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### Urban livelihoods, institutions and inclusive governance in Nairobi: 'spaces' and their impacts on quality of life, influence and political rights

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UvA Dissertation

## Faculty of Social and Behavioural Sciences

Bob Hendriks (1964) studied the Science of Policy and Administration at the Radboud University Nijmegen. Between 1994 and 1999 he worked with international NGOs and as self-employed on issues concerning the slums of Nairobi, Kenya. From 2002 he pursued his Ph.D. on inclusive governance in Nairobi as an external candidate with the University of Amsterdam. This was next to his work as an advisor and programme manager with the Ministry of Social Affairs and Employment and more recently as an independent international consultant.

This study formulates conditions for sustainable impacts of inclusive and responsive governance through 'invited spaces' offered by the government and 'claimed spaces' created by the poor. The study questions how increased contributions to poverty reduction and improvement of quality of life for Nairobi citizens can be realised in an equitable and responsible way, while contributing to development of the city and country. To adequately address this two-sided objective of economic growth and poverty reduction in the contemporary context, the study analyses both processes and impacts; moreover it examines impacts in terms of quality of life as well as influence and political rights. The study explores the individually claimed spaces of households in Nairobi's slums, the collectively claimed spaces of hybrid mechanisms for access to peri-urban land and tenure, and the invited spaces of city-wide governance networks.

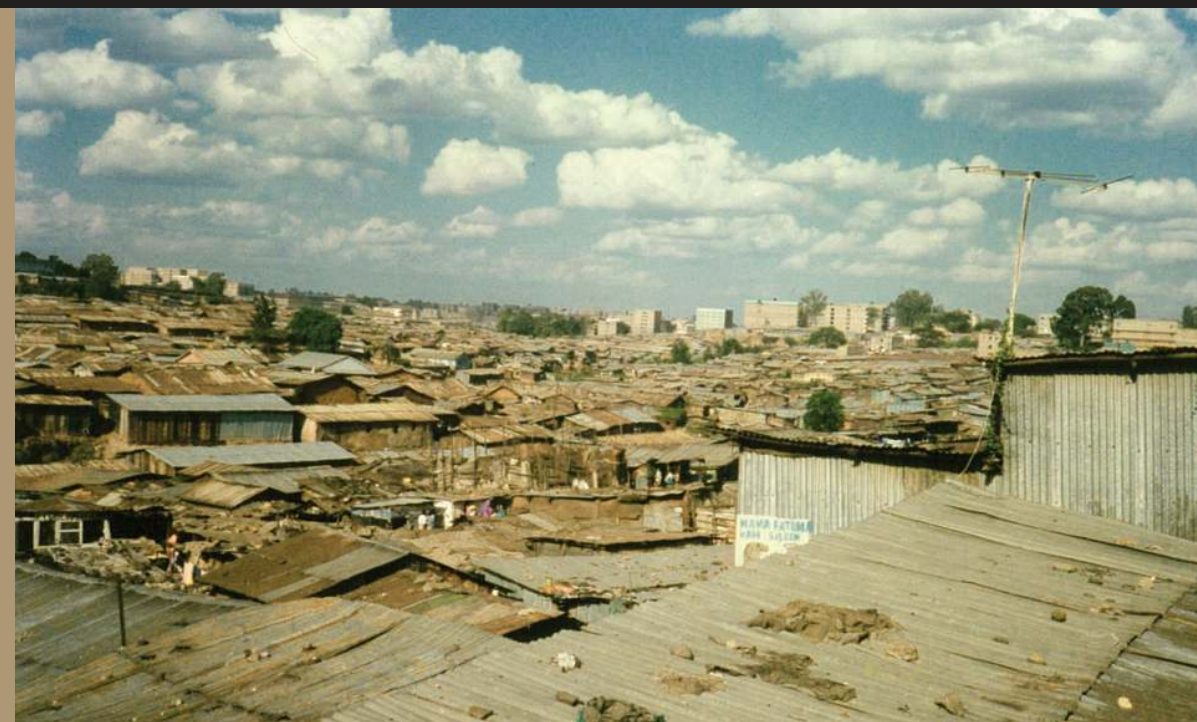


Bob Hendriks  
Urban Livelihoods, Institutions and Inclusive Governance in Nairobi

## Urban Livelihoods, Institutions and Inclusive Governance in Nairobi

### *'Spaces' and their Impacts on Quality of Life, Influence and Political Rights*

Bob Hendriks



## **Urban Livelihoods, Institutions and Inclusive Governance in Nairobi**

‘Spaces’ and their Impacts on Quality of Life, Influence  
and Political Rights

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# **Urban Livelihoods, Institutions and Inclusive Governance in Nairobi**

‘Spaces’ and their Impacts on Quality of Life, Influence  
and Political Rights

Academisch Proefschrift

ter verkrijging van de graad van doctor  
aan de Universiteit van Amsterdam,  
op gezag van de Rector Magnificus,  
prof. dr. D.C. van den Boom  
ten overstaan van een door het College voor Promoties  
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in het openbaar te verdedigen in de Agnietenkapel  
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door

Bob Hendriks

geboren te Doetinchem

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Faculteit der Maatschappij- en Gedragwetenschappen

‘The spirit of justice and truth is nothing else than but a certain kind of attention, which is pure love.’

