

Of Kenya's Eaters and Eatists: Hunger as a Development and Social Justice Challenge

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Abstract

In the year 2010 Kenya promulgated a new constitution that among other things guarantees the right of all persons to food. In spite of this provision nearly 10 million Kenyans today continue to suffer from chronic food poverty. Although there are many reasons for this, one of the most obvious ones is the high level of corruption in Kenya society that diverts public resources into private consumption and that to a very large extent subverts public policy. The fact that many Kenyans are starving cannot be wished away and it is an issue that must be addressed not only as the constitutional right that it is but also as a moral duty of social justice. The nearly one-third of Kenyans who are starving are an obstacle to national development and their presence clearly demonstrates the lack of equity in Kenyan society. It is no longer a matter of political choice but a political imperative to put an end to hunger in Kenya. The cry from millions for food brought us together from many faiths. God – Reality itself – calls us to respond to the cry for food. And we hear it as a cry not only for aid but for justice. The spirit of one of the prayers held in our meeting sums up not only our hope but our resolve: "Give bread to those who have hunger, and to those who have bread, give a hunger for justice". Statement issued by the Conference of Buddhists, Hindus, Jews, Muslims and Christians on Food and Energy in Bellagio, Italy (1975)

Introduction

Two stories appeared in Kenya newspapers in the month of January 2014. Both of them were on the subject of food. While one revealed all too clearly the harsh reality of food poverty, the other seemed to hold forth the hope of a boundless supply of the same substance sometime in the future. Both stories are reproduced here to provide the necessary background to the concerns of this paper.

The first story entitled "Grannies eat dog meat in Turkana" (Lutta, 2014, p. 9) appeared in the *Sunday Nation* newspaper edition of 19 January 2014:

Two women and four children at an internally displaced persons' camp in Kakuma Division have eaten dog meat as a result of biting hunger in Turkana County.

Ms. Akaran Aparo, 73, and Ms. Ekitoe Eregae, 71, said they resolved to eat dog meat because they didn't want to steal a goat or a chicken and end up in jail.

Ms. Aparo told journalists at her house that she always made frequent journeys to Kakuma town three kilometers away everyday where she was either given too little food or none at all.

"I have been living with five grandchildren in my house since their parents died in 2010. I last received relief food in September last year, and I have no other source. Efforts to get the government to send food have been futile", she said.

She said that on her way to Kakuma, she spotted a dog which had made a shelter and given birth to five puppies. "I took two for our meal as I didn't want my grandchildren to keep suffering".

Ms. Aparo said she hit the puppies on the head and roasted them without skinning them.

Her friend and agemate, Ms. Eregae, said she was too weak to go round begging for food from hotels. "My friend called me and said she had prepared a meal which we shared", she said.

Eyewitness Peter Lomiyana said he saw two roasted dogs in the house and called the police. "They asked me why the police were arresting them for the roasted dogs in the house when they had already eaten two".

District Officer Samuel Osodo while appealing for relief, said: "Children and women urgently need relief aid; most county residents do not have food".

Dog meat is not traditionally eaten among the Turkana or any other Kenyan community. So what this event points to is the extreme desperation of the grannies in the face of unrelenting hunger that many people face everyday not just in Turkana County but in many other counties in Kenya as well.

The other story was about an event that had taken place earlier on 9 January 2014, namely the launching of the Galana Ranch Irrigation Project. The story appeared in the *Business Daily* newspaper and was entitled "1.2m-acre Galana Ranch to be put under irrigation" (Omondi, 2014):

The department of agriculture has abandoned the path charted by Vision 2030 and zeroed in on the Galana/Kulalu Ranch project in a bid to beat the Jubilee government's promise of putting one million acres of land under irrigation.

Agriculture, Livestock and Fisheries Cabinet secretary Felix Koskei said concentrating on the Galana Ranch scheme would instead put 1.2 million acres of land under irrigation by the time Jubilee's first term ends in 2017.

"It is clear that one million acres can be obtained from just one project and it is for this reason that we have embarked on steps that will lead to development of this important resource," Mr. Koskei told a press briefing in his office on Monday.

He announced tenders for feasibility study, planning and costing of the Galana/Kulalu food security project.

Ministry officials are only expected to lay the groundwork for the project, paving way for the private sector to invest Sh250 billion required under the public private partnership arrangement.

Under the Vision 2030 route, the government had set itself a less ambitious target of putting 80,000 acres under irrigation each year, which would mean a time line of 12.5 years from July 2013 (start of Jubilee's first financial year) to develop one million acres.

Given that the country has developed just 450,000 acres of its estimated potential three million irrigation potential since independence 50 years ago, Jubilee opted for the 45-year-old project to cut the Vision 2030 timeline by seven years.

