

Kenya as a country criminology essay

[Law](#), [Criminology](#)



1. 1 INTRODUCTION

Kenya as a country is faced by threats and challenges of organized gangs. The government of Kenya through its police force listed a total of 33 groups as organized gangs that conducts their criminal activities in Kenya. These groups include but not limited to Al-Shabaab, Baghdad Boys, Chinkororo, Congo by Force, Jeshi la Mzee, Kamjesh, Kosovo Boys, Mombasa Republican Council, Sabaot Land Defence Force, Sungu Sungu, Taliban and the Mungiki sect (Crisis Group, 2008). Of the 33 outlawed gangs, the Mungiki sect has come out to be the most formidable gang since its inception in the late 1980s. The sect has its origin from the central part of Kenya which is habited by the Kikuyu tribe; the biggest ethnic group in Kenya as per 2009 census information. Details pertaining origin of Mungiki is disputed since the Sect's activities are highly secretive as informants are always timid to talk of their activities as this can attract retribution from the group. Importantly, according to Alston (2009), the Mungiki is said to have been formed by a group of six students in 1987. The group was led by a 15 year old Ndura Waruinge who was a grandson of Waruinge a Mau Mau Movement General (Mau Mau was anti-colonial movement that fought for Kenya's independence). For that case, the Sect borrowed the principles of the Mau Mau movement as it became anti-Western, anti-imperialist, anti-British and anti-American in terms of their principles. Moreover, it criticizes and snubs Christianity as it champions to the return to their African traditional practices, beliefs and traditions. This was affirmed by Crisis Group (2008) on their study on the Mungiki who described it as a religious organization with aspirations ranging from socio-economic to political and religio-cultural

liberation. Nonetheless, in respect to political liberation, Anderson (2002) noted that its founding leader Ndura Waruinge was a radical activist in politics and today, it remains a politicized movement that use violence, intimidation and criminal means to attain its goals. It has been able to solidify its base by administering oaths that are taken to be spiritual to its members. On other hand, it was considered by Wamue (2001) that the Sect is a social movement that was formed as a reprisal to the dictatorship rule of President Moi's one party system. However, Ndura Waruinge in the early 2000's defected from the Sect and joined mainstream politics as Maina Njenga became its leader (Crisis Group, 2008). Main Njenga according to Wamue (2003) is considered a prophet and charismatic leader hence he is highly worshiped by the Sect members. For that reason, he helped in the sprouting of the Sect operations beyond Central province of Kenya. Despite having started its operation in the Central province of Kenya, the Sect has spread its activities to other parts and currently it has solidified its operations in the informal settlements of the Kenya's capital city (Nairobi) which include but not limited to Dandora, Mlango Kubwa, Mathare, Kayole and Githurai. It has also spread its wings to other provinces which include Rift valley notably in Nakuru, Nyahururu, Laikipia, Naivasha and Eldoret towns (Wamue, 2001). As such, it is important that threats and challenges of the organised crime particularly the Mungiki should be understood to facilitate their control thus the rationale for this study. Given this background, the study looked at the issues surrounding the organised crime situation in Kenya with specific alignment to assessing the threats and challenges such crime activities pose to the public. As such, the aim of this

study was to assess the threats and challenges of organized crime groups in Kenya by specifically highlighting the extent by which the Mungiki has affected the social, political and economic landscape in the Kenyan context. For that case, the main research objective of the study was to examine threats presented by the Mungiki organised criminal gang to the immediate communities. Moreover, it looked at the challenges faced by the local and national authorities in trying to tame and combat their activities. Moreover, other specific objectives such as establishing how ‘organised crime’ is carried out in Kenya also formed a basis for the study. Furthermore, the study determined threats presented by organised crime in addition to establishing how organised crime affects the political, economic and social-cultural structures in Kenya. Furthermore, establishing challenges that the government of Kenya face in combating organised crime and determining how organised crime could be combated through offering possible solutions also formed the basis for the study. The paper is presented in form of Chapters and Sub-Chapters. Chapter one presents its background which provides the rationale for the study. Moreover, it goes ahead to present study’s aim and objectives to which the research was based on. Lastly, it provides brief summaries of other chapters of the dissertation. Chapter two critically analyses the literature surrounding organised crime in Kenya by examining how this crime is organised, threats presented by the Sect, its effects on political, economic and social-cultural structures in the country and the possible solutions. Furthermore, it goes a head to analyse various criminal theories that tries to explain and justify activities of the organised crime in the Kenyan context. Nonetheless, theoretical and conceptual

frameworks are provided in the chapter that explain the relationship of the organised crime and other aspects of life. Lastly, the chapter highlights various research gaps identified in the reviewed literature on which the study sought to fill. Chapter three on the other hand outlines the methods utilized in collecting, analyzing and presenting data. As such, the study population, sample, sampling methods and the research design are discussed in this chapter. Chapter four presents' results of the study inform of tables, graphs and charts that were extrapolated from SPSS which is a statistical package for data analysis. Lastly, chapter five and six presents recommendations and conclusion of the study respectively.

2. 0 CHAPTER TWO: LITERATURE REVIEW

2. 1 Introduction

Organised crime is one of the oldest crimes in human history dating back to the 17th and 18th centuries (Duyne, 1996). It emerged out of the power vacuum created by the absence of state enforcement allowing criminal gangs to provide primitive state services with higher economic gains as opposed to those associated with modern governance. This situation is not far from the one in Kenya where the recent economic hardships and escalating inflation have left ordinary Kenyans with few channels through which to scratch for a living. Indeed, whereas over the recent years Kenya has experienced considerable progress towards crime prevention, at the same time ethnic wars, extreme poverty and inequality, negative ethnicity, banditry, climate change and the continuous risks of escalating violence and conflict have continued to threaten its progress. This has created conducive environments for the birth, growth and development of organised crime as