*Simone Weil, from: Human Personality*

### **An African Elegy**

We are the miracles that God made  
To taste the bitter fruit of Time.  
We are precious.  
And one day our suffering  
Will turn into the wonders of the earth.

There are things that burn me now  
Which turn golden when I am happy.  
Do you see the mystery of our pain?  
That we bear poverty  
And are able to sing and dream sweet things

And that we never curse the air when it is warm  
Or the fruit when it tastes so good  
Or the lights that bounce gently on the waters?  
We bless things even in our pain.  
We bless them in silence.

That is why our music is so sweet.  
It makes the air remember.  
There are secret miracles at work  
That only Time will bring forth.  
I too have heard the dead singing.

And they tell me that  
This life is good  
They tell me to live it gently  
With fire, and always with hope.  
There is wonder here

And there is surprise  
In everything the unseen moves.  
The ocean is full of songs.  
The sky is not an enemy.  
Destiny is our friend.

*Ben Okri, from: An African Elegy*

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## List of Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ADB	African Development Bank
AGOA	African Growth and Opportunities Act
AMREF	African Medical and Research Foundation
APRM	African Peer Review Mechanism
AU	African Union
BHC	Bellevue Housing Cooperative
CBD	Central Business District
CBO	Community Based Organisation
CBS	Central Bureau of Statistics
CCN	City Council of Nairobi
CCNSF	City Council of Nairobi Stakeholder Forum
CDF	Constituency Development Fund
COHRE	Centre for Housing Rights and Evictions
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organisation
DFID	Department for International Development (United Kingdom)
EAC	East African Community
EPZ	Export Processing Zones
EPZA	Export Processing Zones Authority
ERS	Economic Recovery Strategy for Wealth and Employment Creation
ESRC	Economic and Social Rights Centre
EU	European Union
GDP	Gross Domestic Product
GoK	Government of Kenya
GSS	Ghetto Savings Scheme
GTZ	German Technical Cooperation
HABRI	Housing and Building Research Institute (University of Nairobi)
HBEA	Home Based Economic Activity
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
HME	Household Micro Enterprise
ICT	Information Communication Technology
IMF	International Monetary Fund
ITDG	Intermediate Technology Development Group
KACC	Kenya Anti Corruption Commission
KANU	Kenya African National Union
KARA	Kenya Association of Residents Associations



KENAHA	Kenya National Hawkers Association
KENSUP	Kenya National Slum Upgrading Programme
KEPSA	Kenya Private Sector Alliance
KHRC	Kenya Human Rights Commission
KIHBS	Kenya Integrated Household Budget Survey
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KLDA	Karen Langata District Association
KLGRP	Kenya Local Government Reform Programme
KNASP	Kenya National Aids Strategic Plan
KNT	Kaputiei New Town
KPSF	Kenya Private Sector Forum
KSH	Kenyan Shilling
KUPP	Kenya Urban Poverty Programme
KUTIP	Kenya Urban Transport Infrastructure Project
MFI	Micro Finance Institutions
MoLG	Ministry of Local Government
MoNMD	Ministry of Nairobi Metropolitan Development
MoU	Memorandum of Understanding
LASDAP	Local Authorities Service Delivery Action Plans
LATF	Local Authorities Transfer Fund
LGMSF	Local Government Ministerial Stakeholder Forum
NACHU	National Housing Cooperative Union
NARC	National Rainbow Coalition
NCKC	National Council of Churches of Kenya
NCBDA	Nairobi Central Business District Association
NEMA	National Environmental Management Authority
NEPAD	New Partnership for Africa's Development
NESC	National Economic and Social Council
NGO	Non Governmental Organisation
NIE	New Institutional Economics
NISCC	Nairobi Informal Settlements Coordination Committee
NISCOF	Nairobi Informal Sector Confederation
NMR	Nairobi Metropolitan Region
NPM	New Public Management
NUPPP	Nairobi Urban Poverty Partnership Programme
NUSDP	Nairobi Urban Slums Development Project
ODM	Orange Democratic Movement
OECD	Organisation for Economic Co-operation and Development
OWAB	Original Wapenda Afya Bidii Women's Group
PAMNUP	Partnership Approach to Meeting the Needs of Urban Poor (Mombasa)
PC	Provincial Commissioner
PNU	Party of National Unity

