



From protest to proactive action: building institutional accountability through struggles for the right to housing

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When are struggles for basic rights by weak social groups able to have an impact on public institutions and make them more responsive and accountable? This chapter responds to this question by drawing from the experience of an ongoing struggle by council tenants in Mombasa, Kenya for decent housing conditions, secure tenure, functioning urban services, and an end to the grabbing of public land in the municipality.² Lessons from social movement literature suggest that in assessing the impact or effectiveness of such struggles it is necessary to pay attention not only to internal factors such as how the movement is organised, what resources it is able to mobilise, and the terms in which it articulates its claims, but also to external factors such as the nature of the state, the configuration of public institutions and the broader political context (Tarrow 1998; McAdam, Tarrow and Tilly 2001). In a paper exploring how citizens' exercise of voice may more directly influence policy and service delivery, and how public institutions can be more 'client-focused', Goetz and Gaventa employ a framework that breaks down this combined analysis of internal and external factors into three key questions (Goetz and Gaventa 2001: 10):

- 1 What is the social, cultural and economic power of the group? (This interrogates the extent to which there is a united and well-organised constituency that is able to articulate its entitlements clearly, able to attract allies in strategic places, and enjoys broad social support for its claims.)
- 2 What is the nature of the political system? (This interrogates the depth of procedural and substantive democracy: the manner in which executive, legislative and judicial power is organised, and the genuineness of political party competition based on ideas and programmes.)

- 3 What is the nature of the state and its bureaucracies? (This interrogates the extent to which there is a professional and relatively autonomous civil service, a level of commitment to reform in the bureaucratic culture and practice, and pro-poor responsiveness.)

These questions provide a useful framework for taking stock of and accounting for gains and losses of the council tenants' ten-year struggle in terms of ability to have an impact on public institutions and make them more accountable. But first, what is the context of the struggle: who is involved and what are the main issues?

Background

The city of Mombasa is Kenya's sea port and its second largest city, with a population of about 700,000.³ The city has an officially acknowledged housing crisis (Central Bureau of Statistics 1999: 15). The worst manifestation of the crisis is in the slums that have mushroomed in the city over the last ten years. But equally visible is the severe deterioration in the quality of existing low- and middle-income housing, which is also in short supply. Most people in this income group have only two options to choose from: on the one hand, the 'Swahili' type houses⁴ (built out of mud and mangrove poles) occupied by several families, each household having a single room.⁵ Cooking and toilet facilities are communal, with no proper sanitation services as they are located in unplanned, semi-permanent settlements. On the other hand, council-owned estates constructed in the colonial era that have not seen much maintenance since the mid-1980s. Among these estates are Tudor, Changamwe and Mzizima, where the tenants' associations' mobilisation work began.⁶

The tenants' associations from these three estates joined together in November 2002 to form the Shelter Committee of ILISHE⁷ Trust, an umbrella organisation bringing together community-based groups in the Coast province. The Shelter Committee helps to mobilise other council tenants facing similar problems with the aim of ultimately getting all 18 council estates involved and active in the struggle. The tenants' struggle can be summed up as being about four issues: decent housing conditions, functioning urban services, secure tenure and fighting the grabbing of public land.

Decent housing conditions

Under the terms of the lease agreement, the council has an obligation to maintain the houses. The council has not undertaken routine maintenance

tasks such as painting of the exterior, or repairs and replacements of the fixtures, since the early 1980s. Tenants are forbidden to make any 'alterations or additions whatsoever' to the flat or 'any fixtures and fittings therein' without the council's consent. The council's established practice of withholding consent notwithstanding, those tenants who can afford it have been forced by circumstances to resort to self-help measures such as replacing sinks, toilets, doors and windows, and even improvised wooden staircases. However, for tenants living in blocks with shared ablution facilities, the deterioration has not seen such mitigation; these tend to be poorer tenants and also it would take the agreement and financial contribution of several households to tackle these problems.

Functioning urban services

The city has been in economic decline for the last ten years (Gatabaki-Kamau *et al.* 2000: 1). This economic decline was made worse by politically motivated clashes just prior to the 1997 elections. Key sectors of the economy, such as tourism, suffered huge setbacks, as did the urban infrastructure.⁸ Water and sanitation services are poor in the city as a whole, but low-income areas are hardest hit. Estates such as Tudor have not had running water since 1995, a situation made worse by an ongoing dispute between the council and the state-operated National Water Conservation and Pipeline Corporation. Yet the tenants have continued to pay for water and sewerage services they do not receive, since these charges are included in their rent charges. Here, too, the tenants have resorted to self-help measures. A women's group in Tudor estate sank a borehole that sells water to the residents. People also buy water from vendors who cart water around the estates.

Secure tenure

As tenants with written lease agreements, the council tenants are more tenure-secure than most low-income residents of Mombasa. But tenure security is much more than having an official document: council tenants do not *feel* secure. Corrupt practices in the council's department of housing, irregular practices such as rigging waiting lists, and back-dated eviction notices used to evict people without the benefit of the notice period required by the tenancy agreement all contribute to the feeling of insecurity. The tenants speak of an increasing trend of people having to *teremka* (go down the slope) literally and figuratively into the *muoroto* (slum) on the periphery of the estate because they have either been unable to pay the rent, or unable to fight off an irregular reallocation of their lease to another tenant favoured by some council official or