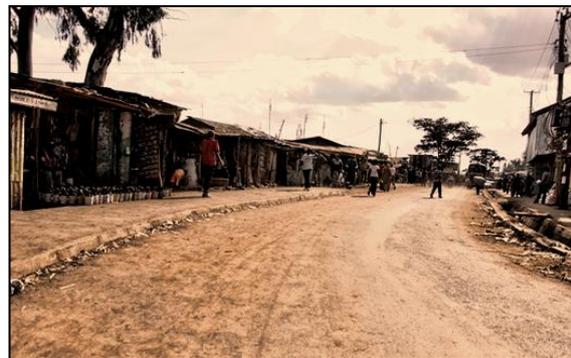
6.3.1 Case 1: Nubians in Kibra



8. Map with location of case 1

The Nubians in Nairobi are descendants of Sudanese soldiers who were incorporated into the British Army in the 1880s and brought to Kenya in the early 1900s (Constantine, n.d.). Unlike many Indian soldiers, they were not given British citizenship and any meaningful compensation or benefits. When the British left they had no plan for resettlement in Kenya. In 1939 the Nubians wanted to return to their home country Sudan but this was denied by the British. The new governments of Kenya failed to handle the matter effectively, mainly because of the Nubians historic link to the former colonial power and their former 'enemy' status, but also because of land-related issues (Blitz and Lynch, 2008). Before the British government left they appointed some 4.197 acres of land for the Nubians to settle on, since

they were an important element in the colonial military (Amis, 1984). The location of Kibera in Nairobi can be seen at Illustration 8. The Nubians named the land, Kibra or Kibera as many people call it, what means 'land of forest'. The British classified the land as land for the Sudanese soldiers and their dependents (Constantine, n.d.). Like a respondent says: *"As Nubians we were brought here, and we did not ask the British Government to bring our elders here but we found ourselves here. Our ancestors came here, we are almost the 5th to 6th generation, there is no way we can go back to Sudan, we don't know where we came from"*. Today, the Nubians are living in several towns in Kenya with the majority being in Kibra (Blitz and Lynch, 2008). The land of Kibra was originally located outside of what would become the city of Nairobi (Constantine, n.d.). It used to be a rural area outside the city with shamba's (little farms). Like a respondent said: *"We had shambas, we were eating food from our shambas. My grandfather had cattle and we had orchards in our home, all kinds of fruits at our home, and even my grandfather was selling oranges, we had 15 orange trees."* Now it is the biggest informal settlement in Kenya with around 250.000 people living there. At this moment there are around 50.000 Nubians in Kibra. When Kenya got his independence, problems were starting for the Nubians. Like a respondent said: *"We have our lands, we have been settled since the beginning, but when Jomo Kenyatta became the first president then the problems started. They took all the 4,000 and something acres we only left with less than 600 acres."* Although, not all acres of land got stolen by different actors, they also sold land to other tribes, like a respondent puts it: *"A lot is actually grabbed but some Nubians are also starting to sell."*

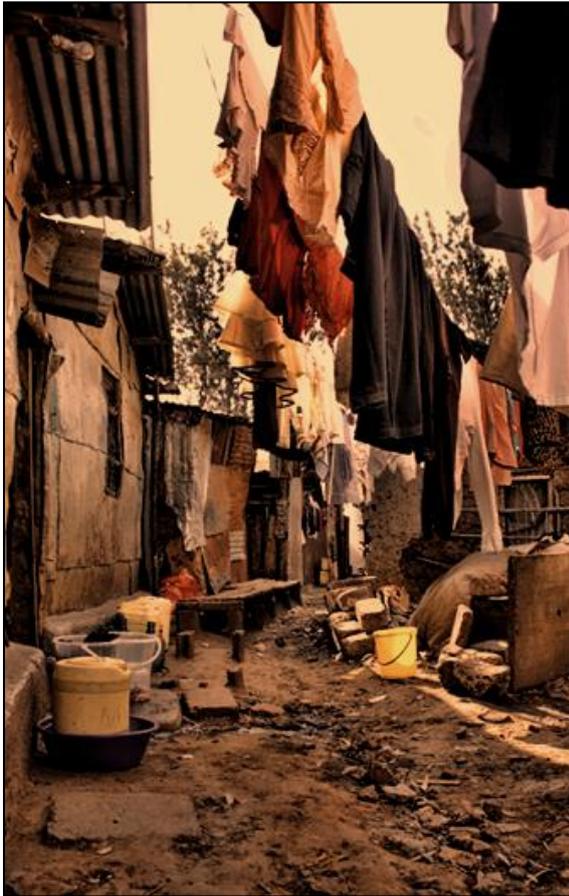


9 and 10. The village Makina in Kibra. *Photos by Ralf Graf (2013)*

Illustrations 9 and 10 are showing the slum area Makina which is a village in Kibra. The area is located five kilometers from the city centre and forms around half of Langa'ta

constituency which is situated in the Nairobi West ward. Kibra is one of the most well known slums in the world. It has been billed as Africa's biggest slum and even the world's largest by some accounts. It has been said it is home to one million people, others say even two million. But the 2009 Kenya Population and Housing Census results show that these numbers are not correct. According to the results, the eight villages that form the Kibra slum host a paltry 170.070. The villages are Kibera, the smallest with 9.786 people; Siranga (17.363); Gatwikira (24.991); Makina (25.242); Laina Saba (28.182); Kianda (29.356); and Lindi, the largest, with 35.158 people (Karanja, 2010). But also these numbers are estimations, because most people in Kibra have no identity. As a resident puts it: *"You are born, you live an anonymous life and you die"* (Makau, 2010). There are two rivers in Kibra. One of the rivers is on the left side bordering Langa'ta while the other passes through, both drain to the Nairobi Dam. The two riverbanks act as dumping sites for the residence. Also the Kenya – Uganda railway passes through Kibra. This area is very strategic for business because people going to work and coming from work pass through the railway track, hence making it a good area for shopping. It is not allowed by the railway company to build structures within 100 meters of the railway, but this is not stopping people from building (Makau, 2010). Plots can be as small as one family sharing an area or as big as 50 families. Landlords, either by buying or by inheritance, own these plots that the people live in. Due to insecurity at night, these plots have gates that are closed. Kibra is full, there is no more ground for new shacks because Kibra is totally surrounded by Nairobi city. Though everyday new people arrive in search for a place to live, so finding a vacant house is difficult and costly (Makau, 2010). Kibra residents pay an estimated KSh 4.5 billion a year to the real owners of Kibra. This makes Kibra a sociological contradiction, a slum to the poor, a gold mine to the rich. And not only the landlords are making a lot of money. Because of this 'world's biggest slum' celebrities build up donor organizations abroad to pump in millions of dollars into the shanties and Kibra is turned into a playing field of philanthropists by these billions (Karanja, 2010). As a respondent mentioned: *"Kibra is hotcake."* There are lots of projects that are said to work, but according to Makau (2010) in reality it is a different story (Makau, 2010). According to the leader of Community Based Organizations, there are between 6.000 and 15.000 community-based organizations. That is one charitable organization for every 15 residents of Kibra. For many of these projects benefit only a few people and not the entire

population (Makau, 2010). As can be seen at Illustrations 11 and 12, Kibra is still a slum area, even with all these NGOs.



11 and 12. Kibra life. Photos by Ralf Graf (2013)

On 4 October 2004, World Habitat Day, the Kibaki government and UN-Habitat launched the Kenya slum upgrading program, a plan to re house the slum-dwellers from Kibra in blocks of flats with water and sanitation. The executive director of UN-Habitat, sees this project as a first step towards 'improving poor Kenyans' quality of life and employment prospects, as well as combating crime (Servant, 2007). There are several social movements active in Kibra, but the one who is studied in this case is the 'Nubian Right Forum'. According to them the organization was started in 1997 as a human rights movement for example *"advocate for the rights of the Nubian ethnic minority in Kenya, conflict resolution, and peace building and reconciliation."* In short, the aim of the organization is to understand their land rights and fight for these (Nubian Rights Forum, n.d).

6.3.2 Case 2: NITD Kabete village



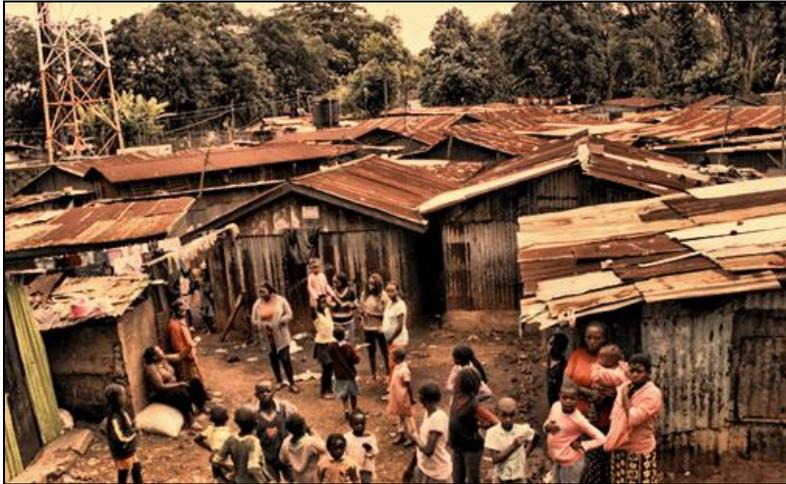
13. Map with location of case 2.

NITD Kabete, which stands for Native Industrial Technical Development Kabete, is a little village in the west of Nairobi against the border of the city (Illustration 13). The village is situated near the town Kabete located just outside the border of Nairobi which makes it confusing. The location of this village is between Kabete Technical Institute (see Illustration 14) and the highway Waiyaki Way. According to the chairman NITD Kabete (hereafter called 'Kabete village') is an informal settlement of around 500 families which are living in an area of around 2,5 acres. This means that there are almost 2000 people living here.



14. Kabete Technical Institute on the left, Kabete village on the right. *Photo by Ralf Graf (2013)*

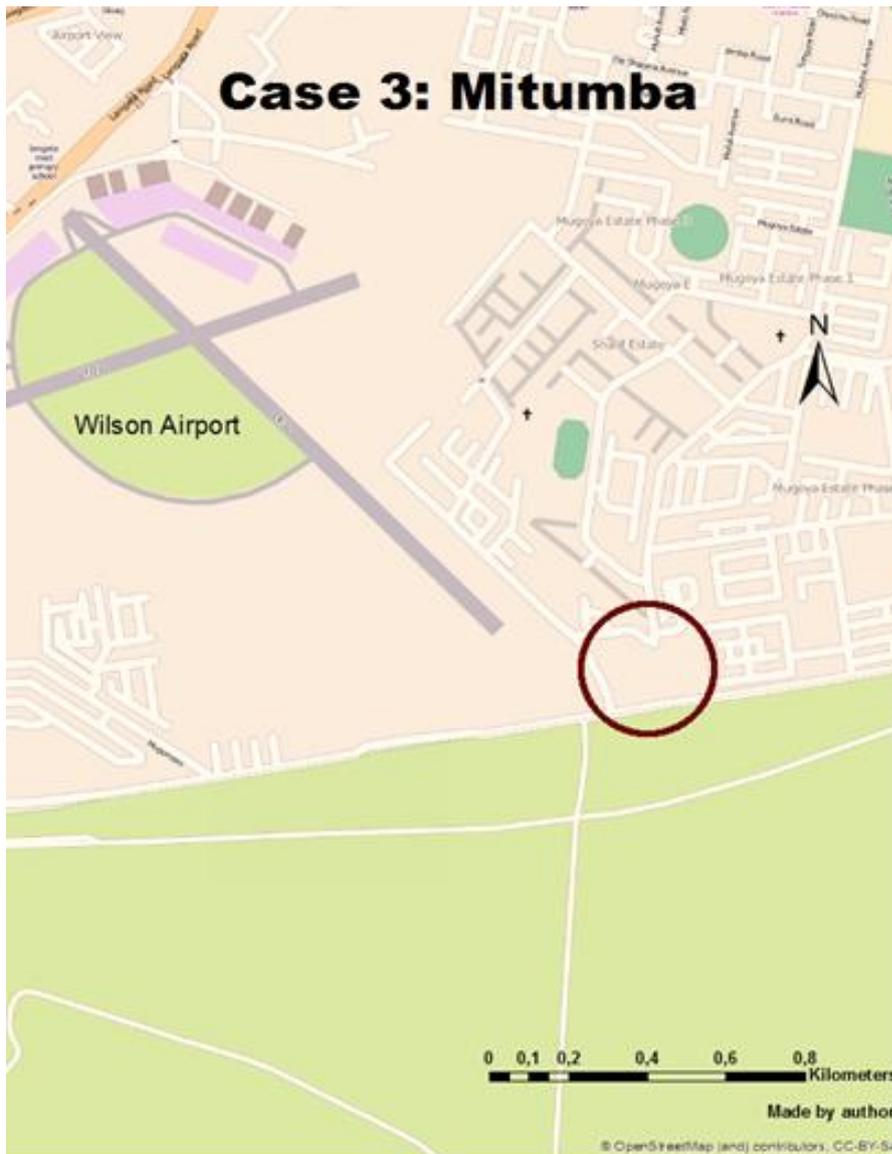
The land is owned by the Ministry of Livestock Development. Before the village was constructed in 1974 it was a field where cattle was grazing. The village arose for the workers who were building the adjacent highway called Waiyaki Way. For the construction workers of this road houses were built and after the road was finished the workers had to leave the houses as a respondent said: *“Now they agreed, after doing your work then those houses you should leave them to us, the people in the Ministry of Livestock. So when they finished their construction all their things...when they finished their work, the houses which were here they were left for the Ministry of Livestock and example is this house, is one of those constructors they were staying in.”* During the land clash of 1992 displaced people could also move to this slum, so they came from everywhere and the village expanded. *“Now it was 1992 when we had these land clashes, it was land clashes within the country. Those people were displaced from other areas, say Rift Valley, Molo and whatever. They were now brought here to join the casuals who were here, through this Provincial Administration because they were now displaced persons called IDP (Internally Displaced Persons).”* As another respondent continues: *“So we combined with the other people who had nowhere to go. Basically the people here in the settlement are a mix of original labourers, original casuals, and mainly IDPs.”* The population contains different ethnic groups because they came from everywhere and filled up the open spaces. At this moment, the population is around 2000 people living on 2,5 acres. As can be seen at Illustration 15 which is an overview from the village, it is a little settlement.



