



Huduma Namba: Another Tool to Oppress Kenyans?

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When President Uhuru Kenyatta declared that the newly rolled out National Integrated Identity Management System, popularly known as Huduma Namba, would be the “single source of truth” about every Kenyan, I wondered if he understood the reality of what it means to be a citizen of a country where identity often determines destiny, and where the acquisition of documents like IDs and passports is quite often based on the whims of the state, or one’s ability to pay a bribe.

Besides, what “truth” is revealed about a person through this biometric registration system? I have a Huduma Namba, therefore I am? Do I cease to exist in the eyes of the state because I do not possess one? What truths are not - and can never be - revealed by a mere number? Can my hopes and dreams, pains and sufferings, joys and disappointments, be encapsulated in a plastic card in my possession?

The Huduma Namba form requires those registering to provide details of their national ID, National Hospital Insurance Fund (NHIF), National Social Security Fund (NSSF), birth certificate, driver’s licence and Kenya Revenue Authority (KRA) PIN numbers. I wonder how an 80-year-old Turkana woman will obtain a Huduma Namba when she doesn’t even have a birth certificate or an NSSF number.

And because the government has threatened to deny services to those who do not obtain a Huduma Namba (a cabinet secretary threatened to deny passports to people who do not have one), what happens to those Kenyans who have not been able to obtain any type of identity document because the state decides who is a bona fide citizen and who is not?

Take the case of the late Adam Hussein Adam, an activist whose ancestors were brought to Kenya from the Sudan by the British to serve in the King's African Rifles. Adam, a Nubian, was born in and grew up in Kenya but was denied a Kenyan ID and passport for most of his life. (Which means he would also have been disqualified for a Huduma Namba.) For this reason, he failed to secure a place on the national rugby team and could not accept a scholarship to study in New Zealand. He got several offers from international organisations to work abroad, but could not take them up because he did not possess a passport.

When Adam applied for a Kenyan passport, he was told to bring his parents', grandparents' and great-grandparents' birth certificates, which was impossible, as his parents', grandparents' and great-grandparents' generations had no birth certificates.

Between 1992 and 2000 Adam unsuccessfully applied for a Kenyan passport five times. After producing 13 documents to prove his identity, he was finally invited for an interview. He was told by immigration officers that Nubians are not regarded as Kenyans. He was denied a passport, and so he remained stateless.

In 2003, he filed a case in the High Court seeking an interpretation as to whether Nubians are Kenyans. The High Court told him to collect 120,000 signatures from Nubians plus documentation proving their identities. Adam thought it was strange that a court would ask Nubians for identification documents since these were the very documents that were being denied to them, and the reason for which Adam had gone to court in the first place.

Adam eventually acquired a Kenyan passport, but the struggle was long and hard. The mind boggling hostile bureaucracy he faced was the kind of "death by a thousand small cuts" that Christine Mungai and Dan Aceda talked about in a recent article.

In 2006, he took his case to the African Commission on Human and Peoples' Rights and also petitioned the African Committee of Experts on the Rights and Welfare of the Child. In 2011, these bodies found that Kenya had violated the rights of Nubian children to non-discrimination, nationality and protection against statelessness.

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Kenyan Somalis have faced similar obstacles. In 1989, President Daniel arap Moi's government began implementing a screening exercise on ethnic Somalis to determine whether they were Kenyans or Somalis. As Kenyan human rights lawyer Gitobu Imanyara commented at the time, the exercise effectively "de-citizenised" an entire community and placed the burden of proving that they were Kenyans on their own shoulders.

Since independence the Kenyan state has decided who is an "insider" and who is an "outsider" and which territorial spaces they should occupy. This has led to the politics of exclusion and marginalisation based on geographical boundaries, religion or ethnic identity. Somalis, Nubians, coastal Muslims, Asians and other "non-indigenous" groups considered lower down the "citizenship

ladder” are, therefore, viewed as “second-class citizens”, and are more vulnerable to state persecution and neglect. These second-class citizens are then forced to use personalised patronage networks to gain access to their rights as citizens, such as the right to an ID or a passport.

Will the same apply to the Huduma Namba? Will some people simply become “de-citizenised” by virtue of the fact that the Kenyan state did not recognise their existence? Will not having an ID, and therefore, a Huduma Namba, mean that a section of Kenyan society will remain permanently un-serviced and further marginalised?

The Chinese and Indian models

To be fair, the use of technology to obtain mass biometric and demographic data is not new. In recent years, both the Indian and Chinese governments have introduced unique identity numbers that they, like the Kenyan government, claim will make it easier to provide government services to citizens. (Though it must be noted that in much of the rest of the world, government services are not denied to people who cannot prove their identity. When I lived in London, for example, I could use the National Health Service simply by virtue of being a resident in the UK; my Kenyan passport did not deny me access to free healthcare. In the United States, a driving licence, Green Card or passport are sufficient proof of identity.)

The Kenyan High Court that ruled that registering for a Huduma Namba should be voluntary and not mandatory

In 2009, India introduced Aadhaar - a 12-digit unique identity number (UID), tellingly managed by the Ministry of Electronics and Information Technology, not the Ministry of Planning - in order to streamline “targeted delivery of financial and other subsidies, benefits and services” to the residents of India and to prevent leakages in service delivery.