PROLoGS	Poverty Reduction through Optimising Local Governance Systems
PRSP	Poverty Reduction Strategy Papers
PSR&PC	Ministry of Public Sector Reforms & Performance Contracting
RA	Resident Association
ROSCA	Rotating Saving and Credit Association
RRA	Rapid Results Approach
RRI	Rapid Results Initiative
SACCOs	Savings and Credit Cooperatives Organisations
SAP	Structural Adjustment Programme
SBP	Single Business Permit
SBNB	Shangilia Baba na Mama
SDI	Slum Dwellers International
SEZ	Special Economic Zone
SME	Small and Medium Enterprise
SIDA	Swedish International Development Agency
TAC	Technical Advisory Committee (NISCC)
TI	Transparency International
TVET	Technical and Vocational Education and Training
TIVET	Technical, Industrial, Vocational and Entrepreneurship Training
TMSS	Toi Market Savings Scheme
TOL	Temporary Occupation License
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNCHS	United Nations Centre for Human Settlements (UN-Habitat)
USAID	United States Agency for International Development
WB	World Bank
WCDI	We Can Do It

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# 1. Introduction

## 1.1. Background to the study

The deplorable state of Nairobi's informal settlements and the remarkable resilience of its citizens and their struggle to survive, made me decide to commit myself to improving the circumstances and position of the poor from Nairobi's slums in 1993. Between 1994 and 1999 I worked on initiating multi-stakeholder programmes through international NGOs in Nairobi, which included strengthening initiatives and networks of the poor and linking them to public, civic and private actors.

These programmes were innovative in the sense of being among the first strategic multi-stakeholder approaches towards Nairobi's slums and including the poor at decision-making level of the programme, both regarding the content and the process. The latter was not common in the East-African region at the time, as personal knowledge-exchange visits to various multi-stakeholder programmes on poverty reduction and development pointed out. Towards 1999 I tried to link the bottom-up programme on Mathare Valley slums to the donor supported city-wide governance network in Nairobi, with the aim to increase grassroots involvement in the decision-making of the city-wide governance network. However, a balanced bottom-up and top-down approach to development and poverty reduction with direct involvement of the poor in decision-making of the city-wide governance network was not yet feasible at the time.

The limitations in inclusive and responsive governance mechanisms, made me decide to pursue a Ph.D. in 2002; in order to identify alternative approaches and opportunities and constraints for impacts which would match both the urban poor and development of the greater city and include influence for the poor at decision-making level. The international development agenda since the 1990 Washington Consensus, however, mainly revolved around good governance, decentralisation and enablement of the private sector. In addition, the citizenship and deepening democracy debate mainly revolved around a rights based approach to development and processes of voice and influence through consultations over policies and implementation. In line with neo-institutionalism most research strands at the time assumed that institutions could be instrumentally designed and reformed. My earlier experiences on the ground had however clearly indicated the importance of institutional constraints and power conflicts. Only in recent years there has been an increased recognition in the literature that processes of inclusion do not automatically lead to favourable impacts and are rather interpreted as

## *Chapter 1*

normative and ideological. Therefore, this Ph.D. can be seen as an evolving search to matching conceptions of inclusive governance in the sub-Saharan African metropolitan context.

Parallel to pursuing my Ph.D., I decided to look beyond the boundaries of the international development sector and work as a programme manager and advisor on change management, in the Netherlands as well as abroad. The international development sector at the time lacked serious attention to innovative concepts on change management, learning, knowledge management, systems thinking and complexity. This work also built on my earlier studies in change management and governance, especially my master thesis on social systems, complexity and change. The aim was to simultaneously work on both components and eventually integrate them to make a further contribution to development and poverty reduction. Only in recent years the international development sector has started to pay attention to these concepts, especially in the context of the shift of the international development agenda towards 'endogenous development' and 'ownership' in the 2005 Paris Declaration for Aid Effectiveness and the 2008 Accra High Level Forum on Aid Effectiveness.

### **1.2. Main objectives of the study**

This study aims to formulate conditions for contextualised and effective mechanisms of inclusive and responsive governance. This concerns the formulation of conditions with regard to 'invited spaces' which are offered by the government, and 'claimed spaces' which are created by the poor themselves. The study questions how increased contributions to poverty reduction and improvement of quality of life for Nairobi citizens can be realised in an equitable and responsible way, while contributing to (economic) development of the city and the country. To adequately address this two-sided objective (economic growth and poverty reduction) in the contemporary context, one must analyse both processes and impacts; moreover it is necessary to examine impacts in terms of quality of life as well as influence and political rights. These issues will be further discussed in chapter 2.

The study wishes to make two major contributions to the literature and one to the development practice.

First, it wishes to contribute to a better understanding of governance and negotiation processes in claimed and invited spaces accommodated and constrained by formal and/or informal institutions, in particular in the sub-Saharan African metropolitan context. The shift towards metagovernance and



towards the mutuality of formal and informal institutions are recent, and simultaneous analysis of (institutional) conditions for impacts on quality of life, influence and political rights, is still limited.