15. Little settlement, Kabete village. *Photo by Ralf Graf (2013)*

After the land clashes in 1992 the village has faced several threats of eviction during the years. Like a respondent said: *“Over the years, the threats for eviction came actually for different reasons. The first threat was just to break it down after the construction was done, after the job was done. Several threats came after the first attempt. “We had another, it was 1989, 90”* In 2007 after the elections new attempts to grab the land occurred. *“The threat we had was in 2007. We were given 48 hours to vacate from here.”* In the several attempts different individuals tried to grab the land, but the villagers survived the attacks also with the help of the social movement Muungano and the NGOs Pamoja and Kituo Cha Sheria. These actors were researched in this case.

6.3.3 Case 3: Mitumba Village



16. Map with location of case 3.

In the case of Mitumba village the people came from another slum area along Mombasa Road. The KAA Wilson Airport wanted to construct houses in this slum for its staff. After being removed the government decided to settle the people in the area what was called Mitumba village (see illustration 16). In 1992 they came to live with the whole community in this area which is also situated next to Wilson Airport. Mitumba slum was located in Lang'ata district, Lang'ata constituency in the Nairobi West ward. It *was*, because the village has been demolished in 2011. Mitumba was situated on the outer edge of Wilson Airport in South C area. It was surrounded by Wilson Airport (see illustration 17), developed residential

apartments such as Parkview Apartments, Midland Apartments, etc. and Nairobi National Park.



17. Remaining of demolished shanty with at the back Wilson Airport. *Photo by former resident Mitumba (2011)*

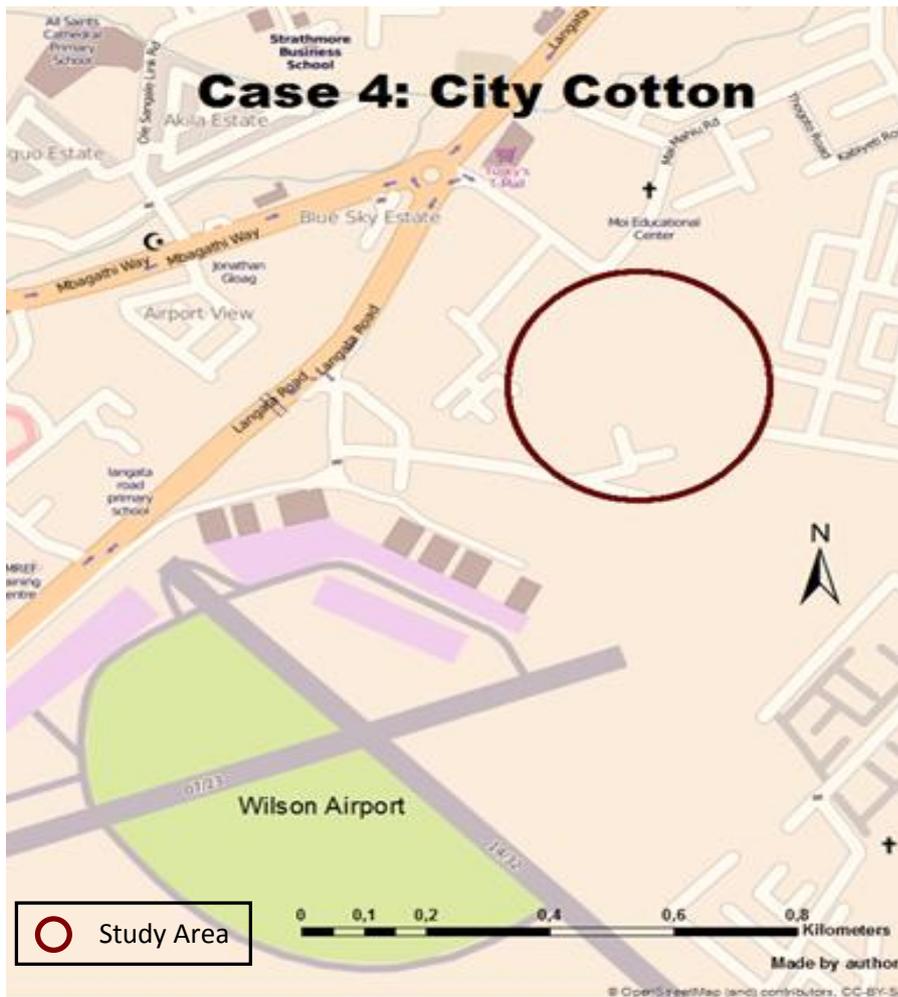
The in 1992 build Mitumba slum received its name from a Swahili word which means second hand because the residents were evicted from this different slum area (see illustration 18). There were a total of 2601 structures in the village. Many of the structures were business structures and residential structures with some being institutions. Mitumba had a total of 3065 households and a population of 15,325 residents. The area was divided by four clusters which were as follows: Sodom, got its name from the biblical town which by the wrath of God was destroyed. It was an area where people were addicted to alcohol and where prostitution thrived well. The activity declined after some time residential structures were build, but the name stocked. The second unit Mandazi derived its name from Swahili referring to a local form of fried bread. It was a business area with local eating hotels which used to make mandazi's during daytime. The third cluster named Paradise which is a religious description of a place which is harmonious, positive and timeless. The people were contented with the area and were free from things like prostitution like in other units. Kisii Village is the last unit which got his name from a tribe in Kenya i.e. the Kisii from the west. Obviously, in this largest area many people lived from the Kisii community. After surviving several threats from different actors, November the 19th 2011 Mitumba village got demolished. All the 15.325 residents lost their homes that day and are spread over other slum areas in Nairobi now. At the moment of this writing the community is fighting for

relocation and compensation in court and this is successfully. It seems they will be get what they fight for. This depends on how the government is reacting on the case. The units of analysis are in this case the same as in Kabete village, namely the social movement Muungano and the NGOs Pamoja Trust and Kituo Cha Sheria.



18. Mitumba after eviction. *Photo by Ralf Graf (2013)*

6.3.4 Case 4: City Cotton Village



19. Map with location of case 4.

In the final case City Cotton is also situated just like Mitumba village next to Wilson Airport (see illustration 20). It is an informal settlement on the grounds of Moi Educational Centre (MEC), which is owned by the former Kenyan President Daniel Moi. It is compared to Mitumba and Kibra a small settlement with different tribes living together.



20 and 21. City Cotton near Wilson Airport, City Cotton after raid. *Photos by Ralf Graf (2013)*

The situation in this case is very complex. The villagers were in the early hours of the 10th of May 2013 attacked by a gang called Mungiki. This took place 4 o'clock at night. As the villagers were fighting back the police protected the gang. The Mungiki claimed they were hired to evict the village. Illustration 21 shows the demolished shanties after the first attempt to evict the villagers. Also in this case it is hard to tell who was behind the land grabbing, though there were some rumours. We followed the situation in the village, even when the Mungiki returned to finish the demolishing a week later. After demolishing the village they put it on fire (see Illustration 22) while the residents had to camp on a field outside their village.



22. City Cotton on fire. *Photo by Ralf Graf (2013)*

In this final case the villagers were also member of Muungano just like in the cases Kabete and Mitumba. Also the supporters Pamoja Trust and Kituo Cha Sheria were involved in this case.

7 Findings

In this chapter the findings of this research are described. As said in chapter five 'Methods' I used as many quotes as possible to explain the different factors in order to not to change the meaning of the words of the respondent. Although in the last case of City Cotton village the situation is more described. First the factors which enable land grabbing are described and next, the factors that did allow to mobilize against land grabbing. In the last paragraph is explained what factors obstructed to fight against land grabbing. In some occasions a sentence is added from the interviews outside the cases if this is an addition to the findings. The factors overlap each other in several cases, because many of these are intertwined in this research.

7.1 Factors enabling land grabbing

In this paragraph the factors are described that enables the grabbing of land. There are different factors that are the reason why it is possible to grab land.

7.1.1 Regulations and jurisdiction - factors

Lack of title deeds

Kibera is being regarded as an informal settlement, which means that there are hardly any structures that are existing there legally. This means that even the little investment that people have done there is not being regarded by the law. There are according the respondents in Kirbra only a couple permanent structures in Kibra which are for example the cemetery , Kibera Law Courts and Kibera Primary School, and these are owned by the government. Most of the privileges once given, were taken from the Nubians, which also goes back to the issue of the land. They never gave the Nubian community the security of tenure like a respondent is saying: *"When the British left Kenya, the government of the day from Kenyatta time, Moi time, Kibaki time... never gave anybody title deeds."* The Nubians don't own the land they got from the British.

In the case of Kabete village the people settled on government land. They don't own the land. But also the grabbers did not have real documents as a respondent said: *"They can use*

the way they want to use the Police. So immediately after using the Police, they can use even fake documents, title deeds and whatever, then they sell it to another person who doesn't know what's happening on the ground. They sell it so quickly to another developer who doesn't know what is happening on the ground. You see that is now the process." Another respondent said: *"So in that one...that one of the City Council, it came on Friday. I think it was not the signature, it was not a clear signature."*

In the case of Mitumba village the Ministry of Land told the villagers they could live in that area, but refused to give a title deed or allotment letters. According to a respondent they told them *"they will not issue us with title deeds, but the government knew we were there."* This is the reason the residents have been facing many eviction threats from individuals. Finally these individuals gave the villagers a notice of about a week and demolished the settlement. Illustration 23 shows Mitumba village after demolishing.



23. Mitumba settlement demolished. *Photo by former resident Mitumba (2011)*

Also in the case of City Cotton the people lived in an informal settlement which means that they didn't have a title deed. They were living on the land of Moi Education Centre (MEC), which is owned by the former president Daniel Moi.

Lack of identity cards

One of the big problems the Nubians are facing according to them, is the denial of citizenship documents. Nubians are not recognized as one of the 42 ethnic groups in Kenya. Without citizenship it is not possible to buy land. So you can never derive citizenship from

land, because they are always entwined together. Other tribes have their own areas they originate from, like a respondent argues: *“If you go to Central Province, the word Central is Kikuyu, if you go to Nyanza, Nyanza is for two, Luo and Kisii, but majority are Luo. If you go to Western is for Luhya. So the question we are asking, how about Nubians?”* Another respondent said about this issue: *“The first constitution, that is after Independence, it says that, any group found within the Kenyan territory qualifies to be a Kenyan, where were we? Kenya found us here. Kibra was there; before Kenya came, we are here not by mistake. Where did the Kikuyu come from? They were not from Kenya they came from...Zaire.”* Even up to now *“Nubian cannot do any development because they don’t have title deeds. So you see we are still behind the other Kenyans by about 100 steps, just because of lack of land.”*

7.1.2 Government – factor

The government is a big factor which is the reason for many land grabs through Kenya. This goes from the bottom all the way up. As for the Nubians several individuals grabbed land in Kibra. For example when the railway was being constructed demolition was done, whereby Nubians were displaced. When the neighbourhood ‘Olympic Estate’ was being developed Nubians were displaced from that area, and they didn’t get compensation. In many cases the government is involved. The government has been displacing this ethnic group from the British times up to date, in the names of forced ‘development’, like a respondent is saying: *“When you come to like the way you are talking about displacement and land grabbing, the biggest land grabbers to us is the government. We call it slum upgrading, people know of slum upgrading from 2010, Nubians have known it since 1940s.”* According to a respondent the former Prime Minister Raila Odinga wanted to sell the area of Kibra. *“He has done a lot of harm to us! And also if you can remember the chaos we had here in 2002, it was an attempt to remove Nubians out of Kibra.”* Ethnicity, which is used by the government even to grab land has made the situation in Kibra even more complex. *“Tribes in Kenya are political instrument, that is been used and this politics is not kind of good politics.”* There were never problems between the Nubians and the Luo’s in Kibra, but some few years back there started some problems because of politics. Raila Odinga, a Luo, merged according to a respondent *“his party with Moi’s party, then he came to Kibra and said that people will stop paying house rent. You know, most of these Nubians depend on house rent as their source of*

livelihood. So there was a small chaos between Nubians and Luo's." Raila Odinga hired according to a respondent people from another tribe to start this chaos in Kibra. *"They came to fight and they were brought by train at night. And initially the issue was about the rents, he said the rents were too expensive, it has to be cut. Raila's statement was very... it almost led to the civil war here in Kibra."* According to a respondent the people that started oppressing and capturing the land of Kibra are *"the Chiefs, the D.Os, the P.Cs the P.Os, the ones who were under the trust of Office of the President, because the land is under their docket (authorization)."* In another situation the land was grabbed from an old man to build the Kibera Law Court (see Illustration 24). This person has never been compensated for the grabbed land.



24. Kibera Law Courts. Photo by Ralf Graf (2013)

Kabete village has faced several grabbers whereby they all used the government. In one case *"they used the Chief, DO, DC, then City Council, then the boss OCPD, then the police here. So you see that's a force, they wanted to use the security to scare us from that. He came with policemen with uniform, he said now, he was pointing, you, you'll take this house."* These houses were supposed to grab for his police officers. *"And you know those days, the OCS was very powerful. The OCS plus Chief they were very powerful."* But the order of the OCPD was not an official order from the government and the people of the village were protected by the Ministry of Livestock who owned the land. The last of several threats they faced, the villagers thought it was an Asian man, who wanted to construct a petrol station along the highway and wanted to buy the land. *"The reason here, although we are not sure, I think there was an Asian guy, who wanted to put a petrol station, you know these people in Kenya,*

those who want to go up, they normally use the people in the high offices to secure where they want. So in this case this man must have used those people.”