evidenced in the likes of the Mungiki (UNODC, 2009; Kagwanja, 2003). As Fijnaut and Paoli (2004: 22) posit, the concept of organised crime consistently incorporates a criminal organisation which is basically understood as " a large-scale entity primarily engaged in illegal activities with a well defined collective identity and subdivision of work among its members." Organised gangs in Kenya, especially the politico-religious structured long standing Mungiki gang, have a strong threshold in Nairobi slums. In such environments, such outfits are normally in charge of basic amenities such as water and electricity on which they charge a fee for their access. Yet, these are public utilities that are supposed to be offered and paid for to the respective government institutions. Indeed, this scenario goes far to show how far government has progressively regressed from its core responsibilities – a factor that can partly explain the rise and growth of such outfits. Additionally, other public services such as security, transportation and garbage collection are offered by these gangs, moreover at a fee. Failure to pay the expected fees results to death, malicious property damage or complete loss of property through arson. Membership to the Mungiki is believed to mostly comprise of young people of the age bracket of 18- 40 years although there are some exceptions of others in their 40 – 60 years. The majority of their members have little or no education and they are economically poor. For that reason, it has been associated with a wide range of activities which range from controlling state like services that include ‘ tax collection’ in their area of operation to total criminal activities (Wamue, 2003). In addition, the Sect controls access to services such as water, electricity, charges tax on transport, small businesses and sanitation. This is

done through extortion and violence and those who are unwilling or unable to pay face a risk of kidnap, torture or death. Moreover, it also executes trials of those who violate its rules of behaviour through detention, maiming or killings. Additionally, the Sect has carried out various massacres in Kenya according to Waki (CIPEV) Report (2008). For instance, on 3 March 2002, its members with crude weapons stormed Kariobangi estate which is an informal settlement in Nairobi and killed 20 people while injuring 31 others. Moreover, on 29 April of 2009, 29 people were hacked to death in Mathira which is a town in Central province of Kenya. This has come to be widely known as ‘ Mathira Massacre’. Moreover, the Sect has actively been used by some political elites to sustain them in power. For instance, in the general elections of 2007 in Kenya, the presidential results were highly contested and as a result, post election violence broke out. During the violence, the Mungiki is perceived to have been adversely used by the ruling party of National Unity (PNU) of President Mwai Kibaki. This was affirmed by the mentioning of the six Kenyans by the prosecutor of the International Criminal Court (ICC) who alleged that three of the six accused people used the Sect to plan retaliatory attacks to the opposition supporters. For instance, it was claimed by the ICC prosecutor that the Mungiki leaders met President Kibaki, Head of Civil Service by then Francis Muthaura and Uhuru Kenyatta to plan for the gang’s support of the government in-case the elections becomes disputed (Musau, 2012). As such, it is evident that although the sect is outlawed, it has been used actively in the socio-cultural, socio-economic and political activities in Kenya hence posing various threats and challenges. Moreover, heinous activities carried out by such gangs, notably by the

Mungiki include the forceful female genital mutilation (FGM) under the pretext of promoting and safeguarding traditional African culture (Waki Commission, 2008). Rape, extortion, intimidation, murder and theft are among other serious crimes that the group normally unleashes on the innocent, yet helpless population of the environments in which the sect operates. Besides, the sect has created a web of relationships with different social subjects with the main aim of pursuing their own goals of power and enrichment. They exercise the typical functions of a political entity imposing norms of behaviour on the general populace, controlling a territory, exerting physical coercion and punishing transgressors by imposing a rudimentary tax system through the practise of generalised extortion (Kemp, 2008). Sadly, the situation is not about to change as Kenya continues to suffer from an unpredictable political, economic and cultural degeneration. For example, the ever-spiralling inflation and the widening gap between the 'haves' and the 'have-nots' fuel a sense of hopelessness and desperation among the citizens and especially the youth who have no other alternative but to turn to such arrangements for economic survival. Additionally, political power is built around particular ethnic cocoons with cultural and ethnical-tribal undertones that sometimes use the sect to settle their personal disputes (Padhy, 2006). This was more evident in the 2007/8 post election violence in the country which clearly showed how political machinations were closely interlinked with such gangs (Waki Commission, 2007; Wamue, 2001). Yet, such incidences are detrimental to development as they scare away investors and tourists (Klopp et al, 2008). Additionally, the structural conditions such as social economic security and the issue of a welfare state have not been

addressed in Kenya since independence; the policy makers react with traditional security tools ignoring the root causes that give rise to the emergence of non state groups. This has been compounded by the ‘commercialisation’ of armed violence to make gangs like the Mungiki more attractive to the youth (Mallory, 2007; Waki Commission, 2008). Moreover, such armed groups are protected by the political elite who seek their services for personal protection and sometimes to scare away political opponents as evidenced in the 2008 post-election violence (Ruteere, 2008; LeBas, 2010; Waki Commission, 2008).

2. 1 How ‘organised crime’ is it carried out in Kenya

Several organized gangs operate throughout Kenya and especially in the slums of urban environments. According to Okombo and Sana (2010), outlawed groups turned slums of Nairobi to be their operation zones as they operate unlawfully in poor and crime prone neighbourhoods. As such, the Kenyan police have little influence and authority to contain the gangs (UN Habitat, 2007). As a result, different organized gangs are always at war over the control of services and businesses in these slums. According to Kenya National Commission on Human Rights (2008), it was noted that Mungiki movement which is the largest organized criminal gang in Kenya by 2010 had its operations predominantly in Nairobi slums, Rift Valley and Central provinces in Kenya. Violence and extortion amount to the mode of operation of this criminal gang. Moreover, UN Habitat (2007) affirmed that the gang perpetrates gross violation of human rights against civilians, defecting members and their adversaries in order to instil fear in their operational territories. For that case, this chapter presents a background of the Mungiki

which is an organized gang in Kenya and it goes further to discuss how it carries out its activities. Furthermore, the gang also presents various threats and their effects to politics, economics and socio-cultural structures in the Kenyan context.