Second, the study wishes to contribute to the development of a comprehensive conceptual framework for analysing the conditions of spaces and the ways formal and informal institutions underpin resource delivery to the poor. It seeks to overcome limitations in earlier conceptualisations, through the integration of and reflection on theoretical notions from multiple disciplines such as urban livelihoods theory, social movements theory, chronic poverty literature, citizenship and deepening democracy literature, democratic network governance literature and governance assessment literature.

Third, I hope the study will indirectly contribute to improvements in rights, influence and quality of life of the poor in sub-Saharan African metropolitan contexts and beyond. It is hoped that the discussions held during this research contribute to enhanced possibilities for poor citizens and other actors in the negotiations to be held, the hurdles to be taken and the power games to be overcome.

### **1.3. The setting of the study**

The metropolitan city of Nairobi and Kenya as a country were partly selected because of the earlier work experience and familiarity with the situation, context and people. Nairobi is interesting because of the prominent co-existence of formal and informal institutions, high levels of political-economic complexity and the currently renewed and increased tension between formal and informal politics in the aftermath of the December 2007 post-election crisis with underlying patterns of country wide socio-economic inequality. In addition, it is interesting because of the country's accelerated integration in the globalised economy since the early 1990s, the recent shaping of increasingly accommodating formal institutions and regulatory frameworks for private sector development, informal and formal business development, and employment creation, and the limited trickling down of the considerable macro-economic growth in recent years to the majority of citizens. Finally, Nairobi as a metropolitan is a potential international nexus point, where the conflict of economic growth and development versus quality of life and poverty reduction is sharpest. Map 1.1 shows Nairobi and Kenya in their geographical context.

Map 1.1: Nairobi and Kenya in the East African context



Source: The World Factbook (consulted November 2009).

#### 1.4. Choice of spaces

The research focused on a combination of claimed and invited spaces to identify cross-cutting and complementary conditions and enhance chances of including spaces that work for the poor.

Claimed spaces are first the individually claimed spaces of households in the informal settlement or slums of Mathare Valley. Mathare Valley was selected based on a few considerations. First, the Mathare population is predominantly composed of citizens of the four main ethnic backgrounds of Kikuyu, Luo, Luhya and Kamba in the metropolitan city, with a relatively larger share for citizens with a Kikuyu background. Second, Mathare Valley consists of both older and newer neighbourhood villages. Mathare was selected as the only informal settlement, in order to minimise influence of different physical locations and types of authority on the research findings, given the limitations in scope of the household survey and financial resources in the context of this Ph.D. research.

Based on the identified priorities of poor citizens in the household survey, three collectively claimed spaces underpinned by formal and/or informal institutions were pre-selected for further analysis. These concerned spaces for access to peri-urban land and tenure, non-formal primary education and solid waste management. Finally, the collectively claimed spaces for access to peri-urban land and tenure were selected as case study, because this sector shows

examples of cases that actually work for the poor, by the poor, and thus contribute more to the growing international debate on social and economic impacts of (formal and informal institutions underpinning) access to land and tenure.

The invited spaces of city-wide governance networks were selected as these represent new forms of governance networks for inclusive development involving multi-level governance from the perspective of the metropolitan city. Furthermore, each governance network contains aspects of different governance network approaches and transforms through time. Three respective cases of city-wide governance networks, covering the full period of democratisation of institutions between 1993 and 2009, were studied: Nairobi Informal Settlements Coordinating Committee (NISCC), Local Authorities Service Delivery Action Plan Nairobi (LASDAP Nairobi) and City Council of Nairobi Stakeholder Forum (CCNSF).

## **1.5. Outline**

Chapter 2 discusses the theoretical concepts and notions in the literature with regard to claimed and invited spaces, negotiation process, and impacts on quality of life, influence and political rights. Chapter 3 presents and explains the methodology and analytical framework for the study. Chapter 4 analyses the national institutional context, discussing the historical, geographic, demographic, cultural, political, governance, macro-economic and sector specific (business, employment, land, tenure and housing) institutional contexts. Chapter 5 analyses the metropolitan institutional context of Nairobi and its informal settlements. Chapter 6 analyses the livelihoods of the urban poor in informal settlements of Nairobi. It assesses the processes and impacts of individually claimed spaces of political, organisational and social relations and the sufficiency of national and metropolitan institutions for moving poverty to scale in the informal settlements. Chapter 7 deals with processes and impacts of collectively claimed spaces for access to peri-urban land and tenure for the poor through the combined use of formal and informal institutions by formal collective land purchase and informal land subdivision. Chapter 8 discusses the processes and impacts of invited spaces of city-wide governance networks in Nairobi. It distinguishes calculation and culture based governance network approaches and discusses the transformation of governance networks through time and the role of hybridisation of relations. Chapter 9 presents the main findings and overall conclusions in terms of processes and impacts on quality of life, influence and political rights, the theoretical implications, and the consequences for further research and policies.

