

“During campaign season, they remember us” Pandemic policing and accessibility of COVID-19 prevention measures in Kenya’s urban informal settlements.

This paper seeks to explore the topographies of abandonment and pandemic policing in Kenya’s urban-informal settlements. Through a connection of spatial territories¹, I explore the continuation of the colonial era divide and rule tactics to govern what seems as Kenya’s fragmented regions through the duration of the government COVID-19 combatting mechanisms. Through ethnographic research, this paper tries to connect the struggles of Kenya’s poor urban populations secluded in ‘slum areas’ on their daily quest for survival by engaging in a fight against a pandemic and state violence. Notwithstanding the daily denials of basic needs and priorities by both government and potential de facto urban management.

Introduction

*“Nothing prepares for the experience of running
solo
while a band of armed, club welding, tear canister
holding men run after you shouting for you to
Stop.”*

-Muthoni Njogu

On 13th March 2020, the Kenyan government documented the first case of the CoronaVirus (COVID-19) in Kenya. On 27th March 2020, as a pandemic combatting measure, the state imposed a dusk to dawn curfew, banned all inter-county travel and imposed COVID-19 prevention guidelines that soon became mandatory and punishable under the ‘Public Health Act’. The invocation of the Public Health Act manifesting via the curfew and intercounty lockdowns came with rampant human rights abuses by the National Police Service. As the government's main tactic to combat COVID-19 in Kenya was to fight it physically and militarily. With Yasin Moyo, Khamis Juma, Ibrahim Onyango, Christine Aoko and the many other faceless, nameless residents within urban-informal settlements becoming victims This approach resulted in a perennial toll of carceral, punitive and violent policing measures. Where more than 100 civilians lost their lives² as a result of police violence.

I introduce the term Pandemic Policing to present the approach taken by the Kenyan government to contain the spread of the virus. Pandemic policing maintains a classist analogy that not only contends with suspicion of infection but with intentional bias against precarious lower classes especially within urban informal settlements. The intentional bias is proven by the rampant violent policing, surveillance and carceral measures – of subjection – primarily within marginalized geographies. As a result, pandemic policing leverages on the landscapes of manufactured war, justified by weaponized language of violence and exclusion.

¹ These ideas are informed by Kimari (2019)

² See missingvoices.or.ke (2021)

By July, about four months into the continued nationwide lockdown, the Independent Policing Oversight Authority³ had reported at least 15 people had been killed by police and 31 people injured since the curfew was imposed. (Sperber, 2020)

Arguably, pandemic policing produces a robust landscape of division to orient police violence towards specific citizen groups, entrenching marginalization. This was visible as majority of the cases documented within Kenya's urban-informal settlements. One of the most affected areas was Mathare slums, one of Kenya's oldest slums.

The rampant cases of police brutality and executions in Mathare are not unprecedented. They are a direct continuation of the historical injustices that led to the establishment of 'Mathare' from 'Mathare Valley' as a mining site. Mathare's predisposition to violence isn't an abrupt incident. It revolves around the de-facto urban management in place of government services and infrastructures. Urban ethnographer, Wangui Kimari argues, the rampant policing in Mathare is a governance strategy of "neglect and force"; in lieu of basic services, she says, such policing provides the "de facto forms of urban infrastructure" that shape how people move and live. (Zhu, 2020)

In actuality, the dominance of crude power both by the state from a centralised position and the police networks make it even more difficult for communities to contain the spread of the virus and take the regulations and guidelines from the World Health Organization seriously. As the state, waged a war on the pandemic and subsequently it's possible carriers. COVID safety measures became a tactic of survival from police brutality and not the deadly virus. The state failed to provide any of the stipulated prevention materials and services. It even went ahead to contradict the Public Health Act by exposing many Kenyans to the virus. This was visible through enforced evictions marred by demolitions, leaving many residents of urban-informal settlements homeless. On May 4th 2020, 7000 residents were left homeless in Kariobangi⁶ as a result of forced evictions. To react to the public outcry, the government of Kenya through a statement by Cabinet Secretary Fred Matiang'i promised to halt any fore-planned evictions or demolitions (Duncan, 2020).

However, on May 16th 2020, more than 1000 residents within Ruai settlement were left homeless due to forceful evictions and demolitions. This was a horrifying sight, proving – through enforcement of pandemic policing – the state's insistence on subjugation and yielding of crude power. Regardless of numerous court orders and a promise by the state to halt demolitions, it was visible the executive was running against the law. All through the pandemic, the executive's yielding of power was visible through extra judicial executions and contempt of the constitution. At the onset of the lockdown, many Kenyans knew they were not just at risk of infection of COVID by the continuous threat of human rights abuses.