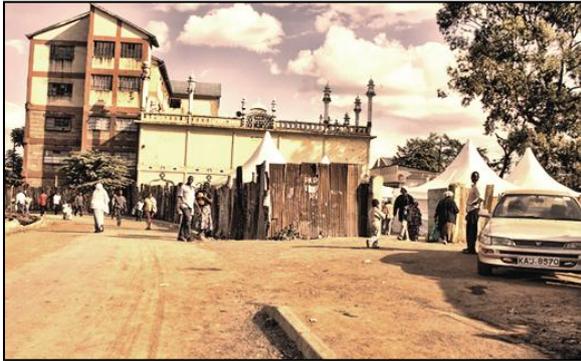
In the case of City Cotton the village was attacked by a group of around 200 young men, backed up by a strong Police force headed by the Officer Commanding Station (OCS) of Langata Police station. The gangsters and the police came in the middle of the night from the grounds of Moi Educational Centre (MEC), which is owned by the former Kenyan President Daniel Moi and used the MEC grounds as their base to start the attack from. The group, identifying themselves as ‘Mungiki’, claimed they were hired to auction off the properties of two tenants in the settlement, based on a court order. When we went to interview the OCPD he claimed that there was indeed a court injunction for the eviction of the City Cotton village. Later we found out this was not the case, so the eviction was illegal according to the law. Illustration 25 shows the grounds of Moi Educational Centre where the Mungiki and police started the attack from.



25. Mungiki and police on ground of MEC. *Photo by Ralf Graf (2013)*

7.1.3 Complex grabber identity - factor

The Nubians lost a lot of land, but because their Islamic religion (see Illustration 26) they are especially not happy with the many churches that have been taking land away from the community using the Administration Office. People are displaced and houses are broken down to build churches, like a respondent says: *“The biggest land grabbers to us are the churches. You count in Kibra we have 13 mosques, the whole of Kibra there are over 2000 churches, they begin with a tent, in fact they begin drumming here tomorrow, they put a tent, after that they build an iron sheet house, after that they begin with a mud one, after that they put a permanent structure.”*



26. Mosque in Kibra situated next to office of Nubian Rights Forum. *Photo by Ralf Graf (2013)*

Besides the churches (see Illustration 27) a new grabber entered the arena like a respondent puts it: *“The church comes first, it looks at the weakness, then they bring the NGO. They solicit their money in a negative way that, they paint our area negative so as they could get funded. These NGOs when they come, they come also the way colonialism begun.”*



27. Land that was grabbed by a church in Kibra. *Photo by Ralf Graf (2013)*

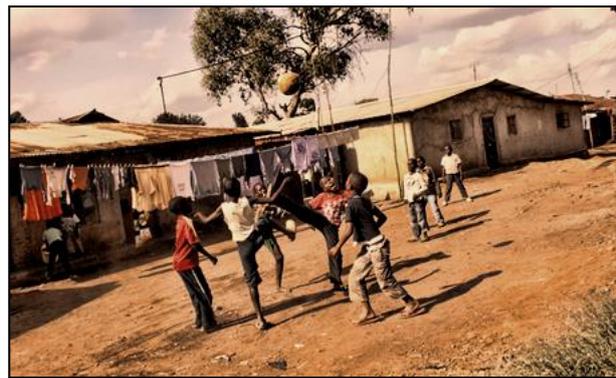
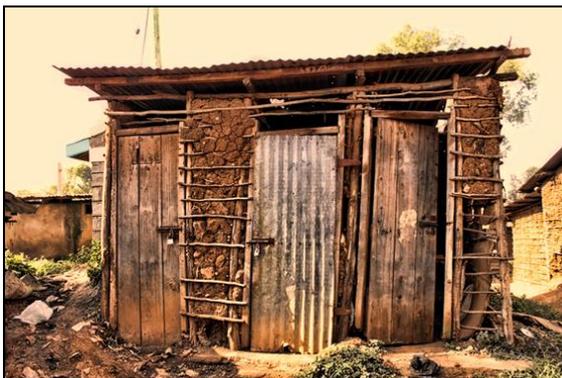
In the case of City Cotton the village it was hard to tell who was behind the land grabbing. This land is according to several respondents worth a lot of money. There were several different rumours about who wanted to grab the land. The first was that a rich Somali man wanted to buy the land because of the location next to a wealthy neighbourhood, to construct an estate and sell the houses. The second was that someone wanted the land to construct a business district, because of the location next to Wilson Airport.

NGOs

In Kibra it is perceived that, there are around 600 NGOs according to a respondent. *“It’s like a propaganda, it’s like it’s being done for business reasons, the money is being collected over there but it’s never reaching here even when you see what is happening on the ground.*

According to several respondents NGOs are grabbing land, they are evicting people and are giving the world the negative aspects of slums in Kenya. *“They were saying that the whole of Kibera there is only one toilet. They are saying this people are suffering HIV AIDS. Go and look at Kibera tours.com, just google Kibera tours, look at the pictures that they are putting.*

There are only negative aspect of Kibera , and we are asking, where do this people live, me I don’t see this and I live in Kibra and I don’t see it. Come to our places, look at this compound how clean it is, this is the Kibra Village. We have been turned into a game park, slum tourism here, people pay to come and see us, is it logic? Is it logic? We have been marginalised to the highest degree. You are not Kenyan, you came in as NGO, where did you get that land from?”



28 and 29. Toilets in Kibra and clean surrounding in village Makina (Kibra). Photos by Ralf Graf (2013)

As can be seen at illustration 28 and 29 the surrounding of Makiana the arguments of the NGOs are not correct. Also the slum upgrading program is not working for the Nubians. The houses they build are 6 floors high with rooms that are 6 meter by 6 meter. Nubians live in extended families, they do not fit in these rooms like a respondent said: *“I have my room, I have my children, how am I to stay in single room with my 5 kids. We found out that the policies does not suite us as a community. Yes we want development, but in a proper way, not to displace us. Slum upgrading has proved to be a failure, non success.”*

7.1.4 Economic – factor

Because Nairobi is a big city and the economy of Kenya is rising land is becoming worth more and more. Especially the land that is situated close to the city centre. People want to buy land to develop for example a business district or houses to sell. In the case of the Nubians their land is worth a huge amount of money. A respondent said that the land of Kibra is worth over 70 billion as pronounced by the president of Kenya. As a respondent puts it: *“Things like that, they want to compete with the Nubians. Of course, it is almost right in the middle of Nairobi. You know, some of them have seen it as a business opportunity.”*

In the case of Kabete village the area is situated next to the highway from Westlands in Nairobi to the west of Kenya. It is a busy road with many cars. Like already is said in the section ‘complex grabbers identity’ the people of the village thought there was an Asian man who wanted to put a petrol station at the land of the village. According to the respondents the land is situated on land that is worth a lot of money. People come to grab this land because *“this is a prime area, you see there is a [high]way here. If you construct here good flats or whatever. You see a grabber, if a grabber grabs here, he knows what to put here. We don’t know, he can build the houses, he can sell and put the money in the pocket. You’ll get a lot of money.”* Also a problem for the villagers is that near the slum rich people live in big houses. A respondent said: *“You see around here, we have these big fishes here. They don’t want slums here because they have got some houses.”* See illustration 30 with the ‘Big fish’.



30. ‘Big fish’ next to Kabete village. Photo by Ralf Graf (2013)

Mitumba village is also situated next to some chic neighbourhoods. Over the years, the areas surrounding Mitumba were allocated to private developers who have build expensive

residential estates for sale (see Illustration 31 and 32), thus limiting Mitumba to a corner with no basic services and in a poor condition. City Cotton Village is situated next to Wilson Airport. This land is according to several respondents worth a lot of money.



31 and 32. Expensive residential estates situated next to Mitumba village. *Photos by former resident Mitumba (2011)*

7.1.5 Social Cultural - factor

Cultural factors of a community can enable land grabbing, because in the case of the Nubians they are welcoming in nature, they're very interactive socially. As a respondent puts it: *"The reason as to why we are being squeezed and squeezed is because of our modest nature, our welcoming nature, everybody who comes we are welcoming them. Now today we are squatters in our own land. We are much more friendly, you'll never find a Nubian asking for tax, asking for water note."*

Ethnicity

Nowadays, most of the people who are staying in Kibra are not of the Nubian ethnic group. In daily life there is not necessarily tribal division, *"but of course if it comes to property rights, ownership rights, that's when trouble starts, then everybody remembers who is who."* Another respondent continues: *"So after the 2007 election violence, most of the Luos, they chased the Kikuyu. Then they grabbed that property. That is the history of this place, and even as we are speaking now."*

7.1.6 Demographic and Geographic- factor

Demographic factors include the rural urban migration, population size, ethnicity, the location of the area situated in Nairobi.

Rural urban migration

Because of the growth of rural urban migration in Kenya cities become more congested every day. All these people are looking for a place to stay and most of them end up in an informal settlement because of lack of money. In the case of the Nubians the pressure on their land is very big: *“So it is a problem, there is a conflict of interest and then there is this issue of urbanisation whereby people are coming from different areas to look for jobs, when they come they settle here, they become the majority and we remaining as minority, so our voice is even lesser than the other people”.*

Land size

The pressure on the land is also because the size of Kibra is more than 4000 acres which is big in an urban situation. The area had a lot of open ground which was not occupied, *“so other people from outside Kibra took advantage of that. They saw idle land and took it through the government administration.”*

Location

In the case of Mitumba the Kenya Airport Authority argued that it was too dangerous to live in that area, because it was situated next to an airstrip. The KAA had written in a Public Notice that this is in the interest of the safety of the occupants of the parcel and that of aviation activities at the airport. It is also intended to enhance the security of the airport and its environs (see Appendix 5).

Population size

In the cases of Kabete village and City Cotton village the population size is much more smaller than in the cases of Mitumba and especially Kibra. The smaller the population, the less people can fight against the land grabbing.

7.2 Factors enabling to mobilize against land grabbing

This paragraph describes the factors that influence the people to fight against land grabbing. The factors are again divided in the samengestelde factoren en beschreven in verschillende paragrafen.

7.2.1 Regulations and jurisdiction - factor

Documents

In the case of the Nubians the British made an allocation map of Kibra which shows which Nubian family owns which area of land. The map was used as evidence that the British gave the land to the Nubians, but after the Kenyan government took over they never recognized some of the things the British decided. The Nubians are also fighting the issue of the lack of identity cards. They are trying hard to get an ID card for the whole community. *“In five years we can have more [ID cards], because our number has actually gone up a little. The reason we are basically doing this, so we can have bargaining power, so that we can have a leader for our own”*



33. Demolished Mitumba village with Wilson Airport on the back. *Photo by Ralf Graf (2013)*

The Kenya Airports Authority threatened the villagers with eviction on numerous occasions, (see Appendix 5) but it was clear that the LR number (Land Registration number) in question was different from the plot the settlement had been allocated. The allocated land did not belong to the KAA. The people who demolished the village (see Illustration 33) had no

official documents of that land, so they had no right to evict the residents according to several respondents.

New constitution

The new constitution of 2011 changed many rules in favour of the slum dwellers. It states that every citizen in the Republic of Kenya has a right to basic services and basic housing. However, in many or in all informal settlements in Kenya this is still not the case. This is one of the many changed rules in the new constitution. In theory it will become harder to grab land from these slum areas. As a respondent from the Nubians said about the constitution: *"[I] have the right to own this place too, because of this article in the constitution says: if anybody lives in a place for more than 10 years, that person has the right to own a place."* As in the case of Kabete village they don't want to buy the land. They want to use the new constitution to get the land as one said: *"We are Kenyans, you know the law says, so long as you've stayed somewhere more than 12 years, you are eligible to that place and we are more than 20 years."*

Court

Despite the fact that there is corruption in court, people do go to court to fight against land grabbing. There is also hope that the corruption in court is something of the past. *"It was much of corrupted. But now at least there is some reform."* The people who got evicted from Mitumba village went to court and it was successful. The judge ordered the government to resettle the people and pay them a little amount of money as compensation. Justice Mumbi Ngugi said the State should have addressed the resettlement and compensation of the Mitumba slum dwellers before demolishing the structures. She said: *"It was a clear case of violation of human rights following the November 19, 2011 demolition of the village, which was also carried out despite a stay order where the whole community was deprived of its residence and business premises."* She also said that the state must now ensure the relief of the affected families because the eviction went against Article 10 of the Constitution. *"Forceful eviction without reallocation was illegal, it went against our Constitution and affected access to education, water, healthcare amongst other basic human needs" the Judge observed (Agoya, 2013).*

7.2.2 Government - factor

Individual leadership

With a new president the hope arises that things will change. When Uhuru Kenyatta recently spoke at UN Habitat he said his goal is to settle landless in the urban area. A respondent said about this matter: *"If people can settle properly, there is no any problem, because these are the people who move this nation."* In the case of City Cotton a delegation of the villagers went to the OCS and they found out that the court order was actually meant for another village next to theirs. The OCS apologized for 'the mistake'. He told the delegation of villagers that they could return to their houses, rebuild them and continue with their lives. Shocked about how the Kenya Police can make 'mistakes' like this, though happy to be able to return to the remains of their huts, the villagers started slowly to rebuild their village right after receiving the news. Though later on the villagers found out that there was even no eviction court order for the neighboring village

Entering the political arena

In order to get more power in decision making you need to have access to the political arena. In the coming years the Nubians are trying to build their strategies *"so that we can at least get one of our own in decision making. We are trying to do that, because in Kenya if you don't have one of your own you cannot be in the decision making table, you cannot, that is why we are left behind."*

Protection from powerful people

In the case of Kabete village they got protection from the Ministry of Livestock Development because the land belongs to that Ministry. In the case of Mitumba village, people who got evicted are waiting for the decision made by the government. In the case of City Cotton Wangari Maatai, when she still was alive was living next to this village and had protected all those years the village from eviction according to many villagers. As a respondent said: *"If Wangari Maatai still were alive, this eviction would never happened."* As can be seen in Illustration 34 the house of Wangari Maatai was situated just next to City Cotton.