On Monday, Mr. Koskei said that the agriculture department was already negotiating with Tana River and Kilifi governors to expand Galana Ranch to a fully irrigated scheme.

“Galana Ranch has the potential of being a major contributor to both the coast region and national economy by providing jobs and triggering a multiplier effect on commerce, industry and services,” said Mr. Koskei.

The 1.75 million-acre ranch was established in 1968 as a game and trading company before being acquired by the government through the Agricultural Development Corporation (ADC) to provide a buffer zone between Tsavo National Park and surrounding communities.

The ADC has been using it as a camping site, for beef ranching, off-take management during drought as well as the production of biogas.

Under the Jubilee government’s plan, 500,000 acres of the ranch will be put under maize, 300,000 acres under sugarcane and 200,000 acres under beef and game animals.

Another 150,000 acres will be used for horticulture production, 100,000 acres will serve as a dairy farm, while the remaining 50,000 acres will be put under fruits such as mangoes and guavas.

The substance of the second article would seem to be addressing the problem of hunger posed by the first article directly and effectively. Or does it?

Article 43 of the Constitution of the Republic of Kenya deals with economic and social rights and among these rights, Section 1(c) recognizes the right of every person “to be free from hunger and to have adequate food of acceptable quality” (Kenya, 2010). That the freedom from hunger is now a constitutional right makes the plight of the two grannies and their grandchildren no less than a social justice issue. It demonstrates a clear inadequacy in realizing a human right that is recognized by no less an authority than the constitution, the supreme law of the land.

That Kenyans sought to have this right enshrined in their constitution is not accidental but born out of their hard experience that law can be used to change society. Indeed the development of effective legal institutions and processes can contribute to the strengthening of individual rights and the pursuit of equality, two things that have eluded Kenyans since independence in 1963. Thus, getting rid of those legal rules or institutions that are not consistent with realization of social justice and development and that tend to distort and delay their achievement are also a function of law. The social, economic, cultural and political goals that are necessary for Kenya's development can only be achieved in an atmosphere of a dynamic legal process that is ready to innovate and change hence the enactment of the new constitution.

Kenya's economy is heavily dependent on agriculture and up to 80 per cent of farming is undertaken in small holdings. Most of these holdings are small pieces of land from which the owners have to try and make a living. At the same time landlessness is a serious problem among a large section of Kenyans who in spite of this do not have opportunities for employment in the non-agricultural sector. As a consequence, 75 to 80 per cent of Kenyans who struggle to be farmers have low agricultural productivity (World Factbook, 2011).

Given the foregoing, agrarian reform should be a crucial issue as regards the issue of food production. As noted in the Declaration of Principles of the World Conference on Agrarian Reform and Rural Development (FAO, 1980, p. 72):

Agrarian reform is a critical component of rural development and ...the sustained improvement of rural areas, in the context of promotion of national self reliance and the building of the New International Economic Order, requires fuller and more equitable access to land, water and other natural resources, widespread sharing of economic and political powers; increasing and more productive employment; fuller use of human skills and energies; participation and integration of rural people into the production and distribution systems; increased production, productivity and food security for all groups, mobilization of internal resources.

In spite of this fact agrarian reform in Kenya has been slow in coming and land remains one of the most contentious political issue that people fight and even die for.

Certainly in a society where owning a piece of land may well determine whether one eats or not, agrarian reform is yet another area in which law would play a decisive and important role in bringing about desirable changes to promote social justice and development. The fact that agrarian reform has not come is yet another pointer to the desire of vested interests to maintain the status quo. It is with these concerns in mind that Kenyans sought to empower their constitution to become an active instrument in the development process and to ensure social justice. And yet today Kenyans are still going hungry in their millions. The current situation may in part be attributed to the phenomenon of Kenya's eatists.

The Eaters and the Eatists

When Kenyans talk of "eating" they understand the term in at least two senses. The first sense, of course, is the normal reference to the intake of food through the mouth. The second sense in which Kenyans use the term is metaphorical and refers to the misappropriation of public funds and goods for personal benefit. While all human beings engage in the first form of eating for survival, this last form of eating in Kenya is the preserve of a few individuals (eatists), most of whom hold public office. To a great extent, such opportunities for "eating" provide a major incentive for certain individuals to aspire to and hold such offices. Who exactly is an eatist?

Among the various meanings the dictionary (Merriam-Webster, 2006) gives for the suffix "ist" is [some]one that adheres to or advocates a (specified) doctrine or system or code of behavior. Thus, "eatist" here refers to a member of that select class or group of Kenyans who have permanently placed Kenya in the league of the most corrupt nations of the world. According to a report appearing in *The Standard* newspaper of Saturday 7 September 2013, Kenya is ranked the fourth most corrupt country in the world by Transparency International. Specifically, the eatists adhere to the doctrine that whatever public resources they come across is theirs to expropriate for their personal benefit.