³ The Independent Policing Oversight Authority was established through an Act of Parliament published in November 2011 to provide for civilian oversight over the work of the police in Kenya. See <https://www.ipoa.go.ke/>

⁶ Kariobangi and Ruai are both low-income residential informal urban settlements located in Nairobi. The demolitions of both the areas are mutually linked.

After weeks of careful study and observation of the various situations, I slowly became aware of the chronic toll of pandemic policing, that brought up the demeaning generalisation of everyone who lived within the urban-informal settlements as the police began targeting residents in these settlements. In the various focused group discussions that I conducted with communities in Mathare, Kibera and Kayole, it was clear that the state was no longer fighting the pandemic but its people. This was evident in cases where the state denied its citizens access to any of the prevention measures stipulated by the World Health Organization and, in turn, chose to combat not just the virus but also poor Kenyans at large (Moore, 2020). The language of war, carceral and punitive ‘justice’ had infiltrated public health, as the government fallaciously compared quarantine to prisons and curfews to death sentences. The use of war language by the state has been used to justify the excessive use of force (and murder) by Kenyan police to enforce curfew and quarantine. It has also been used to accelerate the unconstitutional demolition of homes and forceful evictions in Kariobangi and Ruai that left many Kenyans with nowhere to go during curfew hours and no shield from two deadly viruses: police brutality and the coronavirus. (Omar, 2020)

*“Truth is why we are here
‘Tis why we ponder into mental ponds
Watering our worlds with idea
Reality surrounds us like sand in Ocean,
Like Truth in Chaos. Truth is within.”*

Adipo Sidang (216: Veritas intra est)

Entrenching violence

In collaboration with communities in Kayole, Kibera and Mathare, I engaged in dialogue and group discussions to assess and interrogate the accessibility and availability of the Covid-19 prevention measures by the World Health Organization and reiterated by the Ministry of Health and Government of Kenya.

With the understanding that there is no cure or vaccine - during this research - for the Covid-19 virus, prevention continues to be the key to slow its transmission and its possible containment in the country. In this regard, I investigate the availability and accessibility of these prevention mechanisms, in Kenya’s urban informal settlements and how lack of, led to deadly violence waged by the state.

1. Curfew and the inter-county lockdowns

October 20th, 2020, marked 208 days of Kenya’s government-imposed curfew, initially beginning at 7:00 pm, and then was instructively moved to 9:00 pm. Finally, it seats at 11:00 pm, and this was the beginning of the state’s perpetration of violence and the most visible implications of pandemic policing. During the first day of the government-imposed dawn to

dusk curfew, there was excessive use of violence around the country; the first incident did not happen during curfew hours but well over two hours before the commencement of the mandated curfew time. The centre of the violence was in Mombasa's Likoni ferry terminal. According to Namu & Riley, huge crowds had built up as commuters tried to get on ferries running at lower capacity due to new social distancing rules [as a result of the manufactured rush-hour due to the curfew]. Suddenly, hordes of police officers in riot gear appeared. They threw teargas into the crowds, lashing out at innocent men, women and children and forcing them to the ground. Dozens were made to lie on top of one another while others sat choking, vomiting and rubbing their burning eyes. (Namu & Riley, 2020)

This scene of violence, sparked my first thought on exploring pandemic policing as state praxis. The site of commuters hoarded into large groups right next to each other, the use of violence as crowd control and teargas evidently raised concern of what the curfew would mean for the country and its citizens.

The ban on intercounty travel in Kenya affected many families as, for one, there was minimal - one-day - prior notification for Kenyans. For many Kenyans who live in Nairobi and work in neighbouring counties, this became a threat to their jobs as most were manual labourers, therefore creating elemental disruptions on their access to jobs and pursuit for survival.

The curfew, however, brought up a melange of issues that cannot be decoupled from each other; the first was the manufacture of an artificial rush hour. There was visible anxiety and rush by many leaving work earlier than usual to avoid the curfew hours. Dauti Kahura writes, They were no matatus, so the people, who unusually go home at this hour, waited anxiously. That was already one worry too much, but more poignantly, the matatus had been ordered by the government to ferry half their carrying capacities. So, the 33-seater minibus was now allowing only 16 to 17 passengers, while the 14-seater Nissan shuttles only carried eight passengers. This added unforeseen problem was, to say the least, wrecking nerves. (Kahura, 2020) As a side-effect of the social distancing protocol, in public commuters the the drivers and conductors took the chance to hike the prices for the already precarious public transport users.

During a discussion with Juliet Wanjira, an active community organiser and activist based in Mathare, she says, "When the curfew started, things started getting out of hand very fast, especially in Mathare." She goes ahead and references the case of a 30-year-old, Christine Aoko¹¹, who was rushing home and trying to evade police on patrol during curfew hours; while trying to escape the police, Aoko fell into the Mathare River, and her body is yet to be found.

