



**Kenya's March
2013 General
Elections:** A Review
of Major Activities and
Developments in the
Nairobi Slums

Olang Sana

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This booklet is a publication of Friedrich-Ebert-Stiftung (FES), Nairobi. It records observations made before, during and shortly after the national elections in March 2013 by members of the Nairobi Slums Assembly.

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Foreword

This booklet is the third in a series of publications emanating from the programme CAVi is conducting in Nairobi's informal settlements since the year 2008. While "Balaa Mit'aani. The Challenge of Mending Ethnic Relations in the Nairobi Slums" dealt with election-related violence in 2007/2008, "Taking Stock of Socio-Economic Challenges in Nairobi Slums", published in 2012, analysed developments since 2008 and identified threads to fair and peaceful elections in 2013. The current publication presents findings based on reports submitted by members of the Nairobi Slums Residents' Assembly shortly before, during and after the polls. They were trained and prepared by CAVi, and produced a bulk of information which is presented in this booklet in a highly condensed form.

Through its close insight in the way the election process was run and perceived in informal settlements, the publication raises a warning. The fact that manifest violence was diffused effectively and did not occur on a large scale does not imply that tensions and threads had lessened or disappeared. It should not be taken for granted that by now peaceful conduct of elections has established itself as solid pattern guiding future elections. Too many observations speak of blatant violation of election rules perpetrated with impunity. The high reputation institutions such as the election commission and the judiciary enjoyed before the polls, was dented in the process. Taking all the challenges of providing remedy for the observed difficulties and obstacles into consideration, fair elections in 2017 are already a matter of immediate urgency.

The report offers recommendations, directed to government agencies and non-government organizations, derived from the analysis of shortcomings during the national election of 2013. These recommendations also reflect the priorities for the future advocacy efforts of the Nairobi Slums Residents' Assembly, addressing in particular the county government of Nairobi. CAVi and FES will continue their support to the Assembly in its quest for an amendment of the security situation and socio-economic environment in Nairobi's informal settlements.

The Friedrich-Ebert-Stiftung appreciates the cooperation with CAVi and is particularly grateful to Olang Sana, the coordinator of the Assembly and author of this booklet.

Dr. Peter Oesterdiekhoff
Friedrich-Ebert-Stiftung
Resident Representative



Chapter 1



1.0 Introduction

1.0 Introduction

This report is a chronological summary of the major activities and developments recorded by Citizens Against Violence (CAVi) Observatory Team that was deployed to undertake election observation in the months around the general elections held on March 4th 2013. The 30 observers were selected from among the delegates in the Nairobi Slums Leaders Assembly (NASLA), which is a joint programme of CAVi and the Friedrich Ebert Stiftung (FES). The study was confined to 10 slums villages that had experienced the post-election violence of 2007/2008 poll crisis namely Kibera, Kawangware, Kangemi, Mathare, Korogocho, Huruma, Kiambiu, Dandora, Soweto, and Eastleigh.

The main objective of this observational study was to assess the impact of the presidential elections result on slums stability. This particular result was of relevance to stability given a history of bitter political rivalry between the Kikuyu and Luo communities both of whom had produced leading presidential contenders. These were Uhuru Kenyatta (a Kikuyu) of The National Alliance (TNA) and Raila Odinga (a Luo) of Coalition for Reforms and Democracy (CORD).

Besides, the Nairobi's slums had not fully recovered from the election violence of 2007/2008 which erupted over presidential elections results hence there were fears that the unresolved political grievances between the Kikuyu and the Luo would lead to another round of ethnic violence, especially in the slums. The other five positions candidates were running for - Ward Representative, Parliamentarian, Women Representative, Senator and Governor - had comparatively less implications on slums stability compared to the Presidency.

Subsidiary objectives of this observational study were as follows:

- obtain first hand information about the security situation in Nairobi's slums before, during and after the March 2013 polls with particular focus on tensions between ethnic groups. Security is defined, in this context, as the absence of actual or potential threats to the physical safety of the slums residents
- assess which factors increased and reduced tensions and the likelihood of violence in the slums in light of the new Kenyan constitution
- assist CAVi, FES, the Nairobi County Government, development partners and other human rights organisations to design interventions that are relevant to the needs, fears and aspirations of the Nairobi's slums residents after the elections. Recommendations are listed at the end of this report.

This report covers pre- and post-election period from the late February up to mid-May 2013. CAVi observers started their observation on February 21st and were initially intended to continue until March 10th 201 i.e. the day after the announcement of all election results by the Independent Electoral and Boundaries Commission (IEBC). The study was latter extended tto March 31st to include the dispute over the results before the Supreme Court as well as the Court's verdict. Thereafter, 60 delegates in the Nairobi Slums Assembly volunteered to continue monitoring the situation

in the slums up to mid-May 2013. In sum, this report covers pre and post election period up to mid-May 2013.

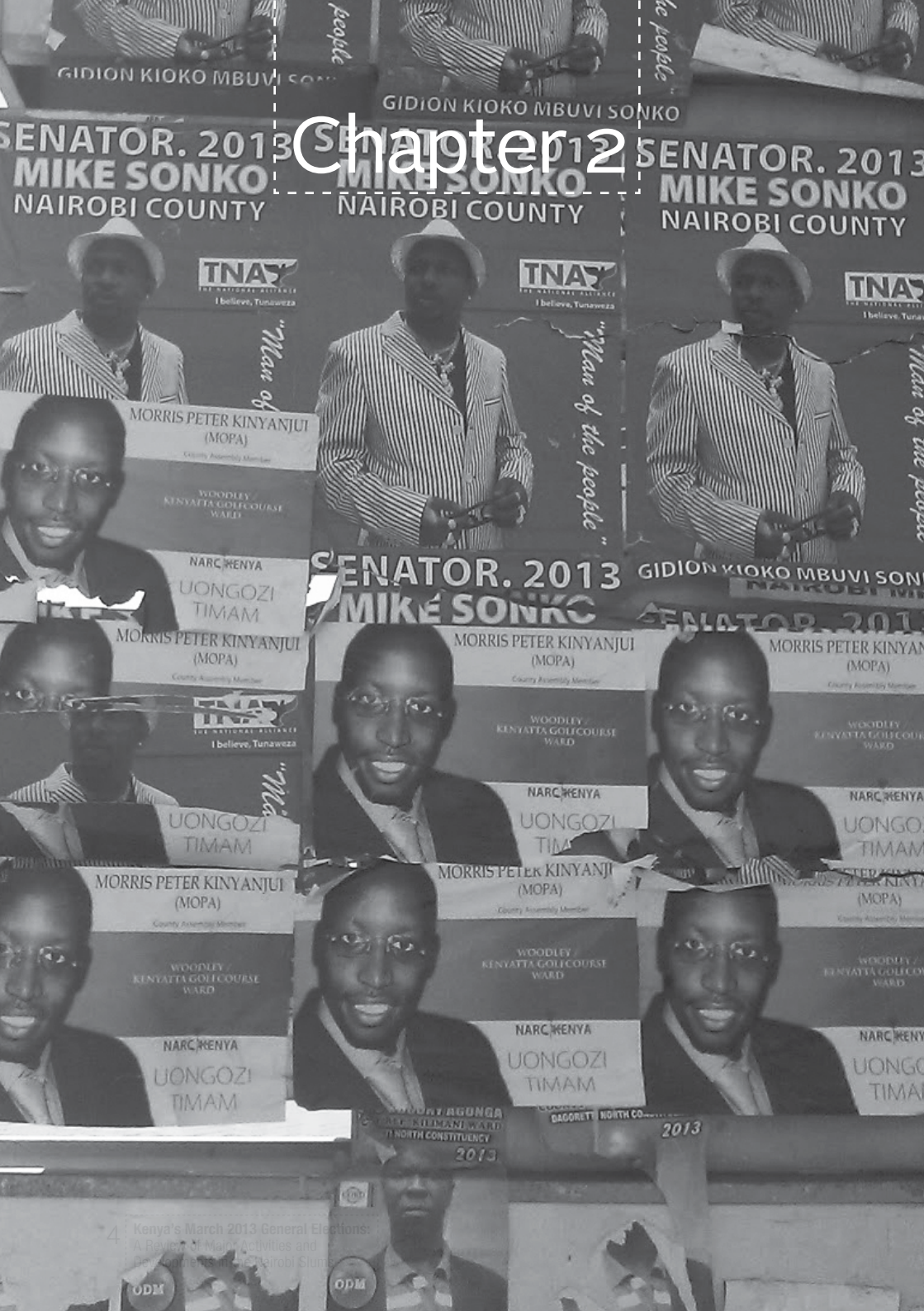
The scope of this study was kept wide in order to give depth to the observation and give a holistic view of the situation in the slums. Thus the observers monitored ethnic relations as well as responses to heightened tensions from police and informal groups. Most chapters in this report include sections on the following themes: -

- Police presence
- landlord—tenants crisis
- civil society efforts
- migration and relocation
- economic situation

In these sections the report draws upon a range of observations including the presence and activities of ethnic militias; the activities and conduct of vigilante groups; landlords-tenants relations; migrations within and out of the slums before and after polling; the presence of the police in the slums during the campaign period and on the polling day and; and response of the police to planned or actual incidents of violence. Further, the observers monitored the use of hate speech and the circulation of written threats and its impact on the ground; political alignment; the reaction of voters to opinion polls; voter turnout (especially among the youth); the circulation of threat or incitement literature; slum residents' confidence in the IEBC; security and order incidents at polling stations; and security situation in the slums during vote tallying process.

