

Outrage and Social Organising in Kenya's Tenements

It is impossible to tell what colour the concrete-block tenements of Mombasa were originally; they have not been painted in more than two decades. The roofs, lacking proper maintenance, are a patchwork of tiles and corrugated iron. The donkey carts loaded with jerry cans are evidence that the decrepit pipes have long ago stopped delivering water, though residents are still forced to pay for the service.

But there is a limit to how much neglect and abuse residents of the council-owned housing will take. Like many of her neighbours, an elderly woman at one such estate received an eviction notice, backdated by several days. Wasting no time that night, a group of young men, employees of the council housing department, barged into her home and began dumping her furniture onto the street. Her flat would soon after have been corruptly 'sold' by the members of the council were it not for the outrage of her neighbours.

Neighbours surrounded the council housing employees, who swiftly fled, leaving the residents to return the elderly woman's furniture: one spontaneous act of resistance. More often though, these neighbours are channelling their collective indignation into organised, strategic actions.

The council tenants have struggled for ten years to influence public housing institutions and make them more accountable. In those ten years they experienced gains and losses, demonstrating that democracy is not a straightforward progression. This case study looks at how far struggles for basic rights by weak social groups are able to have an impact on public institutions and make them more responsive and accountable. It also examines what strategies the council tenant groups employed in order to effect change.

Mombasa's housing crisis

Mombasa is Kenya's sea port and its second largest city with a population of about 700,000. The city has

a recognised housing crisis. With low- and middle-income housing in short supply and deteriorating, slum areas are growing. People of modest income have two options – to live in houses built from mud and mangrove poles on unplanned settlements or to rent on council-owned estates constructed in the colonial era.

Issue-based movements like this one often fail to find political champions in Kenya, where parties prefer to curry favour among ethnic groups rather than ideological groups. The centralised system also encourages patronage. Many local decisions need approval at the ministerial level, yet Members of Parliament seem remote and unsympathetic to local citizens; many have themselves been implicated in land grabs in previous regimes. A further complication is a provincial administration system under the office of the President. The provincial administration is reputed to be a top-down, authoritarian and unresponsive structure. Levels of authority and responsibility between municipal government (councillors and council bureaucrats) and provincial administration (District officers and District Commissioners) are not clearly defined and relationships can get tense. The tenants in this case were able to leverage these tensions and navigate the ambiguity of authority to secure victories for their struggle.

Building a housing movement

On housing estates in Mombasa the municipal council has an obligation to maintain the houses, but has not undertaken any work since the early 1980s. Council tenants feel insecure in their tenure because corrupt practices in the municipal council lead to rigged waiting lists and backdated eviction notices. The crisis in public housing is linked to land grabbing and corruption among bureaucrats and politicians. Tenants from three estates, Tudor, Changamwe and Mzizima, joined to form a Shelter Committee of ILISHE Trust,

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Authors:

Celestine Nyamu Musembi
University of Nairobi
School of Law
P. O. Box 30197
NAIROBI - 00100G.P.O
celestine.musembi@
uonbi.ac.ke

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Editor:

Nicholas Benequista

an umbrella advocacy organisation bringing together community-based groups in the coastal province. The Shelter Committee wanted decent housing conditions, functioning urban services, secure tenure and to fight against the grabbing of public land. They used a variety of strategies to mobilise and struggle.

Taking legal action

In July 2004 tenants received letters from the National Housing Corporation telling them that from now on they should pay their rent to the corporation rather than the council, and that the rent was increased. This action was prompted by a dispute between the council and the corporation over an unserviced debt. The tenants mobilised and instructed a lawyer to secure a temporary injunction preventing the National Housing Corporation from collecting any rent, pending a hearing to decide to whom exactly the tenants should pay rent.

Using media and other public fora

The tenants used media and public fora quite effectively during their struggle, particularly when a specific threat was imminent. In 1995 a concerted media campaign made the council shelve plans for a steep hike in rent, averting the full hearing of a court case that the tenants had initiated to challenge a rent increase. A high-profile media campaign thwarted the council’s secret plans in 1997 to relocate Mzizima tenants to make room for a private housing development. In Tudor, tenants used media publicity to expose planned evictions to make way for a similar development and the National Social Security Fund withdrew from negotiations for the financing of the redevelopment. Residents in Changamwe carried out impressive investigative work and compiled a list of all the plots of land that had been illegally allocated and names of the people that received them.

Working local politics

In Changamwe, plots were illegally allocated to wealthy and politically well-connected people who constructed buildings that blocked access to public amenities. A task force headed by the District Commissioner at the provincial administration recommended revocation of the building approval but the Town Clerk was reluctant to take any action that the Councillors would disapprove of. The tenants mobilised and demolished a wall that blocked a road. They then took advantage of the complex official relationships at the local level and turned to the District Commissioner to rein in the excesses of their elected representatives, the Councillors.

What have the tenants achieved through their actions?

The only clear victories the council tenants can point to after ten years have been about staving off the worst harms – keeping rent at a reasonable level, reducing corruption and the illegal allocation of plots, and preventing new housing developments that threatened to displace them. These are no small achievements given the power of the business interests they have opposed. Their efforts, however, have not imprinted a legacy on the public institutions they have engaged with – in the form of a positive local or national policy change or in institutionalised changes in the practices and procedures of the Housing Development Department of the municipal council.

The absence of a long-lasting legacy is due to:

- the groups’ fluctuating social and political power and narrow economic base;
- the groups’ inability to distance themselves from a politics of patronage and ethnicity, and failure to cultivate a new way of engaging;
- a bureaucracy in which accountability systems have broken down and public officials have no incentive to be responsive to service users; and
- issues of scale that make it difficult for the tenants’ localised actions to have an impact on national accountability failures.

The council tenants’ groups are in a dilemma. On the one hand, this is a long-term sustained struggle to institutionalise accountability in a system characterised by impunity. On the other, it is also a struggle for a basic right. As a struggle for basic rights, it carries with it a sense of urgency about improving immediate living conditions. In order for them to recruit people to join and remain in the struggle, the tenant groups need to show them that sooner rather than later there will be some positive change in their immediate circumstances. This is not easy to resolve but it seems there is no shortcut to gradually building a genuine movement. As the council tenants have learnt from ten years of struggle, it is necessary to move from short-term protest to strategic action.