34. House of Wangari Maatai, next to City Cotton. Photo by Ralf Graf (2013)

NGOs

“We can say the only NGOs that are helping us [Nubians] at the moment AMREF, MSF, and CDC (Centre for Disease Control).” The others, *“we are telling them, we don’t want NGOs to give us schools. We want services from the government. We need schools, we need hospitals, because we pay taxes too and it is the responsibility of the government.”* Another respondent told how she stopped a NGO slum upgrading project from UN Habitat. *“You come in with a project, do your own policies without even involving the ethnic minority [Nubians in Kibra].”*

In the case of the Kabete village they are being supported by Pamoja Trust. A respondent said: *“Whatever we do, we do together with Pamoja Trust. In fact these people from Pamoja Trust, they are the ones who helped us to go to meet these people for Administration how we can get this certificate, how we can register here...even in fact the 24 hours period we were given, when we communicated with Pamoja Trust, they were here within less than an hour.”* Another respondent continues: *“Then Kituo Cha Sheria in case of these things of petitions, you see, they are together with Pamoja Trust. Kituo Cha Sheria is like our lawyer. If anything we report there, they get us a lawyer, because it’s a legal institution.”*

In the case of Mitumba village they had hired their own lawyer (see Appendix 7, letter from onw lawyer to KAA). Pamoja Trust was assisting the people of Mitumba village though, to do enumeration. Also in the case of City Cotton they got help from Pamoja Trust and Kituo Cha Sheria. Though, when the NGOs involved reacted slowly, we had the urge to step in as

'mzungu's' (plural in Swahili: wazungu) to speed up the process and stayed with the feeling that our presence and interference indeed speed up the activities of the various NGOs. At Thursday 16 May the NGO had finally mobilized Muungano Wa Wanavijiji who went to City Cotton where a meeting was organised with the residents in order to discuss further strategies. This meeting (see Illustration 35) took more than an hour and new hope raised that they could stay in their village. That night the Mungiki came again and demolished the whole village.



35. Meeting villagers and Muungano. Photo by Ralf Graf (2013)

7.2.3 Economic - factor

In order to fight against land grabbing, having money or a small amount of money is important according to several respondents. In the case of the community of Kabete village they try to do everything to get work. Like a respondent said: *"The youth here, we are planning for them to have this car wash somewhere there [location interview], and then we have women here who are doing things. They are making other kind of charcoal, it's a mixture of soil, this dust from the charcoal, they mix it with water when it gets dry you can use it for cooking and it's marketable. So we are trying to empower them to continue with that exercise, while youth they are doing theirs. Other small businesses they try to generate money with are selling sukuma (local vegetable) and cooking Githeri (local dish)."* Two of the activities done by the villagers are shown at Illustration 36 and 37 below. The Nubian and Kabete community are also collecting money through a Self Help Group, as can be seen in Appendix 3.



36. 'Shoe Maker'- shop in Kabete. *Photo by Ralf Graf (2013)*



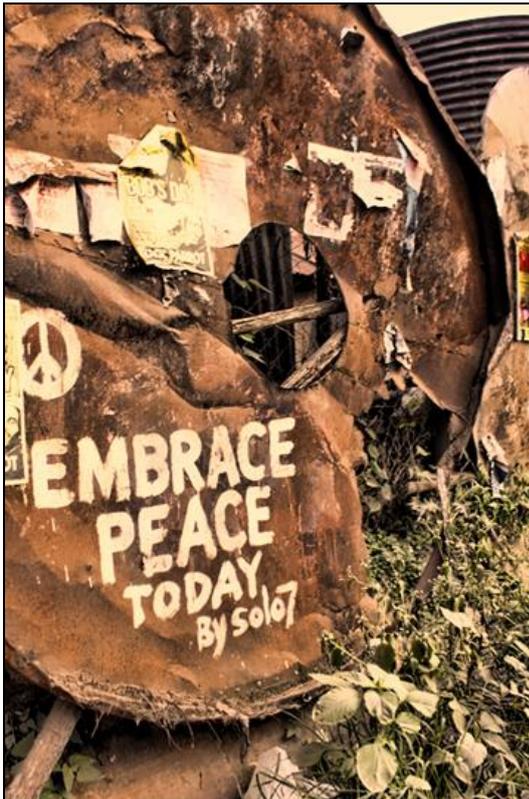
37. Location for planning a car wash, Kabete village. *Photo by Ralf Graf (2013)*

7.2.4 Technology and communication - factor

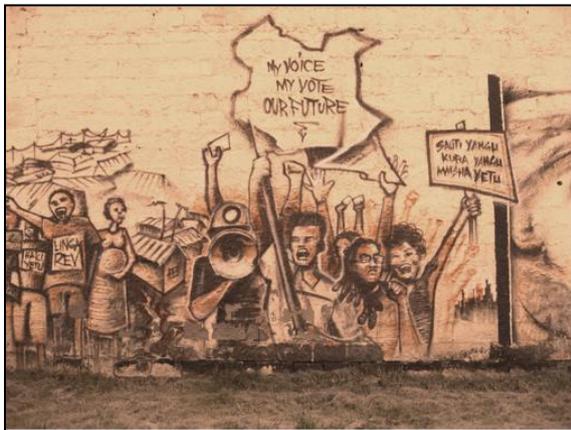
Communication is an important tool to fight against land grabbing. As example media is being used by communities to make their situation known in order to get support by other people or organizations.

Street art

In the slum areas many graffiti is used to send a message to others. Even in the City Centre of Nairobi this can be often seen at walls and other structures. This is according to some respondents to send a message or to create a collective identity. Below at illustrations 38, 39 and 40 some of these street art can be seen.



38. Text in Kibra to create solidarity. Photo by Ralf Graf (2013)



39 and 40. Graffiti in City Centre Nairobi to create solidarity. Photos by author (2013)

Media

In the case of the Nubians media is very important: *“when you talk about a Nubian, who is that? Is that a tree, is that a house or what? But right now when you say a Nubian, it’s an international name now.”* The Nubians have their own radio station.

In the case of Mitumba village several media were approached to make the story of the eviction of Mitumba well known. Also the court case is announced several times in the news as well in the newspapers as on the television.

In the case of City Cotton village a newspaper and a tv-station had reported about the situation, though very minimal. A Dutch journalist based in Nairobi and writing for one of the leading newspapers of the Netherlands, did not want to investigate this case, because in his opinion these things are happening so often in Kenya, that this was no news anymore.

Research

A respondent from the Nubian community mentioned that research is *“for the benefit of the community, I think it is very good and may be from the research we can have something positive about the way of addressing some of these problems.”*

Online

The new technology is also used by the Nubians to be sure that documents are safe. They have a lot of evidences that they are scared and keeping them online, because according to a respondent *“some are so worn out.”* This thing is according to him very important because during court cases you need this evidences, so it is not supposed to be grabbed by others.

Contact

The Nubians organize community meetings to tell the people of problems there are in the community. The Chairman, is the *“one who do most of the addressing as far as the meeting is concerned.”* Also they trained paralegals who move from door to door to help people with legal advice.

In the case of the village of Kabete they have a central place where they meet. If there is a big meeting with many people they rent a big hall for the time of the meeting. A respondent said: *“We normally meet on Saturdays, every Saturday we normally meet at 2 o’clock.”* They also meet with Muungano members from other slum areas. *“We have our own Muungano, other areas they have theirs, so when we come together we form it as one. It is headed by Ezekiel...Ezekiel is our president of Muungano Kenya. Pamoja Trust organises for us the meetings.* Meetings with other members of other areas are always about the same subject

because “our case is just the same. Just the same all over slums, nothing else, and how we can develop and we can own that area.” The movement Muungano is using ‘Muungano News’ to create an collective identity and to inform the members about their new actions as can be seen in Illustration 41.



41. Muungano News, information magazine to create collective identity

As can be read in ‘Government factor’ they communicate with people in politics as well. These people includes the MP, County Rep, District Commissioner (see Appendix 4), Senator and the Governor like a respondent puts it: “We communicate with our councillor today, Rep...what do we call them? County Rep, then the Senator, and then the Governor, by now,

this new government.” Finally they communicate through writing letters. “We have tried our best , we have written petitions, we have requested to be allocated this area. We have some letter which we have taken to the Ministry of Lands.

In the case of Mitumba village the leader I met at the office of Pamoja Trust seems to have good contact with the other leaders of Mitumba village. *“If you call me, I can call the group and you meet with them.”* Also they did have contact with some officials from the government like the letter in Appendix 6 shows.

7.2.5 Social Cultural – factor

Ready to fight

In the case of the Nubians several other tribes turned against them *“and the aim was to sweep us out of this place, but we are few but very tough...very tough, we fought to the bitter end and to this time nobody comes closer to us as few as we are. Even if you go through the ‘Nation Paper’ I remember that time the headline was ‘few but tough!’ They could not believe what we did. We did a lot of things that we don’t want to talk about, but it was all to defend. Even the Prime Minister cried. So many corpse, all Luos, he asked ‘there is no single Nubian dead?’”* Another respondent said: *“We were born soldiers. We live with everybody; we die with everybody; Everyone goes to battle, even the women, they go to battle!”*

In the case of City Cotton it took a while before the City Cotton inhabitants realized what was going on, but once they did, they grouped together, and started to defend their village. A fierce battle evolved, in which the villagers succeeded to drive back the attackers to the MEC grounds. Due to the size of the settlement and the delay caused by the resistance of the villagers, the attackers could not finish the job when it still was dark and retreated once the sun had come up. The Mungiki and Policemen retreated to the grounds of Moi Education Centre from where the Police kept watching as the villagers returned to their destroyed homes. Some villagers left that day, but many people had no other place to go. The thugs had stolen money and other belongings they could get, so most villagers had almost nothing else to lose than their own life. Many of them also did not want to give in to injustice. The remaining villagers decided for the next night to organize their self-defense, carried out by the village youth. While camping in and around the ruins, they put up a night vigilance. When the Mungiki returned that night they were beaten back in a short but fiery battle. The

fact that the villagers had nothing to lose made them overcome their fear and fight the Mungiki.

Organization

The Nubian Rights Forum is a group of 30 members which is very well organized. The goal of the group is basically to create community advocacy and awareness because an informed person can make an informed decision. They are also lobbying as an organization. Currently they are doing a programme about citizenship whereby they move door to door to help people to apply for an ID card, because Nubians *“still face challenges getting ID.”* They are also nurturing the youth to take over when the elders are gone.

In the case of Kabete village the elders of this village are also very well organized. The community sense of this small community of 2000 people is good.



42. Kabete safe from crime. *Photo by Ralf Graf (2013)*

There is no criminality and people are watching each other, like a respondent puts it: *“We organise security, patrolling at night and then we have policemen here, the OCS sometimes he passes here at night to see if everything is peaceful.”* In this village according to a

respondent never someone got murdered. Also in the case of official letters they are very well organized. Every document is kept in a folder and most of the documents are copies. The official documents the elders keep at a safe place outside the village. The respondents showed us some official letters like the reply from the DC (see Appendix 4).

Several people in the village are also member of Muungano Wa Wanavijiji. According to the chairman they have now 85 people who are member of Muungano, but if the threat increases more people will join the movement. In a case of an eviction threat they come together with Muungano members from other areas as well as supporting organizations like Pamoja Trust and Kituo Cha Sheria.

Also in the case of Mitumba village the leaders are well organized. I met a leader at the office of Pamoja Trust and he told me that he represented the people of Mitumba. Not everyone in the village is a member of Muungano, but a respondent thinks they are over a thousand. Several of them claimed that they started Muungano a long time ago. In the beginning they had like 60 members.

Strong community

“Life in Kibera is not necessary bad like often depicted. You’ve actually for the biggest part the community sense and people also helping each other. I would say comparing to other ghettos the community sense in Kibera is stronger. You’ll find even some of these Luo growing with the Nubians, some of the Nubian kids growing with the Luos. There is that sense of community.” However, this is contradictive to what another respondent said earlier in this chapter.

The sense of the community of Kabete village is also very strong. The leaders try to solve every irregularities that is going on in the village.

Leadership

Leadership has a lot to do with organization and a strong community. In the case of Kabete village there are some strong leaders. As the chairman of the village told us about the leadership of the village: *“There is the Chairman, the secretary, they are members also of the committee. If there is a problem here, I’ll go there and we talk to the police, we return the matter here because it is civil, we handle it here ourselves, us.”*

7.2.6 Demographic – factor

Tribal home

“I can say my heritage and my root is tied here, it’s tied with Kibra and they’ll never push that away. My generation is the 5th generation to be here. And if a Nubian person dies, [...] only Nubians are buried in Kibra. We’ll have nowhere to go and it goes down with our identity. I can say Kibra to me is not a slum, this is my home village. It’s my home village and Kibra was a settlement with shambas, we had shambas, we had cattle. I can say our grandfathers were farmers and they had their homes not slums, it was never a slum. They made it a slum! What most Nubian want, they want land tenure, because Nubians were a community of interest here in Kibra. And a community of interest means that we don’t have any other place. [It is] basically the tribal area of the Nubians.”

Also in the case of elderly people (see Illustration 43) in all the four cases they often have nowhere to go if their family is not supporting them like several elderly respondents said: *“Where do I go?”*



43. Some elderly have nowhere to go. Photo by Ralf Graf (2013)

7.3 Factors that obstructed mobilization against land grabbing

7.3.1 Regulations and jurisdiction – factor

Lack of title deed

Without a title deed residents can’t prove anything. *“The people of Kibra, they don’t know if really they will be given the land, where they’ll live in future because an informal settlement is something which is not being recognized by the government.”*

Corruption in court

In the case of the Kabete village there was only the threat of eviction, but the villagers have experienced corruption in court like a respondent puts it: *“If you are a judge and I give you five million, you just take and rule what you want, just simple as that. That’s our Kenya style.”* After the ruling in the last case which was in favour of the villagers they think they are still not protected from future threats. *“Not 100 percent, we are not safe because, if we can get the allocation letter so we can feel comfortable. There is nothing on paper, they never signed, just verbal.”*

In the case of Mitumba village the residents presented their plans to the high court and interim orders were issued on 22nd September 2011 and an extension granted on 7th November 2011. Despite this, the settlement was demolished on 19th November 2011, while the case was coming up for mention on 23rd November 2011.