Owing to its wide scope, the report does not delve into specificities and is based on generalizations. The author of this report accepts responsibility of any omissions.

Chapter 2



GIDION KIOKO MBUVI SONKO

GIDION KIOKO MBUVI SONKO

SENATOR. 2013
MIKE SONKO
NAIROBI COUNTY

SENATOR. 2013
MIKE SONKO
NAIROBI COUNTY

SENATOR. 2013
MIKE SONKO
NAIROBI COUNTY

TNAA
THE NATIONAL ALLIANCE
I believe, Tunaweza

TNAA
THE NATIONAL ALLIANCE
I believe, Tunaweza

TNAA
THE NATIONAL ALLIANCE
I believe, Tunaweza

MORRIS PETER KINYANJUI
(MOPA)
County Assembly Member

WOODLEY
KENYATTA GOLF COURSE
WARD

NARC KENYA
UONGOZI
TIMAM

MORRIS PETER KINYANJUI
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WARD

WOODLEY
KENYATTA GOLF COURSE
WARD

NARC KENYA
UONGOZI
TIMAM

NARC KENYA
UONGOZI
TIMAM

NARC KENYA
UONGOZI
TIMAM

MORRY AGONGA
MORRY AGONGA WARD
NORTH CONSTITUENCY
2013

SAGORRETTI NORTH CO...
2013

2.0 Activities and Incidents Observed during the Pre-elections Period

Party Primaries

For the purposes of this report, the pre-elections period is designated as the period between January 1st and February 25th i.e. up to the week before the March 4th general elections. During this period, parties contesting the elections were preparing their respective party primaries, most of which were held between January 17th and 21st 2013. CAVi observers were not in the slums yet, but according to media reports, the party primaries were riddled with violence. Candidates struggled for chance to run as candidates for the most popular parties namely Orange Democratic Movement (ODM) and The National Alliance (TNA) were the most popular parties in Nairobi. Consequently, these two parties attracted majority of the candidates and were the most prone to intra-party violence. By the time the party primaries ended and CAVi reporters started their observation

in the slums, severe accusations were held against both ODM and TNA for rigging, unfairness, partisanship, favouritism, and injustice against some candidates.

Yet in the end a majority of the disappointed candidates who were unable to run for the main parties obtained nomination certificates from other parties in their respective coalition: ODM's Coalition for Reforms and Democracy (CORD) and TNA's Jubilee Coalition.

Despite the misgivings, the party primaries left the two main parties coalitions CORD and Jubilee as the most popular parties at the top of opinion polls -not only in the Nairobi slums but also in Nairobi County as a whole. The two coalitions drew their support from two distinct ethnic camps. Luo, Luyiah, Kisii and Kamba population in the slums identified with CORD while the Kikuyu, Meru, Embu and Kalenjin identified with Jubilee. Accordingly, either of these parties was popular in those slums villages where its respective supporters were dominant. As the only noteworthy competitor – Amani Coalition (with presidential flag bearer candidate Musalia Mudavadi) was fairly popular in Kangemi slums where the Luyiah community is a majority, CORD youth subjected Amani Coalition candidates to harassment accusing them of receiving sponsorship from TNA to spoil Raila's chances of winning the presidential race in the first round.

Police presence was generally low during party primaries, a fact which led to a gradual degeneration of the security situation a head of the March polls. Indeed, the police left the candidates and their respective supporters to the devices of their respective parties only intervening occasionally.

Campaigns begin

The contesting parties' actual campaigns began once the party headquarters had issued nomination certificates to the successful candidates. Ward (civic) representatives and parliamentary

candidates organized closed door consultative meetings with their campaign teams and thereafter then with the electorate, to share their manifestos. Only then did the running candidates and their agents pin campaign posters to advertise their candidature. An interesting trend is that majority of the campaign posters were put up – most of them at night. The observatory team reported isolated cases in which candidates mobilized their supporters to tear off and destroy opponents’ posters. A few wealthy contenders used billboards which were fairly secure.

Voter Education

The Independent Electoral and Boundaries Commission (IEBC) conducted a series of meetings with community leaders and with candidates as part of its voter education programme. Meanwhile, the civil society organizations held parallel meetings to sensitize the voters about the uniqueness of the March 2013 elections, to encourage all adult citizens to cast their vote, and to explain the documents the IEBC would require from each potential voter. Besides the IEBC and civil society groups, the media and the candidates also appealed for high voter turnout. The aggregate input of these diverse actors in the run-up to the election contributed to high voter turnout registered in the slums and Nairobi County on March 4th.

Security/Police presence

While the police had kept a low profile up to and during party primaries held at the end of January, the Nairobi’s slums residents witnessed remarkable increase in police presence a month to polling. From the first week of February 2013 the slum-based police stations/posts became more active than before and both day and night police patrols in the slums villages increased. This heavy police presence in all slums arguably aided relatively peaceful campaigns as candidates and their supporters did not want to risk police reprisal. Regrettably, police presence did very little to more generally contain the insecurity

and crime that continued characterise the slums throughout the electioneering process. As noted by one observer, “the police were deployed in the slums to contain electoral violence, not crime”.

Almost all presidential and parliamentary candidates appealed for intra-party unity despite the disappointments with the manner in which the party primaries had been conducted. The candidates also appealed to their supporters to adhere to law and order as requested by the Independent Electoral and Boundaries Commission (IEBC). The post-nominations period therefore witnessed increased efforts of the parties and civil society to ensure peaceful elections campaigns. The churches, human rights organisations and the media played a leading role in this endeavor. Activities including peace walks, workshops with slum-based community leaders and road-shows increased considerably.

Money circulation

Two sources of insecurity were the result of an influx of political parties' money into the slums; firstly opportunistic youth groups seeking handouts formed and secondly criminals were hired. The circulation of campaign money in the slums encouraged “laziness” among the youth. Instead of going to work, the youth organised themselves into fluid groups primarily to tap campaign money from unscrupulous politicians. As the number of these youths increased, the struggle for handout that politicians often “left behind” led to incidents of physical confrontations and injury. Such incidents further destabilised the security situation in the slums. Also, the idle youth who missed handout were blamed for the degenerate levels of security during the electioneering period because they were left with little option but to turn to gang crime to generate income. In selected cases, candidates hired hardened criminals, allegedly equipped with firearms as part of their security measures against opponents. Elections therefore provided employment opportunity for some category of criminals.

Residents' reaction to opinion polls

The weekly release of opinion polls by various pollsters increased political tension in the slums especially between the CORD and TNA supporters. The initial opinion polls indicated that Raila Odinga of CORD was a head of Uhuru Kenyatta of Jubilee by a small margin. Some slums residents thought that the opinion poll results were deliberately manipulated in favor of certain candidates. Ethnically homogeneous groups assembled at specific points (bunges) to discuss the opinion polls and their implications for their favoured candidates in the women representative, gubernatorial and presidential race. The discussions were organized in mother-tongue so as to keep non-members out. Some groups took deliberate measures such as establishing the ethnic background of any stranger to keep away spies from their midst.

The tight competition between the CORD and the Jubilee for dominance in Nairobi County and for the slum votes led to communities to blocking gubernatorial candidates from opponent parties seeking votes in their territories. Despite a changed political context of parties and candidates, the political situation in the Nairobi slums three weeks before the elections was in many ways a replica of the 2007 pre-election scenario when PNU and ODM were the main contenders. To many analysts, it was a continuation of the bitter political rivalry between Kikuyu and Luo which they feared was bound to turn violent again.