The continuation of curfew for over one year¹² became a concern for Kenyans. It is expected that the state would have guided Kenyans and acknowledged the successes of the travel restrictions if any. However, the presidency, in all the speeches and directives to extend the curfew, has failed to acknowledge and explain the impacts of the curfew in the past year.

¹¹See <https://www.the-star.co.ke/news/2020-04-20-woman-who-fell-into-river-while-evading-cops-still-missing/>

¹² The nationwide curfew was lifted on 2021, October 21.

Further, there was no clear information on the long-term plan and the intention of the extended curfew. To date, there has been no factual information, data or statistics to credibly justify these extensions and execution of the curfew

A community leader working with the Kayole Social Justice Center, Etta engaged this ephemera of ‘safety’ under curfew by saying, “We are being locked in our houses, but at what cost?” As all through the lockdowns and movement restrictions, there has been little or no development or additional infrastructure to cater for those infected with or at risk of infection of COVID-19 or measures to contain it. (FGD K02)

2. Accessibility of masks

In Kenya, the wearing of facemasks, was made mandatory on 4th April 2020¹³; this was after infection cases were over 80, with the country already on a partial lockdown. The directive by the Government mandating that every person must wear a facemask whenever in open places led to the skyrocketing demand for facemasks in the country's already scarce market. In discussion with the residents of the Mathare community at the Kiamaiko Social Justice Center, MR, a well-experienced community health worker (CHV) who lives and works in the area, explained to me how the country is currently faced with the challenge of accessing quality protective facemasks for its population.

“The government has forced us to get these masks, but where do we get them? It becomes a fight for survival because sometimes, because we cannot afford it, we are forced to wash dirty masks found in the takataka [garbage] and re-wear them and now the risk of Coronavirus comes in. After all, even if we wash it how sure are we it was not worn by somebody who has Coronavirus.” She pauses and laughs and then continues to say, “You know most of us, even here, hatuvai [we don’t wear] masks because we are afraid of Corona; it is because the police can even kill us if we don’t have masks on.” (FGD M01)

Kenya, just like many other African countries, had a head start in preparing to combat the deadly Coronavirus; however, Kenya ignored the earliest signs and waited for the virus to reach within its borders so the state can begin battling it. The wait resulted in the state using fear, pandemic policing and carceral measures to ensure the virus is contained, and this was visible with how the state dealt with the issue of masks in Kenya, as there was already not enough masks¹⁴ in the local market.

Not long after the invocation of the mandate to wear masks, Health Cabinet Secretary Mutahi Kagwe gazetted a list of penalties against those who are caught violating these measures. One of the hefty penalties was that failure to wear a mask would cost a fine of maximum Ksh. 20,000 or a sentence not exceeding six months in jail¹⁵. The inspector general of police further confirmed these claims. It became clear then that the Ministry of Health was no longer working

¹³ See <https://www.capitalfm.co.ke/news/2020/04/masks-now-mandatory-in-public-places-kenya-declares/>

¹⁴ See <https://nation.africa/kenya/news/questions-over-missing-masks-amid-corona-virus-threat-255352?view=htmlamp>

¹⁵ See <https://nation.africa/kenya/news/you-face-arrest-you-for-not-wearing-a-face-mask-in-public-285946>

to contain the virus through care and mutual understanding with the citizenry. Instead, the National Police Service had decided to contain the virus as they would a criminal and true to the discussion earlier with MR in Mathare.

Data published by the Kenya National Bureau of Statistics¹⁶ show that less than three out of every one hundred salaried Kenyans earn over Sh100,000 (Kenya National Bureau of Statistics [KNBS], 2018). According to the Statistical Abstract¹⁸ published by the Kenya National Bureau of Statistics in November 2018, the number of salaried Kenyans were 2.66 million in 2017. Out of these, only 76,804 earn Sh 100,000 and above, representing 2.9% of the salaried population.

Amartya Sen defines poverty as a failure to achieve the obvious least capabilities. According to him, the lack of skills is absolute: regardless capabilities are not fixed over time or over societies (Sen, 1999, p. 86)). Therefore, Sen approaches poverty as not just relative but also absolute. Through the pandemic, it is rightfully evident that the entrenching of poverty was visible through government deprivation of access especially within the already marginalized communities.

From my findings, poverty levels among the residents of urban-informal settlements have been cited as the main driver of the inability to access masks; this also ties to the lack of information by the state. Many residents complained that the state had imposed mask wearing without explaining why they have to wear masks. This was mainly brought up by members of the community who depend on news briefings from newspapers and radio. Others agreed to the same but confirmed that they could receive explanations on this via the internet and primarily social media, which is not accessible to everybody due to the relatively high internet cost²⁰. Residents within these areas were forced to re-use or acquire low-quality facemasks since they cannot afford the standard protective facemasks.