2. 2 Background information to the Mungiki Movement

The Mungiki movement was established in 1980s as an ethnic defence force of the Kikuyus which is the largest tribe in Kenya (Okombo & Sana, 2010). It was believed by Amnesty International Report (2010) that the then President Moi's government at the time had reduced Kikuyu's influence and favoured the Kalenjins thus the criminal gang sought to revive this influence.

Nonetheless, fine details regarding the development of the movement are not clear due to the secretive nature and retribution fear instilled to any potential informant. However, according to Kenya National Commission on Human Rights (2008), the group was established by six students as a religious sect of the living god in 1987. At the time of formation, the sect shared common ideologies as Mau Mau which was a resistance movement to the colonial government. As such, they adopted Mau Mau behaviour of having long secretive oaths, dreadlocks and guerrilla war like style.

Furthermore, the sect has espoused anti-western and anti-imperialists views, disparaged Christianity and went a head to advocate for their traditional African beliefs and practices (Mudege, Zulu & Izugbara, 2008). The Mungiki has previously been described as a sect, a cult, a political force, a street gang that engages in violent and criminal activities. However, although these depictions are valid, the general purpose of the group is still not clear. The Sect was declared a criminal gang by the government in 2002 due to its

intimidation and harassment of the citizens. The sect has multiple units that coordinate its activities at village, district and provincial levels which are overseen by a National Coordinating Committee (Wamue, 2003). Moreover, Kenya National Commission on Human Rights (2008) notes that the Sect has Defence council that is responsible for carrying out retaliations to defecting members inform of killings. On the other hand, it has a political wing with a registered political party; the Kenya National Youth Alliance (Okombo & Sana, 2010). This has seen senior leaders expressing interests in political elective posts. For instance, the current leader Maina Njenga in 2012 launched aspiration to run for presidency in 2013 on the Kenya National Youth Alliance ticket. Although the Sect's cultural practices and political views remain controversial in Kenyan mainstream society, it has a huge following among the unemployed and poor citizens. It was estimated by Kenya National Commission on Human Rights (2008) that the membership of the group might range from thousands to five million although the accurate information is not available due to the underground and secretive nature of the sect. Most youths are drawn to the sect by the promise of money and employment. Its main activities include taxing public transport and other services such as electricity and water, protection fee on tenants relocating to areas controlled by Mungiki and kidnapping people for ransom (Muchiri and Kamau, 2012). The group strongly emerged during the post election of 2008. Nonetheless, despite the Sect having its activities predominantly in the slums of Nairobi which are inhabited by various ethnic groups, it was noted by Adepegba (2011) that the Mungiki draws its membership from the Kikuyu tribe. The Kikuyu are the largest tribe in Kenya as it comprise of 22 percent

of the Kenyan population (KNBS, 2010). Apart from the slums being the centre of the Mungiki activities, Central province of Kenya is also an area that has experienced regular Mungiki activities. For instance, Murang'a district which is in Central province is considered a stronghold of the gang as it has been constantly ravaged by its activities as it operates as a cartel and controls major economic activities. Importantly, recruitment of its members largely remains voluntary although there are some instances where forced recruitment occurs. This especially happens to the youth who refuse to join the sect as they face attacks, harassment and forcible recruitment from its members. According to Kenya National Commission on Human Rights (2008) the members are forced to swear oath of secrecy upon recruitment, betrayal is on the other hand is punishable by death. This was ascertained by Okombo and Sana (2010) in their investigation of the Mungiki's activities where a former sect member described the recruitment ritual he underwent in 1998. According to the informant, a recruit must undergo a ritual in a house where they are informed that it is a holy place as the ritual administrator issues a number of threats as a goat is slaughtered. Raw meat is thereafter given to be eaten after reciting ' I have joined the Mungiki sect and if I come out, I have agreed to die, if I am given a property I will keep it and not disclose to anybody and if I do so I will accept to die'. Thereafter, the recruits are given other instructions such as never to wear underpants, never to marry a woman who is not circumcised, not to bath within the 14 days after initiation and not to sleep with their wives within the initiation period (14 days after) (Wamue, 2003). The recruits are also instructed not to worship in a church and that if they die, they must be buried as per the

kikuyu traditions. The new recruits are instructed to source three new members before being threatened to be beheaded if they go against the oath. Indeed, it can be concluded that the activities of the sect remain largely secretive due to the kind of threats given during recruitment. As a matter of fact, the threat administered have in most cases come to pass to those members who have lived against their oath. This has made it hard for any member of the sect to divulge any information regarding the operation of the group fearing for the repercussions that come with such kind of a move.

2. 3 Threats presented by organized crime

2. 3. 1 Threats of Insecurity

Different government department and organization have advanced different definition of the term insecurity. King and Murray (2001) borrowed the findings of a UNDP report to define the term as referring to the freedom of fear and want. Likewise, on an interesting and supporting note, Ouellette (2004: 22) defined insecurity as "worrying about losing what you have". This reputable US scholar supported the notions that were advanced in the UNDP report by opining that insecurity was caused by the fear to loss something. On a different perspective, UN Habitat (2007) revealed that mishaps and insecurities were pervasive and integral parts of the ill-being of the poor people in slums. As such, the slum people felt threatened, fearful, anxious and miserable. A recent study by two Kenyan scholars-Bowen and Morara (2009) went ahead to document statistics that showed that insecurity was the second most pressing challenge facing Small and Medium Enterprises in Kenya with an estimated 68%. Nonetheless, they linked the cause of