## Chapter 1

Chapters 6, 7 and 8, which present the research findings, were earlier published as articles in refereed journals. Each chapter can be read separately, contains more detailed information on the selected spaces, and provides an overview of relevant literature. Chapter 6 is accepted for publication by International Development Planning Review (IDPR) and titled '*Urban Livelihoods and Institutions: Towards Matching Institutions for the Poor in Nairobi's Informal Settlements?*' (Hendriks 2010). Chapter 7 was published in International Development Planning Review as '*The Social and Economic Impacts of Peri-Urban Access to Land and Secure Tenure for the Poor. The Case of Nairobi*' (Hendriks 2008). Chapter 8 was published in Habitat International, under the title '*City-wide Governance Networks in Nairobi: Towards Contributions to Political Rights, Influence and Service Delivery for Poor and Middle-class Citizens?*' (Hendriks 2010).

## **2. Inclusive governance: spaces and impacts on quality of life, influence and political rights**

### **2.1. Introduction**

Interest in responsive and inclusive governance has been central to the international development debate in the last two decades. On the one hand the international development policy agenda since the 1990 Washington Consensus focused on (good) governance, privatisation and responsive service delivery through decentralisation.<sup>1</sup> On the other hand, (inter)national civil society and citizenship and deepening democracy literature (as well as social movements and livelihoods literature) focused on the ‘rights based approach’ for development and participation as primary citizenship right for civic engagement to claim other human rights. With the mixed record of results of the good governance and decentralisation agenda and the gradual refocus at (inter)national level on rule of law and state building rather than democratisation for development, the 2005 Paris Declaration on Aid Effectiveness and 2008 Accra High Level Forum (AHLF) on Aid Effectiveness promoted an increased emphasis on endogenous development and ownership and intensification of the agenda through capacity development. Parts of the international development policy world called for investigation of alternative and mutually complementary informal channels. Examples are the Drivers of Change approach of DFID/SIDA, the OECD institutional programme and the recent Africa Politics and Power Programme. There has also been a shift towards understanding the role of power and multi-level institutional and structural constraints in action and research after a history of mixed results from the good governance agenda and the increased effects of globalisation on poverty. A coherent framework has yet to be formulated in order to analyse the conditions under which spaces of power (underpinned by multi-level formal and informal institutions) impact quality of life, influence and political rights of the poor.

This chapter starts with a general literature review of the debate on voice, responsiveness and (local) governance (2.2). It proceeds by discussing spaces through which citizens can potentially express their voice and make their claims for influence and political rights (2.3). After introducing the concept of spaces, the relevant theoretical notions with regard to individually claimed/created spaces, collectively claimed/created spaces, and invited spaces are reviewed. For each of these spaces the relevant theoretical conceptualisations are reviewed and the transition from an actor-oriented agency perspective, towards a balanced structural constraints perspective is discussed. Finally, the literature on impacts on poverty and influence though

these spaces is reviewed (2.4) in terms of impacts on quality of life and impacts on influence and political rights.

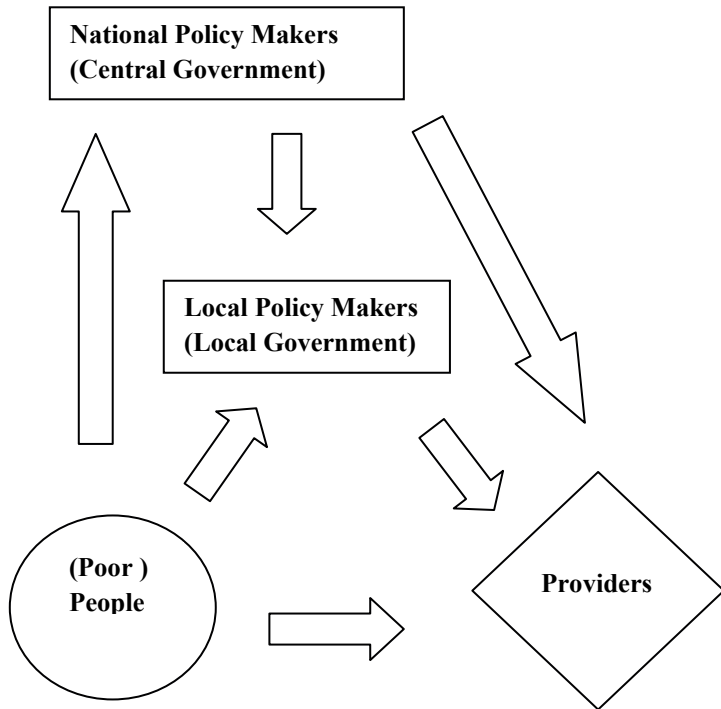
## 2.2. Voice, responsiveness, governance and citizen influence