In Kenya, the mask shortage was arguably state manufactured. A few weeks before the first Coronavirus case in Kenya was reported, Business Daily (Njanja, 2020) reported that the price of masks in Kenya had tripled, noting that there was only one sole producer of the facemasks within the country. The wholesale price of a single facemask initially retailed at ksh10 and increased to ksh.50 over the period as increased demand gained momentum.

Cabinet Secretary Ministry of Trade and Industry Betty Maina ascertained the citizenry²² that masks produced locally would not sell for more than ksh.20. Unfortunately for most citizens, this was still a challenge as most urban-informal settlers live on a hand to mouth basis, which means it's either their daily sustenance for survival or buying a face mask. It is also worth noting that during the pandemic, many residents of the informal urban settlements lost their sources of income as the economic side effects of the pandemic disrupted their daily jobs.

¹⁶ The Kenya National Bureau of Statistics acts as the principal agency of the Government for collecting, analysing and disseminating statistical data in Kenya. See <https://www.knbs.or.ke/>

¹⁸ See page 48

²⁰ See <https://www.cable.co.uk/mobiles/worldwide-data-pricing/>

²² See <https://www.health.go.ke/government-starts-manufacturing-mask-and-ppe-to-prevent-coronavirus-nairobi-friday-april-3-2020/>

The unprecedented challenges brought up by the pandemic have forced seismic policy and legislation decisions from both an urgent and uncertain atmosphere, and this has in turn not just reduced harm but displaced harm, especially in the informal urban settlements. These laws did not lead to the containment of the virus, but rather the vast militarisation of informal urban settlements that have not just been exposed but publicly set ablaze the chronic toll of classism(s) that has adversely affected slum dwellers.

As the pandemic containment measures heightened, most Kenyans, especially those living in the more impoverished areas of Kenya, were confused about whom the police were protecting.

“Covid-19 is the unseen killer, but the police are the seen killers,” says rights activist Boniface Mwangi. “We don’t see the police as our protector; we see the police as our abuser.”²³

This new policing mechanism created a perfect state of anarchy, and for Kenyans, survival meant battling the virus and the police at the same time.

An article published by Mail & Guardian (Gitonga, 2020) explains how for Kenyan police, it became money over care, “the officer in charge asked for the car to go back and pick up another round of unmasked citizens. In less than 30 minutes, officers were back with more people. It was loudly said that their target was to arrest 100 people that day.” It was clear that Kenyan police took advantage of the manufactured precarity to capitalise off disenfranchised Kenyans.

In June 2020, three people were killed by police²⁵ in a small town in Kenya's Rift Valley during a confrontation between police and residents who disavowed the violent arrest of a taxi driver who was not wearing a face mask. In the same town of Lessos, a cobbler²⁶ was killed by members of the National Police Service also over confrontations over his facemask.

Another case is Maurice Ochieng²⁷, a carpenter in Kisumu who was violently brutalised by police and later succumbed to the injuries and died.

In the discussions with the communities, in both Kayole and Mathare majority of the members present in the discussions agreed to either have witnessed or have been harassed by police because of the type of mask they were wearing or how they were wearing it. In Mathare, human rights activist Wanjira confirms that “when the curfew initially began, things got bad very quickly, especially in the informal urban settlements. Most folks within Mathare were not wearing masks to combat corona but for fear of the police”.

²³ See <https://www.theguardian.com/global-development/2020/oct/23/brutal-policing-kenyas-covid-curfew-left-15-dead>

²⁵ See <https://www.voanews.com/covid-19-pandemic/kenya-3-people-killed-clash-police-over-face-masks>

²⁶ See <https://www.africanews.com/2020/06/29/kenya-mask-enforcement-protest-leads-to-deaths/>

²⁷ See <https://www.youtube.com/watch?v=arbBNXlx31s>

For others, masks continue being a luxury they could not afford. Still, for many residents of informal urban settlements, facemasks continue being an element of survival, and the lack of them can grant you a death sentence.

Twins from Runda meet on Friday and ask each other,

“Whose party are we going to today?”

Twins from Mathare meet on Friday and ask each other,

“Whose funeral are we going to today?”²⁸

3. Accessing clean water and sanitiser

In Mathare, Kayole and Kibera, running water within homes is a basic need only few can afford. One of the biggest causes of lack of running water is water privatisation by cartels within these areas; due to this, residents are forced to buy water. Most shelters do not have piped water; therefore, residents have to buy water from various sources including public taps connected to the Nairobi Water and Sewerage Company (NWSC) pipes- that are not accessible 24/7 - or walk to collect it from other open water sources. Amid the pandemic, water has become an urgent and critical need; however, in these areas water remains an expensive commodity.

