■ KENYA

"Hot peace" and landlessness

With the end of the Cold War and the apparent halt to the nuclear arms race many Kenyans expected that the world (and their country in particular) would be a safer place. But poverty continues to grow and responsibility for the provision of basic needs is being abdicated by the State. The rise of organised crime has exacerbated insecurity at the social, economic and political levels. The end of the Cold War has given place to what people call a "Hot Peace".

Kenyan Social Watch Coalition (KSWC)[1]

Ownership of land: only for the very few

A very serious source of economic and social insecurity for Kenyans is the lack of access to ownership of productive assets, in particular to land. Many communities in rural areas depend on land for their production and livelihood. Data from the Welfare Monitoring Survey 1997 (WMS) indicates that in the country as a whole the rich own or work more land than the poor. While poor households, accounting for 70% of the population, hold 43% of the total land, the remaining 30% hold 57% of the land. In Nairobi, 60% of the population occupy only 6% of the land and live in informal settlements. Social insecurity in informal settlements is not restricted to ownership or user rights to land but extends to harassment by landlords and administration officials.

The 1997 WMS results show that more than 10% of the rural population are landless and about 44% own less than 2 acres of land. Only 26% of the rural population own more than 4 acres of land. Landlessness affects the ability to secure basic needs such as food, clothing and shelter. Despite the increasing importance of non-farming activities as sources of income and livelihood, access to farmland in rural areas still has great social and economic significance. Even those with industrial or intellectual sources of income feel insecure if they do not own land.

For the urban poor, invasion of public land became the only way of accessing land to put up their dwellings. This has recently changed, as wealthy individuals with political connections fraudulently alienated most of the public land in urban areas. The alternative left to the urban poor has been to take up residence on land that is unfit for human habitation: the sides of railway tracks or highways, where there is a high risk of accidents and prob-

lems of exhaust fumes and noise pollution; poorly drained areas that are prone to flooding; the banks of rivers and inclines that are threatened by landslides as a result of rainfall or the removal of vegetation; and areas around factories, where both air and soil are badly polluted.

Personal insecurity

According to Amnesty International Report 2003 "more than 100 people were reportedly killed by the police in circumstances suggesting they may have been extrajudicially executed. Torture remained widespread. Police used violence to disperse peaceful rallies and forcibly broke up demonstrations. Security officials and supporters of the ruling party committed human rights abuses with impunity."[2] Also, at least 126 people were sentenced to death in 2002, although no one was executed.

The Government has admitted that over half of victims do not report crimes to the police.[3] The total number of crimes reported between 1997 and 2001 increased considerably. Crime was highest in 2000 with 80,143 cases reported.

Insecurity affecting children and women - the most vulnerable groups - appears to be more pronounced, removed as they are from the mainstream of decision-making. From 2000 to 2001, reported cases of rape and attempted rape increased by 5.7%, while cases of

assault on women increased by 6.3%. In 2001, cases of defilement (carnal knowledge of a girl under 14 years) and incest increased by 63% from 752 to 1,226 in 2000. Overall, reported cases of violence against women increased by 11.6%, from 7,890 in 2000 to 8,807 in 2001. Chart 1 shows the incidence of cases of violence against women between 1997 and 2001.[4]

Few jobs, scarce water and sanitation

The Population and Housing Census 1999 provides demographic data on migration, urbanisation, housing, social amenities and employment. Although the proportion of the population living in urban areas is still small in comparison to that in rural ones (the trend was 8% in 1970, 15% in 1980, 18% in 1990 and 19% in 1999) the inter-censal urbanisation growth rates for the periods 1979-1989 and 1989-1999 were 5.2% and 3.2% respectively.