44. Askaris protecting ground from villagers coming back. *Photo by Ralf Graf (2013)*

In the case of City Cotton, at court, it was actually established that there was no eviction court order at all. On Friday the 24th of May, the case finally arrived in court at Milimani Law Courts, Human Rights Division, with an application as matter of urgency to stop the ongoing destruction of the village and violation of Human Rights of the tenants of City Cotton village. The judge did not see any matter of urgency in the case, and referred the case to be heard on the 10th of June 2013. The very night after this court ruling, the Mungiki, backed up by Kenyan Police officers, attacked a neighboring village, Upendo Village and repeated City Cotton’s ordeal upon its tenants.

Lack of identity cards

To get registration that is to be citizens; one, by asking for documents that cannot be found, before 1963, did Kenyans have Birth Certificates...no, why should they ask for Birth Certificate from a Nubian child, why? Why, to make it difficult for a Nubian [???].

“When I deny you an Identity Card you cannot recognize yourself as a Kenyan, because if you don’t have an ID you cannot even register a SIM card, if you don’t have an ID you cannot claim land, it means that you’re a foreigner or a stateless person. You cannot access loans – that is if you had a title deed or if you had land tenure, there are so many things. With no land tenure, with no documentation where are you left? You are left hopeless, you can start mugging you can thug, all that sort of things.”

7.3.2 Government – factor

In the case of the Kabete village threats came several times from the government. According to the respondents from this village it is hard to fight these corrupted government officials. In the case of City Cotton the Area Chief and the principal of MEC claimed to know nothing about the matter and decided to not comment further on the case. Though at Langata Police Station, the situation became quite interesting. At first, the OCS claimed that there was a court order for demolition of the village, referring to an auctioneering order against two of the tenants, and that the Police was only involved in maintaining law and order during the eviction. When asked why he did not maintain law and order to prevent the looting, raping and assault, the OCS claimed to have not seen anything like this during the operation. When asked to show a copy of the court order as required by law, he claimed that he carried a copy of the court order that night, but nobody of the villagers had asked him for it. When asked to show it again at the Police station, he claimed that the Officer Commanding Police District (OCPD), his boss, would have the copy now and that furthermore *“the Kenya Police has anyway no duty to serve court orders to the people they are meant for, as this is an issue of the court.”* When asked for any detail of the court order, like it’s number, he claimed not to be aware of any detail, but that *“one can go to court to find that out for themselves.”* The night following this day, in the morning hours of Friday 17th of May, the Mungiki and Kenya Police came back to demolish the rest of the village. Illustration 45 shows the Mungiki and police in discussion with each other before they put the village on fire.



45. Police and gangster after demolishing City Cotton. Photo by Ralf Graf(2013)

Entering the political arena

Lack of identity cards is also a disadvantage if you want to vote in order to enter the political arena. Only 30 percent of the Nubians have an identity card which also means that the others can't vote. *"We cannot get representation because of our numbers that is in the democratic way."*

Ethnicity

As a respondent from the Nubian community mentioned about ethnicity: *"The process which a Nubian goes when he recalls an ID is much different from what a Luhya goes."* Other tribes are easily getting ID's compared with the Nubian community according to him. Another respondent said about ethnicity: *"I feel that if as a youth, we come up with good ideas and good policies and kill the ethnicity animal, things can change! Ethnicity is the main decease, because you see that this is a Kikuyu. You fail to understand that this is just a human being like you, that he is a citizen like you. When you go to buy something in the supermarket, the price that he pays, that is what we also pay, so it means that you are the same. Ethnicity is very bad!! And whoever brings that ethnicity are these politicians."*

7.3.3 Complex grabber identity

It is hard to fight against a land grabber if you are not sure who exactly the grabber is. You can't go to court if you don't know who the one is who wants to or did grab your land. As in

the case of Kabete village in some cases of eviction threats it was hard to find out who was behind the threat. As a respondent said. *“When we followed up to the City Council, we came to find out with the City Council that the threat did not come out from there, they are just using the Logo of the City Council, to come and scare us here. You see people see that logo of City Council, there is fear.”*

In the case of Mitumba the villagers didn't know who ordered the eviction. Over time, private developers came in to develop the area building residential units either for sale or to let.

NGOs

In the case of City Cotton Pamoja Trust said they wanted to support the villagers. It started with a meeting with three elders of the village at the Pamoja office which we attended. The villagers were told they had to go by themselves to do a land search and find out what the LR number (Land Registration number) of their plot is. This LR number has to be asked for at the office of the Ministry of Lands. Even if the villagers knew how to find this LR number, Pamoja Trust had to know that it is hard to get something from a Kenyan government office as a slum dweller and particular the Land Registration Office is notorious for this. No representative of Pamoja Trust wanted to come along to help with this issue. Ralf and me went several days to the office of Pamoja Trust to interview them about the situation and how they worked on the case. First, the communication was not good between Pamoja, the villagers and Kituo Cha Sheria. In the second meeting with Pamoja we asked them if the villagers had done a search for the LR number. In order to avoid having a land case being dismissed by the court one needs this number otherwise a court injunction can't be obtained. A respondent from Pamoja said: *“No, am not sure, they should do a land search first.”* It seems later that Kituo Cha Sheria already had the L.R. Number in their file, this was never communicated with Pamoja Trust and the villagers (see Appendix 11). The villagers tried several times to get in contact with Pamoja Trust, but it was very hard to reach them as we told Pamoja: *“The issue is [a villager] called me, actually several times. That's why he should know we are here because also I was trying to call [employee of Pamoja] but he was not picking my call, so [the villager] actually called me again, again and again...what is going*

on, nobody is talking to him, Muungano people are not calling, though he was promised they would come at two pm. People there at City Cotton are completely in the dark what is going on, nobody is talking to them, nobody told them that they are not coming that Muungano is not coming.” Later during the meeting the employee of Pamoja who works on the case joined the interview. We asked him if he saw the missed calls when we tried to call him that day. “No, I didn’t get any missed calls. Pamoja also wanted to call up Muungano members from other slum areas to prevent further demolition. It took some days to arrange the Muungano members while every night there was a possibility that the gang attackers would finish the demolition. A respondent said about a colleague: “He was arranging yesterday, Muungano members were to attend and I know the president who was leading the team was actually arrested.” He continues after explaining why the president was arrested. “So hopefully now that he is out, because we talked, the meeting today we were with the president, we talked about the City Cotton case. He wanted to know if there is an injunction so we mobilize many people to attend the court sessions, it’s normally good psychologically.” We asked how Muungano actually works: “Is it like they are all can do one event, I mean so many things are happening? Muungano is a big group of people, there are a lot in Nairobi, that is what Muungano Support Trust told me. Isn’t it actually a bit dangerous if let’s say the boss.... something happens, so the whole organization comes to a standstill? A respondent answered: I don’t know what [my colleague] was doing yesterday, because when I spoke to [my colleague] he told me he mobilized the people. They were to go at 2.00 pm, but now they got delayed at the court.” Another respondent continues: Most of them are business people, you see keeping them for the whole day and there businesses are closed, so it wasn’t possible because even everybody left, get back to their businesses and make some money. It was unfortunate, otherwise we were ready...we have around eight Muungano members.” “So there were eight members who wanted to go to City Cotton?”, we asked. “You know, Muungano as a movement is independent. We only assist them on technical issues and perhaps on strategies, so when they mobilize they mobilize on their own.” Another respondent added: “Most of the time we look for who is ready because it also, they have to give some of their time and also their money. We mobilise them, to facilitate them. You see, we are using people who are not employed and getting people there is something. We also need to look a bit from the income part. If they are leaving their work to go to support City

Cotton, what happens to their family? So we are saying, we are facilitating them with a fare of certain amount so that if they are out there, they will be able to go back.” According to a respondent this situation is exceptional, because “in the case of Mitumba, they’ve even done without us.” The respondent continued: “I am just saying it’s an exceptional situation. Usually they are even organised, because even some things happen, they even go to Mombasa without us. By the time we left there [the court] it was around 3.30 and everybody was like, ‘I have to rush back to my job’.” About the NGO Kituo Cha Sheria they said: So far, what we are getting from Kituo, they are yet to apply for a petition. They have not done this yet, because they have to be sure whose land it is. So they did not do a land search yet. But mean while what they have been able to do is serve the Chief and the Principal and the OCS with a letter of they should not evict further, because it seems it’s not even from a court order. The letters to the Area Chief, the OCS, and the Principal of Moi Education Centre are shown in Appendices 8, 9 and 10. They [Kituo] needed to go to court and just have a kind of an injunction to stop [the eviction]. Either they cannot construct the ones who have already been demolished and they can never evict the ones who are still on.” Another respondent added what the villagers themselves can do: “They can even go themselves and deliver a letter to the Chief showing we have lived here for this long and we have a right to be evicted in a dignified way and even the principal when they are many.” He continued: “Sometimes they are so scared that they cannot do it internally, some of them they have already run away, some of them have already ferried their items out of the settlements and especially tenants, so you find very few people remain there. So ours is to help them come together and have that courage to face the situation.” A discussion started about the role of Pamoja: “But you see today as I was speaking to [this villager] again and he told me that actually he was given the letter by Kituo then himself, to deliver it himself. I don’t know if that was really a good idea because you see again they all seem to be quite intimidated...” Pamoja: “It was a good idea.” Interviewer: “That [the villagers] bring it themselves there?” Pamoja: “Yes, but then they would have gone when they are many!” Interviewer: “But they are not.... Actually, two days ago we wanted to interview the school principal, we were stopped not only by security guards, but by gangsters who were taking part in the eviction. They were also threatening us to beat us up, and they told us we have no business there even to see the principal. So my point is, I am not sure if they even would allow [the villager] with a couple of

these people there to come with a letter. They can stop them, they have no legal base that [the villager] needs to deliver that letter there." Pamoja responded: "Kituo knows that. Pamoja was born out of Kituo's initiative that Kituo could not do the extra legal part of it Pamoja should do it, but nowadays we seem not to be communicating to each other because maybe our sending of villagers to Kituo we should have accompanied them or even laid a strategy here that we are going to Kituo but whatever we get from Kituo we are going to be in numbers, even when we are taking the petition to court if you look at the Sinai how we did it, we mobilise almost a whole Nairobi to deliver a petition on Sinai. Just to make it feel the weight of the case, because even the judges, the police, the court clerks have to really ask "what is this" and everybody is now keen. But maybe because of what happened yesterday, because I know Rehema is also very good at mobilising and even strategizing with the community, maybe that's why we lost the group yah. But then all is not lost..." Interviewer: "Let's hope so, let see what will happen tonight with these people." Pamoja: "I don't know what is ahead of us, because we can still strategize to move forward. I think Kituo have tried, they might have given the villagers the letter, but it's our bit to see that Muungano members join the villagers indeed pressure, we pressurize them I suggest and I will seek your guidance on this, I had scheduled some other activities tomorrow in the morning but I intend to be in the City Cotton tomorrow to see the situation." Interviewer: "but I thought you were going there today? You said you were going there by 2.00." Pamoja: "yes but I couldn't go alone, I had to come with a whole mob of Muugano, if I came alone I wouldn't have had much impact as the way I would have come with Muugano." Another respondent from Pamoja: we are not the people in front line, because even if you went on front line today they'll know there is incitement from a foreigner, a Mzungu. So ours is back, take back seat but then and strategize. So this is something we can do, either even going for prayers, sometimes we say they need to go for prayers there, to pray with the victims because now I can call them victims as they also strategize. Sometimes we did that for Mitumba but apart from the people we had come with from other communities, the Mitumba people you remember the way they were. Interviewer: Another problem which I saw now we were talking about help maybe again yesterday accessing the situation, photographing evidence and so on, they were quite a number of people with very bad injuries who were not attended to, there was one man with a broken foot not attended to, he doesn't have money I mean, he doesn't

even have a house anymore. Everything they took and the guy was literally camping since Thursday outside with a broken foot. We saw another woman bleeding also out of her foot.



46 and 47. Wounded villagers City Cotton, after raid. *Photos by Ralf Graf (2013)*

You see actually we saw several people with wounds (see Illustrations 46 and 47) who need actually attention to their wounds like yesterday and they don't have money, nobody assisting them, so I think that is actually even very urgent matters which can be even life threatening to those individuals I would say. There are people who are really...there are even some raped women which seem not to be attended to so I mean the situation yesterday really shocked us was quite something. When you see as well all the situation, the situation of some individuals who are really badly, in a bad shape you know."