A report by the Mathare Social Justice Centre²⁹ documents that more than 70% of the population of Nairobi does not have access to clean, safe and adequate water, as provided for in Article 43 of the 2010 Constitution. The report (Mathare Social Justice Centre, 2019) further confirms that the lack of water in these areas is manufactured as a manifestation of the chronic toll of classism in Kenya. The report states that water provision costs more, is less safe, and less consistent in Nairobi’s urban informal settlements than in other more affluent parts of the city. As a result of de-facto leadership, water cartels act as privatized providers of water within these excluded areas which have been blocked as “non-revenue” by the cartels or the reigning Nairobi City Water and Sewerage Company³⁰.

V-Slim, a member of the Coalition for Grassroots Human Rights Defenders (CGHRD) in Mathare, noted that the lack of water is not new in Mathare as the prices range from “Ksh 5 to Ksh 50 per jerrycan, depending on the size.”

²⁸ Retrieved from (Kimari, 2019)

²⁹ Mathare Social Justice Center is an initiative by young members of the community to promote, educate and advocate for social justice in Mathare. See <https://www.matharesocialjustice.org/about-msjc/>

³⁰ See <https://www.nairobiwater.co.ke/>



Fig 1: Diversion of Water for Mukuru Kwa Njenga residents to “individual cartels to sell water to water bowsers” Anami Daudi Toure, 2020.³²

The denial of constitutionally granted infrastructure has precarized the urban informal settlement communities, who are only remembered during campaign periods. An instance of this is provided in the report (Mathare Social Justice Centre, 2019) asking, “Why did Governor Sonko only bring water during his election campaign?” Building on Dr Wangui Kimari’s (Kimari, 2019) argument, the manufactured exclusion of urban informal settlements – visibly through denial of access to water – is a form of “visible imperial novelty”. These relics colonial hauntings are used to justify police violence and extra-judicial mandates. As the police enforce domination of the commons, Dr Kimari sums up this praxis of violence as policing becoming a de-facto urban manager in absence of accessible infrastructures of care.

A visible justification of the punitive policing is the existence of the Nairobi City Water and Sewerage Company (NCWSC) not to provide water but to penalise the “illegal” tapping of water and prevent residents from using water pumps. Dr Kimari perfectly summarises this in her statement, “city managers deny the silent speech of the pump”³⁴ - and allow the free exploitation of residents by water cartels in these areas.

The designed exclusion of residents of Nairobi’s urban informal settlements allows the rampant exploitation of residents by water sellers (Patkin, 2013), who are also trying to make a living. The charges of a twenty-litre jerrycan of water in Kibra can cost between ten or fifteen shillings for one jerrycan. While in areas such as Mathare, these limitations to access end up brewing conflict. For example, Coalition for Grassroots Human Rights Defenders recalls a documented case in August 2017, when there was no access to water in the whole of Mathare except in the 4A and 4B areas. This forced residents of Mathare to go and buy the same 20-litre jerry cans for 50 shillings and even 100 shillings across the Mathare River.

³² See <https://twitter.com/anamidaudi/status/1324241532963225600?s=21>

³⁴ Retrieved from (Kimari, 2019)

The continued lack of water leads to a plethora of crises, as even when water is accessible, the residents are not guaranteed the safety of the water. At the height of the pandemic in August, residents of Mabatini area for close to one week had access to water, but the water was brown in colour. Local activists in the location from the Coalition for Grassroots Human Rights Defenders raised the alarm, as most families were unable even to boil the water to use for washing their clothes, let alone cooking. The Nairobi City Water and Sewerage Company (NCWSC) have failed to monitor the safety levels of the available and accessible water passing through the limited pipes in these areas. Therefore, risking contamination (Mathare Social Justice Centre, 2019) and adding other diseases onto the already looming risk of COVID-19 as this same water is used to wash reusable cloth masks and wash hands. It is also explicitly visible in areas like Mathare, Kayole and Kibra that most of these existing pipes are either broken or faulty and passes through sewerage gutters or grange troughs therefore not just wasting water through leaking but also letting in toxic material and waste adding to the contamination.



Fig 2: An overflowing sewage manhole, next to Nairobi River in Dandora. Alders Theodore, 2017



Fig 3: A sewerage trough where pipes pass through in Mathare. Alders Theodore, 2019



Fig 5: A sewerage trough filled with toxic waste and garbage leading to piping troughs. Aalders Theodore, 2019

The water challenge creates a precarious reality of not only survival but also the state's contribution to the health risks in the lives of those whose citizenship has been 'othered' and constitutionalism is a myth.

