

Policy Brief

The Impact of Organized Gangs on Social Cohesion in Kenya: Policy Options

March 2018

Summary

This policy brief is written from the findings of a study dubbed 'the Impact of Organized Gangs on Social Cohesion in Kenya' undertaken by the National Cohesion and Integration Commission (NCIC). Kenya's young democracy has been plagued by decades of organised political violence before, during, and after elections. The ethnicization of politics has further exacerbated the problem, with existing organised gangs forming along ethnic lines and claiming to safeguard the interests of their specific communities. Following its worst electoral violence in 2008 borne out of a disputed presidential election, Kenya sought to turn a new leaf and enacted wide-ranging reforms, including the establishment of several Government agencies mandated to make sure that such a scale and magnitude of violence does not recur. The National Cohesion and Integration Commission (NCIC) is one of the Agenda four commissions created in 2008 for this purpose. The country's social fabric has however remained frayed, with election cycles serving as moments of trepidation, in large part because of the threat of election-related violence perpetuated by organized criminal gangs. In this study, the NCIC investigates the impact of organized gangs on social cohesion in Kenya. The study, conducted between November 2016 and June 2017, found that organised gangs are proliferating, are almost 90% mobilised, financed and deployed by politicians; and are a key factor to social disintegration. This policy brief argues that essentially, if politicians withheld their support, the activities of organised gangs would be crippled. The policy brief makes a

number of recommendations to key actors in Kenya, including the Government of Kenya, relevant Statutory Bodies and State Corporations, the civil society and the Private sector.

Introduction

For several decades now, election periods in Kenya have been characterised by violence that undermines the country's peace, cohesion and integration. One of the most destabilising factors has been the proliferation of organised gangs that mete violence and other forms of instability around election cycles.

The phenomenon of organised gangs can be traced to the creation of a youth wing by the Kenya African National Union (KANU), which ruled Kenya from independence in 1963 to 2002. With the advent of multipartyism in the 1990s, the KANU youth wing morphed into a group that was used by ruling party politicians to harass the opposition, using violence to displace and disenfranchise perceived opposition-leaning communities in KANU strongholds. Opposition politicians equally sponsored their own gangs. Most of the organised gangs that emerged in the 1990s were mobilized around ethnic identities, just like the political parties that were formed. They included Mungiki (Kikuyu); Baghdad Boys and the Taliban (Luo); Chinkororo (Kisii); Angola-Musumbiji (Luhya); the Kalenjin Warriors (Kalenjin); the Maasai Morans (Maasai); Kaya Bombo (Coastal Mijikenda); and the Sabaot Land Defence Forces, SLDF (Sabaot) among others. From this period in the 1990s to date,

organised gangs have remained a significant feature of political life in the country. Several efforts to eradicate the menace have not borne much fruit. There were large scale government bans of listed organised gangs in 2002, 2010 and 2016, as well as crackdown on Mungiki in July 2007, following several brutal murders and extortion attributed to them in the Central and Nairobi regions. Still, this did not eradicate organized gang activity. The worst episode came in the 2008 post-election crisis, when over 1,100 people were killed and another 650,000 were displaced following the disputed December 2007 presidential elections. The Commission of Inquiry into Post-Election Violence (CIPEV) Report observed that a significant part of the violence was carried out by criminal gangs supported by politicians in various parts of the country.

With unconfirmed fears to the effect that militias and inter-ethnic tensions were increasing in the preparations for the 2017 General elections in most parts of the country, the Commission sought to investigate the proliferation of organized gangs, and their impact on social cohesion. More specifically, the study sought to interrogate three aspects: the engagement of organized groups in political violence during the election campaigns, the role of organized groups on social cohesion and the preparedness of the state in addressing conflict, violence and insecurity perpetuated by organised gangs in Kenya.