Pamoja: The other time for Mitumba we sought help from UN, because Red Cross, when it's an eviction they are never there, you can never get Red Cross. We even wrote a letter and it was delivered to Red Cross but they don't come. So the only way we can maybe seek for that food is maybe UN or among ourselves. On a side note, after this interview we went to the Kenya Red Cross Headquarters to interview them why they were not helping. The Kenya Red Cross (KRC) (the KRC Headquarters are on walking distance from the village), had declined to

provide emergency medical assistance for the severely wounded and homeless people, as we were told by a manager of the KRC that *“This is a Government operation and as Kenya Red Cross is a subsidiary of the Kenyan Government, we will not get involved in this.”* Though, contradictory to this statement, the same manager claimed later that the Red Cross had actually taken already two people to the hospital from the scene, which was found out later not to be true. As we continued with the interview at Pamoja’s office we put them under pressure to finally do something about the situation. A respondent continued: *We can’t get first hand information unless we are there and my suggestion is that tomorrow we go to City Cotton. Then my feeling is that we need to mobilize the Muungano people, even if it is a few people that we can pay their fare out of philanthropy. People who are strong in advocacy, but let’s talk to [member of Muungano] and get as many people who come from around that. We can just walk to that place and converge there around 9.00 am and look first hand if the letters had been delivered what has not been delivered. The letters from Kituo yah, can you call [the villager] and find out?”* As another respondent adds: *“I think that we can do practically, what I’ll do is talk to [the villager] that we are going there. If the letters have not been delivered then we’ll say produce, we go to police and see that the letters are served, if there are people who are injured then we map on the ground.”* Another respondent asked: *“I wonder which side of the road are these gangsters are camping, where are they camping is it from the police station?”* Pamoja Trust seemed to have no clue what was going on in the village, after three days we had to tell them what was the situation. They wanted to get the media involved. *[Name] is our media guy, so we get somebody from the media. You call K24. Another respondent answered: K24, but it belongs to Uhuru and Moi.”* *“Yes, that is a problem, I am really wondering, is the media highlighting? I didn’t see it in the newspapers.”* During the interview [the villager] called. Interviewer: *this is [the villager] by the way, let me put him on speaker phone. We are actually now at Pamoja Trust at a meeting so I put you on a speaker so everybody can hear. So how is the situation now? You are at the police station? Which information have they given to you?”* The villager answered: *“they came to the wrong side of the City Cotton. They took a wrong side! The court order which was sent, it was for another place and they sent it to our place.”* Interviewer: *“That sounds all funny, we think that this might be something to confuse you.”* Villager: *“You understand? Yesterday from where you had parked your car [car of interviewers], there is another slum on the way, the*

one closer to Wilson airport, that slum. Not ours, because ours is City Cotton. They [the other slum] were given a notice and also an order.” Interviewer: “But who is the one initiating the court order?” Villager: “The one issuing it is Moi Education Centre.” Interviewer: “Ok I get it, it is basically for the same plot number [LR number] as where you also are, is it?” Villager: “Yes, we are in the same plot, we were not supposed to be demolished!” “We went to Kituo, we got three letters, one to Moi Education Centre for the Principal, another to the OCS of Langata and another to the Chief. When we got to the Principal we gave it, the Chief was not there, we went to the OCS. When we got to the OCS, he showed us a court order. The court order was written to the auctioneer. You know the problem, he thought he was coming for us. He was telling us that this was the court order and he read it. This way we found out that it was not supposed out place. A side note is that they didn’t got a copy of this court order. Afterwards it seems that there was no official court order at all. It is possible that the document was fake. An employee of Pamoja responded: “Because that story is not making sense, we want to come...we may come with some other people. If it was not an eviction, we can start constructing the houses that were demolished. So what time should we come, is 11 o’clock good?” Villager: “Sawa sawa [OK]!” Pamoja told the villager he should go very early in the morning to Kituo to get the lawyers “before they leave. We shall mobilize people, we can just try to start putting structures up. When we are many, we are saying we are not supposed to be evicted. Once you’ve constructing one, everybody will start constructing his. But before we do that they shall have gone to Kituo Cha Sheria and also get a legal advice.” We discussed what would happen the day after the meeting. Interviewer: Those thugs are still sitting on the fencing material there, you see they brought fencing material already and gathered by those thugs. I mean, those are the ones that got us into trouble two days ago. You see the thing is even to find out tomorrow if those thugs are still there. Pamoja: “Fencing materials, were they to fence the two houses?” Interviewer: Of course not, they were fencing out the whole area, that was their plan and I guess that might be still their plan. Maybe they are playing a mind with him and they might still come tonight. I mean, in the end what is talking, he [the villager] has no evidence in itself. For example, they’ll fence it off tonight, they kick them out and he goes back tomorrow.....but the OCS said so and so. OCS: ‘I said what?’ The guy [villager] should not have been alone, he should have definitely gone with legal assistance.”

The next day we went early in the morning with the villagers to Kituo Cha Sheria to follow up on the court injunction. Kituo Cha Sheria was not able to get a court injunction for more than one week to protect the village from demolishing. Normally this takes one or two days according to some respondents. After the visit at Kituo we went to the village where the meeting was held between the villagers, Pamoja Trust and Muungano. The people who resisted the intimidation by the thugs to leave were all there. People from the village, from Pamoja and from Muungano gave speeches and raised hope that people could rebuild their houses and the threat of demolishing was over. After the meeting there was a tumult when the youth (see Illustration 48) who had protected the village the last nights started to grab land next to the slum.



48. Tumult when youth tried to grab land, City Cotton. *Photo by Ralf Graf (2013)*

They started to put sticks in the ground to demarcate their new plots. They claimed that they had protected the village and they should get their own plots as recognition for this. So while just before their own village was about to be grabbed, they now wanted to grab for their own. After a lot of tumult an employee of Pamoja Trust cooled the situation and the peace within the village remained. He told the youth it was not wise to grab land while the thugs and the police are around the corner watching. As can be seen at Illustration 49 there was a discussion between the youth and the elders of the village coordinated by an employee of Pamoja Trust.



49. Discussion youth and elders after attempt to grab land, City Cotton. *Photo by Ralf Graf (2013)*

And indeed, during these events, people from the Moi Education Centre were watching and talking on the phone. The very night following this day at three AM we got a call from the villager we stayed in contact with. In the early morning of Friday 17th of May, the Mungiki and Kenya police came back to finish the job. With even more violence the village was attacked again. This night, the Mungiki finished the job. When we arrived there, the village was already demolished (see Illustration 51), the residents were driven out and the thugs were starting to fence the area (see Illustration 50).



50 an 51. Fencing evicted City Cotton after demolitions. *Photos by Ralf Graf (2013)*

We went to the field next to the slum area and watched what was going on. On this field outside the new fence the slum dwellers stayed with the little belongings they were able to take when running away (see Illustration 52). The police and the thugs were still in the area while the villagers were not allowed to get their belongings out of their demolished huts. A fight started between the villagers and the Mungiki. Not long after the fight, the village was set on fire which could be seen from a far distance.



52. Evicted villagers City Cotton, camping in a nearby field. *Photo by Ralf Graf (2013)*

7.3.4 Economic – factor

In the case of Kibra it is not only the politicians who are making a lot of money here as a respondent puts it: *and it's not only even a Kenyan interest, even a foreign interest because again a lot of NGOs making money here. That's actually sarcastic reality. So as long as from so many involved party is not willing to really solve the problem, it will not be solved, nothing will change.* Most of the people in Kibra reject the slum upgrading project, because, *“people are not sure that they'll come back to those houses, most of those houses I do believe they'll be bought by the rich people.”* As he continues: *That project [slum upgrading] never started from grass root, you cannot just come with a project and want to enforce it on people. Poor people who even don't have money. When the houses will be completed, how will they pay for the mortgage to live in that house. So that is also a problem which is facing slum upgrading.* In the case of Kabete village people have very little money to live and as can be seen at Illustrations 53 and 54 this is the same in City Cotton.



53 and 54. Poverty in City Cotton. Photos by Ralf Graf (2013)

7.3.5 Technology and communication – factor

In the case of Mitumba some reporters came to the area, but according to a respondent *“they were also afraid. “We don’t know from what but many media are involved in politics.”* Also in the case of City Cotton the media were hard to interest in reporting this situation. Also in this case, according to many respondents the reporters were afraid to come to the area because of the Mungiki and the Police. Besides that, many media are controlled by politicians as is mentioned in the Mitumba case.

7.3.6 Social Cultural – factor

In order to mobilize against land grabbing the community sense is important, but as in Kibera different tribes live together so *“the reasons why not so much exchange in Kibera coz there is not really unity...yah, you see it’s not like the people of Kibera they speak with one voice. There are very opposed interest in Kibera even with the people living here.”*

Organization

City Cotton village was not organized. There was not a capable leader who could manage the village. The elder who supposed to lead this community did in many cases not know what he was doing. Also he was not organized and didn’t take care properly of the proceedings to follow. For example, the leader had not been contacting Kituo Cha Sheria in years while he should have contacted them in the past about another case in court. When we asked him something about the situation, for example about Kituo Cha Sheria, he often couldn’t give an

answer. He gave us sometimes wrong information as well. A side note is that the tension during those days was very high and people didn't sleep properly for nights, which possibly contributed to this confusion. It is also possible that this has to do with lack of education and even people from the NGOs accused him from being corrupted.

Lack of education

In the case of City Cotton the people did not have enough knowledge about land titles and legal processes to be able to fight effectively against land grabbing.

Fear

In the case of Kibra demolitions most of the times happen at night. *"They happen at night, they just come at night when we are sleeping with tractors and they crush your house. Of course they do it at night, you see if they wanted to do it at daytime they might find too much resistance. At night people will normally not go out because it's not safe. So if they come at night with their demolition squads, they will only have to oppose the people who living in those houses they will demolish. So it's basically a tactic I would say."*

Also in the case of Kabete village fear is a reason not to mobilize against land grabbing. Most of the times the land grabbers come on Fridays, but also in the weekend. This is because during the weekend most offices are closed so it is hard to mobilize. *"So before you take action, there is no time. They come at night, mostly they come at night. Some people died in that commotion. You know some children are sleeping; other people are drunk, they don't know what is happening. If the tractors comes, it kills. It is bad! Or if the parents have left the kids sleeping at night, or if the parents are on safari [traveling], when they come they don't care about that. Theirs, is to bulldozer whatever is on, because they have pocketed some money. And you see, these tractors, you can't trace them, because they change numbers. They put a fake number. They normally carry out their mission at night, so that you can't follow up, you can't know who is behind this."*

In the case of Mitumba village the police used violence to evict the residents, as a respondent said: *"They were using even dogs. Some people were bitten, others were injured, so it was brutally war."* In the case of City Cotton we experienced the fear ourselves. We attended a conversation between the villagers and the Mungiki who were protecting the

fence material. When they came to talk to us, I did not know who they were, but it was very soon clear that this were not villagers. I saw the fear in the eyes of the villagers as the conversation started. As can be seen at Illustration 55 a villager looks very worried about what will happen in the near future with her village.



55. Fear in the eyes of a villager. *Photo by Ralf Graf (2013)*

Even as they talked in Swahili it was obvious that the tension was rising fast during the conversation. This happened during our first visit to the area though we already felt before the tension in the village. The Mungiki had attacked the villagers night before and backed up by police shooting with life bullets. The group attacked the settlement around four at night. According to several respondents the thugs were armed with machetes, crowbars, sledgehammers, and all kind of other tools and weapons. They started to break the huts of

the settlement while most of the people were sleeping inside. Several huts collapsed with people inside, while anybody of the inhabitants who resisted was attacked and beaten up by the armed goons. In several huts women were raped according to several respondents. This was the time that the Police came to help the Mungiki. On order of the OCS, the Police started to shoot with live ammunition and started to beat up anybody they could get hold of. The villagers were driven back and the combined force of Kenya Police and Mungiki drove them even out of their village altogether. While the villagers scared for their lives were hiding in the surrounding fields and bushes, the Mungiki continued their work to destroy the village. Each and every hut was searched for valuables, and if anything of value was found it was taken away by the Mungiki, while the Police officers were protecting the looters, in return for a share of the loot. Once the valuables were taken out, the Mungiki started to destroy the huts. As the day became brighter, the villagers counted their ordeal. Shocked villagers wandering around the ruins of a destroyed and looted village (see Illustrations 56 and 57), heavily wounded people lying around, raped women crying, and an uncounted number of people missing. As the leader of the gang had announced that they will come back in the next night to finish the job and destroy the village to the very ground, many villagers decided to look if they could find anything left of their valuables in the ruins and leave the area, fearing for their life's.



56 and 57 City Cotton after raid. *Photos by Ralf Graf (2013)*

Around a week later the thugs finished the demolishing of the village. In the morning hours of Friday 17th of May, the Mungiki and Kenya Police came back to finish the job. With even more violence the village was attacked again. This night, the Mungiki demolished the whole village. Whatever remained in the village was razed to the ground and put onto fire. According to a respondent from Pamoja Trust the slum dwellers are sometimes “so scared,

some of them they have to already run away, some of them have already ferried their items out of the settlements. So you find very few people remain there. So ours is to help them come together and have that courage to face the situation.” Numerous people were drunk and/or on drugs in the village. As much as they were not able to escape physically, they tried to escape by alternative means the fearful and violent reality. Because we were not there before the first attack we don’t know whether the situation was different in normal life.

7.3.7 Demographic - factor

Ethnicity

“Go and count now, most of the houses in Kibera nowadays they are not being owned by the Nubian. But there are specific areas like; Makina, Ndindi, some part of Mashimoni, but as we’re speaking now in Kibera, places have been divided according to tribal. There some places where if you go, you get more of a given tribe. Like Luo if you go round Kisumu Ndogo, Kapekera you’ll find that there are more Luo there.” As he continues: “The big five communities, the largest communities have everything shared amongst themselves. Even in work they share the jobs, “from the boss to the cleaner.”

Population size

In the case of Kabete village the population is small. Also in the case of City Cotton the group was not able to fight against the gangsters because their numbers were too little. This was also because many people had already left and the large number of old people who had nowhere else to go and were not able to transport their belongings to a safer place.

Location

In the case of Mitumba the evicted people went to live in different places as a respondent puts it: *“We are scattered everywhere. Some are living in different villages, so each of us went to where he can get a place to live. To me, I went with my family. I took them to some areas. Like now I am staying with two children. The others I took to their grandmother”.* This way it is hard to mobilize, because the people are not close together and without a lot of money to travel, it is hard to stay in contact with the other evicted people.

8 Discussion

Lack of identity

Nubians are not recognized as an ethnic group in Kenya, and therefore have citizenship documents. Like a respondent said: 'Nubians cannot do any development because we don't have title deeds.' This makes it difficult, if not impossible, to live anywhere else than in informal settlements. The case of the Nubians underlines the point of view of Ghafur (2004) that lack of identity isolates these people to the slum. However, this is changing as more and more Nubians are getting their documentation done. For other ethnic groups lack of identity is not a major factor, where isolation to the slums should be blamed more on socio-economic factors. So even if the Nubians had an identity card, the question would be if it matters.