They therefore loot and plunder at will and their actions inevitably lead to the misery of millions of Kenyans who are supposed to benefit from these public resources. In 2004 it was estimated that corruption accounted for about eight per cent of Kenya's Gross Domestic Product (GDP) (*The Independent*, 2004).

Although it is obvious that everyone needs to eat in order to survive (we are all eaters), a substantial proportion of Kenyans (such as the two grannies and their grandchildren) are not always in a position to do so due to absolute poverty. However, the ability to eat in the second sense guarantees eating also in the first sense; one always has the wherewithal to afford food. In spite of what the constitution says, in Kenya the "mere" hunger for food does not yet guarantee that one will indeed get food to eat. It means that often what may have been used to ensure that all Kenyans are eaters has been gobbled up by the few eatists. The net effect is that there is widespread poverty among Kenyans; a poverty that engulfs nearly one-half of the national population (Action Against Hunger, 2013; Rural Poverty Portal, 2011) and whose worst manifestation is hunger.

Kenya ranks among the poorest countries of the world. With a population of an odd 40 million, an estimated 46-50 per cent live in poverty (World Bank, 2012; Rural Poverty Portal, 2011; Action Against Hunger, 2009), that is, on less than one US dollar per day. Kenya ranks 145 out of 187 countries in the 2013 *Human Development Index* (UNDP, 2013), two positions lower than its rank in 2011. Inequalities are wide with the top 10 per cent of Kenyans earning 44 per cent of the national income, whilst the bottom 10 per cent earns less than one per cent. The wealthiest urban households spend 691 times more than their poorest counterparts (Awiti, 2014, p. 24).

The Food Situation in Kenya Today

Food poverty is a normative, arbitrary and inexact concept (Irish Public Health, 2011; Greer and Thorbecke, 1986) and it seeks to measure whether individuals consume enough food or have the means to consume enough food to enjoy a minimum desirable physical health. Poverty and hunger are pervasive facts of life for many rural and urban Kenyan families.

The Second Nutrition Survey carried out by the Central Bureau of Statistics in 1980 and cited by Greer and Thorbecke (1986) found that five per cent of the children sampled suffered from severe stunting, indicating malnourishment of such severity or duration as to be expected to lead to clinical symptoms or illness. In addition, 42 per cent showed signs of chronic but sub-clinical malnutrition (Greer and Thorbecke, 1986, p. 14).

Nutritional shortages have a serious impact on human beings and may cause physiological problems. Mild energy shortages cause lost growth for infants, lowered ability to learn among school children, and decreased ability to work and thus earn a living among adults. Severe food deficiencies result in weight loss, susceptibility to disease, more severe sickness and listlessness (Greer and Thorbecke, 1986, p. 57).

Greer and Thorbecke estimated that an average of 74 per cent of the total expenditure of small holders in rural Kenya went towards purchase of food – this figure includes the imputed value of their own products. One is inclined to agree with them when they observe that households that can spend that much and are still under-nourished are not spending on luxuries instead of necessities (Greer and Thorbecke, 1986, p. 15). They are just not able to meet their requirements.

Among the reasons for the persistence of poverty is the lack of food security. A 2005/2006 household budget survey by the Kenya National Bureau of Statistics showed that 20 per cent of Kenyans suffered from food poverty, such that their entire income was not even enough for purchasing food (Irungu, 2013). According to a World Bank economist based in Nairobi, John Randa, 'prices of food in Kenya are higher than in Germany and the US. International sugar prices are lower than those in Kenya' (Irungu, 2013).

More than 10 million Kenyans (nearly one-third of the population) are chronically food insecure (Kenya, 2011; FAO, 2011).

Although this food and nutrition insecurity is often attributed to the poor performance of the agricultural sector, this is only part of the reason. There are issues to do with poverty and wealth distribution in the country as well. The unequal distribution of wealth has left nearly one-half of the country's population living below the poverty line. The most obvious outcome of this poverty is malnutrition.

Malnutrition

According to the World Hunger Education Service (2002), one of the senses in which the word “hunger” is used is to mean the want or scarcity of food. This lack of food leads to malnutrition and in extreme cases can lead to death. Malnutrition in turn is a term that indicates a lack of some or all nutritional elements that are necessary for human health.

There are two types of malnutrition. The first is protein-energy malnutrition (PEM) and it refers basically to the lack of calories and protein. The second type of malnutrition is micro-nutrient (vitamin and mineral deficiency). Of these two types the first is the most lethal and it is in this first sense that the word hunger is used here. This is not to downplay the importance of the second type of malnutrition but merely to recognize the fact that the majority of hungry Kenyans will readily accept any kind of food rather than asking first whether it contains this micronutrient or that vitamin.