The study was carried in the 15 counties namely Nairobi, Kisumu, Nakuru, Mombasa, Kwale, Bungoma, Kakamega, Siaya, Kiambu, Murang'a, Nyamira, Narok, Kisii, Bomet, and Nyeri between November 2016 and July 2017. The counties were purposively selected based on their history of organized criminal gang activity, their cosmopolitan nature and proclivity for polarization along political

lines. The study employed a mixed methods approach, reaching 1,500 respondents using questionnaires to capture quantitative data, as well as key informant interviews and focus group discussions for qualitative data. Organized gang, in the context of this study, referred to any organized group participating in political violence whether it is formed for a criminal or legitimate purpose.

Increased Proliferation of Organized Gangs amid Continued Operation of Outlawed Criminal Groups

A total of 116 new organized gangs that have participated in political violence were identified in the 15 counties alone, despite the Interior Ministry's 2016 ban of about 90 organized criminal gangs nationally. This points to a rapid proliferation of new organised gangs. Moreover, some of the new groups are reincarnations of previously banned gangs. For instance, Mungiki has rebranded into different gangs with different names, including Quails in Kiambu County, Siafu and Gaza in Nairobi County, and Kwekwe in Murang'a County. A part of the SLDF has also adopted a new name, the 40 brothers.

Surprisingly, this study found some previously banned gangs still in operation. 18, 33 and 90 organised groups were banned by the government in 2002, 2010 and 2016 respectively. The 2002 ban was announced by President Daniel arap Moi, while the Interior Cabinet Secretary made the 2010 and 2016 proscriptions, availing of the powers provided by Section 22(1) of the Prevention of Organized Crimes Act, 2010. The gangs listed in these bans that are still in operation include Mungiki, Chinkororo, Sungusungu, the Taliban, Kosovo Boys and Kamjesh. Moreover, groups that were banned in December 2016 by the Interior Ministry, such as Gaza, Confirm, Kabuchai Defence Force, Boston Boys, Wakali Wao, Super Power and China Squad, were said to be actively involved

in political violence under the patronage of some politicians.

Most respondents (77%) attributed the continued operation of these outlawed gangs to the weak enforcement of domestic laws as well as international legislation. Other reasons given were the inadequate training, inadequate resources and limited deployment of the Special Crimes Prevention Unit (SCPU) officers to the Counties; the support the gangs enjoy from their political patrons, communities and government officials; and the impunity they enjoy in spite of their glaring participation in violent and criminal activities.

There is an indication of linkages between the long-existing gangs and the new ones. One link factor is that some of the members of the old gangs are the organizers and mobilizers of some of the new gangs. For instance, the named founder of the 40 Brothers is said to have formerly been a member of the SLDF. Similarly, some members of Mungiki have been reported to train the young leaders of emerging allied gangs such as Gaza. The Mungiki are also said to have repackaged their public image by adopting a clean-shaven outlook and donning formal attire such as suits.

Strong Patronage by Politicians, Business People and Government Officials

The study revealed that a solid 88.9 of respondents named politicians are the main financiers, mobilisers and beneficiaries of the activities of organized gangs. One key reason why politics is the main thriving factor for organised gangs is the perception of political positions as lucrative jobs rather than opportunities for public service. The situation is further exacerbated by the ethnicization of politics, which is a feature associated with political competition in countries with weak democratic systems (Horowitz, 2010). Kenya's leading political parties draw support from ethnic alliances, and many national and

local politicians have found youth militias and vigilantes a useful tool in enforcing party support and undermining their electoral opponents. The study provides an opportunity for the formulation of policies and strategies that will hamstring the action of organised gangs for more peaceful elections and improved national cohesion in the future.