insecurity to emanate from outlawed gangs like the Mungiki that operate in slums. Drawing inferences from a USAID (2009) report that examined the causes of food insecurity in Kenya, the researcher came to point out that slum insecurity occurred in the context of ongoing political and civil unrests. The report expounded on its statement by giving the example of the 2007 post-election violence in Kenya. According to its findings that were adopted from the Kenyan Government, this violence created insecurity that displaced more than 663, 000 and led to death of over 1, 100 persons both in rural and urban places. To support this, Okombo and Sana (2010) did a study that examined the challenges of correcting ethnic relations in Kenyan urban slums and arrived at the conclusion that slum dwellers were the worst affected, with mobs capitalizing on the post-election violence crisis. Evidence showed that Kenyan militias such as the Mungiki were involved before and after elections in causing mayhem especially in slum dwellings. These outlawed grouping were hired by politicians to achieve their political scores. Examples of such scores were highlighted as the protesting against internal party democracy that was manifest in the selective awarding of nomination certificates to party losers. The same grouping were used to advance chaos that led to the looting, vandalizing, burning and killing of innocent citizens in Kenyan slums (Okombo & Sana, 2010). The above findings were also corroborated by the Kenya National Commission on Human Rights Report (2008) which documented shocking excerpts of a witness' account. In the interview, the witness revealed that the 2007 post-election violence crisis had opened the way for the marauding youth in Mathare, Dandora, Kibera and other slums to carry out illegal acts such as cutting off women's ears,

arms, burning of peoples' houses amongst others (Kenya National Commission on Human Rights Report, 2008) More so, the Waki Report (2008) that was formed to investigate into the root causes of post-election violence documented a number of important findings that arose from the crisis. To start with, the report established that 1, 133 deaths, 3, 561 injuries and 117, 216 instances of property destruction had occurred as a result of the post-election crisis. To add, this report identified centralization of power in the Presidential system and land grievances as the root causes of the violence (Waki Report, 2008). Nonetheless, the report went ahead to mention the sexual violence that was committed against men and women, as well as internal displacement that majorly affected children and women as some of the worst effects that the crisis had. The perpetrators of these heinous acts were the members of outlawed gangs that include the Mungiki. According to the results of the Crosson (2004) report, a majority of the respondents on the study of causes of insecurity cited low presence of law enforcement officers as the reason for increased cases of insecurity or crime in Nairobi slums. This gives outlawed gangs a space to advance their criminal activities in these settlements. While stating that the Panchayat Policing System had been created to provide better policing to the inhabitants of Mumbai slums in India, the United Nations report (2010) gave the reason behind its formation as originating from the lack of confidence that slum dwellers had developed towards the regular state security agents. This report had gone ahead to insist that the slum inhabitants had completely lost confidence in the police to the extent that they were unwilling to report even daylight crimes (United Nations, 2010). According to Kenya National Commission on Human Rights

(2008) this is a typical situation in the informal settlements of Nairobi resulting to proliferation of criminal activities by the outlawed gangs. Intriguingly, the findings from the Waki Report (2008) also laid blame on ineffective policing as being behind the increased state of insecurity that succeeded the 2007 electioneering period. In one of its findings, the report found evidence of massive failures by the state security agencies, especially the police, in anticipating and containing the escalating violence by the criminal gangs such as the Mungiki. Instead of containing the violence as would have been the case, the report stated that the police were responsible for the gunshot wounds that led to a 'third of the deaths' (Waki Report, 2008: 417). Also, National Task Force on Police Reforms (2009) that was chaired by renowned Retired South Africa Judge Philip Ransley backed up the findings on the rotten character of the Kenya Police by asserting that the police force had lost public confidence. This emanated from the fact that the force had been eroded and its image tainted on accusations of excessive use of force, brutality, impunity, abuse of due process, malignant corruption and its disregard for human rights (National Task Force on Police Reforms, 2009). As a result, criminal gangs such as the Mungiki increased their criminal activities as a way to revenge against the police brutality hence in the process escalating state of insecurity in the slum areas and other areas of their operations. Furthermore, the Mungiki banked on the joblessness to advance their activities in the slum areas. Joblessness was described as the number of conglomerate persons with varying backgrounds who are willing and able to work, but cannot find any assignment that can earn a living for them (Athanne, 2011). Borrowing from the UN Habitat (2004) report, the

researcher established that poverty and slums were closely related in the urban contexts. This means that slums set ups were the central stage upon which most urban challenges such as lack of adequate shelter and insecurity originated from. In a study by Okafor (2011) on youth unemployment and its future implication on the Nigerian democracy, this researcher pointed that Nigerian streets had been littered with many unemployed youths who would have found gainful employment in a number of small enterprises Ibid., p. 359. The respected Nigerian scholar went ahead to expound on his finding by warning that these chronic youth unemployment had the capability of undermining the democratic practice. This was so because they constituted a serious threat to human security. Adepegba (2011) went ahead to back up the finding by postulating that such ‘idle’ youth could be easily ‘bought’ and engaged by the wealthy political class to advance clandestine missions. This was a true reflection in the Kenyan scenario as the Mungiki gang banked on the high rate of joblessness and poverty to recruit more youths to the Sect’s activities (UN Habitat, 2007). As a result, this increased level of insecurity in the slum areas of Nairobi. Tellingly, Meeks and Lindahl (2001) went ahead to highlight that economic insecurity, joblessness and poverty constituted a condition of economic deprivation of the poor, especially in the slums of the urban set-up Ibid., p. 225. This was supported by Kalinga (2012) who stated that the root cause of poverty was not the scarcity of resources as some people had branded it but a painful and deep lack of sharing and caring in our societies. Kielburger (2010) went ahead to justify his statement by acknowledging that most people had concentrated on sharing their resources with their loved ones and forgetting that people were a global

family. On its part, a study by Okombo and Sana (2010) got that as a result of the rampant discrimination; most poor families had failed to educate their children. This meant that a majority of the youths in the slum set-ups drop out of school once they had finished accessing the free primary education (say in Kenya). The non-schooling youths became idle and finally joined criminal gangs such as the Mungiki hence breaching the peaceful co-existence in these informal settings.