Migrations and relocation

Migration occurred both within and out of the slums, largely for fear of violence of 2007 repeating itself. As political tension mounted ahead of the March 4th polls, some slum residents chose to relocate to safer neighborhoods within the slums. In most cases, they relocated from territories dominated by their political ethnic opponents to live temporarily with friends, relatives or kinsmen in those villages

where their community members constituted the majority. But the observation team also noted numerous cases of urban-rural migration especially among the Luo and Luyiah families. These two communities would be the most immediate targets for the Kikuyu attackers in the event of ethnic violence. In most cases, the migrating population had made advance arrangements with their hosts.

Most of the migrants were women and children. Men had to stay behind to protect family property – especially household commodities – in light of the looming insecurity. Many families were apprehensive that violence could break before the March 4th polling day, while others said they were sure the elections would be peaceful, but did not want to take chances. Some families that stayed in the slums had intended to migrate once the schools close.

Landlords-tenants Conflicts

Landlords-tenants tensions have obtained since the elections violence of 2007/2008, deriving from the fact that most tenants are Luo and Luyiah while property owners are predominantly Kikuyu. These tensions also intensified one month to polling. The landlords expressed the fear that the tenants would take advantage of the lawlessness that traditionally associated with the election to either destroy their houses or refuse to pay rent. The fact that majorities of the tenants are Luo and Luyiah while structures owners are predominantly Kikuyu made such prospects real. Some Luo and Luyiah tenants had reportedly threatened to burn down Kikuyu property should Raila Odinga fail to become president.

To avert a crisis, the Kikuyu landlords in a majority of the slums issued verbal vacation notice to tenants under the pretence that they intended to renovate their houses. A spot check of the vacated houses before and after the elections revealed that no renovation work had been undertaken. In Mathare, Huruma, Dandora and Kangemi, the landlords declined to take February rents. Instead, they

were asking the tenants to use it to move elsewhere. In nearly all slums, landlords selectively deliberately increased house rents by 10 and 20 percent, selectively targeting the Luo Luyia and Kamba tenants. But not all targeted tenants moved out of Kikuyu houses to seek accommodation elsewhere.

Economic situation

The prospects of pre-poll violence lead the simultaneous rise in commodity prices. Slums residents were therefore under pressure to purchase and stock crude weapons such as axes, machetes, iron bars, swords, etc to ward off any threats. Arming at the household level increased especially in cosmopolitan slums villages where CORD and Jubilee supporters were either mixed (after migrations) or lived close to each other. On February 24th, one observer counted 67 machetes in Huruma's Kiamaiko village which male residents had bought either from town or from the local supermarkets. 13 people were having their machetes sharpened in a nearby metal workshop before carrying them home. Similar trends were reported in other slums in the countdown to March 2013 polls.

With only a few weeks left before the election day, the presence of uniformed police and of paramilitaries from the general service unit (GSU) increased significantly. The observatory team noted the presence of a GSU lorry on nearly every corner of the slums. The police intensified both night and day patrols especially to contain eminent ethnic violence between the CORD and TNA supporters. Police surveillance was also stepped up to monitor the activities of youths who converged in ethnically homogeneous groups in every slums village to discuss politics.

Money circulation also increased in the slums two weeks to elections. But a notable trend is that Jubilee candidates had notably more money to give out to their supporters than their CORD counterparts. While the Jubilee candidates had received financial support of their

party Coalition, the CORD candidates had to rely on their private funds for campaign expense, a trend that made both CORD candidates and supporters somewhat bitter. As the campaigns intensified, it became a silent rule that a candidate had to give out some money to the youth and women who had attended their political rallies. Those who failed to do so were harassed and abused. On February 21st, for instance, rowdy youth disrupted a political rally organized by Hon. Ferdinand Waitutu in Dandora Phase V. The youth demanded a share of the decent of money over allegations that he had received from Jubilee a lot of money but which he was unwilling to share with them.

Election fraud

During the last two weeks before polling, there were unconfirmed reports that the Jubilee coalition had hired some youths to sneak to CORD-dominated territories with the aim of influencing registered voters to surrender their national Identity cards in exchange for cash (KES. 4, 000). Since Kenyan cannot vote without their national identity cards, the move was designed to disfranchise CORD supporters thus reducing the number of votes that CORD would garner in those wards/constituencies. No person was arrested in connection with these allegations, but a few confessed that they had received between KES 4, 000 and 5, 000 after giving their identity cards to TNA party agents who promised to return them after election day. Meanwhile, theft of national identity cards increased in the slums: in about seven out of ten mugging cases, the criminals targeted national identity cards. The rise of ID theft led to the “Leave the Identity Cards Home” campaign led by CORD candidates.



IEBC
GOVERNOR

IEBC
MEMBER OF NATIONAL ASSEMBLY

IEBC
WOMAN MEMBER OF NATIONAL ASSEMBLY

S
SER

Chapter 3

KEEP
PEACE
ALIVE

3.0 Activities and Incidents Observed During the last week to Elections (Feb. 25th – March 3rd)

Economic situation

In the final week before elections, fear of ethnic violence further increased. Recalling their experience from 2007/2008, slums residents were apprehensive that basic commodities would either become scarce or too expensive to afford should post election violence erupt. Thus the residents flocked to supermarkets to buy whatever basic commodities they could afford. Items such as sugar, posho, paraffin and oil literally quickly ran out of stock in most stores within the slums and shoppers were forced to commute to town to augment their stock. Going by 2007/2008 experience, slums residents were apprehensive that the above basic commodities

or would either get scarce or too expensive to afford in case of a repeat of poll violence.

Migration and relocation

Rates of urban-rural migration surged in the week before the election, presumably because most of the schools had closed for half-term in this last week of February thus opening the slums up for more urban-rural migration. Alarmed by the massive exodus of voters from Raila territories to Western Kenya, some CORD started to prevent Luo and Luyiah from moving out unless they could prove that they had registered as voters in their respective rural homes in Western Kenya. Although a majority of the Kamba did not migrate to Eastern Kenya, they were under pressure to migrate from Kikuyu dominated neighborhoods in fear of violence from TNA youth for betrayal. Residents carrying travelling bags or luggage with the intension of travelling were stopped mid-way and sent back home to wait for the elections.

On February 28th, CORD youth in Dandora even threatened to burn a bus belonging to Mbukinya Bus Company which had been hired to transport slum residents to Western Kenya. The passengers who were already aboard the vehicle were commanded to show their voters cards. And when only a few could do so, youth forced them to disembark and the trip was cancelled. Meanwhile, the Jubilee Coalition hired buses to ferry members of the slums Somali community who live in Eastleigh, Dandora, Kawangware to Garissa and other towns in North Eastern Kenya where they had registered as voters.

Civil society efforts

In response to the heightened fears of violence, civil society organizations intensified their peace campaigns. Church continued

to play a leading role in mobilizing citizens for peaceful elections. A number of local and international organisations deployed election observers to the slums to monitor the pre-elections situation, while the IEBC conducted mock elections in selected slums (including Dandora and Kibera). The widely televised exercise increased the electorates' confidence in the IEBC and its commitment to deliver free, fair and credible elections. The mock elections also revealed that the voters were not adequately prepared for the daunting task of electing six candidates in one polling event, despite the voter education programme run by the IEBC. Besides the voters, the IEBC poll clerks were only recruited and trained in the final two weeks running up to the elections.

Landlord-tenant conflicts

Landlord-tenants conflicts further intensified in the final phase before the elections but did not escalate. Landlords now increased rents between 30 and 40 percent for those tenants who were still unwilling to relocate. Some residents involved Districts Officers, Chiefs and local community leaders to arbitrate the conflict. But most landlords were unwilling to relent, however. Even more houses remained vacant during the last week to elections. Some landlords were seen mending their gates, installing security lights fencing their compound and erecting steel doors in anticipation of violence and destruction.

Citizen's view of Political development

The candidates vying for Ward Representative positions adopted a door-to-door campaign strategy during the last week to elections. Parliamentary candidates also tried this strategy, but it was not as effective for them due to insecurity. As the stipulated campaign period drew to an end, the politicians resorted to wooing voters through caravans on the streets and in the church (Sunday services).