Politicians support gangs in various ways which include providing training, facilitating meetings, funding, facilitating transportation, paying them salaries and wages, purchasing weapons for them, buying them food, alcohol and drugs, buying and fuelling motorbikes for some of them and even providing office space for the gang members among others. The MCA of one ward in Kisii is for instance said

to have given an office to an organized group next to Mwamutumbi Hotel in the town. Politicians have also engaged ex-servicemen to facilitate the training of organized gangs specifically in physical combat and knife tactics. In other instances, they are reported to pay gyms to offer training to the gang members. Some of the training was reported to take place in public spaces such as school compounds. This figure and the high number suggests that essentially, if politicians withheld their support, gang activities would be crippled

Relatives of politicians were also named as aiding in the mobilization of organized gangs. Several business people were mentioned by respondents as funding organised gangs in further support to specific politicians.

Section 22(1) of the Prevention of Organized Crimes Act provides that "Where the Minister has reasonable grounds to believe that a specified group is engaged in any organised criminal activity under section 3 of this Act, he may, on the advice of the Commissioner of Police, by notice, declare that specified group an organised criminal group for the purposes of this Act."

To sustain these groups, politicians facilitate economic opportunities for gang members, such as control of bus parks, allocation of market stalls and access to contracts, in exchange for their unwavering support. Others implicated are junior government officials such as county *askaris* (security officers) and police officers who are said to be deployed for violent activities by County Governors and other politicians. Some of the groups were alleged to collude with the police. Nevertheless, the role played by these other actors is said to pale in comparison to the activities of the politicians and their affiliated organised political gangs.

Table 1: Supporters of Organized Gangs

n=1500	Q: Who supports organized gangs?	
	Frequency	Percentage
Gang Supporters	1334	88.9
Politicians	434	28.9
Business People	256	17.1
The Police	213	14.2
Community	182	12.1
Government officials	172	11.5
Local leaders	134	8.9
Youth Groups	109	7.3
Elders		

Incorporation of Children, Women, and People Living with Disability in the Gangs

The study showed that organized gangs exploit the innocence and ignorance of children to execute crime and facilitate political violence.

The organized gangs are dominated by members of aged between 18 and 35, who constitute an average of 35%. This is attributable to the fact that gang members need to be strong enough to carry out activities that require the use of force and, many times, outright violence. Another 25% are aged between 36 to 50, mostly people that joined the gangs while younger and have remained members.

The study found that children below 11 are being incorporated into the gangs as conduits of guns, drugs, and illicit brew to avoid attracting police attention, and as spies for the

gang. Although 60% of the organized groups engaged in political violence are composed of men only, 2.5% of the respondents cited some women-only groups, which are used by politicians to heckle and in some cases wreak violence against political opponents. These include the Waremba wa Bukembe in Bungoma County, and Gwara Gwara group of Kibera. Women are also said to be mobilized through their networks. Despite the prevailing assumption that women are less criminally inclined, some organized criminal gangs are now recruiting women in the planning and execution of political operations because they attract less suspicion.

People living with disability were also said to participate in gang membership. They are often charged with masterminding and coordinating the policy directions of the groups. Some of them were able-bodied members who acquired disabilities in the course of executing gang activities and choose to remain in the gangs in adherence to their indoctrination oath, the likelihood of being killed by fellow members upon desertion, or for fear of being arrested, charged and imprisoned for their past activities.

Employment, Ex-Convicts and Ex-Servicemen in Organised Gangs

In an interesting finding, 81% of the respondents were of the view that members of gangs that engage in direct violence on behalf of the politicians are actually employed, particularly in the informal sector. These include members of the *bodaboda* (motorbike taxi) sector, touts, taxi drivers, hawkers, *jua kali* (open air craftsmen) traders and workers of community-based organizations among others. This indicates that although poverty, certainly makes people more vulnerable to recruitment, it is not necessarily the most destitute members of the community that end up in the organised gangs.

Two notable exceptions involve the involvement of ex-convicts and ex-servicemen in gang activities. The Kenya Prisons Service (2007) estimates that nearly 10,000 inmates are released from jail each year. Stereotyped, segregated and ostracised, many ex-convicts find difficulty reintegrating into the society and opt to join gangs to attain a sense of belonging and self-esteem.