"If we don't have even water, where do you think we will get sanitiser which costs even ten times as much as this water we are struggling to get?" MK, a lead activist based at the Kayole Social Justice Center, says, "It even becomes difficult for us to believe this Corona because the government acts like it doesn't exist if they deny us even something basic like water, how can we fight it?" (FGD I04)



Fig 6&7: A water 'ATM' that is used to provide water for those with the transaction card in the Mathare area, Mwikali Racheal, 2020

As a tactic to absolve their inept services, the Nairobi Water and Sewerage Company have established transactional water dispensers in different areas. Jacinta, a coordinator with the

Coalition for Grassroots Human Rights Defenders, however, claims that these ‘atm’s’³⁸ are a band-aid solution to the already existing problem. She raises three arguments to back her claim; her first is that “Why are we being given such dispensers rather than the NWSC connecting pipes and allowing us water in our homes?” In this imperative claim, the topographies of exclusion are visible as just a stone throw away from Mathare is the Muthaiga suburban area, which has access to piped water all within their homes. The continued establishment of such band-aid solutions visibly publicizes the claims of exclusion and denial of water as essential infrastructure in these areas.

She further adds, “How do we have evidence of our expenditure via the cards at the water dispensers, as each round is 50 cents, so how do we track this expenditure so maybe they are stealing our money and we don’t know?” She further claims that “this continued pay for water is still discriminatory, why are we still paying taxes?” These arguments and rhetoric make a clear distinction on whom the government serves and to what extent, as all through the pandemic, water and sanitation have been a challenge within these areas.

The continued privatisation of government services and social needs has visibly taken away from these areas their democratic right to access their basic rights. From the visible cases of access, infrastructures of basic care such as water tanks are plastered by the names of politicians as “donated” or “provided” through individual capacity. Which also builds up citizen incentives to vote for them.

Additionally, these specific cases further deepen inequality within the urban informal settlements. As such reactionary attempts only further negates government support and further absolves the larger national government of any accountability.

attack attack attack attack

repeated enough, it’s almost

sacramental

- Shailja Patel

4. Staying at home and/or working from home

“For when a people no longer have the space to construct a homeplace, we cannot build a meaningful community of resistance.” - Bell Hooks

³⁸ The Water ATMs (dispensers) have been set up through a partnership between the local government and the Danish water engineering company Grundfos. See <https://www.bbc.com/news/world-africa-33223922>

On the question of the possibility of staying home, the group members of the discussion break into chaos startled that I would even ask them such a question.

“Kazi za mtaa ni za mjengo, unadhani tuaneza beba mawe kwa hao? Plus unajua most of us kama wamathe wa mtaa, tunafanya job za domestic kwa hao za hawa ma bombay, tuko home not because we want but because wao ndio wametufkuza wakisema tutawaletea Corona kwa hizo ma hao” (“Most workers in the slums depend on daily construction jobs; we can't carry stones from our homes. Most women also majorly work as domestic workers in these affluent suburbs. We are home not because we want but because our work has been disrupted and our employees have sent us home saying that we can infect them with Corona”)

Maria a human rights defender from Kamukunji who was at the meeting in Kayole quickly articulated herself amidst all the chaos caused by despondency in the room (FGD K01)

In just that sentence, Maria concluded the inability of residents from informal urban settlements to stay home, citing the elitist policies executed by the state to protect the middle and upper classes forgetting the lower-class demographics, whose labour is most times denoted as “underskilled labour.” According to a report by the World Economic Forum (World Economic Forum, 2016) thirty percent of the Kenyan workforce has ‘inadequate’ skill³⁹. However, this unsettling title of “underskilled⁴¹” is a weaponised form of manipulation by the working class to justify the exploitation and underpayment of labourers in the construction (mjengo) industry and those working as domestic household workers.

Racheal Mwikali, the convenor of the Coalition for Grassroots Human Rights Defenders, further explains, “Women from the informal settlements run the economy, and the men are used to build it.”

For families and residents living in informal urban settlements, staying at home is near impossible. Many of these settlements host most working-class folks with manual occupations (Wright, 1980) as occupational structure informs class categorisations. Many of these areas are already overcrowded, and social distancing is close to impossible to maintain (Austrian & Abuya, 2020).

³⁹ See <https://kenyanwallstreet.com/30-of-the-kenyan-labour-force-is-underskilled-wef/>

⁴¹ In context, the term ‘under-skilled’ refers to the manual labor that is often exploitative performed by the precarious working class populations within these settlements.



Fig 6: Aerial view of the densely populated Mathare area, Omar Suhayl, 2020.

The unmentioned forced evictions (Nnoko-Mewanu & Abdi, 2020) and demolitions at the height of the pandemic, police brutality and killings, denial of water, masks and essentials to protect yourself from COVID-19, and the continued policing of survival all have one core similarity, they all happen within the disregarded and othered parts of Kenya - the slums. If a praxis of care and protection for the citizenry were ignored and dictated with violence during a pandemic, what can we expect when a vaccine comes if not similar denial?

Patriarchy as pandemic

“Women are not allowed to be at home in our Kenyan Home. Women are not allowed to be at home in our houses.”