However, since its introduction, the Indian government has been encouraging citizens to link their Aadhaar numbers to a variety of commercial services, from mobile SIM cards to bank accounts (imagine the implications of that!), which raises concerns about whether the state has the right to deny people services provided by private companies and entities. Will those who do not have the Aadhaar card be denied a SIM card, for example?

It has become virtually impossible to carry out any business in India, including admission to a private hospital, without presenting the card, which has been hailed by a World Bank economist as “the most sophisticated ID programme in the world.”

The legality of Aadhaar has been challenged in Indian courts, mainly with regard to issues to do with privacy, surveillance and citizens’ rights to welfare services, especially those citizens who are marginalised. Like the Kenyan High Court that ruled that registering for a Huduma Namba should be voluntary and not mandatory, the Supreme Court of India gave an interim order stating that “no person should suffer for not getting an Aadhaar”. However, it has become virtually impossible to carry out any business in India, including admission to a private hospital, without presenting the card, which has been hailed by a World Bank economist as “the most sophisticated ID programme in the world”.

There are also lingering privacy and surveillance concerns. There have been cases where biometric data has been shared with security and other state agencies, which raises questions about whether

the data is safe and confidential. Moreover, if financial or other personal information is leaked or gets into the hands of criminals or hackers what recourse is there for the victims?

China's "social credit system" is potentially even more problematic. This system, which was introduced in 2014, essentially rates citizens for their "good behaviour". Authorities add or subtract points from citizens through the system, depending on how they behave. Jaywalking or neglecting to pay a bill could deny you certain rights, services or privileges, such as housing benefits or access to credit. More serious "crimes" could get you blacklisted by the government, which means you are basically denied all government services, a concept that negates the very essence of citizenship.

Some have accused the social credit system of giving the Chinese Communist Party complete power and control over the Chinese people. As one commentator put it, "China's social credit system has been compared to Black Mirror, Big Brother and every other dystopian future sci-fi writers can think up. The reality is more complicated - and in some ways, worse."

In an authoritarian state like China, where all citizens are heavily monitored and where freedom of expression and of the media are restricted, such a system could be used to conduct mass surveillance on citizens and to punish dissidents, thereby giving more power to a government that already enjoys unrestrained authority - and further curtailing people's freedoms.

Kenya's poor record in the use of technology

The very idea that you could be denied a service because you cannot identify yourself through a number also negates basic constitutional freedoms and rights that both Kenya and India guarantee, the right to privacy being among these freedoms and rights. Apart from concerns that the Huduma Namba could be used to promote the private commercial interests of President Uhuru Kenyatta, whereby banks associated with the Kenyatta family could benefit from a credit scheme linked to the Huduma Namba (as [claimed recently by David Ndiu in an article published in the eReview](#)), Kenyans have legitimate reasons to be worried about the government having access to so much of citizens' personal data.

In the absence of a law protecting personal data from abuse or misuse, what guarantee do Kenyans have that their data will not be sold off to a third party for political or commercial reasons

First, in the absence of a law protecting personal data from abuse or misuse, what guarantee do Kenyans have that their data will not be sold off to a third party for political or commercial reasons? As with Facebook, which is facing allegations of making users' data available to nefarious "social engineering" and "mind control" companies like Cambridge Analytica to benefit certain politicians and political parties during elections in the United States and in Kenya, how do we know that the data obtained by the government will not be used to manipulate elections or prevent certain voters from voting? Will the Huduma Namba now replace the voter's card?

Secondly, the Kenyan government has proved to be completely inept (or deliberately malicious) in using technology, as demonstrated during the 2013 and 2017 elections when the biometric digital systems for voting either failed or malfunctioned, and when servers seemed to have mysteriously disappeared. Apart from questions regarding the procurement of the technology, and whether kickbacks were involved, Kenyans watched in horror as the electoral body fumbled through the election results, even claiming that several voting stations could not electronically transmit the election results. Astonished voters like myself ended up voting in stations where our details were entered in a book as fingerprint recognition technology malfunctioned. If an entire election can be

bungled in this way, what fate will befall the Huduma Namba database?

Moreover, all attempts by this so-called “digital” government to introduce computerised systems in government, ostensibly to reduce corruption and to streamline service delivery, have failed miserably; on the contrary, corruption has reached unprecedented levels. It is now an accepted fact that the introduction of the Integrated Financial Management Information System (IFMIS) in government procurement led to the disappearance and theft of billions of shillings from state coffers. If IFMIS can be so easily manipulated by government officials, then how easy will it be to hack or manipulate the Huduma Namba system?

The issue, I believe, is mainly about trust: How does one trust a government/state that has a reputation of criminalising citizens, where the onus of proof of citizenship falls on the citizen and not the government, and where lack of one document or another can land you in jail? If the government can use the information citizens provide against those very citizens, then what incentive do those citizens have to give the government that information?

Until Kenya reaches a stage where citizens feel protected – rather than persecuted – by the state, where being born is not a crime, there will continue to be lingering doubts about the real intentions of the Huduma Namba biometric registration scheme.

Kenya is not Norway or Sweden, where citizens are convinced that the government is working in their interest, where there are sufficient checks and balances to prevent fraud or malpractices, and where people believe that their taxes will benefit the public, not corrupt politicians. Until Kenya reaches a stage where citizens feel protected – rather than persecuted – by the state, where being born is not a crime (to paraphrase Trevor Noah), there will continue to be lingering doubts about the real intentions of the Huduma Namba biometric registration scheme.

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