On their part, there is a notable involvement of ex-servicemen in the provision of security for politicians. Some of these ex-military and ex-police officers fall into criminal activities using their skills and experience of political violence. Examples cited include that of an ex-GSU officer linked to Wakali Wao in Mombasa County and another ex-GSU officer who coordinated the SLDF in Bungoma County.

Impact of Organised Gangs on Social Cohesion

The study found that organised political gangs have a negative impact on social cohesion at both the community and national levels with 69.2% affirming this assertion.

Respondents identified four ways in which they do this:

a. Organised gangs engage in physical violence, and in addition work to magnify the effect of inflammatory remarks, hate speech and further incitement to violence among the citizens. Some of the activities that gangs engaged in are listed in

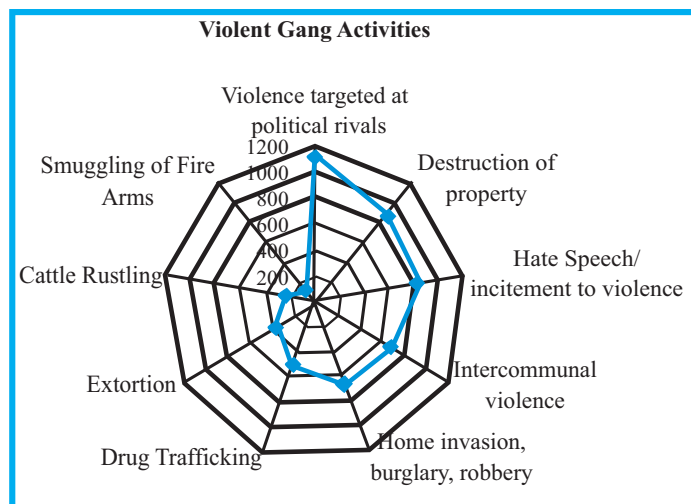
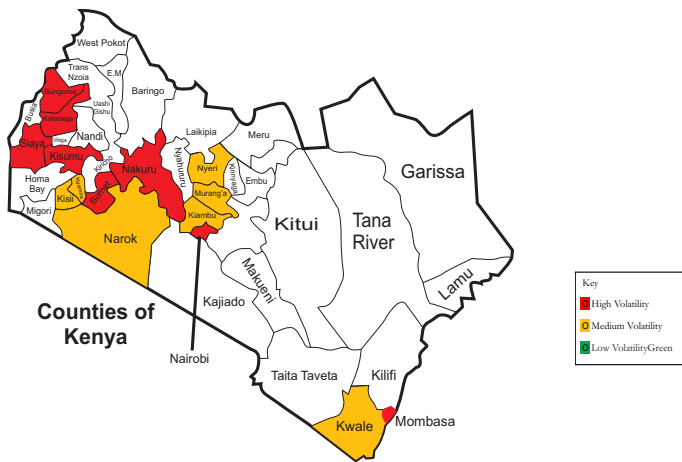


Figure 1: Violent activities executed by organized gangs

- b. The gangs to a large extent aim to modify voter preferences and decisions resulting in a substantial variance of the election outcome. This includes new forms of gangs that push partisan agendas on social media, such as the mysterious group amorphously referred to as “The 36 Bloggers.”
- c. Gangs fortify political zoning, which in turn polarizes communities and balkanizes the country more broadly along ethnic lines.
- d. Gangs induce fear both within the community regarding human and personal safety, and also deter state institutions that would attempt to boldly implement counter measures against the gangs.
- e. Political violence that is facilitated by goons is likely to occur in all the Counties under study albeit in different magnitudes. Map 1 below depicts counties as being highly volatile (in red) and fairly volatile (orange) to gang violence.