Citizens Views of Political Development

The opinion polls results released in the last week before the elections showed a close race between Uhuru of TNA and Raila of CORD. The polls predicted a runoff between the two candidates because it looked as though neither would garner the mandatory 50 percent plus one vote required for a candidate to be declared outright winner in the first round. As the elections fatigue was already high, some residents wished the election could be concluded during the first round so that they could back to work. Nonetheless, ethnic communities still assembled in groups to discuss the presidential candidates and their chances of winning. In Kawangware 56 mwisho stage, the formerly small group drawn of Luyiah community that often converged here swelled beyond the stage's capacity.

Hate speech and crime

The tension caused by landlords-tenants conflicts led to a hardening of position between the TNA and CORD youth. Both sides began to threaten and insult each other at informal youth gatherings declaring "we cannot accept to be ruled by Kikuyus for ever" and "we cannot accept to be ruled by uncircumcised Luo". Meanwhile, politicians exercised more restraint and avoided hate speech while on political campaigns platform. Impressively, Opponents' campaign convoys even met along narrow slums streets without any incidents of physical or verbal confrontation. Only in an isolated case, two people were stabbed to death when conflict erupted between CORD and TNA youth in the Dandora Phase IV (dumpsite) on February 21st 2013. One of the slain victims wore a CORD T-shirt while the other had a Jubilee T-shirt.

Rumors about the sale of national identity cards continued in all slums but still no suspects were apprehended. Also, ethnic militias did not feature during the entire electioneering process. However, ethnic vigilantes were alerted and asked (by whom?) to ward off

ethnic violence that was widely expected after polling. Ethnic vigilantes also had the responsibility of containing incursions from criminal gangs out to take advantage of the situation, which is something the police was unable to do owing to their narrow focus on political violence.

With only a few days to polling, hate speech between youth groups intensified. CORD youth swore to “deal” with the Kikuyu “should they steal Raila’s votes as they did in 2007”, while Kikuyu groups similarly vowed to deal with CORD youth, especially the *Jaruo* (popular Kikuyu pronunciation of Luo) if they don’t accept defeat in the presidential polls. Unlike the *mjaruo* who were known to own crude weapons, Kikuyu youth declared their readiness to use firearms against their opponents should they get stubborn.

Many Kikuyu residents expressed fear about Raila Odinga’s presidency on the suspicion that they would be deprived of their land and property. CORD supporters expressed dislike for Uhuru Kenyatta reasoning that the “Kikuyu have oppressed the Luo and others since independence. They should not think that Kenya belongs to them alone”. CORD youth were evidently very emotional about Raila’s candidacy; some Luo and Luyiah youths even threatened that the slums would see no peace if Uhuru was elected president and circulated leaflets in Kangemi proclaiming “No Raila, No peace. We can’t accept to be ruled thrice by a Kikuyu”. The tension from the back and forth of threats between the youths only increased the tension. So did the rumour about the circulation of firearms in Mathare and actual recovery of a gun in Kibera during the last week to elections also fanned tension.

Police and vigilantes presence

In the final week before the elections, the government deployed yet more forces to the slums. Police in civilian clothes monitored crowds in all slums neighborhoods that they could on foot and the Inspector

of Police General – David Kimaiyo – himself visited Kibera during the last week to elections, appealed to those with illegal firearms to surrender them to the police, otherwise brute force would be used to retrieve them. To some residents, heavy police presence was intimidating, while other felt it gave them a sense of safety and assurance that all was well.

In Kawangware, Kikuyu minority in Dagorreti North relocated en masse to Dagorreti South for safety. Likewise, the Luo and Luyiah minority in Dagorreti South relocated to Dagorreti North for safety. CORD supporters in the rural parts of Dagoretti (Kikuyuni) relocate to Dagorreti North. Regrettably, heightened police presence did not discourage further migrations and relocations ahead of the March 4th polls.

As the campaign period ended, both CORD and TNA sought to demonstrate their strength in Nairobi Country and especially in the slums where $\frac{3}{4}$ of the county's votes lie. CORD supporters' orange T-shirt and TNA supporters red T-shirt were the most conspicuous party identity colours. The observers made a positive note that the youth wearing orange and red colours would occasionally mix in bus termini or in social places such as bars, cafes etc without engaging in any forms of physical confrontation, but it was evident that tension prevailed between the CORD and Jubilee youths.

The orange and red colors divided Nairobi into nearly two equal political opponents groups. Tension was evident on March 2nd, when both CORD and TNA coalitions held their final campaign rallies in Nairobi - CORD at Nyayo stadium and TNA in Uhuru Park. Youth in orange and red T- shirts hurled rocks and abuses at each other on their way back home. Examples include TNA (Kikuyu youth) calling the Kamba “watermelon” in reference to Kalonzo Musyoka's lack of a strong political stance, and CORD youth called TNA “ATM”.

In summary, the elections closed against suspicions that the Kibaki administration was planning to use state machinery to help TNA rig the elections. However, heavy police presence, the influence of peace caravans, sufficient civic educations and the influence of

peace crusades in the slums helped to cool political temperature even as some residents expected the worst before or after the much awaited March 4th polls.

Chapter 4



4.0 Activities and Incidents Observed on the Polling Day (March 4th)

On the day before the elections, IEBC officials - including the Presiding Officers, Deputy Presiding Officers, Polling Clerks and Security Officers - arrived at various polling stations at about 11:00 AM to make advance arrangements for the elections. Party agents and election observers also made a visit to the stations primarily to acquaint themselves with their respective areas of work. Party agents were the individuals appointed by their respective party offices to provide any forms of assistance to people who wanted to vote for their candidates and to ensure there was no fraud in the polling steams against their parties. Unlike election monitors who are neutral, party agents are very partisan in orientation. Most of the polling stations in the slums were either primary schools or church buildings. For security purposes, these institutions were cordoned off in the afternoon.

Night Vigils

The most historic development in Kenyan voting history was that very large number of voters kept night vigil waiting for the scheduled

voting time. On March 4th at exactly 1: 00 AM, youths raised alarm in nearly all slums villages blowing vuvuzelas, motor horns, and whistles to wake up the remaining voters from their slumber. Others sang, beat drums and made all kinds of noise until a large section of the Nairobi's slum was awake by 2:00 AM. Worried about the long queues, some voters headed straight to the polling station, but since the stations were still closed, they decided to queue outside the gates. By 5:00 AM, queues were long, some stretching on for half a kilometer. The voters demanded that the stations should open by 6:00 AM as announced by the IEBC. However, most of the polling stations only opened between 6:30 and 6:45 AM. Voters were angry and disappointed. In Huruma and Dandora, they even broke the gate and forced themselves inside the polling station as they sung 'haki yetu' (our right) slogan. Since election violence of 2007/2008, this slogan is popularly sung whenever a group of people or activists organize peaceful protests or converge to demand government attention.

Party agents reported at polling stations by 5:45 AM. They went through thorough security checks and scrutiny before they were allowed in. The Presiding Officers displayed the six transparent ballot boxes. The agents confirmed that they had not been filled with any ballot papers before the boxes were marked and arranged accordingly.

Slow Voting and Long Queues

As voting began, there was a lot of pushing on the queues. The voting process soon turned out to be very slow: although IEBC officials and party agents offered assistance, it took over a minute to clear with one voter. In most polling stations, voters complained that the six ballots confused them and a quite a number admitted that they had inserted ballots in the wrong box. Especially illiterate and semi-literate voters experienced immense difficulties.

As queues s grew longer, many voters became anxious. Some impatient voters snuck themselves into the queue because there was nobody to stop them. Meanwhile everyone gave priority to the sick, the disabled, the infirm and women who were pregnant or with

babies. Some women borrowed babies so that they could avoid the long queues while others fainted and one woman even delivered baby while queuing in Kibera. Despite the slow process, voters did not give up although some returned home for breakfast and lunch.

Wherever queues were still long in most polling stations by 6:00 PM (which is when polling stations were scheduled to close) IEBC officials put a mark behind the last queuing person on to allow those already in line to cast their votes however late. Late arrivers were sent away. Most polling stations closed their gates by 6:00 PM. As widely reported in the media, voting continued in some polling stations up to midnight although stations which had less number of registered voters were able to close on time.

