



Unequal sharing of wealth that stoked rise in armed crime

After independence, the the 'dog eat dog' model of development reinforced the desire to get to the top by any means necessary

By CHARLES HORNSBY

In December 1973, Kenya celebrated a decade of independence. Most observers judged the independence era a success, but noted that Kenya's national identity was only slowly emerging and continued to be challenged by socio-economic and ethnic tensions.

Kenyan society was also becoming more aggressive and acquisitive. The 'dog eat dog' model of development reinforced the desire to get to the top by any means.

At the same time, growing numbers of foreign tourists brought with them the aspirational lifestyle of luxury hotels and safaris, while urbanisation was breaking older bonds to the land and community. These changes were breeding a distinct 'Nairobi' political culture, which – in classic capitalist form – was more acquisitive, fragmented and unequal than the heartlands of rural Kenya.

By the early 1970s, the challenges of urbanisation were really beginning to affect Kenya. More than ten per cent of Kenyans were now urban residents. To meet growing demand, local councils, private developers and the central government built houses for the emerging middle class.

At the same time, the urban poor were building shanties and slums in Kibera, Mathare Valley and elsewhere. In January 1970, Nairobi City Council responded. City council askaris burnt to the ground several slums, leaving 50,000 inhabitants homeless. Nonetheless, the flood to the cities continued.

Overcrowded settlements

By the mid-1970s, more than 25 per cent of Nairobi's population was living in overcrowded 'temporary' settlements, where the prevalence of unemployment led to theft, illegal brewing and other social problems. Hawking (mobile or temporary selling of goods), which had been a problem since the colonial era in the city, was a growing challenge.

As unemployment rose and the elites prospered, so crime increased. Even Kenyatta's own farm was robbed. Although the scale was modest in comparison to the chaos of the 1990s, personal security began to become a concern. The National Assembly had rejected the death penalty for armed robbery in 1970.

Nonetheless, infuriated by his inability to control the streets and the possible effect on investment, President Kenyatta demanded at rallies in 1971 that armed robbers be hanged in public, and tried to force the change through Parliament.

The Assembly was unimpressed,

and though it eventually passed the Criminal Law (Amendment) Act to execute violent robbers, it specified that they must have committed grievous bodily harm. It also mandated that executions take place in private, influenced by Attorney-General Charles Njonjo's opposition to public killings, which he termed "barbaric, sadistic and inhuman". It was a rare case of parliamentary resistance to presidential authority.

President Kenyatta was back on the stump with his own draconian solutions to the problem of crime in 1972, demanding that theft also become a capital offence: "My brothers, let us say it loudly, thieves shall be hanged; hanged until they die." It was crucial that no quarter be given to the poor if they turned to crime.

Public outcry

Kenyatta's wish was eventually implemented in a second amendment in 1973, which mandated the death penalty for robbery with violence. The death penalty for armed robbery (even without violence) was introduced in 1975 and remains on the statute book to this day. For the first time, the police were armed and ordered to "shoot to kill".

However, there was already concern about the loss of discipline and corruption in the force.

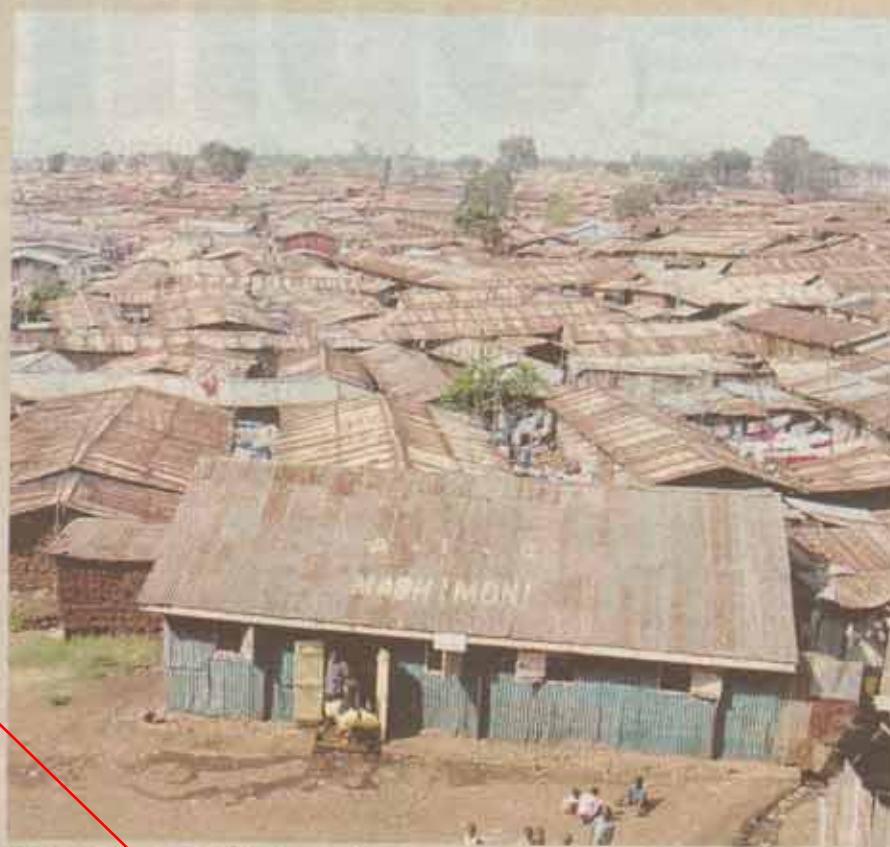
Njonjo admitted that, by 1972, 60 per cent of crimes went undetected or were not investigated.

The state of Kenya's prisons was also a cause for concern, highlighted by an incident in 1972 in which warders killed up to 30 prisoners. There was little public outcry. The lives of criminals had little value to Kenyans. Indeed, prisoners were routinely used as forced labour on the farms of ministers and civil servants.

The senior judiciary, meanwhile, remained mostly European and Asian. All Kenya's magistrates were African, but there were only three African High Court judges, with Njonjo explicit that appointments would be made on merit, not ethnic criteria.

Many African lawyers disagreed, believing his maintenance of high standards of conduct and qualifications deliberately discriminated against them (and thereby also built a constituency for Njonjo amongst Europeans and Asians). Nonetheless, in every aspect of the criminal and judicial system, problems were growing.

By 1972 there was a substantial backlog in cases (2,000 awaiting High Court hearing), with the number of cases consistently exceeding the number of judges available. The problems of the 1990s were already present.



Kibera slums in Nairobi. The proliferation of slums owes largely to uneven distribution of national resources after independence. (PHOTO: FILE/STANDARD)

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