Towards the end of the 1990s international development literature stressed the insufficient responsiveness of governance institutions and the additional need for channels of accountability and expression of citizen voice. The *Consultations with the Poor* report for the WDR 2001 (drawing from the *Voices of the Poor* reports of Narayan (2000/1)), indicated that many poor people in developing countries perceive institutions as distant, unaccountable and corrupt; furthermore the report states that poverty needs to be increasingly understood from the perspective of the poor. A study by the Commonwealth Foundation (1999, quoted from Goetz & Gaventa 2001) found growing disillusionment of citizens with their governments, based on concerns about corruption, lack of responsiveness to the needs of the poor, and the absence of connection to or participation by ordinary citizens. The lack of responsiveness concerned especially delivery of public services.

Decentralisation, in the context of the 1990 Washington Consensus, was generally considered as a major way to enhance efficient and responsive delivery of service (Zanetta 2005, based on Oates 1972, Tiebaut 1956 and Musgrave 1963; Smoke 2003; Jütting 2004/5). Guided by the principle of subsidiary, responsibility for service provision should be allocated at the closest appropriate level consistent with efficient and cost-effective delivery of services. Due to their close proximity, local government officials are considered to be in a better position than state officials to assess the needs and preferences of their citizens; moreover they are in a better place to make decisions over the distribution and allocation of resources and public services. In addition, management of public services can improve in terms of accountability and performance in the hands of sub-national officials, rather than with far removed national bureaucracies and elected officials (Ostrom et al. 1993). Figure 2.1 shows an overview of the basic accountability relationships within a devolved system of local service provision. In addition, if successfully implemented, decentralisation can potentially reduce red tape and bureaucracy, improve credibility and legitimacy of the government, foster innovation while minimising the risks in case of failure (Rondinelli 1983) and promote local democracy among other things through greater representation of diversity by greater public input in pluralistic political environments (Pauly 1973, quoted from Zanetta 2005; Crook & Sverrisson 2003; Blomkvist 2003). Crook and Manor (1998) were very critical about the expectations of decentralisation, in the context of earlier experiences in the world. 'The

outcomes of a decentralisation policy were supposed not to depend just on the relative weights of devolution and deconcentration in the institutional and fiscal structures, but also on their combination with the two other important elements: the kind of legitimation and accountability adopted (e.g. participatory, electoral, religious, monarchical) and the principles according to which the area (and hence size and character) of a decentralised authority are determined' (Crook & Manor 1998: 2).<sup>2</sup>

*Figure 2.1: Basic accountability relationships*



Source: Tidemand, Steffensen and Olsen (2007), adapted from World Bank (2004).

Decentralisation can be defined as the transfer of responsibilities for public functions and services from central government to lower levels of government. It can take on different functions and intensity in different countries. Decentralisation can consist of three functions: fiscal, institutional or administrative, and political (Smoke 2003). Fiscal decentralisation refers to the resource allocation to sub-national levels of government, such as the assignment of responsibilities of own-source revenues. Institutional or administrative decentralisation aims at transferring decision-making authority,

resources and responsibilities for the delivery of public services from the central government to sub-levels of government. It concerns administrative bodies, systems and mechanisms which help to manage and support decentralisation. It is also comprised of procedures which link formal government bodies to other key local actors such as NGOs and the private sector. Political decentralisation refers to the transfer of political power and authority to sub-national levels of government. Decentralisation may also differ in intensity or degree. Rondinelli (1999) distinguishes between the modes of deconcentration, delegation and devolution.<sup>3</sup> Deconcentration is considered the weakest form of decentralisation, with a geographical dispersion of state responsibilities rather than the actual transfer of authority to sub-national governments. Delegation implies a transfer of decision-making authority and administrative functions to the sub-national level, in which sub-national authorities are not controlled by the state but are accountable to it. Devolution concerns the strongest form of decentralisation, with transfer of competencies, especially in service delivery, to local authorities that elect their own mayors and councils, gain financial autonomy, and have independent decision-making authority in the allocation of investments. Devolution is therefore an inherent political process and has also been termed 'democratic decentralisation' (Litvack et al. 1998). Decentralisation can be implemented as a gradual process or as a big bang operation. Whatever the function and mode of decentralisation, interrelations between various levels and parts of government remain crucial elements in the functioning of the public sector.

Decentralisation is often, but not necessarily, accompanied by a shift from hierarchy to markets for provision of public goods and services and the related shift from government to (local) governance (see also Baud, Post, De Haan & Dietz 2001). Governance takes on the form of multi-actor arrangements and has been described as 'a notoriously slippery term that vaguely refers to non-hierarchical attempts at coordinating public and private interests, actions and resources' (Pierre & Peters 2000: 7). It concerns forms of cooperation between the state and the private – including both civil society as well as the private for profit sector (Pierre 1998).