Biometric Voter Machines failed

The IEBC introduced the electronic biometric voter register (BVR) machines in the 2013 general elections to minimise election fraud. This is the first time the machines were used in Kenyan election exercise. The machine stored information about each registered voter including place of registration, voting station, identity card number, etc. Primarily, the BVR was designed to control double voting and other related election fraud. However, voters were very disappointed when the electronic machines malfunctioned. The machines failed in most polling stations as early as 11:00 AM causing the IEBC to resort to the manual analogue voter register. This caused further delays as some voters were unsure about how their names were alphabetically arranged in the voter register. Voters also noticed that the IEBC had not sufficiently trained their polling clerks. Some were still being trained on same day in the polling halls especially on how to locate voters' names on the manual register.

Election fraud continues

Despite the heavy presence of observers from the European Union, Election Observation Group (ELOG) and well as the media, there were

multiple cases of malpractice in the polling stations. Some voters did not find their names in the voter register at all and were directed to other polling stations. But in most cases, the voters had not registered where they were sent. Some gave up and returned home while others returned to the original polling stations where they had registered to demand an explanation why they were being denied the right to vote. Some of the disappointed voters wept with frustration. There were allegations against IEBC clerks have deliberately misinformed some voters about their missing names in the manual voter register just to turn them away especially if they were assumed to be TNA or CORD supporters. This trend was observed in areas where either CORD or TNA supporters were the local majority.

At some polling stations, voters found their names had already been crossed off the lists, which denied them the opportunity to exercise their democratic rights. In Kiambu, some voters were being issued with two ballot papers for presidential elections only. Party agents raised alarm and the problem was corrected. Similar issues were noticed in Kibera's Makina ward, which is dominated by TNA supporters. When a voter demanded to know why a polling clerk had issued her with two presidential ballot papers, the clerk apologized and the extra ballot was destroyed.

There were incidents where party agents were not allowed into the polling hall on the grounds that the room had no space to accommodate about 28 party agents which represents the the average number of political parties that participated in the 2013 general elections. In Kibera, the Presiding Officer held a consultative meeting with the agents and they agreed to go in the hall in turns. Some polling stations ran short of ballot papers of all the elective positions in the afternoon and voting was suspended to allow the Presiding Officers to obtain additional ones from the IEBC County office.

Presence of the police and other security forces

Security was very tight in the slums on the election day. The GSU police in full combat gear patrolled slums neighborhoods on military

vans, and motorbikes. Inside polling stations were prison wardens and the regular police. The police did not permit any form of gathering outside polling stations.

According to one observer, this overwhelming presence of the police was so intimidating that it was itself a cause of tension and insecurity. Most of the voters returned home immediately after casting their votes to escape police brutality in case chaos broke in the course of the day. Voter turnout was generally high with voters displaying the ink mark on their fingers boasting “I am a true patriot”. Nevertheless, some registered voters did not cast their votes in protest against fraudulent party nominations. These were typically voters whose favourite candidates had for dubious reasons not made it through the party primaries.

Shops remained closed

Most shops remained closed on polling day. Prices of basic commodities shot up ahead of the declaration of presidential poll result. However, violence did not break in any slum or polling station, thanks to tight security measures and general resolve among citizens to keep the peace. After polling, some residents locked the gates to their houses and closed themselves in the house. They would not open until after the results were announced.

Migration and relocation after polling

A new wave of migration set in hours after the commencement of polling and continued into the next day. The observation team saw men in their hundreds carrying bags and travelling to town to catch upcountry buses. Those interviewed said they were going to wait the poll results with their families who had travelled a head to their homes in Western and Eastern Kenya. Most of them were Luo, Kisii, Luyiah and Kamba, presumably leaving the slums to escape potential post election violence.

Chapter 5

A black and white photograph showing an official from the Independent Electoral and Boundaries Commission (IEBC). The official is seen from the back, wearing a light-colored high-visibility vest with the words "IEBC OFFICIAL" printed in bold, black capital letters. He is standing behind a long wooden table. Several people are seated at the table, some looking towards the official. The setting appears to be a temporary office or registration center, with white fabric walls and a tent-like structure. The lighting is somewhat dim, and the overall atmosphere is one of a busy, official event.

**IEBC
OFFICIAL**

5.0 Activities and Incidents Observed during the Vote Tallying Process

IEBC Mobile phones malfunctioned

Counting began immediately after people had finished casting their votes and started with presidential ballot. The exercise was so tedious that most of the party agents were asleep by the time presidential vote counting ended on March 5th at mid-night. The observers reported that most of the agents were only woken up by the Presiding Officer to sign some forms. The observatory team also noted that IEBC's mobile phones for relaying updates to the national tallying center failed to work due to network problems. Consequently, the presidential poll results were recorded manually and signed by IEBC officials and party agents. Throughout the vote counting process, survey showed that the electorate still retained a lot of trust in IEBC and their capacity to deliver credible elections.

Police Presence

The mungiki (Kikuyu) militia group attempted to provoke ethnic violence in Kiambui slums by setting a Kikuyu house on fire. Residents raised alarm and the arsonist were caught and handed over to the police. Fire incidents occurred in Mathare 4 and Huruma on March 5th at around 8:00 PM. The cause of the fire was established and calm was restored.

As it became apparent that Uhuru was winning on 7th March, the Kikuyu youth made plans on how to respond to threats from Luo youth whom they suspected would use violence to protest the results. Celebrations began on March 6th in slums villages dominated by Uhuru's supporters. Indeed, there were spontaneous massive celebrations and excitement in Mathare, Huruma, Dandora where the Kikuyu, Embu and Meru constitute a majority. Some TNA youth tried to provoke CORD supporters in Mathare North by taking the celebration in their neighborhoods, but the police and community leaders intervened to contain the situation. Despite continuously high police presence, two TNA youths were stabbed with a knife on March 7th for mocking CORD supporters in Korogocho.

Although Nairobian as well as the media expected violent protests from Kibera which is the support base of Raila Odinga, the slum remained calm throughout the voting and vote tallying period. Residents maintained peace even when the IEBC officially declared Uhuru the president on March 9th. A street march from Kibera's Gatwikira village after the IEBC announcement was dispersed by security guards only a minute after it began.

Reaction to the Results

Besides the presence of the police, the public statements by IEBC officials also helped to ease tension. While voting counting was still underway in most polling stations in the slums, the IEBC began to

display the updates of presidential vote tallies on national television screens. Adult male slum residents flocked to community social halls and pubs to watch and discuss results. Tension arose in the slums when Uhuru Kenyatta took the lead, with margins remaining constant. Speculations about poll rigging spread in CORD dominated villages but no violence was reported partly due to continued partly due to heavy security presence in the slums neighborhoods and around the polling stations where voting was still going on.

TNA supporters began to celebrate Uhuru Kenyatta's lead on March 6th, while CORD supports were disappointed with the updates displayed on national television screens. The Luo, Luyia, Kamba and Kisii remained patient in the hope that the IEBC was yet to tally ballots from Raila's strongholds. Speculations about rigging and hacking into BVR machines also spread on March 5th as IEBC admitted they had experienced problems which eventually caused them to resort to manual tallying. A majority of CORD supporters were now influenced to believe that the malfunctioning of the BVR machines was a deliberate move by IEBC to rig the presidential election in disfavor of Raila Odinga.

IEBC Press briefings

The frequent press briefing by the IEBC Chairman and Executive Director helped to ease the tension that had begun to mount on the second day after polling (March 6th). Whatever the misgivings, the electorates were still confident that the IEBC was in control of the tallying process. The results for Ward Representatives and parliamentary positions began to trickle in on the same day but most slum residents were more concerned about the presidential results than the success and failures of Ward Representatives, Members of Parliamentary, Women Representatives, Senators and Governors.