Map 1: Level of Volatility of Counties to Political Violence perpetrated by Gangs

Government Preparedness to Stem Organized Gang Activities around the 2017 Elections

In seeking to find out whether state institutions are prepared to deal with organized gangs to avoid destabilizing national cohesion, slightly over half of the sample (51.7%) felt that state apparatus are prepared. 76.7% of the respondents mentioned community policing and Nyumba Kumi as the most recognized interventions at grassroot level. In the same vein, peace committee structures initially operating in districts and later fashioned along the devolved county structures were mentioned by 61.2% of the respondents. Other initiatives include supporting the eradication of illicit arms, banning of illegal gangs, enhancement of penalties for gang related crime and disarmament.

While 51.7% of the respondents observed that the aforementioned initiatives were effectively used to address negative effects of gang violence in Kenya, 48.3% of the respondents argued that the

measures put in place to address gang violence were not effective. In fact, most of them cited several challenges to the success of the aforementioned initiatives including lack of facilitation of the Nyumba Kumi ambassadors; lack of trust in Government institutions; power competition between

state institutions; impunity; poor cordial relations between the police and the citizens; police bureaucracy and negative ethnicity.

Conclusion

Organized gang activity undermines social cohesion within the community, between various ethnic groups, between Counties, as well as within and towards state institutions. Organized gangs disrupt peace by contributing to lawlessness, increased insecurity, tensions and violence within and between ethnicities. Their continued operation ahead of the 2017 elections undermines peoples' trust in democracy and state institutions.

POLICY OPTIONS

This study offers an opportunity for Kenya to make organised political violence history. The recommendations presented in this policy brief can mark the first steps towards this vision of a more peaceful future if all the actors play their role, led by the National Government, which is charged with overseeing the country's policy direction, including its peace and security policy.

The NCIC urges relevant policy-makers and other stakeholders in the field of peace and cohesion, to tune their interventions, curricula and programmes to the cohesion and integration needs of communities in Kenya by implementing the following policy recommendations.

To the National Government of Kenya

1. Strengthen community policing and the Nyumba Kumi Initiative through further facilitation and more coordinated support of the programme. Set up a public vetting process of the members of Nyumba Kumi, peace committees and community policing. Require County Commissioners to follow up on activities of ex-servicemen. (Ministry of Interior and Coordination of National Government)

2. Institute a social welfare scheme targeting jobless and underemployed youth to reduce their propensity for instrumentalisation of gang violence. (Ministry of Public Service, Youth and Gender Affairs)
3. Institute mechanisms that enable schools to monitor and prevent the potential participation of school going children in organised gangs, as well as political and ethnic radicalisation at an early age. Implement the ban of the use of school buses and school grounds for political purposes. Enhance the implementation of peace education in schools. Enhance public awareness on national values, ensure implementation of national values in schools and other public institutions. (Ministry of Education)

To the County Governments

1. Work with the Senate and the Ministry of Interior and Coordination of National Government to fast track the operationalisation of the County Policing Authority (CPA) in all counties.
2. Ensure harmonization of administrative and electoral boundaries in collaboration with the IEBC and the Senate.
3. Invest in the social welfare of both skilled and unskilled youth to discourage participation in organised gang membership

To Parliament

1. Establish mechanisms for apportioning individual responsibility of supporters and mobilizers of gangs for all the destruction undertaken by gangs under their instruction; among others.
2. Review the National Cohesion and

Integration Act (no.12 of 2008) to include NCIC as one of the public institutions that vet and clear candidates vying for political office. This would help increase the chances of electing a critical mass of leaders who support national cohesion.