However, the provision of facilities like housing, water, sanitation, energy, health and education did not increase in line with urban growth. Dwelling unit counts reflected a concentration of housing in rural areas. Some 10.5 million dwellings were recorded, out of which 81.4% were in rural areas. Most families lived in single rooms due to the high rents charged for dwellings with two or more rooms. The majority of urban residents (76%) lived in rented dwellings while in rural areas 86% lived in their own houses. Only 3.7% of

CHART 1
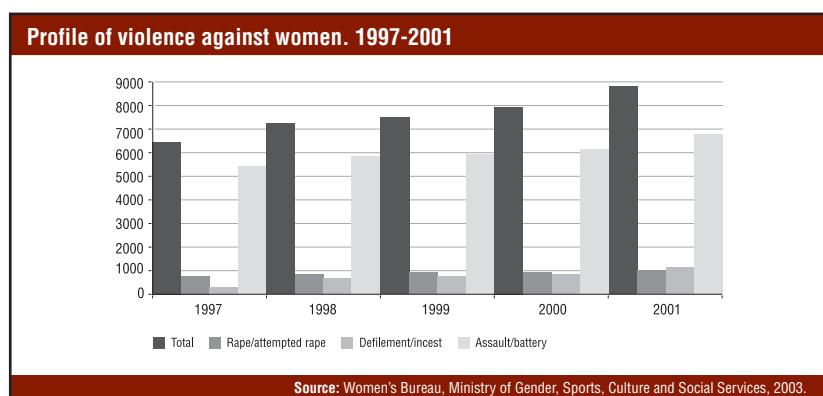
Profile of violence against women. 1997-2001

Legend: Total, Rape/attempted rape, Defilement/incest, Assault/battery

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2 Amnesty International Report 2003.
http://web.amnesty.org/report2003/Ken-summary-eng.

3 Republic of Kenya 2002, *Economic Survey 2002*, Government Printer, Nairobi, p. 50.

4 Amnesty International Report 2003, *op. cit.*

urban residents lived in purchased dwellings because of high house prices stemming from high interest rates on mortgage loans.

The composition and structure of households have remained largely unchanged over the last 10 years. Female-headed households account for 36.7% of total households. Since most women are not in gainful employment or are under-employed, the high proportion of female-headed households portends a serious situation as far as economic security is concerned.

Only 30.7% of Kenyans have access to piped water (15.1% rural and 77.1% urban), 21% use water from boreholes (24.7% rural and 9.8% urban), 28.3% use water directly from lakes and rivers (36% rural and 5.2% urban), 21% get their water from springs (15% rural and 1.7% urban), while those whose main sources are ponds or reservoirs account for 4.8% (6.1% urban and 0.9% rural) of the population.

As to sanitation, only 7.1% dispose of human waste through a main sewer. A staggering 72.8% use pit latrines while 2.5% use septic tanks or cesspools. A worrying 16.5% answer the call of nature in the bush, a figure that in some provinces is as high as 77.6%.

The limited growth of employment in most urban areas has rendered a vast percentage of the urban population jobless. The total unemployment rate in the country is estimated at 10% for rural areas and 38% for urban centres. This high urban unemployment rate is a source of social tension and escalating crime and insecurity.

The risks of being a woman

Kenya ranks 115 in the UNDP gender-related development index.[5] Cultural, social and economic factors have combined to put women at a serious disadvantage, especially in rural areas, where their labour is often under-valued and under-utilised. As Earlham College[6] states, "women living in Kenya are granted very few rights and are economically marginalised, holding few jobs other than those centred around childcare... Although women make up 52% of the population and 60% of the voting population, there have been only 6 female members in the Kenyan parliament…" Chart 2 shows labour force participation by sex. If poverty is to be reduced, female participation in employment must be included in government and private sector policies.

The dangers of being a child

Children, whether living with a traditional family or otherwise, bear the brunt of any social aberration or economic malgovernance. Their situation depends to a large extent on how the parents discharge their social responsibility of care and sustenance, which in turn is a function of the State.