Chapter 6



6.0 Activities and Incidents Observed after the Declaration of Presidential Poll Results

Reaction to Election Results: the Rise and fall of Tensions

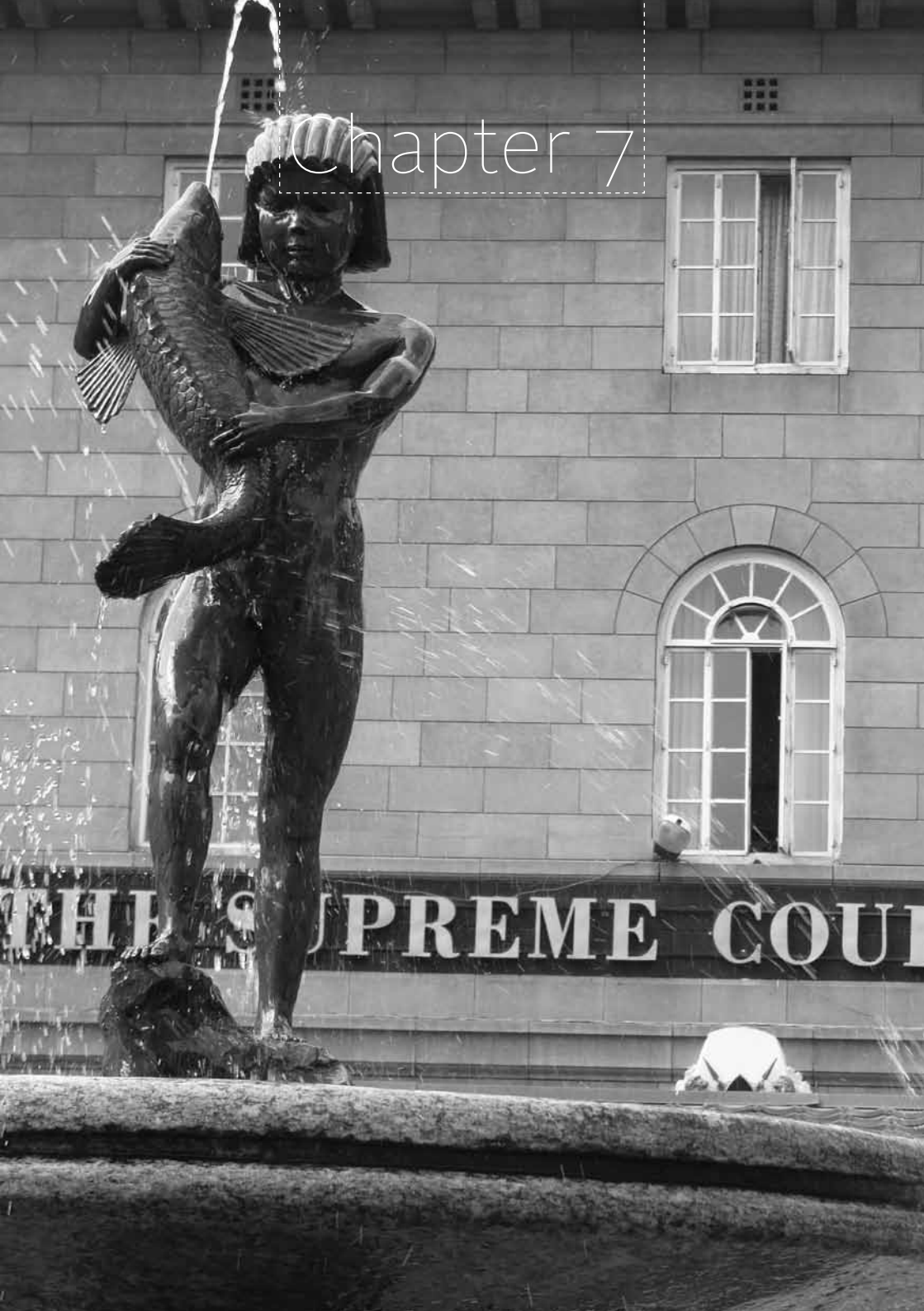
By the time Uhuru Kenyatta was officially declared the president elect on March 9th, the excitement among his supporters had already calmed down a bit because they were exhausted from celebrating the previous days. Nonetheless, the declaration of Uhuru as the winner brought a lot of tension in the slums. Normality was restored only hours later when Raila announced the elections had been marred with fraud and that he would go to court to challenge the results. This brought a lot of hope to CORD supporters who now transferred their faith and trust to the Supreme Court.

Raila Odinga's appeal to his supporters to maintain law and order and his assurance to the media that he would accept the Supreme Court's

verdict contributed immensely to the ease of tensions. Because of widespread rumours that Raila had actually beaten Uhuru Kenyatta by 1.5 million votes which had been “stolen” and added to his opponent’s tally, many CORD supporters were confident that the court would rule in favour of Raila, giving CORD a chance to form the next government. Meanwhile, Uhuru’s supporters and even more moderate supporters of CORD urged Raila to concede defeat and thus allow residents continue with their lives as usual.

Although TNA supporters were worried about the lack of congratulatory messages to Uhuru Kenyatta from the international community, pro-Uhuru slum residents organised public mocking and ridiculing rallies to humiliate the ‘proud’ Luo over their defeat in the presidential polls. Hundreds of Kikuyu boda boda drivers rode their motorbikes across the Luo, Luyiah and Kamba dominated territories after the IEBC had declared Uhuru’s victory. They blew vuvuzelas and mocked Raila as Raia, i.e. just a common citizen like the rest of slum dwellers. One person was severely beaten in Korogocho slum but saved by the police who had intensified patrols in the slums ahead of the IEBC announcement.

Chapter 7



7.0 Commencement of Supreme Court Hearing

The Supreme Court's hearings commenced on March 25th. While Raila Odinga's supporters had lost trust and confidence in the IEBC over what they deemed fraudulent presidential polls, they retained a lot of faith in the Judiciary and its capacity to render an impartial verdict. Although most CORD supporters did not know the other four Supreme Court Judges well, they were confident that being a Kamba, Chief Justice Dr. Willy Mutunga would not let Uhuru Kenyatta get away with a stolen victory. They extolled Dr. Mutunga as reformer, democrat and a brilliant lawyer who had demonstrable record of honesty. All these attributes were to work against Uhuru and his deputy president - William Ruto.

With the start of the hearing, a significant number of CORD supporters within and beyond the slums ceased to go to work for the most of the days of the trial. They watched the court proceedings broadcast on national televisions throughout the day and assembled in ethnically homogeneous groups to discuss the evidence adduced by Raila's lawyers. The accusations levied against Safaricom of being involved in

the presidential poll rigging scheme caused some CORD supporters to discard their Safaricom lines and to switch to other providers.

While the prices of basic goods were still higher than usual, disappointed CORD supporters now initiated an “economic boycott” against Kikuyu goods and products. The products that suffered most were Tuzo and Brookside milk which are produced by companies associated with Uhuru Kenyatta's family. CORD supporters also avoided buying commodities from Kikuyu kiosks or stores in the slums unless it was “very necessary”. They resorted to either buying from fellow kinsmen who had kiosks in the vicinity or from Asians, declaring it was better to deal with a mhindi (Indian) than a Kikuyu. This boycott was a form of non-violence protest against the “rigged” presidential polls and the subsequent declaration of Uhuru Kenyatta as the president despite evidence to the contrary. A number of slum-based businesses run by Kikuyu were forced to close down during the last week of March due to lack of customers.

Migrations and relocations

The remarks by the US President - Barrack Obama after the elections that “Kenya could go the Syrian way” led to speculations over possibilities of a civil war erupting in Kenya after the Supreme Court ruling. A good number of the slum residents who had migrated to their rural homes in Western and Eastern Kenya to escape violence did not return due to uncertainty that still surrounded the Supreme Court ruling. Yet those among the Luo, Luyiah and Kamba who had only “rushed” to their rural homes to vote returned almost immediately – ready to celebrate Raila's victory or to deal with the Kikuyu should they “steal presidential elections again”.

Landlord-tenant conflicts

Selected slums continued to experience tension between landlords and tenants during the Supreme Court hearings. Kikuyu property

owners threatened to evict Luo, Luyiah and Kamba tenants for voting for Raila and several landlords further hiked rents for CORD tenants. Unlike 2007, landlords-tenant relations did not degenerate into widespread violence. This was partly due to heavy police presence but also because both parties were unsure about the likely outcome of the Supreme Court hearing. The general feeling was that Uhuru Kenyatta would be sympathetic to Kikuyu landlords while Raila Odinga would protect the tenants, the majority of whom are Luos and Luyiahs in case of continued tension between landlords and tenants.

Overall, there was an easy calm in the slums a head of the Supreme Court ruling with people speculating that it would ignite violence whichever way it went. A spot check by the CAVi Observatory Team confirmed that most stores were poorly stocked because owners were uncertain about the prospect for sustainable peace and stability after the much awaited ruling. Most businesses incurred significant losses during the post election chaos of 2007/2008 and their owners were wiser this time.

Reaction to the Supreme Court Verdict

The Supreme Court' verdict read by Chief Justice Dr. Willy Mutunga on Saturday March 30th at 5:00 PM affirmed Uhuru Kenyatta as president-elect. The ruling almost immediately ignited violence in selected slums villages such as Mathare-North and Dandora. Disappointed by the verdict, residents in the Luo dominated areas invaded neighboring Kikuyu territories and set their houses and business premises on fire whereby three people (all of them Kikuyu) were seriously injured. In Mukuru, Kisii and Kamba residents who form a majority there burnt down Kikuyu structures in protest against the rigged presidential elections. All along, the Kikuyu refrained from fighting back the Luo aggressors but they put their ethnic vigilantes on high alert just in case the violence went beyond police control. Kikuyu political leaders also urged their kinsmen to refrain from using violence arguing that they had already achieved the victory they had wanted.