Kenya's *National Food and Nutrition Security Policy* (NFNSP) (2011) indicates that in the past 30 years, per capita food availability has in fact declined by more than 10 per cent. Malnutrition exists in various forms, including acute and chronic undernutrition, micronutrient deficiencies, as well as overweight and obesity. These conditions primarily affect pregnant and lactating women and children under five years of age and contribute significantly to the morbidity and mortality rates in society.

Although generally, most food is consumed where it is grown, for many of the very poor, it is the trade in food which determines directly or indirectly whether there will be something to eat for the next meal, be it from their meagre savings or famine relief. Wherever it exists, it is true that poverty is the prime cause of hunger (World Hunger Education Service, 2002).

A significant number of Kenyan small farm households, who are estimated to comprise 75-80 per cent of the total national population, is estimated to consume less than the recommended total daily intake (TDI). In this sense, these households suffer from food poverty. It should be clearly noted that the use of the term “food poverty” does not imply starvation or severe malnutrition. All that is indicated is that many Kenyans are food poor relative to the recommended TDI.

Who are the hungry in Kenya today?

It is possible to identify five main categories of Kenyans who are most vulnerable to food poverty (Rural Poverty Portal, 2011; Greer and Thorbecke, 1986). The first category is that of the rural poor. Some in this category have land but it is either inadequate for their needs or it is too poor in quality to produce much food. On the other hand there are those who have no claim to any land and thus occupy a precarious legal position in regard to the land they are using to produce food in that they do not have any security. When they are eventually evicted, as often happens, some remain in rural areas landless and poor while others head for the urban areas. In this group may also be included some unfortunate widows, divorcees and others.

The second category is that of those Kenyans living on land with low potential for agriculture and so-called marginal lands. Such land accounts for some 80 per cent of Kenya's total area. This group is mainly made up of pastoralists who have as a result of desertification, drought, diminishing herds and changing lifestyles require more than they can produce. They therefore need to buy food especially cereals from money which they may not always have. In times of drought, their situation becomes particularly desperate.

The third category is that of the urban poor. These may be unemployed, employed or self-employed in various sectors. Some of them, as already indicated, are products of the first category. Their vulnerability comes about as a result of their low incomes and their resulting inability to adequately feed themselves and their families.

The fourth category is both rural and urban and comprises pregnant and lactating mothers who do not, for one reason or the other, have enough food to eat and therefore require to buy food to eat or to supplement their diets by purchasing what they do not have. In the event that they are unable to do so, they put their health and the lives of their babies in serious danger.

The fifth category is that of young children everywhere who are growing and require full and adequate nourishment to ensure normal growth. The children in the Turkana story and many other children elsewhere in Kenya are facing these hazards to their growth and development daily and thereby putting Kenya's very future in jeopardy.

Their plight is always more visible in the urban than rural areas. In the rural areas their deprivation is often in a family context that at least takes care of some of their other needs. Their urban counterparts however, often do not enjoy even this minimal security. Generally, they tend to be the children of persons in the four above categories.

According to Jos Verbeek, the lead economist for the World Bank's *Global Monitoring Report 2013*, research showed that basic nutrition has a critical role in the first 1,000 days of a child's development: "A malnourished child has on average a seven-month delay in starting school, a 0.7 grade loss in schooling, and potentially a 10-17 per cent reduction in life-time earnings – damaging future human capital and causing national GDP losses estimated at 2-3 per cent" (Irungu, 2013).

In 2009, malnutrition in children under 5 years stood at 16.4 per cent (Action Against Hunger, 2013). Malnutrition in Kenya is now a big public health problem with stunting rates of as high as 35 per cent (Kenya, 2012, p. iv). That apart, Kenya is currently experiencing an increase in diet-related non-communicable diseases such as diabetes, cancers, kidney and liver complications that are largely attributed to the consumption of foods that are low in fibre and high in fats and sugars. About 31 per cent of the population is undernourished (Population Reference Bureau, 2011).

Malnutrition threatens a significant proportion of Kenya's children and women. The latest *Kenya Demographic and Health Survey (KDHS)* for 2008/2009 (Kenya, 2010) indicated that seven per cent of children under 5 years were wasted and 16 per cent were underweight. Although the prevalence rates for wasting and underweight have declined over the past three decades (though remaining stable over the past 10 years), the stunting rate has increased to an astounding 35 per cent. Wasting stands at a national average of seven per cent with extremely high rates of 20 per cent in the semi-arid and arid zones of the North Eastern Kenya. Underweight stands at a national average of 16 per cent (International Food Policy Research Institute, 2012).

By far, children are the most visible victims of malnutrition. Children who are poorly nourished suffer up to 160 days of illness each year. Poor nutrition plays a role in at least one-half of the 10.9 million child deaths each year worldwide. At the same time malnutrition magnifies the effect of every disease including measles and malaria.