The main commonality in definitions of governance is the notion of institutions as 'rules of the game' (North 1990), while especially differing in terms of specificity and normativity (Grindle 2005/7).<sup>4</sup> Institutions are generally defined as 'regularised patterns of behaviour between individuals and groups' (Leach 1999: 226), or 'the humanly devised constraints that shape interaction' (North 1990: 3) or 'social practices that are regularly and continuously repeated, sanctioned and maintained by social norms and have a major significance in the social structure' (Abercombie et al. 1984). Institutions can be formal (rules and conventions, including constitutions, laws, regulations, property rights,



markets and enforcement characteristics like sanctions) and informal (codes of behaviour like traditions, customs, moral values, religious beliefs and all other norms of behaviour that passed the test of time) (North 1990; see also Ellis 2000; Jütting 2003).

From a critical perspective, Swyngedouw (2005: 1991) suggests that hybrid and ambiguous 'governance-beyond-the-state' not only rearticulates the state-civil society relationship, but also erodes the democratic character of the political sphere by the encroaching neo-liberal imposition of market forces that set the rules of the game, empowering new actors and disempowering others. Swyngedouw indicates that 'considerable risks may be involved in the proliferation of 'unauthorised' actors: a vast terrain of contestation, potential conflict, capacity to exercise entitlements and institutional power without official restraints may emerge from it. Systems may become non-transparent, ad-hoc and context dependent and questions remain with regard to inclusion, legitimacy, representation, scale of operation and internal/external accountability. Whereas in formal 'democracy' the rules are clear and all have the opportunity to participate – if only to vote –, in multi-actor governance arrangements participation itself becomes contested and governance becomes limited 'in terms of who can, is, or will be allowed to participate which in turn is related to power and status'.

Early citizenship literature and 'deepening democracy' literature was much more positive about the possibilities of inclusive governance. This literature emphasised that for promotion of development with poverty reduction through local governance, it is necessary to rebuild the relationships between citizens and their local governments by working on 'both sides of the equation' and on their intersections (Gaventa 2001; Cornwall & Gaventa 2001b). Focusing on just one of these perspectives was considered to hold the risk of leading to either 'voice without influence', when participation is not linked to power and politics, or to reinforcing the status quo when reform of political institutions does not include consultation and participation (Cornwall & Gaventa 2001).<sup>5</sup>

Citizenship and deepening democracy literature moved beyond voice as consultation and presence, and included influence on decision-making and holding accountable those who make policies in participatory processes regarding service delivery (Cornwall & Gaventa 2001; Goetz & Gaventa 2001).<sup>6</sup> Citizenship literature emphasises the rights of citizens to participate and exert influence 'as makers and shapers' rather than 'users and choosers' of interventions and services designed by others (Cornwall & Gaventa 2001; Goetz & Gaventa 2001). The reconceptualisation of participation as a right of citizenship – aligning with concepts of rights-based approaches to development - , indicates that it represents an expression of human agency in the political

arena: citizenship is a right that enables people to act as agents (Lister 1998, quoted from Cornwall & Gaventa 2001b). In addition, it was suggested that if rights and citizenship are attained through agency - not only bestowed by the state – the right to participate is a prior right necessary for making other rights real. While social rights were seen as freedoms helping people to realise their political and civil rights, participation as a right was considered as a positive freedom enabling citizens to realise their social rights (Ferguson 1999; DFID 2000; Lister 1997, quoted from Gaventa 2004). In this study participation is interpreted as a right of citizenship that enables access to other rights. Direct participation is however not viewed as the only channel through which other rights can be accomplished.

### 2.3. Spaces

#### *The concept of spaces*

The notion of spaces was first introduced to the development literature by Grindle and Thomas (1991), who conceptualised policy arenas as spaces. The notion of spaces for participation was more widely introduced to the development literature towards the end of 1990s in the context of growing attention for (local) governance and accountability, viewing inclusive governance as a right for all citizens as opposed to earlier need based conceptions of participation (Gaventa & Valderama 1999; Brock 2000; Brock, Cornwall & Gaventa 2001; Cornwall 2002).