- Dr Wambui Mwangi

It is no accident that this homeplace, as fragile and as transitional as it may be, a makeshift shed, a small bit of earth where one rests, is always subject to violation and destruction.

- Bell Hooks

Distinctly, all through the paper, I have focused on the generalisation of the violence towards residents within urban-informal settlements. However, under all systems of harm, minoritized communities are exposed to further violence and disposability. Within the matrix of exclusion, women are not just affected by the above challenges but more-so directly targeted. In one of the discussions in Mathare, with CGHRD convenor Racheal Mwikali, she noted that areas such as Mathare are seeing a rise in gender-based violence and, more so violence against women.

As a result of patriarchal dominance, women within urban informal settlements constantly exist as captives within the subaltern⁴⁵. Amidst the violence met by the state, the systems of harm replicate even within the communal settings and in proximity to their homes. The communities and homes themselves become sites of violence, from domestic violence to sexual assault, misogyny and the constant proximity of disposability. According to a study (National Gender and Equality Commission, 2016) by the National Gender and Equality Commission (NGEC)⁴⁶, about 39 per cent of women and girls have experienced physical violence and an approximation of 1 in 4 girls in Kenya experience gender-based violence each year.⁴⁷ In many informal urban settlements, many women continue to combat two pandemics, Covid-19 and gender-based violence. In both cases due to denial of services and dismissal of the challenges, they lack the capacities to seek protection and safety.

Chronically, the violence subjected to women comes from a systemic and cultural insistence that enables the dismissal of cases when reported to authorities. Racheal Mwikali explains that in police stations within “slums”, women are seen as undignified and inferior; therefore, many divest from reporting these cases. Those who do report, the police station becomes “hell” where the police officers mock the visibly suffering women and dismiss the cases with the justification of, “Hatuwezi ingilia shida za nyumbani” [We can’t meddle with domestic issues] therefore forcing women to go back to the very homes that they are at risk in. Continually, the landscapes of justice become elusive for women within the urban informal settlements. Visibly, policing enforces strategies of denying women humanity even in the wake of violence and proximity to it.

Another contributing factor is the sheer lack of investment in and development of safe houses and spaces for women, which provide support, care and protection to victims of violence.

“and when we speak, we are afraid

our words will not be heard

nor welcomed

but when we are silent

we are still afraid

So it is better to speak

⁴⁵ In postcolonial studies and in critical theory, the term subaltern (Spivak, 2008) designates and identifies the colonial populations without human agency. Visibly, those who are socially, politically, and geographically excluded from the hierarchy of power, in this case looking at women

⁴⁶ The National Gender and Equality Commission (NGEC) is established by the National Gender and Equality Commission Act, 2011 pursuant to Article 59 (4) of the Constitution of Kenya. See <https://www.ngeckenya.org/>

remembering

we were never meant to survive

—Audre Lorde

Conclusion

During campaigns and near election periods, candidates seeking elective posts remember the informal urban settlements. Packed with handouts and well-equipped media teams, the remembrance and allocation of basic services and needs become a temporality of the state official's humanness. Politicians do not do this because they care about the residents of Kayole, Mathare, Kibra or even the well-being of Kenyans. It is weaponised manipulation sought to convince the residents in the target areas that the politicians are allies (*mtu yangu*), and votes should be dedicated to them for providing the limited basic care.

In the last year, the safety of Kenyans has been at risk; as illustrated in this paper, the lived realities of the residents in the informal urban settlements outrightly reject the repeated remarks (Kenyatta, 2021) by the president, “my administration will uphold its duty of care to the people of this republic” and “one life lost is one too many”. It is clear that access to government and social services is dependent on the social stratification side that one belongs. The government has continually absolved blame for their failure to implement the law by constantly using infantilised language to blame the citizenry and enforce pandemic policing.

We must look at the rampant pandemic policing as a distraction from the denial of infrastructure in these areas. Police are free to act on executive decrees with no regard to the law. Guns take the place of denied water pipes; batons become the image of development and the police a reflection of modernity. All through the pandemic, the state has enabled these acts of brutality by using the language of war and ammunition in reference to the pandemic. However, the tacit nature of this language is severely felt within the assemblages of state denial and domestic imperialism. Pandemic policing has established that combat mechanics supported by the language of war will see any possible carrier of the virus as an enemy.

The areas labelled as “slums” or “informal” are districted not just by the assumptions and realities of poverty but also by the intentional violence and denial of services by the state. While speaking about Kenya as a state, we remember cities by name. Still, most times erase the existence of the slum areas as anti-modern. Regardless of the country's infrastructure or economy, the growth of Kenya's slum areas remains static. The denial of infrastructure (as intended) permeates not just the physical surrounding of these areas but also the psychological sense of being for those who live in these areas. Therefore, policing serves as a *prima facie* sort of government and management in these areas.