According to the World Hunger Education service (2002), the estimated proportions of deaths in which malnutrition is an underlying cause are roughly similar for diarrhea (61%), malaria (57%) pneumonia (52%) and measles (45%). Across the developing countries, malnutrition, as measured by stunting, affects 32.5 per cent of children (compare with Kenya's 35 per cent), that is one in three (Onis, 2000). In many cases the plight of these children began even before birth with a malnourished mother. It is estimated that one out of six infants born with low birth weight are born to malnourished mothers (World Hunger Education Service, 2002). This represents a risk not only for neonatal deaths but also causes learning disabilities, mental retardation, poor health, blindness and premature death. These are the facts. How do they impact on development?

The Development Challenge in the Face of Food Poverty

According to Maslow (1970), human needs are arranged in a hierarchy of prepotency which means that the most prepotent goal will monopolise consciousness and will tend of itself to organise the recruitment of the various capacities of the organism (Maslow, 1970, p. 36-37). He lists five sets of basic needs in the order of their priority: physiological needs, safety, love, esteem and self-actualisation.

Of these sets of needs, this paper focuses solely on the first set namely the physiological and more specifically on food. The main reason for this is that of all the physical needs, it is perhaps the most critical in that consciousness is almost completely pre-empted by hunger (Maslow, 1970, p. 37). A person who is hungry or starving is in no position to meet any of her other needs or to participate in activities that are useful to herself or her community. The contribution of such persons to the development process is nil since all their thoughts and physical efforts will be geared towards satisfying their hunger for food before they can do anything else.

Food occupies a very central position in human existence. To the extent that one cannot get food for any reason, their very existence and survival are at stake.

If they are in a position to satisfy this need and avoid hunger, they are then in a position to pursue their other basic needs be they physiological needs, safety needs, love, esteem or self-actualization. The aim of pursuing all these needs is to improve their quality of life. If human beings are the object of the development process (and few would doubt this), then the improvement of their quality of life in all possible ways must be the emphasis.

If for any reason their access to food is denied or is inadequate, then all their efforts to improve their quality of life by pursuing their needs are hampered and both their survival and ability to develop personally and socially is threatened.

In order to avoid such unpleasant possibilities it is necessary that there be a measure of guarantee for everyone's access to food. The questions to be asked in any situation of deprivation will inevitably be what kinds of distributive mechanisms exist and what may have happened to make them produce such an undesirable result. Following from that deprivation, they are unable to satisfy the basic material conditions for a meaningful life. In such a situation, there would be a worsening of hunger, poverty, ignorance, disease, all factors bearing on a human being's quality of life with a definite negative effect on development.

What has the Government Done?

That the government is aware of the prevailing situation can never be in doubt. Various policy documents and the constitution itself bear ample testimony to this awareness (Kenya, 1981, 2000, 2003, 2004, 2007, 2008, 2010, 2011, 2012). But whether this awareness translates into any meaningful action is in serious doubt.

Kenya's first *National Food Policy* was developed in 1981 and reviewed in 1994, with the objective of "supporting self-sufficiency in major foodstuffs while ensuring equitable distribution of food of good nutritional value to the population" (Kenya, 2011, p. 18). In 2004 the government developed the *Strategy for Revitalizing Agriculture* (SRA) and now has a new *Agricultural Sector Development Strategy* (2010-2020) that aims to "[ensure] food and nutritional security for all Kenyans" as well as ensuring higher incomes and employment, especially in rural areas (Kenya, 2010, p. vii).

The strategy focuses mostly on agriculture's contribution to economic growth and does not exclusively discuss the role of nutrition, although it does briefly mention that improving food security and nutrition is one of the strategic issues that need to be addressed in order to increase growth in the agricultural sector.

The *Nutritionists and Dieticians Act* was passed in 2007, requiring all dieticians and nutritionists to be registered with the Kenya Nutritionists and Dieticians Institute (KNDI) in order to practice legally.

In 2008, *National Food Security and Nutrition Strategy* (FSNS) was developed followed by the *National Food and Nutrition Security Policy* (NFNSP) in 2011. The objectives of NFNSP are to achieve good nutrition for all Kenyans, increase the quality and quantity of food that is affordable, accessible, and available at all times, and protect vulnerable population using cost-effective and innovative safety nets linked to long-term development (Kenya, 2011, p. vi).

The policy was developed in line with already existing and related strategies such as *Kenya Vision 2030*, Kenya's *Economic Recovery Strategy (ERS) for Wealth and Employment Creation* (2003-2007), *Agriculture Sector Development Strategy* (ASDS) (2010-2020), *Public Health Act, Breast Milk Substitutes Control Bill* (2009), and the new Constitution that recognizes that every person has the right to food of sufficient quantity and quality (Kenya, 2011).