To the Security Agencies

1. Undertake a systematic clean-up of arms in circulation. Use digital means to identify, track and impound illegal guns on the trade trajectories. (The Kenya National Focal Point on Small Arms and Light Weapons (KNFP))
2. Enhance information gathering, continual investigation and efforts to penetrate and de-mobilize organized gangs. Work with the Kenya Police Service and the Interior Cabinet Secretary to eradicate all organised criminal gangs for enhanced national security and cohesion. (The National Intelligence Service (NIS))
3. Adopt systematic, comprehensive and regular profiling of gangs. Increase initiatives geared towards enhancing the relationship between the community and the security personnel. Develop a policy in regard to measures that can be implemented following proscription of criminal gangs. Undertake regular transfers of officers to minimise co-option of police officers into the activities of or protection for organised gangs. (Kenya Police Service (KPS))
4. Enforce strict measures in dealing with deviant police officers. Create a place for the Independent Policing Oversight Authority (IPOA) in the County security teams. (IPOA)
5. Coordinate effective implementation of the National Counter terrorism strategy. Undertake public awareness

to enhance knowledge on Counter-terrorism programmes. (National Counter-Terrorism Centre (NCTC))

To Statutory Bodies and State Corporations

1. Lobby parliament and the executive to transform Kenya's political structure from one that provides lucrative remuneration for elected politicians to one that emphasises public service. Efforts by the Salaries and Remuneration Commission (SRC) to de-incentivise the sector could reduce the “do-or-die” attitude with which Kenyan politicians approach elections, as well as the attendant use of political violence. (SRC)
2. Enforce the established electoral code of conduct without fear or favour. Issue strong warnings to politicians alleged to use, finance or control organised political gangs and penalise those found culpable (Independent Electoral and Boundaries Commission (IEBC)).
3. Strengthen the implementation of the Integrity and Ethics Act. Enhance public awareness on national values, ensure implementation of national values in schools and other public institutions. Enforce Chapter Six of the Constitution on Leadership and Integrity with greater zeal and take action on leaders that violate it (Ethics and Anti-Corruption Commission, EACC).
4. Monitor the conduct of politicians, in close collaboration with the NCIC and enforce penalties for those in breach of Chapter 6 of the Constitution on Leadership and Integrity (Office of the Registrar of Political Parties, ORPP).
5. Develop sensitization programmes

on the role of persons living with disability in peace, cohesion and conflict management (National Gender and Equality Commission, NGEC).

6. Develop sensitization programmes on the role of persons living with disability in peace, cohesion and conflict management (National Council for Persons Living with Disability, NCPWD).
7. Collaborate with the police, County officials and communities to map and rehabilitate children who are participating in gangs (National Council for Children Services, NCCS).
8. There is need to undertake further robust research on the involvement of school-going children, employed youths and women in gangs. In addition, there is need to examine why gangs are still in operation even after their proscription and investigate the increased role of women in organised gangs. (Policy research institutes and Universities).

To the National Cohesion and Integration Commission (NCIC)

1. Enhance public awareness on national values, ensure implementation of national values in schools and other public institutions.
2. Lobby Parliament to review the National Cohesion and Integration Act (no.12 of 2008) to include NCIC as one of the public institutions that vet and clear to candidates vying for political office. This would help increase the chances of electing a critical mass of leaders who support national cohesion.
3. Enhance partnership with community organizations.

To the Civil Society, Religious Agencies and the Private Sector

1. Enhance civic education and public awareness on the effects of gang violence. Implement programmes that aim at bettering community-security agency relations. Moot integration and rehabilitation programmes on prison returnees and gang reformists (Civil Society Organizations).
2. Partner with CSOs to implement peace projects. Jointly introduce sustainable ideas regarding livelihoods and opportunities for the local community (Private sector).
3. Create entrepreneurial and skill building programs targeting vulnerable young people. Enhance education on non-violence and other values. Devise rehabilitation and reintegration programmes for people who have participated in gang membership (Religious groups).
4. Conceptualize and implement community-level interventions that seek to counter the vulnerability of community members to join gangs and participate in political violence (CSOs, Religious Agencies & Private Sector)

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ABOUT NATIONAL COHESION AND INTEGRATION COMMISSION

The National Cohesion and Integration Commission (NCIC) is a statutory body established under the National Cohesion and Integration Act No.12 of 2008. NCIC is mandated to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic, religious and racial communities of Kenya, and to advise the Government on all aspects thereof.

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