Government

The government is an important factor in much of the land grabbed through Kenya. Partly, this is due to political motivations. Like one respondent said: *"Tribes in Kenya are a political instrument. In one case Raila Odinga, a Luo, came to Kibra and said that Luo should stop paying house rent to the Nubians."* Off course, this was with the purpose of gaining support by voters, thus maintaining control over local people. Klopp (2000) says that political liberalization is to blame, because the government had to find 'new patronage resources'. The strong linkage of politics with ethnicity in Kenya makes this a particularly difficult issue. However, like Weru (2004) stated, long before the political liberalization the government policy was to supporting or permitting slum evictions. A respondent: *"The biggest land grabbers is the government."* In one case the government grabbed land to build the Kibera Law Court. The evicted never got compensated.

Complex grabber identity

In many cases it's hard to tell who is behind the land grabbing. In one case, villagers of Kabete suspected a Asian man wanted to build a gas station next to an important highway. In the case of City Cotton rumors were that a rich Somali man wanted to buy land to construct houses. But another rumor was that someone wanted to construct a business

district because of the location next to the airport. It's hard to tell because, in line with the view of Cotula et al (2004), of a lack of transparency in contract negotiation which is a breeding ground for corruption. In a culture of corruption, it is in the best interest of the parties involved to remain anonymous.

NGO

The role of NGO's proved very dubious. There are 600 NGO's in Kibra but as a respondent said: 'It's like propaganda, being done for business reasons, money collected over there never reached here. They were saying that Kibra is one big toilet, people are suffering from HIV, go look on Kibera tours. We have been turned into a theme park for slum tourism, they only show the negative aspect of Kibra.' Like Chabal and Daloz in Igoe (2003) stated, since the economical liberalization in the '80's, besides foreign investors also NGO's looked for new ways to resources, *"in a successful adaptation to the condition laid down by foreign donors on the part of local political actors who seek in this way access to new resources."* In this view NGO's are little more than instruments within a system of neopatrimonialism. It works the other way around too, when governments threat to expel NGO's when they unwontedly mix with their interest, like the case of Oxfam in Uganda. However, there are cases where NGO's did do a good job, like Muungano, who effectively mobilized and supported local slum dwellers. Considering the slum upgrading program, Nubian respondents didn't like the top-down decision making. They said: 'give us the land tenure, we will develop.' Local empowerment may proof a better way to slum upgrading. According to Igoe (2003) there is more energy spent in accommodating donor ideas and meeting reporting requirements than in empowering local people. Former government officials now dominate NGO's, which became a 'get rich quick' gimmick for the upper middle class. This also damaged the status NGO's enjoy under the local population. The system of 'neopatrimonialism' seems to be a important obstacle to be dealt with.

Economic

Off course, one of the most important factors, is money. Kibra is right in the middle of Nairobi, and pronounced by the president of Kenya, worth over Ksh70 billion. Not only the pressure of population growth raised land prices, but also increasing economic activity

(Lamba, 1994 and Foley, 2007). Before the economic liberalization that spawned those economic activities, land access was one of the few resources that could be controlled by the elite. With the rising prices, land grabbing was a result (Jenkins, 2006).

9 Conclusion

One of the most important factors is the corruption in all layers, from police to judges, and the impotence of the slum dwellers to defend themselves against these powers. Because of the ongoing urbanization, both due to rising economic activities and to rural Kenyans trying their luck in the big city, land prices have skyrocketed. This makes the area of Kibra, right in the middle of Nairobi, a very attractive investment for investment, local and even international, or a powerful resource for politicians to gain votes by their aligned tribes. The combination of the attractiveness of the land with the lack of an adequate cadastre and title deeds creates an environment of corruption and land grabbing. Slum dwellers have a hard time to go against this land grabbing, because they often lack money, education, and in the case of the Nubians even citizenship. Also, because of the complex grabber identity it's often even hard to know where to go against. They can get help from NGO's for juridical assistance, but like discussed in chapter 7, often the role of NGO's appears dubious or passive at best. The donors of NGO's should look more closely to the effectiveness of their operations and involve local people more in the decision making. However, there are positive examples of NGO's. Muungano is a large NGO that represents 87 communities of slum dwellers. Muungano did make some progress in assisting and mobilizing slum dwellers and the new constitution created a better base in court cases. And although it is not a formal base of landownership, a detailed aerial photograph of a slum with written names on it of present occupiers of the plots, held in the office of Muungano, should help to fight in court against land grabbing. Still, in researched cases the reaction time appeared too long. A 'rapid response team' that can react immediately on an eviction would be a welcome addition. Also, more cooperation and contact between different fractions can create a stronger mobilization. Although the people in the slums are poor the GSM is widely spread. So it must be easy to raise a lot of people to contra attack for instance hired gangsters. Cases of land grabbing and the efforts of slum dwellers in these cases should be more covered in (independent) media. New leadership might change things. In the past seniority in the Kenyan culture dominated the relations in the communities. Nowadays young people do not accept that system anymore. Young bright people should be educated to become leaders in their communities and to represent their communities in politics. In the end, like Klopp

(2000) is arguing, “only Kenyans can ‘save Kenya’, but donors would do well to think critically about the unintended consequences of their interventions” (Klopp, 2000; 22).



58. Will the land grabbing stop with the new president? Photo by Ralf Graf (2013)

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11 Appendices

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Appendix 3: Certificate Self Help Group, NITD Kabete

Appendix 4: Letter District Commissioner to The Chairman of NITD Kabete

Appendix 5: Letter Kenya Airports Authority to Mitumba villagers

Appendix 6: Letter Mitumba villagers to City Council

Appendix 7: Letter Advocates Mitumba to Kenya Airports Authority

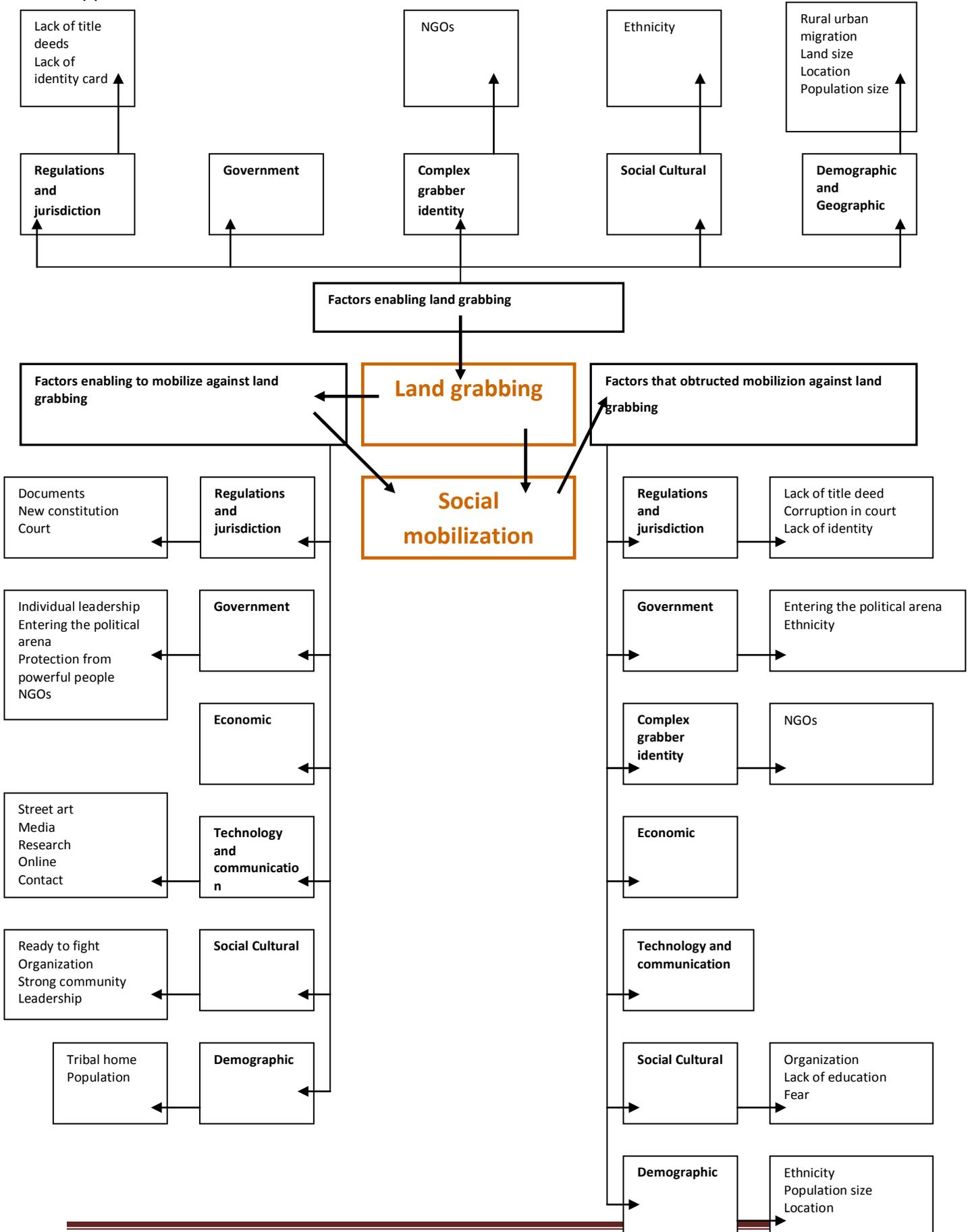
Appendix 8: Letter Kituo Cha Sheria to the Area Chief, Nairobi West

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Appendix 1: Code Tree



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24. Kibera Law Courts. *Photo by Ralf Graf (2013)*

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- 50 and 51. Fencing evicted City Cotton after demolitions. *Photos by Ralf Graf (2013)*
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- 56 and 57. City Cotton after raid. *Photos by Ralf Graf (2013)*
58. Will the land grabbing stop with the new president? *Photo by Ralf Graf (2013)*

Appendix 3: Certificate Self Help Group, NITD Kabete



MINISTRY OF GENDER, SPORTS, CULTURE & SOCIAL SERVICES

Department of Social Services
Nairobi Province
P. O. Box 20430 - 00200
NAIROBI

Date 17 OCTOBER 2007

**Certificate of Self Help
Group / Organisation
NAIROBI PROVINCE**

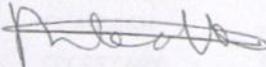
This is to Certify that:-

.....
KABETE N.I.T.D. VILLAGE SELF HELP GROUP
.....

Sub-Location/Ward:- LORESHO

Location: KITSURU Division: WESTLANDS

Is registered with the office of the Provincial Director of Social Services, Nairobi Province as a Self - Help Group/Organisation. This certificate entitles the Group to engage in Social Development Activities under the supervision of Provincial Director of Social Services, Nairobi.

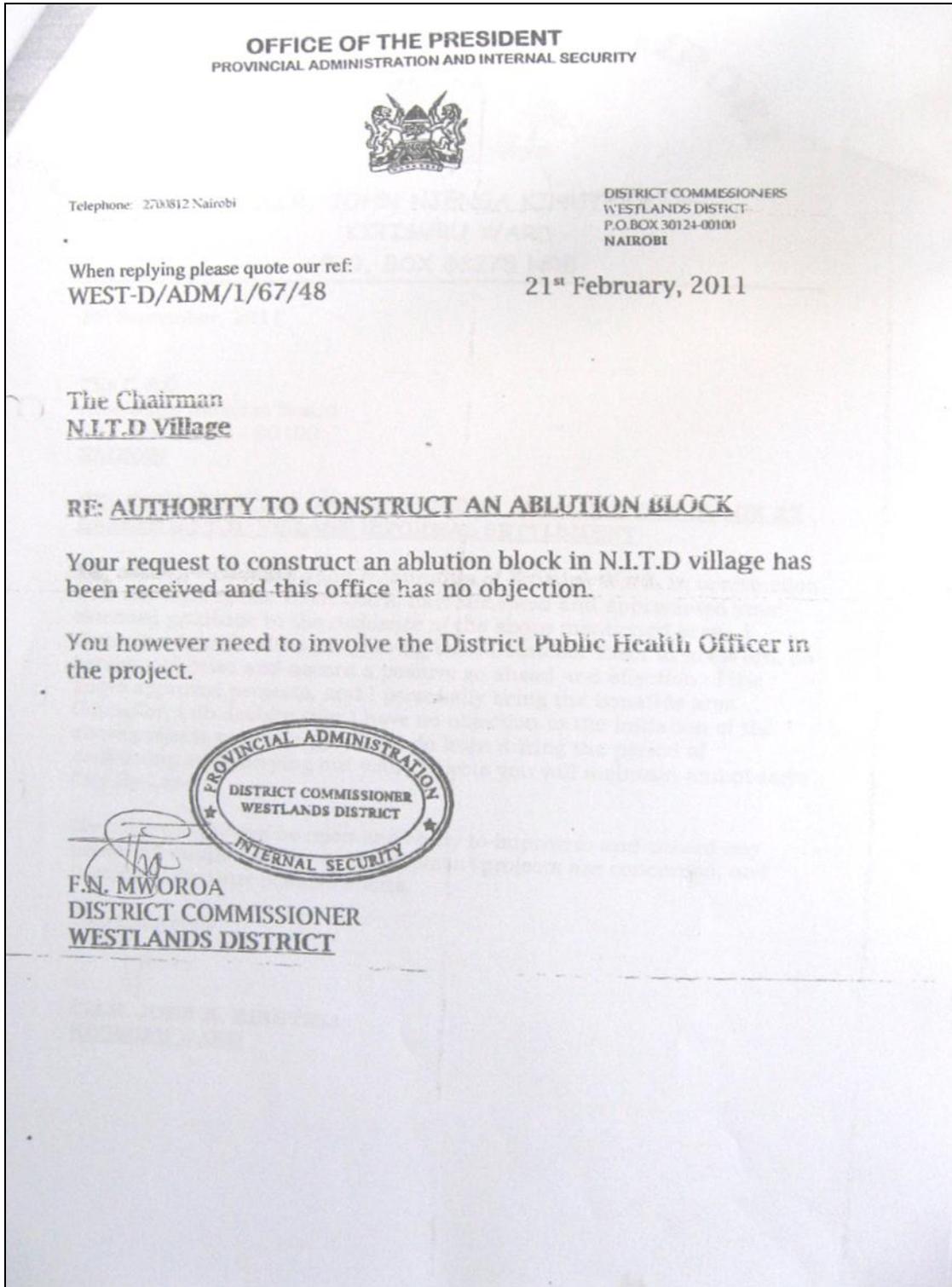

(MUTEA RUKWARU)

.....
Provincial Director of Social Services
Nairobi Province



*Serial Number **16523**

Appendix 4: Letter District Commissioner to The Chairman of NITD Kabete



Appendix 5: Letter Kenya Airports Authority to Mitumba villagers

 **Kenya Airports Authority**

Head Office, Airport North Road
P.O. Box 19001 - 00501 Nairobi, Kenya
Tel: 254 - 020 - 822111 / 6611000 / 6612000
Tel: 254 - 020 - 822078, 827304
E-mail: info@kenyaairports.co.ke
www.kenyaairports.co.ke

PUBLIC NOTICE

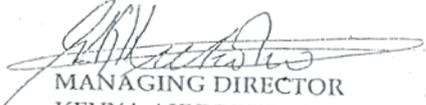
NOTICE TO VACATE PORTION OF LR.NO.209/13080 KNOWN AS MITUMBA VILLAGE AT WILSON AIRPORT

(Pursuant to Civil Aviation Act Cap.394 and the Kenya Airports Authority Act Cap.395 of the of the Laws of Kenya)

Notice is hereby issued to all persons residing or in occupation of all that portion of the parcel LR.NO.209/13080, at Wilson Airport known as Mitumba Village to *immediately* vacate the said Mitumba Village and at the same time remove any structures, erections and installations positioned thereon. This is in the interest of the safety of the occupants of the parcel and that of aviation activities at the airport. It is also intended to enhance the security of the airport and its environs.