The NFNSP is in line with several international agreements to which Kenya is party that aim to reduce hunger and malnutrition, such as the UN Convention of the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, The Universal Declaration of Human Rights, the Comprehensive African Agriculture Development Programme of the New Partnership for African Development (NEPAD), and the Millennium Development Goals (MDGs).

At the 1996 World Food Summit a target was set to halve the number of undernourished people by 2015 from their number in 1990-1992 (World Hunger Education Service, 2002). The target set by the *Millennium Development Goals* (MDGs) was to halve the proportion of hungry people by 2015. According to the *Global Monitoring Report* (World Bank, 2013), Sub-Saharan Africa and South Asia are the only regions in the world that had not achieved this target by 2010. Given the time left to 2015, it is unlikely that they will achieve this target.

Kenya is a party to the Livingstone Declaration of 2006 that commits governments to implement social protection programmes. Kenya's then Ministry of Gender, Children and Social Development (Now Ministry of Labour, Social Security and Services) subsequently formed a National Social Protection Steering Committee that oversaw the drafting of a National Social Protection Policy that currently awaits the approval of the cabinet.

The mission of the policy is to support the vulnerable and poor and “build their productive capacity, thereby facilitating their movement out of poverty and reducing the vulnerability of falling into deeper poverty (Kenya, 2012).

The Ministry already coordinates the Cash Transfer Programme for orphans and vulnerable children, that reportedly has gained “positive results with an improvement in school attendance, retention, acquisition of identity cards and birth certificate registration for caregivers and orphans and vulnerable children (OVCs)” (Kenya, 2012). It also coordinates the Hunger Safety Net Programme, and the Older Persons Cash Transfer Programme. In spite of all these policies nutrition is not systematically measured as part of these programmes (Transform Nutrition).

As the minister notes in her foreword to the *National Nutrition Action Plan 2012-2017* (Kenya, 2012, p. v), reducing malnutrition in Kenya is not just a health priority but also a political choice that calls for multisectoral focus driven by a political will that acknowledges the integral role that nutrition plays in ensuring a healthy population and productive workforce: “communities must be empowered to claim their right to good nutrition and guided to play their role towards realizing this right” From a reading of all these policy documents there is no shortage of good intentions on the part of government planners. What therefore goes wrong and why are these plans never implemented as intended? In spite of having all the right policies and plans little ever seems to come out right. It always appears as if (figuratively) the right hand (that does things) never pays any attention to the left hand (that does the planning). The attitude amongst the implementers may be perhaps be best characterized by the attitude: “now that they have drawn up the plans that they wanted, we can now go on to do as we please”. The Galana Project is illustrative of this attitude.

Kenya Vision 2030 and the Galana Project

Kenya Vision 2030 (Kenya, 2007) is the official government blueprint that seeks to turn Kenya into an industrialized middle-income country by the year 2030. As blueprints go, it can hardly be faulted in its objectives or strategies. It recognizes the challenges of food insecurity and the importance of Kenya becoming self-reliant in food resources. It also recognizes poverty and its challenges to national development.

In terms of food production, Kenya largely depends on rain-fed agriculture for its food requirements, relying on two main rain seasons, namely the March-May “long rains” and the October-December “short rains”. However, about 80 per cent of Kenya’s land is arid or semi-arid.

In recognition of the fact that 80 per cent of Kenyans who reside in the rural areas of the country are small-holder farmers *Kenya Vision 2030* proposed that in the plan period 2,000 hectares small-scale irrigation schemes be launched in each of the country’s then 70 districts (Kenya, 2007, p. 102). With this kind of plan it would be possible to envision small-holders benefiting from irrigation technologies as these would be spread throughout the country.

However, as already revealed in the article quoted in the introduction to this paper, in January 2014, the Ministry of Agriculture seemed to have abandoned this path charted out by *Kenya Vision 2030* and zeroed in on one mega-irrigation project covering one million acres: the Galana/Kulalu Ranch Project. The cabinet secretary for agriculture Felix Koskei’s rationale?: “it is clear that one million acres can be obtained from just one project and it is for this reason that we have embarked on steps that will lead to development of this important resource” (Omondi, 2014). This is in sharp contrast to the target set by *Kenya Vision 2030* of putting 80,000 acres under irrigation each year. That would mean a timeline of 12.5 years from July 2013 to develop one million acres.

What happened? It would appear that in its campaign manifesto the ruling Jubilee government had promised to put one million acres of land under irrigation in its first term from 2013-2017 hence the decision to opt for the Galana project. However, the pertinent questions that need to be asked are:

- Although it is claimed that the project will offer opportunities for employment of up to two million jobs, considering that it is a public-private partnership in which the private sector is expected to put up nearly the whole cost of KShillings 250 billion, what are the implications for equity in terms of food supply and the transfer of irrigation technology to the small farm holder (who constitutes the majority) in the country? With the Galana project straddling only two counties, namely Tana River and Kilifi counties, what happens to the other 45 counties and the small holders in those two host counties?