The most frightening incident was witnessed in the Mathare slums immediately after the verdict was read (on March 30th) when over 40 Kikuyu youths wielding AK47 riffles shot in the air several times to announce their readiness to deal with the stubborn Luo who did not want to accept Uhuru's presidency. Eye witnesses observed that even the dreaded GSU paramilitary forces had to retreat in order to avoid the wrath of heavily armed youth. The group then disappeared into the slums unhindered.

Police Presence after Supreme Court Verdict

The overwhelming omnipresence of the police helped to uphold law and order. Despite some lapses, the police usually made timely interventions to prevent escalation of violence. As widely captured by the media, police even further intensified patrols both before and immediately after the Supreme Court ruling but minimized use of brute force against offenders. Even so, the police shot and killed three people in the Luo-dominated Mathare slums. Four people incurred severe injuries from police shooting elsewhere, while others were beaten by police in the course of their security surveillance mission after the Supreme Court verdict. These instances of police violence did not attract the attention of the media or human rights organizations possibly because the magnitude of election violence involving slum communities and between the police and slums residents was low compared to 2007 and the incidents were generally isolated. Media attention was instead concentrated on Kibra slums, Kisumu and Luo-dominated areas of Nyanza which have traditionally been associated with political violence in support of Raila Odinga.

Migration

The population that migrated from the slums in the count-down to elections returned at different times but within a spread of three months. A small number that left purposely to vote in Western and

Eastern Kenya returned almost immediately after casting their votes i.e. on March 4th and 5th. A fairly large number returned during Supreme Court Hearing which commenced about a week after the declaration of presidential poll results, while a majority stayed away until early April after the Supreme Court had read the verdict.

Summary

The Supreme Court verdict increased tension in the slums to a level only comparable to the December 30th in 2007 when the Electoral Commission of Kenya declared Kibaki the winner of the presidential race. However, Raila Odinga's re-appearance on national television to address the public after the Supreme Court ruling helped to cool down the tempers of his ardent supporters. In his speech Raila regretted the verdict in view of substantial evidence confirming that presidential poll was rigged in favour of his opponent. Nevertheless, Raila upheld his promise respect the verdict and appealed to his supporters to do the same. The speech was widely interpreted as Raila's official acceptance of defeat.

Chapter 8



8.0 Observed Trends in April and May 2013

Most of the trends observed in the Nairobi slums during April and May 2013 were a response to the Supreme Court's verdict. But there were also new dynamics.

The most critical development was that the Supreme Court verdict left the Nairobi slums very divided. The Luo and the Luyiah now had the Kamba and Kisii on their side, together forming a united CORD across the four ethnic communities. Unlike 2007 when the Kamba joined forces with the Kikuyu to support Kibaki's (Kikuyu) presidency, the CORD Alliance now constituted a decent percentage of Nairobi slums population while the Kikuyu and their only allies - the Kalenjin - are poorly represented in the slums.

Economic situation

The economic boycott of Kikuyu products which began in March after the IEBC's announcement of the election results continued and more

shops closed down in mid- April due to lack of customers. Although the boycott became less severe during the second week of May, many slums residents who identify with the CORD still strictly avoid Kikuyu products, calling the Kikuyu “thieves”. They instead preferred to buy from Asians supermarkets in town despite the high transport cost.

Police Presence: Abrupt withdrawal

The police maintained a heavy presence in the slums during the first two weeks of April - not only to contain ethnic violence but also to ensure all remained calm ahead of the swearing ceremony schedule to take place on April 9th. There were rumours about CORD hooligans planning to cause chaos during the ceremony and about CORD planning to hold a parallel swearing-in ceremony for Raila Odinga at Uhuru Park. In fact, on the day of the ceremony Raila and his running mate Kalonzo Musyoka were on holiday in South Africa, which discouraged CORD supporters from streaming to Uhuru Park.

Thus feared chaos did not erupt. Only after the swearing in ceremony, the police forces were gradually withdrawn from the slums. By the first week of May, the presence of the police on the ground became visually thinner than usual, only highly volatile neighborhoods such as Mathare North, Dandora and Kibera remained under close police surveillance although even here neighborhoods, police was has reduced drastically.

Crime

The abrupt withdrawal of the police came with stark consequences for the residents. As of May 2013, slum residents were experiencing high levels of insecurity and crime. Residents reported that thugs and organized criminals were taking advantage of opportunity created by this reduction of security forces to attack and rob residents with abandon. Residents now demanded that the police whom the government had so heavily deployed to deal with poll chaos should

return to the slums to contain the insecurity caused by organized criminals. Some CAVi delegates reported about the reactivation of ethnic militia groups such as the Mungiki and Kamjesh to deal with rising security challenges in the slums. The government did not respond to these threats. A perhaps less expected security issue was the rise of domestic violence which was widely noted in Kangemi, Kiambiu and Huruma. A majority of the victims of domestic violence were males, which CAVi delegates blamed it on decline in income among these male adults who had been receiving monetary handouts from politicians.

Reaction to the handshake between Raila Odinga and Uhuru Kenyatta

Generally, ethnic tension between the CORD and Jubilee supporters seemed to be easing once Raila Odinga shook hands with Uhuru Kenyatta in State House in April. Despite this symbolic gesture, ethnic animosity was still high in the slums villages. A section of Raila's supporters were very disappointed and even began to suspect that Raila was only instigating ethnic division for personal gain. Others vowed never to vote again after the Supreme Court's disappointing verdict. The boycott of in the slums gradually ended about two weeks after the swearing of Uhuru Kenyatta, members of the CORD family have reluctantly returned to Kikuyu shops and mini-supermarkets to obtain basic commodities.

Economic situation

Despite the ongoing but very gradual improvement in ethnic relations, business was yet to recover fully amidst widespread insecurity and high price of basic commodities. During the second week of May, many people still preferred cash free m-pesa transactions to avoid being robbed. The price of basic commodities such as sugar, cooking oil, posho and vegetables had shot by 30 to 40 percent. The rise in

prices was arguably due to the long uncertainty about potential violence which gripped the slum a week before the election and lasted a full month until Raila's acceptance of Supreme Court verdict.

Landlord-tenant tension

Selected slums villages continued to experience landlords –tenant tensions in April and May as landlords, especially in Kibera, Huruma, Korokocho and Kangemi fulfilled their eviction threats to hike rent by 20 to 50 per cent to Luo, Luyiah and Kamba residents if they vote for Raila. Kibera, Huruma, Korogocho and Kangemi are the most affected by this phenomenon. A few landlords who had sold their land and or property to the Luos or Luyiahs in Kibra before the elections now returned to reclaim their property, additionally intensifying landlords-tenants tension.

Adjusting to reality

Even over a month after Uhuru officially been declared president elect by the Supreme Court, a majority of the Luo, Luyiah and Kamba CORD supporters in the Nairobi slums were yet to come to terms with the reality that Uhuru would be in State House for the next five years as Kibaki's successor. The Luo were especially worried about the political destiny of Raila and their community. A delegate from Kibra slums reported, however, that plans were underway for the area MP elect to step down to allow Raila take his place in parliament and thus not fall into political oblivion. Hopes were raised that Raila would yet replace Uhuru as the next president in 2018 or even sooner as many CORD supporters believed that Uhuru and vice president Ruto would not be able to escape the Hague trails without being convicted. This would then present Raila and his running mate Kalonzo with another opportunity to form the government. Only a much smaller number of CORD supporters have conceded defeat saying that "life must continue" with or without Raila in State House.

Return of civil society work in the slums

The second week of May, 2013 witnessed the return of civil society activity in the slums. A majority – except CAVi, Sisi ni Amani, and select few - had avoided direct involvement in the slums at the height of political tension for fear of security. The civil society led by the church started to convene meetings across ethnic and religious communities to encourage residents to accept Supreme Court verdict as lawful. Selected organizations such as Decentralization and Governance Non-state Actors' Network (DEGONSA) additionally launched citizens' awareness campaigns which seek to empower citizens to understand and protect devolution.