Further, NOTICE is hereby issued to any person(s) who has entered, occupied, developed or initiated any activity on the specified portion to cease forthwith any such activity and to further vacate the area within the next Fourteen (14) days.

KINDLY NOTE that by this notice, all the constructions, erections, buildings, materials, animals, and any other installations upon the said portion shall be removed upon the expiry of this Notice at the concerned person(s) own risk as to costs and consequences thereon and without any further notice or warning.


MANAGING DIRECTOR
KENYA AIRPORTS AUTHORITY

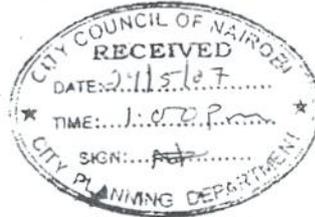
07

Appendix 6: Letter Mitumba villagers to City Council

MITUMBA VILLAGE
P.O BOX
NAIROBI

Date:

.....
.....
.....



Dear Sir / Madam,

RE: APPLICATION FOR OUR LAND ALLOTMENT / TITLE DEED

REF – PLOT N 209/12921 File No. 226958 Mitumba Pry School
PLOT NO 209/12908 File No 176952 Mitumba Village

We residents of Mitumba Village hereby request you to legalize and formalize our present stay at Mitumba Village, formerly a Government piece of land granted to us by the then Nairobi P.C Mr. Fred Waiganjo 15 years ago, in 1992 to date. Our current population stands at 15,000 residents in a plot of 14 /15 acres. We are ready to adhere to the Government's regulations on land policy including structural planning and land-use.

We therefore, look forward to be granted with the above land ownership documents from your office. Granted this document, we shall positively and without fear develop our village by erecting permanent structures including houses, dispensary, resource center, churches as well as upgrading the semi permanent Mitumba Pry School into a modern permanent community school.

The residents on obtaining this documents will also erect an Adult education building as well as a secondary school because we have just enough space to do such developments and community projects.

On the government side, we are appreciative because the Government has known that we are at Mitumba and existing. So the Government has through CDF, initiated community toilets construction project, community water project, community electricity supply and the improvement of the access community in-roads, all for the benefits of Mitumba residents and the school children at Mitumba community school. These projects are all under implementation stage and very soon all will be completed. These services have been given to us by the Government on the pure understanding and realization that we are also Kenyans who deserve such services and settlement rights at this present village of residence.

In this respect Sir, we appeal to your office to revoke any-land allocation or applications from other people or parties which refer to our plots No. indicated herein because they are nothing but land grabbers. They do this dubious applications because they know that we are the only rightful owners of the village but do not have the land title deeds / land

Appendix 7: Letter Advocates Mitumba to Kenya Airports Authority

SOITA & SAENDE
ADVOCATES
COMMISSIONERS FOR OATHS
&
NOTARIES PUBLIC

WILLY SOITA
PROTAS SAENDE GATHEGE
SAMSON KINYANJUI

8th Floor, Hazina Towers
University Way/Monrovia St.
P.O. Box 6425 00100, Nairobi
Tel: (254) -2- 2055602, 2221196
Fax: (254) -2- 2066310
Email: soita@csslawattorneys.com
saende@csslawattorneys.com
www.csslawattorneys.com

Our Ref: BSCS/CIV/555/05/2009
The Managing Director
Kenya Airports Authority
P.O Box 19001-00501
NAIROBI

Your Ref: TBA

Date : 16th September, 2011

Dear Sirs,

RE: **NOTICE TO VACATE L.R NO. 209/13080**

The above matter refers and your notice published in the Daily Nation Newspaper on the 15th and 16th of September, 2011. We act for Mitumba Slum dwellers who have instructed us to address you as hereunder.

That our clients are apprehensive of any drastic action that might be taken by your organisation after the lapse of the fourteen days as indicated on the referenced notice. Thus in spirit of both upholding rule of law peace and harmony amongst all the parties involved they are requesting that a meeting be scheduled to address the implications of the notice on them.

The above is premised on the fact that they have been in occupation for a very long period and you have coexisted in harmony. Furthermore, any attempt to forcefully eject them will not only be in violation of their rights but also contrary to the spirit of this great nation's constitution.

We hope that their request for a meeting will be granted with a view of having a permanent solution to this recurring problem.

Yours Faithfully,
SOITA & SAENDE ADVOCATES


SAMSON KINYANJUI

cc. Client
District Officer- Nairobi west Location
Chief -Nairobi west Location
OCS- Lang'ata Police Station



When replying please quote our reference number.

V.A.T Number 0170343L

S & S
BARAZA SOITA CHAVENGA & SAENDE

PIN P051199861P

Appendix 8: Letter Kituo Cha Sheria to the Area Chief, Nairobi West



KITUO CHA SHERIA
The Centre For Legal Empowerment

NAIROBI: Ole Odume Rd., Off Argwings Kodhek Rd.
P.O. Box 7483 - 00300 Ronald Ngala Nairobi, Kenya.
Tel: 3874191, 3874220, 3876290, Fax: 3876295
Mobile: 0734-874221, 0727-773991
Email: info@kituochasheria.or.ke
Website: www.kituochasheria.or.ke

MOMBASA: Fidelity House,
Kaunda Avenue, Kizingo
P.O. Box 89065 Mombasa, Kenya
Tel: 2230282 Fax: 2230283
Email: msa@kituochasheria.or.ke

EASTLEIGH: Forced Migration Programme,
Hashi Energy Building, Jogoo Road Maziwa Stage.
Tel: +254 - 20 - 2451631
Cell: 0736 867 241, 0720 806 531
Fax: +254 - 20 - 3876295
Email: info@kituochasheria.or.ke

The Area Chief
Nairobi West
Nairobi

15th May 2013

Attention: Damaris

Dear Madam,

RE: VIOLENT EVICTION OF COTTON VILLAGE RESIDENTS

Kituo cha Sheria is a Non- Governmental Organisation dealing with Human rights, Legal Aid and works under the umbrella of access to justice for the poor, marginalised and most vulnerable in the society.

We have been retained by residents of L.R. NO. 209/11207 NAIROBI commonly known as cotton village within your area of jurisdiction. Our instructions are that on 10th May 2013 or thereabouts a group of about 300 armed hooligans were deployed in four Lorries to evict the residents of Cotton Village.

Our instructions are that this was done with your knowledge and consent. Infact, the clients had reported to you on Thursday 8th May 2013 about the rumours of eviction but you shouted at them and dismissed them telling them that the title document does not belong to them.

Please note that under the law of Kenya, the residents of cotton village have the right to continue living on any parcel of land and any ownership contest can only be finally determined by the High Court of Kenya and no one else irrespective of their status in society.

Further, note that the residents' rights were grossly violated and they suffered huge loss and damage under your watch, a situation which is most unfortunate. We shall peruse these violations in Court at the appropriate time.

We have further instructions that our clients have been threatened with further violence until they vacate the area. This is to PUT YOU ON NOTICE that such an eviction should not be repeated under any circumstances. Any land tussles must be addressed through the proper channels being the Courts of Law.

Yours faithfully,
FOR KITUO CHA SHARIA


CAROL MBURUGU
ADVOCATE

DIRECTORS: Ken Nyaundi (Chair), Sally Mbeche, Hannah Kamau, Prof. Saad Yahya, Odenda Lumumba,
Angote N. Gertrude ((AG)ED/Secretary)

We Care for Justice

Appendix 9: Letter Kituo Cha Sheria to the OCS, Langata police station



KITUO CHA SHERIA
The Centre For Legal Empowerment

NAIROBI: Ole Odume Rd., Off Argwings Kodhek Rd.
P.O. Box 7483 - 00300 Ronald Ngala Nairobi, Kenya.
Tel: 3874191, 3874220, 3876290, Fax: 3876295
Mobile: 0734-874221, 0727-773991
Email: info@kituochasheria.or.ke
Website: www.kituochasheria.or.ke

MOMBASA: Fidelity House,
Kaunda Avenue, Kizingo
P.O. Box 89065 Mombasa, Kenya
Tel: 2230282 Fax: 2230283
Email: rnsa@kituochasheria.or.ke

EASTLEIGH: Forced Migration Programme,
Hashi Energy Building, Jogoo Road Maziwa Stage.
Tel: +254 - 20 - 2451631
Cell: 0736 867 241, 0720 806 531
Fax: +254 - 20 - 3876295
Email: info@kituochasheria.or.ke

The OCS
Langata police station
Nairobi

15th May 2013

Dear Sir,

RE: VIOLENT EVICTION OF COTTON VILLAGE RESIDENTS

Kituo cha Sheria is a Non- Governmental Organisation dealing with Human rights, Legal Aid and works under the umbrella of access to justice for the poor, marginalised and most vulnerable in the society.

We have been retained by residents of L.R. NO. 209/11207 NAIROBI commonly known as cotton village within your area of jurisdiction. Our instructions are that on 10th May 2013 or thereabouts a group of about 300 armed hooligans were deployed, and accorded armed security by police officers under your command, to evict the residents of Cotton Village.

Our instructions are that the 300 armed hooligans raided the village, looted property and committed numerous crimes including rape, assault, stole and destruction of property etc and attempted to illegally evict the residents of cotton village.

We need not inform you that it is illegal and unfortunate for police charged with the protection of law and order to be used to oversee such violence on innocent Kenyans whom they ought to instead be protecting. Further, the acts of the 300 hooligans have resulted to loss, damage and violation of numerous rights of the residents of cotton village. We shall peruse these issues in Court at the appropriate time.

We have further instructions that our clients have been threatened with further violence until they vacate the area. This is to PUT YOU ON NOTICE that such an eviction should not be repeated under any circumstances. Any land tussles must be addressed through the proper channels being the Courts of Law.

Yours faithfully,
FOR KITUO CHA SHARIA


CAROL MBURUGU
ADVOCATE

DIRECTORS: Ken Nyaundi (Chair), Sally Mbeche, Hannah Kamau, Prof. Saad Yahya, Odenda Lumumba,
Angote N. Gertrude ((AG)ED/Secretary)

We Care for Justice

Appendix 10: Letter Kituo Cha Sheria to The Principal, Moi Education Centre (MEC)



KITUO CHA SHERIA
The Centre For Legal Empowerment

NAIROBI: Ole Odume Rd., Off Argwings Kodhek Rd.
P.O. Box 7483 - 00300 Ronald Ngala Nairobi, Kenya.
Tel: 3874191, 3874220, 3876290, Fax: 3876295
Mobile: 0734-874221, 0727-773991
Email: info@kituochasheria.or.ke
Website: www.kituochasheria.or.ke

MOMBASA: Fidelity House,
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EASTLEIGH: Forced Migration Programme,
Hashi Energy Building, Jogoo Road Maziwa Stage.
Tel: +254 - 20 - 2451631
Cell: 0736 867 241, 0720 806 531
Fax: +254 - 20 - 3876295
Email: info@kituochasheria.or.ke

The Principal
Moi Education Center
Nairobi

15th May 2013

Dear Sir,

RE: VIOLENT EVICTION OF COTTON VILLAGE RESIDENTS

Kituo cha Sheria is a Non- Governmental Organisation dealing with Human rights, Legal Aid and works under the umbrella of access to justice for the poor, marginalised and most vulnerable in the society.

We have been retained by residents of L.R. NO. 209/11207 NAIROBI commonly known as cotton village which is adjacent to the Center. Our instructions are that on 10th May 2013 or thereabouts a group of about 300 armed hooligans were deployed in four Lorries to evict the residents of Cotton Village.

Our instructions are that the Centre is behind the violence and attempted evictions over ownership and or occupation and or possession of the land in question.

Please note that evictions can only be validly carried out through a court order and after relevant notices have been served. **Take notice** that the violent attempted evictions carried out have resulted to loss, damage and violation of our clients rights which we shall vigorously pursue through appropriate legal channels.

We have further instructions that our clients have been threatened with further violence until they vacate the area. This is to **PUT YOU ON NOTICE** that such an eviction should not be repeated under any circumstances. Any land tussles must be addressed through the proper channels being the Courts of Law.

Yours faithfully,
FOR KITUO CHA SHARIA


CAROL MBURUGU
ADVOCATE

DIRECTORS: Ken Nyaundi (Chair), Sally Mbeche, Hannah Kamau, Prof. Saad Yahya, Odenda Lumumba,
Angote N. Gertrude ((AG)ED/Secretary)

We Care for Justice

Appendix 11: Land Registration Number in file Kituo Cha Sheria