2. 4 Effects of organised crime on the political, economic and social-cultural structures in Kenya

2. 4. 1 Effects on socio-cultural structures

Operation of the Mungiki gang has had various negatives effects on the political, economic and socio-cultural structures in Kenya. With respect to socio-cultural structure, drug and alcohol abuse has been a threat. Basing on the findings of Kalipeni (2004: 169), the researcher asserts that " the frustrations of unemployment and income insecurity promote high levels of alcohol and drug abuse among men in the slum areas". Moreover, this group of the youth latter join criminal groups such as the Mungiki gang who again promote use of drugs and alcohol in order to perpetrate their activities (Mugisha, Mugisha & Hagembe, 2003). Socially, this leaves the responsibility of providing food and other basic needs to women. More so, in an empirical survey study on substance abuse amongst selected criminal gangs in slum district in India, Kumar (2010) asserted that members of the criminal gangs consumed illegal substances to be able to undertake criminal activities. Furthermore, Mugisha et al. (2003) acknowledged that illicit substances, drug and alcohol use among members of the criminal gangs was not only

risky health behaviour in this era of HIV/AIDS but also a potential threat to the security threat both to the urban and neighbouring urban dwellers.

2. 4. 1 Overcrowding

The UN Habitat Report (2006) on the state of World Cities acknowledged that if more than four persons lived together in a tiny room, there was a likelihood that that they will be susceptible to infectious disease and domestic violence. On the other hand, (Bardhan, 2005) stated that they were likely to lose their dignity. This has been the effects on the members of the Mungiki members since it was noted by UN Habitat (2007) they have tendencies of overcrowding themselves in slum areas of Nairobi in order to have a sense of belonging and to build a strong force. On a different note, a study was carried out on overcrowding in slums and came to note that as a result of rapid urbanization, life in most slum areas had become more inhumane and overpopulated as ever. While narrowing the overcrowding scenario to the African perspective, this researcher reviewed statistics that revealed that Africa was ranked second with an estimated 75 million persons suffering from overcrowded conditions (UN Habitat, 2006). This same finding was backed by UN Habitat Report (2003: 75) that stated that with slum overcrowding occurring at a fastening pace, there was a likelihood that the rate of drug addiction, crime, alcoholism, suicide and mental illness would also keep on increasing. According to Waki Report (2008), this has been typical to the Kenyan slums due to hopelessness of life resulting to massive recruitment of slums dwellers to criminal gangs like the Mungiki hence worsening the state of security in these informal settlements.

2. 4. 2 Effects on economic structures

2. 4. 2. 1 Scarcity of Resources

The economic structure has not been spared by the presence of criminal activities of the Mungiki gang. Most researchers have pointed that outlawed groups have posed huge problems to most developing countries. This is because they are by definition areas in which the inhabitants lack access to fundamental resources such as sanitation, durable housing, improved water supply, adequate living space, and lighting amongst many. Kalinga (2012) noted that as a result of the above, staying in a criminal environment makes people desperate, unproductive and hopeless and fearful to engage into positive economic activities in order to transform their lives. This in return constitutes a perfect breeding ground for violence, chaos and insecurity (Okombo et al., 2010). Moreover, there have been other effects on businesses which include burglary that have negatively affected business establishments. According to the findings of the study on small business challenges in the country, the author noted that despite business being at the heart of the country's economy, many entrepreneurs had found it impossible to realize their business dreams due to outlawed groups' activities (Athanne, 2011). Bowen and Morara (2009) corroborated this findings by giving the example of Kenya whereby though small and medium enterprises (SMEs) contributed over 50 percent of the new job opportunities in the year 2005, they still face the threat of failure since these businesses experience a number of challenges from criminal gangs in the slum areas. However, a study by UN Habitat (2007) went on to argue that it was wrong to group all businesses under one category in relation to the challenges

being experienced. Based on the same UN Habitat (2007) report, SMEs were the most hit by the challenges. According to the report, SMEs were knocked out of business due a number of factors such as lack of funds, stiff competition and insecurity. The same UN study expounded on the security variable by highlighting that some sections of the Kenyan slums were highly insecure (UN Habitat, 2007). The ultimate result of the insecurity has seen increased incidences of burglary and theft. On its part, a recent study by Kenyan scholars, Bowen and Morara (2009), highlighted that many small scale entrepreneurs lacked funds to sustain the businesses and also the high rates of insecurity.

2. 4. 2. 2 Business Relocation/Shifting

Furthermore, according to Athanne (2011), business operating in environments heavily habited by members of outlawed groups such as the Mungiki affects the economics of the place as it results to massive business relocation. Referring to a United Nations study on the embedding of human rights in business practice, the author adopted the thinking of The United Nations Secretary General who identified one of the effects of insecurity as forced evictions that caused population displacement (United Nations, 2010). In furthering the thinking to incorporate the findings of Whitfield (2001), the author went ahead to establish that the result of increased population displacement corresponded with the relocation of business operations to safer working places. The UN habitat report on the state of African Cities having postulated that the counting of urban population was a very important tool for urban planning went ahead to state its disappointment from the fact that in many cities, it was hard to determine the actual number

of slum residents. This was so because the slum residents were highly fluid and mobile. The causes of the mobility and fluidity can be linked to increased incidences of insecurity caused by criminal gangs such as the Mungiki and the need to look for alternative places of deriving their livelihoods (USAID Report, 2009). Additionally, UN Habitat (2007) conducted a survey on the effect of criminal gangs in developing countries and established that they result to closure of enterprises in their operating environments. This was further supported by the International Monetary Fund (2003) which stated that environments with operations of criminal groups were prone to physical insecurities that led to widespread cases of rising crime levels. The report went ahead to insist that such insecurities had the effect of accelerating the already worsening poverty levels due to closure of income generating businesses. This originated from the fact that incidences of burglary and theft forced businessmen out of their businesses. On the other hand, Francks (1999) noted that the closure of enterprises left many people without jobs to derive their earning from, thus lessening and disrupting friendship or kinship relations. Notably, it was asserted by Blossfeld et al. (2005) that regions with prevalence of criminal activities face difficulties in accessing credit since there is usually high risk of losing business property. A study by Mugisha et al. (2004) noted that it was no surprise that insecurity had led to low investment mainly because it led to denial of access to loan facilities. Several studies have pointed out that most financial institutions were unwilling to offer credit facilities to client in insecurity prone areas (Amnesty International Report, 2010). This is because of the fact that chances are high that their enterprises chances of survival are very minimal due to the

prevalent incidences of theft, murder, burglary and arson. As such, it had become very impossible for the small and medium enterprises in insecurity prone areas to access credit facilities to expand on their businesses (Crosson, 2004). Nonetheless, Kenya National Commission on Human Rights (2008) noted that criminal activities in a region cause depreciation of property values. Many reasons support the notion that insecurity causes depreciation of property values. For instance, a Report from the Select Committee on the Canadian Civil Government established that depreciation on property such as land and residential buildings had taken place in the towns of Montreal and Quebec as a result of some feeling of insecurity that arose from the previous dissenting in the government. Nonetheless, Okombo and Sana (2010) carried out a study on the challenge of mending ethnic tensions in Nairobi slums and went ahead to assert that the ethnic tensions that arose from the 2007-2008 Post election violence had led to the shifting of the population in masses. This shifting was supplemented by the disposal of victims' properties at 'a throw-away prices'.