As the slums somewhat settled after months of turbulence, heavy rains have caused severe dislocation especially in the slum villages along river banks. Such serious issues usually call for urgent measures, but slums residents were left without response either from the national or Nairobi County government. In this disappointment, they said “nothing has changed”. The rains also caused severe water shortage (especially in Huruma and Mathare) as well as long hours of power outage which thugs took advantage of, adding to a continued feeling of insecurity in the slums.

Chapter 9



9.0 Summary and Conclusions

The main conclusion from this report is that elections in Kenya can remain free from mass-violence so long as Kenya's citizens, the civil society, politicians and the government are committed to this cause. We also find that the Constitution of Kenya 2010 has contributed considerably to entrenching political values and keeping Kenya upon a democratic trajectory. The main challenge in the slums in the post election period will be to not only monitor ethnic relations but also to identify and address service delivery gaps such as provision of water/sanitation, security, garbage collection, improved housing, healthcare, and security.

Contrary to widespread speculations and fears, the March 2013 elections were far less marred by electoral violence than those of December 2007. Nevertheless, the elections saw a lot of ethnic tensions between CORD and TNA supporters. As this report indicates, the slums experienced tension before, during and after the elections, with presidential race at the centre of attention. The tension led to multiple waves of migrations within and away from the slums

and peaked when the IEBC declared Uhuru's victory which was later affirmed by the Supreme Court. Elaborate how these tensions played out other than through migration – landlord-tenants conflicts, economic boycott, hate speech, occasional violence, etc.

We attribute the relative peace that obtained in the slums throughout the election period to a number of factors. Whereas some analysts praise the overwhelming presence of the state security management apparatus led by the dreaded General Service Unit (GSU) for creating stability, CAVi believes the slums remained peaceful because of residents' collective resolve to respect the rule of law. This resolve was firstly informed by the unfortunate experiences of the 2007's elections violence; secondly by the promulgation and efforts to enforce the new Constitution of Kenya 2010; thirdly by resident's trust in the reformed judiciary (as this is where the election results were finally upheld); and fourthly by many years of voter education and peace building in the slums.

In addition to giving a very direct insight into what was happening in the Nairobi slums around 2013 election, this report has identified three key weaknesses in Kenya's body politic:

- The continued politicisation of ethnicity and two relating to institutions. The ethnic character of Kenyan politics was evidenced by the way voters were mobilized and the resulting stronghold voting pattern.
- Citizens' loss of confidence in the IEBC which was reformed and is crucial for free and fair elections. Accusations of unpreparedness, indecisiveness, and partisanship have left a big dent on the image of the young organisation's image.
- Finally, doubt regarding the impartiality of the Supreme Court's verdict against Raila Odinga has hurt's reputation and political independence.

Put together, these weaknesses don't bode well for long-term political stability in the slums and Kenya at large. Yet we believe that – the government, civil society and the international community can work progressively towards improving the situation and we make recommendations to this effect in the final chapter.

By and large, thus report confirms hopes and the fears CAVi and the FES voiced in advance about the 2013 general elections. For more information please refer to our January 2013 publication entitled – *“Taking Stock of Socio-Economic Challenges in the Nairobi Slums: 2008-2012.”*

Chapter 10



PRESIDENT

SERIAL NO 017413



**MEMBER
OF
NATIONAL ASSEMBLY**

SERIAL NO 120052

10.0 Recommendations by CAVi to Stakeholders

Below are some of the recommendations (to the new Kenyan government, IEBC, and non-governmental organizations from Kenya and abroad) that have emerged from this report. The recommendations are both immediate and long term measures

10.1 Immediate measures with quick results

- The government should constantly keep the slums under close police surveillance throughout Uhuru's tenure as president in order to avert vengeance from Raila Odinga's supporters. The CORD family is still very discontent by the Supreme Court's verdict, which affirmed Uhuru as president elect. They believe the Court was biased against CORD because the lawyers had adduced sufficient evidence to justify nullification of presidential polls. As captured in the report, the slum residents witnessed some of the omissions on the part of the IEBC which

renders the just concluded exercise incredible. The withdrawal of GSU and other forces and reactivation of ethnic militias in the slums, especially the latter, could lead to violent clashes.

- The government should more closely monitor landlords – tenants' relations. Thousands of property owners in the slums had sworn to evict Luo, Luyiah and Kamba tenants from their houses if Uhuru Kenyatta is elected the president as a punishment, while some tenants had promised to never again pay rent to a Kikuyu if Uhuru is elected. If not made true, these threats indicate potential frontlines of ethnicity based violence and/or abuse.
- In view of intolerance and overt hostility between ethnic groups in some villages, human rights organizations, churches, the government and the international community should roll out community reconciliation programmes to make these areas less prone to outbursts of ethnic violence. Peace organizations should especially encourage the CORD supporters to accept Supreme Court's verdict as a way of entrenching the rule of law culture in the nation's young democracy. More importantly, COD supporters should be made to comprehend that accepting to lose an election is essential to democratization processes.

10.2 Long-term Interventions

- The high number of spoilt votes during the concluded general elections points to low level of voter preparedness. A significant number of voters were not adequately informed about voting the process and the challenges involved in electing six candidates at the same time. Thus the IEBC and civil society organizations should undertake better voter education to minimize the number of spoilt votes during the next general elections or by-election.

- The IEBC should in future organize presidential elections on a separate day. Mixing presidential elections with those for other positions was largely responsible for the confusion in the voting hall, long queues, long hours of vote counting, and the electoral malpractices reported. Such a change of the strategy would also ensure that some voters are not locked out of voting process. The IEBC should also recruit more personnel and give them adequate training. In addition, the IEBC should always avail emergency services at polling stations such as first aid kits or hospital Ambulance to respond to emergency situations.
- IEBC should not organize future elections unless they are adequately prepared. Voters expressed their disappointment with the IEBC's biometric voter register (BVR) which failed after only a few hours of use and the malfunctioning of these machines were at the center of CORD supporters' claim about the elections having been rigged. This is understandable given that the manual voter register which IEBC resorted to is not verifiable. Thus, part of the preparation process should involve more rigorous advance testing of the BVR machines, better backup plan, early voter registration, more rigorous education, etc that will be required for the conduct of next general elections.
- The government should to establish an independent commission to investigate the IEBC's conduct in the 2013 elections and the circumstances that led to the malfunctioning of the BVR machines in order to reclaim its credibility. Top IEBC officials should be held accountable for the crisis and forced to resign.
- Police patrols in the slums should be a regular exercise. Deployment of heavy security only during elections followed by immediate withdrawal has led to a surge in crime and demonstrates that the government does not take the security of slum

dwellers seriously.

- Civil society organizations (such as churches), the media and the government should work together to create a sustainable peace and reconciliation movement by preaching peace among communities all the time, not just during elections periods as witnessed in 2013.
- The IEBC should maintain and impartially enforce its tough rules on candidates and political parties. The tough rules i.e. disqualification of any candidate involved in making hate speech or election violence partly account for the relative peace that obtained in the slums during the just concluded elections exercise.
- The IEBC and civil society organizations should roll out programmes to encourage women and to vie for elective positions. Where necessary, civil society organizations should identify and address the problems (e.g violent threats) which are holding women from involving themselves in active politics.
- The government should authorize the IEBC to oversee all intra-party primaries in order to reduce electoral malpractice and violence that characterise the initial part of the election in 2013 as well as 2007.
- IEBC and the police should assure slum residents about their security in order to limit mass exodus which negatively affects voter turnout. Such assurance should come early before the elections commence.
- The Civil society organizations should discourage disappointed supporters of Raila Odinga from “boycotting” future elections. Unless timely interventions are made to address this problem, voter registration and turnout could reduce by a big margin.

- The voting pattern in the slums and countrywide demonstrates that Kenyan political is still very ethnicity-based and therefore prone to ethnic violence- especially given the high stakes on the presidency. This is a serious problem that the civil society should address before the next general elections. One possible solution is to nurture youth political leadership. NGOs should identify promising youth leaders in the slums and provide them with training that will enable become enlightened community leaders and potentially stand for elections in 2018 and beyond.
- The Nairobi County and Central governments should provide efficient service delivery in the slums in order to fill socio-economic gaps which serve as a recipe to recurrent violence and ethnic animosity.
- Civil society organisations should empower the electorate to monitor the performance of their newly elected leaders. The candidates will become more accountable to their election promises if constituencies are able to use the 'recall clause'. This would be a step away from ethnic to programme-based politics.

Citizens Against Violence

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