- Although it is anticipated that the project will double the national production of maize and thus Kenya will not only have enough for its needs but also for export, what distribution mechanisms are there to ensure that grannies such as those in Turkana do not resort to such desperate measures as eating puppies? Who owns this production and how will it help the poor?

It is important to answer these two questions honestly because as I have tried to show it is not the lack of good intentions that has brought Kenya to where it is today but a failure to implement equitable policies to maintain the existence of the poor at a humane level. It has never been the lack of legislation or policy that has led to nearly one-half of the population going hungry. Given Kenya's political economy and given this kind of lack of coordination or agreement between the planning and implementation wings of government, it would only seem reasonable to conclude that the poor and the hungry might be in for more of the same in the future.

Why is the Right to Food Important from a Social Justice Perspective?

Justice as a concept may be regarded as a criterion by which good laws of a society are evaluated. As a principle it may be regarded as treating equals equally and unequals unequally in proportion to their inequality (Sadurski, 1985, p. 36). According to Finnis (1986, pp. 161-163), in its full generality, the concept of justice embraces three elements and is applicable to all situations where these elements are found together. The first is other-directedness. Justice is inter-subjective and has to do with inter-personal relationships (between Kenyans in this case, both the eaters and the eatists). The second element is the concept of duty, or of what is owed or what is a person's "own" by right or his due (that all Kenyans have the right to be free from hunger).

The third element we can call the concept of equity, proportionality, equilibrium or balance (the fact that some people are starving while others feast is not at all equitable).

Distributive justice according to Aristotle (1952, pp. 376-378) covers "those things that are divided among the members of the body politic". These include honour, wealth, food, shelter and other things. Social justice therefore has to do with no less than the distributive aspects of the legal rules of a society.

In other words, while legal justice is concerned with conforming to the rules whatever those rules may be, social justice is about the distributive qualities of those rules (Sadurski, 1985, p. 14). Judgements about social justice try to confirm whether existing rules distribute burdens and benefits justly among the members of a community.

According to Sadurski (1985, p. 70-71), the principle of justice is a generalization based on particular moral convictions that are applied to those cases that call for a just arrangement. This general principle can be formulated as follows; whenever an ideal, hypothetical balance of social benefits and burdens is upset, social justice calls for restoring it. The very fact that the constitution of Kenya guarantees the right to food and the very fact that nearly one-half of the national population cannot realize this right calls for redress.

This initial and hypothetical equilibrium as proposed by Sadurski has several characteristics. The first is a social condition characterised by mutual abstention, by mutual respect of liberties. In respecting other persons' sphere of autonomy, all enjoy equally the benefits of autonomy and burdens of self-restraint. Under the Constitution all Kenyans have their civil liberties guaranteed under the Bill of Rights.

The second characteristic is the equal satisfaction for all persons of basic material conditions of meaningful life: no one suffers burdens that make his subsistence or participation in community life impossible. This does not mean that everyone has equal conditions of life but rather that no one is excluded from the possibility of having a meaningful and decent life as measured by the general standards of his or her society. The possible forms of denial of means to a meaningful life do not necessarily involve positive action by someone but include also failure to provide some essentials such as food (Sadurski, 1985, p. 106).

Are we then to assume that the eatists, having brought about a general condition in which one-half of the national population is regularly hungry, then hunger is the "general standards" referred to above? Certainly not, because this does not take into account the fact that this perennial hunger denies the hungry a meaningful life.

The third characteristic is that everyone's work, effort, action and sacrifice yields a benefit equivalent to their contribution; in other words, that a person's "outcomes" are equal to his "inputs". Persons who do more for others than they take from them should be rewarded for this difference; extra benefits restore equilibrium which has been upset by an extra effort. In a complex social exchange one can hardly talk about "equality" of inputs and outcomes because they are usually unequal. Equilibrium is achieved when the overall level is equal for all people, that is, when the ratio of one person's outcomes to inputs is equal to other person's outcome/input ratio.

There are three methods of restoring the balance in this hypothetical equilibrium. The method of restoring the first balance of mutual non-harm is punishment. Distribution aimed at the satisfaction of basic needs is a way of restoring social equilibrium in its second aspect, while distribution according to desert is the proper method for restoring the overall balance of inputs and benefits, that is, the third aspect of equilibrium (Sadurski, 1985, p. 104-106).

Of these, the second and third aspects are of direct relevance to this discussion. The second because it has a direct bearing on how food is shared in society; and the third because it raises the very important issue on how society rewards effort by giving one the means to live.