2. 5 Challenges faced by a government in combating organised crime

According to Kumar (2010), presence of criminal gangs in any country present various challenges to the state in the attempt to combat the menace. This position was also held by Amnesty International Report (2010) on a study on the challenges that are posed by these criminal gangs and established that economic insecurity is a major challenge that face the state in controlling the problem as in most cases government also use force and therefore exacerbating the insecurity problem. As a result, economic security

in these areas is negatively affected. Moreover, this is a challenge since both the state and the citizens face economic insecurity as the financial institutions are always unwilling to provide credits to support economic activities in these areas. Moreover, given the state of slums in Kenya which is usually characterized by overcrowding and criminal activities, it becomes a challenge for the government to control the outlawed groups. On its website, UN Habitat (2011) stated that Kenya's capital city Nairobi had some of the most dense, overcrowded, unsanitary and insecure slums in the World. The report went ahead to expound on its important finding by acknowledging that almost half the city's population lived in more than a hundred squatter and slums settlements that formed the city's suburbs. As a result, the government finds it difficult to control outlawed gangs since the entire slum population is characterized by criminal activities hence making it difficult to identify the Sect members. Furthermore, in combating the outlawed groups, the government of Kenya has been using its security agents notably the Police. Nonetheless, in the effort to thwart their activities, the Mungiki has in most cases responded to this with retaliatory activities. This fact was affirmed by Amnesty International Report (2010) which established that on 3rd March 2002, the Mungiki members wielding axes, machetes and other weapons stormed Kariobangi Estate which is also an informal settlement in Nairobi killing 20 people while injuring a score of others as retaliatory attacks to the police crackdown of their activities. Moreover, the police force itself has at times been victim of the criminal activities of the sect. For instance, National Task Force on Police Reforms (2009) affirmed that in June 2007, 2464 Mungiki members were arrested by the police in relation to beheading

of people assumed to be defectors of the Sect. This resulted to the killings of various police officers. Therefore, it can be affirmed that any control activity of the Mungiki activities is usually followed by the very criminal activities targeting both the civilians and the police force hence complicating the efforts. Importantly, in 2007, the Government of Kenya formed a special unit in the police force called 'Kwekwe' squad to crackdown the Mungiki gang members. According to the National Task Force on Police Reforms (2009), this followed numerous brutal killing that were advanced to the Sect members in areas assumed to be the centre of their operations. This was followed by the outcry by the civil society of the excessive force or what came to be commonly known as extra judicial killings by the police force. The police force and the government in general were condemned for disrespect of human rights thus further complicating efforts to control these criminal activities. This position was supported by Amnesty International Report (2010) who held that 'Kwekwe' operated as a death squad as it carried out several mass execution of the perceived Sect members as dead bodies in desolate farms were found scattered in central province. This further raised more human rights issues as most bodies were established to have been killed by bullets in the back likely from a close range. Nonetheless, it was noted by United Nations (2010) that the police force itself is always accused of illegitimate violence which results to common distrust among the Kenyan citizens. For instance, in 1991, Kenya Human Rights Commission estimated that at least 4000 civilians were killed while over 600, 000 people were displaced as a result of state sponsored violence. This eroded public trust of the state machineries in providing security to its populace. As a result, few

people are less willing to cooperate with the police force in containing the Sect's activities. Again, Philip Alston affirmed this believe as he concluded that Kenya as a country has a culture of impunity which makes it impossible to control problems related to outlawed criminal groups (Grano, 2010). Importantly, according to United Nations Report (2007), the Mungiki members claimed to have recruited friendly police officers who are loyal had already taken oath to the movement's cause. This further complicates the efforts of combating the Sect as the police who are supposed to restore order are themselves used as merchants of crime and death. As a result, public trust of the police force is further eroded as it is seen as part of the criminal gangs.

2. 6 Possible solutions to control organized crime

Criminal activities advanced by the Mungiki and other outlawed Sects in Kenya requires both proactive and reactive measures. The Government of Kenya have so far tried to come up with initiatives to combat threats posed by the Sect activities but to a large extend, the efforts have not been effective as earlier thought. With the widespread violence in most informal settlements in Nairobi, the Government has in most cases tried to quell the crisis by deploying General Service Unit (GSU) as a strategy to " fight fire with fire" which to some extend has helped to suppress the Sect's activities. For instance, it was postulated by Amnesty International Report (2010), that although GSU intervention did not restore order immediately, residents admitted that the situational intervention helped in reducing vandalism, arson, looting and overt violence in the patrolled slum areas. For that reason, it is imperative that the police patrol activities should be enhanced in the