A simple case study to confirm what I refer to as ‘intended denial of infrastructure’ is the two neighbouring zones Muthaiga and Mathare. Muthaiga is an affluent, gated suburb that hosts

the elites and upper-class demographics protected by the police. Mathare is one of Nairobi's oldest slum areas that developed due to an existing mining quarry and hosting a majority of Kenya's poor folks brutalised by the police. The two areas are simply divided by a well-built highway. To some extent, we can look at the road that divides two points of extreme urban inequality as liminal space. Liminal space, because of the distortion this one road causes both physically and psychologically, liminal space because maybe this is the reality of post-colonial infrastructure. The post colony argument can be said to be cemented by the recent events of the Muthaiga residents. Residents who enjoy the privilege of living in perfect harmony with the police collaborated with the National Police Service to deny access to any non-residents of Muthaiga into Muthaiga and deny access to matatus and motorcycles into this posh area reserved for the elite (Ghai & Ghai, 2020). However, Muthaiga residents realised that most of them could not survive on this divisionism, as most domestic workers do not reside in the area, and the majority use public transport. In this regard, they agreed to pursue special identification cards to grant the non-resident workforce entry. This discriminatory practice reminds us of the haunting colonial and racist "Kipande"⁴⁹ system (Anderson, 2000). In addition to the existing economic exploitation, these workers have to fight for survival and fight from subjugation brought about by policies made by the residents and rubber-stamped by Kenya's elitist oligarchy.

The continued violence and entrenching of government forces within these areas also exposes the frail illusion of 'inclusive cities' and the continuing exposure of the undermining and desecration of the constitution of Kenya (2010). Denying residents of informal urban settlements access not just to their basic needs but also their rights and freedoms is in every way a contravention of the bill of rights in the constitution. To quell the divisionism, government and spatial management have erroneously used zonal names to mask the denial of infrastructure in these areas. Several slum areas are re-named to their neighbouring suburbs, such as 'lower Loresho' in the case of Kangemi, to limit divisional uproar. Instead of providing services and essential needs, the government blinds the residents with a liberal agenda of inclusive cities.

In most times, residents from informal urban settlements are always visibly absent in spaces where laws are made. This absence translates to the elitist policies that have been used to combat the pandemic by policing divisionism. Residents of these areas see the continuation of Kenya from newspaper headlines; for them even when the media stops reporting, the violence continues in these areas.

While the focus has been on the pandemic, Kenya is also in the throes of critical breach of the constitution⁵¹. To further indicate this, for ten years, Kenya has been led by an unconstitutionally constituted parliament. In September, 2020 the president of the Supreme Court of Kenya advised the president to dissolve parliament citing failure to enact the gender rule (Chief Justice's advice to the President on dissolution of parliament for failure to enact the

⁴⁹ The Kipande system serves as a reminder that colonial control through identification and restriction of movement are mutually linked to dominate over working class populations.

⁵¹ See <https://nation.africa/kenya/blogs-opinion/blogs/mps-failed-to-activate-gender-rule-must-go-2370400>

gender rule, 2020). This visibly summarizes the erasure of women within the legislative process and the blatant disregard of constitutionalism. . If our law-making body violates the constitution, who is supposed to protect Kenya's disenfranchised demographics from the visible classism and looming authoritarian militarism that transcends from the militarisation (Baraka, 2020) of Kenya's capital city to the streets and homes of Kenya's urban informal settlements? The visible authoritarian approach of policing and reinforced violence, is a continuation of colonial mechanisms, of dominating the natives. Inherently, in the absence of democratic rule, policing becomes a superstructure of de-facto reign. The disorienting effects of policing realize the strategies used to navigate the ever-changing geographies of state violence. Pandemic policing is a manifestation of these mutual linkages that have coalesced to what we are seeing at present.

*"Bring back the child you murdered. If the state and empire wishes to act like a God that can take life, it should function as a God and resurrect life. If it cannot then it is not a god, it is not a pharaoh and it's laws are not legitimate when they're predatory"*⁵⁴

- Joy James

Endnotes

1. Through several stories, interviews, discussions and prose, I illustrate the 'otherness' of urban-informal settlements by focusing on pandemic policing and the denial of infrastructure in Kayole, Mathare and Kibera
2. The cases mentioned have been documented by police brutality and violence watchdog "Police Brutality Kenya" on social media. The site is managed by active citizens who prefer not to remain anonymous for safety reasons.
3. With the exception of prominent personalities, this paper has used non-identifiable pseudonyms to protect the identities of the interviewed activists and residents and to also allow for non-restricted publishing (Etta, MR, Maria, Wanjiru)

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⁵⁴ See <https://youtu.be/giq5oABfl7s> (42:15)

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