As already noted, if human beings are the object of the development process, then the improvement of their quality of life in all possible ways must be the emphasis. Central to this determination of their quality of life is their access to adequate and nutritious food.

It is therefore necessary that there be a measure of guarantee for everyone's access to food. Social justice demands it. Because access to food is the most basic of needs and its lack leads to uselessness and despair, the hungry do not have an opportunity to engage in productive activities that can enable their efforts to be rewarded by society. In effect they cannot earn a living because they are unable to satisfy the basic material conditions for a meaningful life and they are reduced to eating puppies and waiting for famine relief! They are robbed of their humanness and self-dignity.

The effects are predictable: worsening hunger, poverty, ignorance, disease, all factors bearing on human quality of life with a negative consequence on national development.

This means that a significant proportion of Kenya's potential human development resources are incapable of taking full part in development activities since a large portion of their time is taken up by the search for food. As Kenya's population increases and the pressure gets worse, the proportion, assuming current trends, is set to grow even bigger. This is a serious drain on human development resources of any country and this is why it is imperative that the issue of food be addressed seriously. For that significant proportion that suffers food poverty, social justice must be an alien concept and to them the distributive balance is very much in disequilibrium.

Development and social justice cannot exist without each other. For the significant proportion of Kenya's population suffering food poverty, there can be no basis for a claim that development is taking place. The fact that their basic material conditions of meaningful life are not being satisfied to an equal extent as those who are not food poor means that their quality of life is not improving as compared to this latter group.

Those who rule Kenya must wake up to the fact that it is in the power of those who are not food poor (such as themselves) to prevent this food poverty. This can be achieved without their sacrificing anything of comparable moral importance. Those who are not food poor therefore have a moral obligation to prevent this food poverty (FAO, 2001, p. 3).

One principle of morality-beneficence, demands that we do not bring about harm or evil as the second one of justice also demands that we treat people equally except when unequal treatment can be justified by consideration of beneficence (including utility), or on the grounds that it will promote greater equality in the long term.

Those who are in charge of the Kenyan state have to understand this important moral principle. That those who have enough food therefore have a moral obligation to those who do not have enough since no harm to themselves would come about as a result of their meeting this obligation.

There is therefore nothing that makes well-being, improvement in the quality of life or development incompatible with social justice. The perception one may have of incompatibility arises from a perception of development as the development of things, systems and structures (such as the Galana project) rather than of human beings (of the grannies and their wards in Turkana County). It is this distorted perception that tends to relegate basic needs to a secondary position.

Stemming from the moral obligation, starving or hungry persons have a moral right against those who are in position to help them. As Aiken and Follette (1977) argue, their suffering is not simply a harmful by-product of a morally permissible omission on the part of others. It is a wrong committed against them. It is thus a violation of their moral right. This right is based on human need. When the right to eat is accepted, the poor then have grounds to complain whenever that right is denied.

The food poor therefore have a moral right to eat and it is not a matter of political expediency or charity but of social justice that they should eat. Yet ironically, the right to eat does not lead to the right to food in reality. This has meant that the issue of who will eat has become a question of politics as of agriculture and food technology (FAO, 1981, p. 6).

If one's right to eat depends on the ability to get food, in a situation where one's efforts cannot be rewarded to enable her to grow and harvest or buy food, then this right to eat is denied her by function of the allocative process called politics. The right to eat thereafter becomes solely that of those who can be able to get "privileges" from this allocative process. So that while eating is a right, access to food is a matter of privilege. This is an anomaly and the right to food must precede the right to eat if social justice is to be realised. Social justice is neither alien nor in contradiction to development; indeed it is the essence of development. There is a serious need to reconcile the two in Kenya's development thinking and practice.

By instituting "mega" projects such as the Galana Ranch Project the government is of necessity removing from the poor any opportunity that would make it possible for their efforts to be rewarded according to desert because the poor and hungry are not in a position to "deserve" anything.

In the final analysis, it is the “micro” or small projects of irrigation that can benefit the likes of the Turkana grannies and their grandchildren and not the Galana-type of project that do not address the realities of the structure of Kenya’s agriculture or its political economy. It may make for great campaign rally sound byte to say that what would have taken 15 years to achieve has been done in only five years by “our” government. But at the end of the day it is only the development of things and not of people. It will have done nothing for the majority of the people who will still be unable to purchase food and will therefore continue to go hungry. The state as the guardian of the Constitution has a duty, indeed a moral duty to realize not only the right to food but the right of all to eat. This right must not only exist in the Constitution but must be translated into reality so that all Kenyans become eaters of food rather than only some of them becoming eaters of what truly belongs to everyone. Under the new constitution ending hunger becomes a political imperative and is no longer a choice.

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