areas purported to be the Mungiki stronghold. Moreover, the police officers on this assignment should be thoroughly vetted to ensure that they are neither their sympathizers nor those who have already taken the Sect's oath to support their cause. In addition, borrowing from the peace building efforts of north-western Kenya where several communities mainly Pokot, Turkana and Karamojong were engaged in seasoned conflicts over resources and cattle rustling, the Government can constitute a peace committee comprised of the Sect leaders and other community leaders in the effort of addressing their perceived socio-economic and political problems. According to Abrahamsen and Williams (2010) this can help to create a strong structure that can effectively respond to violence and address the perceived injustices that form a root cause of the Sect's formation. Okombo and Sana (2010) agrees with this position by arguing that community based peace initiative should be a countrywide exercise since other areas also have their own outlawed criminal gangs with the same operational features like those of the Mungiki gang. Notably, unemployment was noted in the literature as one of the main reasons that make most youth to be recruited as the Mungiki members with promises of employment and other enticement. For that case, it is imperative to address this root cause. Therefore, it was opined by Grano (2010) that in order to control this problem, it is important to create employment activities for the youth to keep them engaged. However, this approach was undertaken by the Government of Kenya through ' Kazi kwa Vijana' initiative but the project has failed to achieve its objectives due to poor management as there has been allegation of swindling of funds supposed to implement the project (Momanyi, 2011). For that case, such

initiative need to be established and managed well in order to engage unemployed youths to prevent their engagement in criminal activities. In addition, it was established by Amnesty International Report (2010) that most of the outlawed groups like the Mungiki are always in custody of various crude and illegal weapons which they use to commit atrocities. For that case, in order to control their activities, it is imperative to carry out disarmament operations to mop out all weapons in possession of the Sect members and other civilians. This position was supported by Okafor (2011) as he affirmed that in case of resistance, the government must use forceful disarmament exercise to ensure these harmful weapons are not in possession by unauthorised people.

2. 7. Theories of organised crime

In order to investigate the threats and challenges of organized crime and especially how it has affected the social, political and economic landscape in the Kenyan context, it was important to evaluate various theories that justify these behaviours. For that case, this paper evaluated alien conspiracy theory, rational choice theory, learning theory and social disorganization theory.

2. 7. 1 Alien Conspiracy Theory

The alien conspiracy theory puts blame to the outside and outsiders influences for the presence of organized crime in an environment. The theory has its origin in 1860s in the United States (U. S) where it was believed that immigrants were responsible for the organized crime in the U. S. According to Baumer (2007), this had its origin with the Great Migration that led to over

five million migrants of the Italian origin to settle in the U. S. The theory holds that the organized crime of the U. S. was made up of the 25 crime families of the Italian descent which divided the country into different geographical areas that they controlled. Therefore, alien conspiracy theory can appropriately be applied in the Kenyan context given the nature of origin and operation of the Mungiki as an organized criminal group. In Kenyan context, the Mungiki is largely associated with the Kikuyu tribe who comprise 22 percent of the Kenyan population (KNBS, 2010). Nonetheless, despite the Sect having its activities predominantly in the Central Province, its members have migrated to other provinces such as Nairobi and Rift Valley. As a result, it created its operation zones in these provinces. For instance, in Nairobi, it has turned slums to be its operational base as it operates as a cartel controlling major economic activities.

2. 7. 2 Rational choice theory

The rational choice theory holds various assumptions which include but not limited to: a person acting rationally; people being able to choose behaviours either deviant or conforming based on their calculations rationally; elements of calculations involving a cost benefit analysis which is based on pain versus pleasure among others. Baumer (2007) provides an example of this theory of a husband who discovers that the wife is cheating on her by having an affair with another man and chooses to kill her and the other man or both. This choice entails risking personal injury or imprisonment. For that case, the decision to commit a crime is reached as a rational choice that is arrived at after weighing consequences and benefits of a given option. With respect to rational choice theory, the Mungiki is comprised of mostly young people who

are unemployed and looking for an avenue to break their vicious cycle of poverty. For that case, they make rational decision of joining the outlawed group considering its consequences. As such, 'idle' youth are easily 'bought' and engaged by the Sect leaders to advance clandestine missions. This was a true reflection in the Kenyan scenario as the Mungiki gang banked on the high rate of joblessness and poverty to recruit more youths to the Sect's activities (UN Habitat, 2007). On the part of the youth, they make the decision of joining the Sect after weighing various benefits and consequences hence they are assumed to be making their rational choices.

2. 7. 3 Learning theory

The learning theory emphasizes that ability, attitude, values and behaviours are required to maintain criminal activities. Psychology and sociology as disciplines hold that individuals acquire deviant behaviour and values within the family context and friends. This is attributed to the fact that criminal behaviour and ways of dealing with its consequences are learned. For instance, Miller (1958) argued that an individual participation in gang activities at a young age provides a fertile ground for participation in the organized crime in future. Additionally, it was affirmed by Lyman and Gary (2007) that criminal activities are learned by an individual as a result of association with those with these traits. With respect to the Mungiki in Kenya, the learning theory can be appropriately used to explain its existence. First and foremost, the Sect has its operational base in the slum areas where more than four persons live together in a tiny room. Therefore, there is a likelihood that that they are susceptible to infectious diseases and domestic violence. Moreover, the overcrowding also gives them a sense of

belonging and helps to build a strong force. For that case, the Sect's activities are easily learned by new members in these environs. On a different note, a study was carried out on overcrowding in slums and came to note that as a result of rapid urbanization, life in most slum areas in Nairobi had become more inhumane and overpopulated as ever. For that case, with slum overcrowding occurring at a fastening pace, there is a likelihood that the rate of drug addiction, crime and alcoholism keep increasing due to learning experience that is facilitated through close association. According to Waki Report (2008), this has been typical to the Kenyan slums due to hopelessness of life resulting to massive recruitment of slums dwellers to criminal gangs like the Mungiki hence worsening the state of security in these informal settlements.

2. 7. 4 Social disorganization theory

According to Gary (2003), social disorganization theory holds that criminality is linked to various social conditions in a given neighbourhood. The reason for the crime activities in these areas are usually attributed to familial deterioration, urban decay and general social deterioration. This position was further supported by Lyman and Gary (2007) who affirmed that criminality becomes more prevalent in areas characterized by inadequacy of social services, housing, healthcare, educational opportunities among others. All these exacerbate the problem of criminality and social disorganization. The social disorganization theory fits well in the Kenyan context of the Mungiki due to the inadequacy of the social amenities that has resulted to the scramble of the few that are available. As a result, the outlawed gangs have strategized themselves to control these facilities in the informal settlement

areas. For instance, with regard to the Mungiki gang, its main activities include taxing public transport and other services such as electricity, water and extortion, charging fee on tenants relocating to areas controlled by them and kidnapping people for ransom for social fulfilment hence resulting to social disorganization.