Those who face insecurity the most and are in need of special attention today are street children, child labourers, refugee children, children with disabilities,

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5   United Nations Development Programme (UNDP). *Human Development Report 2003.*

CHART 2

Labour force participation by sex. 1999

- Men working on family farms as % of farm workers
- Women working on family farms as % of farm workers
- Men in paid work as % of paid workers
- Women in paid work as % of paid workers
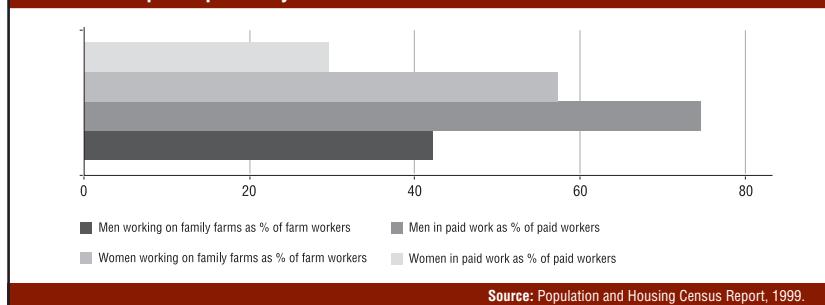
Source: Population and Housing Census Report, 1999.

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children under the age of three living with their mothers in prison, children born out of wedlock and lacking parental care, children orphaned by AIDS, and children in correctional institutions like prisons, approved schools or juvenile remand homes. Children in these categories are collectively referred to as children in need of special protection.[7]

Prior to the enactment of the Children's Act 2001, child law was based on the premise of protecting society from the errant child rather than protecting the child from errant members of adult society. This has not changed and it is still common for children found roaming the streets of urban centres to be arrested for no apparent reason and to be treated as vagrants even though the Vagrancy Act is no longer applicable. The justification offered is that these children need care and protection under the Children and Young Persons Act. Closer scrutiny however, reveals an urge to "clean up" the streets of children who are considered an "eyesore".[8]

Side-effects of the global war

There is a last aspect to be signalled regarding human security. It overlaps with the current discussion of national and international security. These are events over which Kenyans and their government have no control and that have impacted decisively on their sense of security (and also on international perception of the security situation in Kenya). In August 1998, Kenya was the scene of a bombing incident that claimed more than 235 lives and left many maimed for life. The bombing was aimed at the US embassy in Nairobi and was linked to the Al Qaeda group, which has since been accused of the 11 September 2001 attacks in New York and Washington, DC. In November 2002 another bombing, linked to the same group, rocked the coastal city of Mombasa.

The consequence of these bombings is that even though the targets were US and Israeli inter-

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6   Earlham College is an institution that educates students to work effectively together with others, to better understand the ways human organisations work, and to make complex decisions in compassionate and visionary ways. www.earlham.edu/~pols/ps17971/terneel/kenya.html

7   According to a report produced by the African Network for the Prevention and Protection against Child Abuse and Neglect, Kenya Chapter (ANPPCAN Kenya), in 1997 a total of 1,864 cases passed through the juvenile courts, 1,601 of whom were boys and 263 were girls, giving a boy to girl ratio of 6:1.

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ests, Kenya has been harassed and humiliated by the United States and its allies. Pandering to the dictates of the United States, the Kenyan Government recently published a Suppression of Terrorism Bill - a piece of legislation that if passed would wipe out all the gains made up to now in the field of civil and political rights. The most controversial aspect of the Bill is religious profiling and an overt anti-Islamic bent. The Bill virtually takes away all the rights enjoyed under the Bill of Rights and gives the police authority to:

- Enter and search any premises if they have reason to suspect that a terrorist offence has been or is likely to be committed.

- Search any person or vehicle found on any premises, which they are empowered to enter and search.

- Seize, remove and retain anything which is, or contains or appears to them to contain, evidence of commission of a terrorist act.

- Arrest and detain any person who they reasonably suspect of having committed or is about to commit an offence under this Act.

Under Section 7 of the Bill, collecting, producing or transmitting information of a kind "likely to be useful" to a person committing or preparing an act of terrorism constitutes an offence. Transmission includes communication by telephone, e-mail, voice-mail or other telecommunications method, including making information available on the Internet. The Bill, in its various provisions, constitutes a major affront to personal liberties, and individual and group security.

Conclusions

As neo-liberal policies make headway, poverty continues to rise and the provision of basic needs is being abdicated by the State. The result has been social discontent. At least in part derived from this situation, the rise of organised crime (particularly in urban and peri-urban centres) has increased insecurity at the social, economic and political levels. Also, the War on Terrorism lead by the United States has taken its toll on the insecurity of Kenyans. ■

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8   Amnesty International Report 2003, *op. cit.*