2. 7. 5 Theoretical framework

The study theorized that there are various factors that determine presence of organized crime in any environment. Indeed, one of these factors is ethnicity. It was noted by Crisis Group (2008) that ethnicity can be a positive aspect that engineers economic and social stability since it gives a sense of belonging that nurtures cooperation in social, economic and political activities. However, the factor can also be detrimental to these aspects if it is negatively embraced. In such cases, it results to isolation of some groups hence leading to vice such as tribalism. Governance was also perceived to be a factor that determines formation and activities of organized crime. This was supported by Anderson (2002) who noted that in jurisdictions where there is oppressive rule, outlawed gangs are usually formed to oppose government's policies. In well governed states, there are few resentment of the government thus there is little forces to formation of outlawed groups for reprisal. In addition, economics, politics, cultural and social practices were also theorized as other factors that influence operation of organized groups. Figure 1 below therefore illustrates theoretical framework used in the study.

Figure 1: Theoretical Framework

Ethnicity

Economics

Politics

Cultural beliefs

Organised crime

Governance

Social practices

Continued growth and stability (Legalized groups)

Positivity of the factors Negativity of the factors

**Degeneration of economy, instability and insecurity
(Outlawed gangs) source: Author**

2. 8 Scope of the study

The study was conducted in the informal settlements of Nairobi city of Kenya and its environs. The Sect has widespread network in the informal settlements (slums) hence ideal for the study. For that case, Dandora, Kariobangi, Mathare and Kayole slums were used in the study. Nonetheless, the main focus was on the threats and challenges posed by the Mungiki gang. Nevertheless, strategies and policies that can be instituted to combat the threats and challenges of this Sect were explored in length.

2. 8. 1 Research Questions

In order to achieve the aim of the study, the research examined the study's objectives through addressing the following research questions: How is

organised crime carried out in Kenya? What are the threats presented by organised crime in Kenya? How does organised crime affect the political, economic and social-cultural structures in Kenya? What are the challenges that the government of Kenya face in combating organised crime? What are the possible solutions to combat organised crime in Kenya?

2. 8. 2 Significance of the study

The findings and recommendations of the dissertation are perceived to give stakeholders concerned with the state security a clear picture of extend of organized crime in Kenya so as to formulate policies, guidelines or other suitable strategies to combat this vice. In addition, the study is significant since it helps to understand political, economical and socio-cultural threats and challenges posed by the organized crime especially the Mungiki in Kenya. Moreover, recommendations to these this study can assist stakeholders in matters of security to mitigate the problem of organized crime if implemented. Furthermore, if the recommendations can be adopted by the Government of Kenya and other jurisdictions that are faced by the threats and challenges of organized crime, they can be instrumental in combating criminal gangs.

2. 8. 3 Limitations of the Study

The study was faced with various limitations that posed a risk of achieving the research objectives. To begin with, availability of relevant information was the greatest challenge as there were few studies which had been done in the area of organized crime in Kenya. Most of the studies done have focused on the role of organized gangs in Kenyan politics while not giving

any emphasis to other spheres of life like socio-cultural and economic aspects. Nonetheless, similar studies have been done in other countries, but the limitation with such data is that similar organized crimes in different countries operate under fundamentally different conditions and for different reasons. In addition, inadequate time and funds was also a key limitation since the study was conducted within a limited timeframe. Inadequate funds came out as a compound problem as the study did not access enough financial resources needed to meet research activities.

2. 9 Summary

In summary, the Mungiki movement was established in 1980s as an ethnic defence force of the Kikuyus which is the largest tribe in Kenya (Wamue, 2001). It was believed by Anderson (2002) that the then President's Moi government at the time had reduced Kikuyu's influence and favoured the Kalenjins thus the criminal gang sought to revive this influence wielded by the community during the reign of the first Kenyan president Jomo Kenyatta. However, as a gang, the Mungiki presents threats and challenges which affect the social, political and economic landscape in the Kenyan context. Among the threats reviewed, it was established that insecurity is the major threat that the Sect pose as it affects other aspects of life. For instance, it has adverse effects on the economic activities as it turns areas of the Sect's operations unpalatable for business activities. Socially, it was noted that the Sect activities has broken the social ties that were initially considered as core fabric of the society. The sense of belonging that once existed in communities and societies especially in slums has been eroded with the criminal activities. On the other hand, in the effort of combating the Sect's

criminal activities, it was established that it is imperative to come up with various initiatives geared towards providing employment to the majority of the youth who are largely unemployed. Moreover, intensifying security in the slum areas was also considered as one of the best ways of controlling the Sect's activities. Disarmament of illegal firearms from across the country was also postulated as one of the way to combat criminal activities of outlawed gangs.

2. 9. 1 Research gaps

Having reviewed literature on assessment of threats and challenges of organised crime in Kenya while using the Mungiki as the case study, the following were identified by the study as the missing elements in the existing literature. To begin with, various scholars in this area made efforts in identifying and describing threats and challenges of organized crime in Kenya. However, threats and challenges provided by the literature remain to be largely general in nature. As a result, special reference to the Mungiki as a Sect beckons a surmountable research gap that needs to be addressed in order to help the government of Kenya in coming up with suitable measures to combat this criminal gang. Moreover, the existing literature has provided measures to control outlawed gangs in general but it did not give the Mungiki a special reference. Although the Mungiki is one of the outlawed gangs in Kenya, it is important to acknowledge that its root cause of formation remains to be unique than other outlawed gangs. Therefore, effective measures to control its activities should also put into consideration and also the root causes of the group. Blanket solutions provided by the

literature may not be practical in case of the Mungiki gang. For that case, it was important to carry out the current study in order to fill in the gaps.