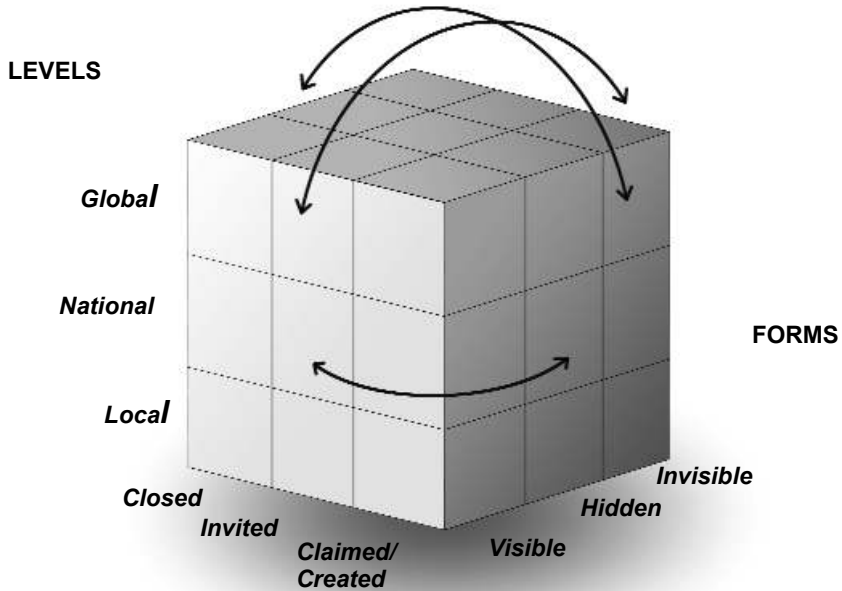
The concept of spaces originates from 20<sup>th</sup> century German (Habermas, Arendt) and French (Lefebvre, Foucault, Bourdieu) social theorists (Cornwall 2002). Spaces for participation were defined ‘in abstract terms as the ways in which opportunities for engagement might be conceived or perceived, and in concrete terms of the actual sites that are entered and animated by citizens’ (Lefebvre 1991, quoted from Cornwall 2001/2/4a).

Initially spaces for participation of citizens were mainly defined in relation to the state and differentiated into invited and claimed or created spaces. In invited spaces citizens are acting *in* and *with* the state. In claimed or created spaces citizens are acting *without* the state, both outside and in the absence of or in relative autonomy from and *on* the state.<sup>7</sup> Later the notion of spaces was also increasingly used for non-state spaces, referred to as ‘new democratic spaces’ or ‘spaces of change’(Gaventa 2007a: xv). These spaces exist in a dynamic relationship in that whatever happens in the one influences the other. Similarly, power, experiences and capacities gained in one space, can be used to enter and affect other spaces (Cornwall 2004b).

More recently the notion of spaces for participation was adapted in the context of the growing recognition of the importance of power relations and globalisation (Gaventa 2004/6b). In the so called ‘power cube’ the dimension of power is explicitly added to the dimensions of spaces and places, while redefining them as levels, spaces and forms of power (Figure 2.2). Levels consist of global, national and local places. Spaces are divided into closed, invited and created/claimed spaces. Forms of power, based on Lukes’s conceptualisations (1974/2005) and VeneKlasen and Miller (2002), are divided into visible, hidden and invisible power (Gaventa 2004/6b/7a/7b). Visible power (observable decision-making) includes the visible and definable aspects of political power – the formal rules, structures, authorities, institutions and procedures of decision-making. ‘Hidden power (setting the political agenda) concerns the maintenance of influence of certain powerful people and institutions by controlling who gets to do the decision making and what gets on the agenda. Invisible power (shaping meaning and what is acceptable) shapes the psychological and ideological boundaries of participation. Significant problems and issues are not only kept from the decision-making table, but also from the minds and consciousness of the different players involved, even those directly affected by the problem. By influencing how individuals think about their place in the world, this level of power shapes people’s beliefs, sense of self, and acceptance of the status quo – even their own superiority or inferiority. Processes of socialisation, culture and ideology perpetuate exclusion and inequality by defining what is normal, acceptable and safe’ (Gaventa 2004/6b, based on VeneKlasen and Miller 2002). The power cube framework is meant to facilitate the assessment of possibilities for transformative action in various political spaces. Spaces are then viewed as ‘opportunities, moments and channels where citizens can act to potentially affect policies, discourses, decisions and relationships that affect their lives and interests’ (Gaventa 2006b). Each of the continuums involves contestation over the boundaries of spaces and places for participation, and the dynamics of power which influences which actors, voices and identities may enter or are excluded from them (Gaventa 2004).

Gaventa (2006b) indicates that other relevant terminologies have been added to the continuum of spaces, such as ‘conquered’, ‘instigated’ or ‘initiated spaces’. Recently the term ‘negotiated spaces’ was proposed to refer to processes of expanding spaces and claiming spaces (Baud & Nainan 2008).

Figure 2.2: The ‘power cube’: the levels, spaces and forms of power



**SPACES**

Source: Gaventa (2006b).

This study discusses spaces at the local level and their intersections with spaces at the national level.<sup>8</sup> The study still applies the original core differentiation between claimed/created and invited spaces. Claimed/created spaces are differentiated into individually and collectively claimed/created spaces. The added forms of power in the ‘power cube’ are captured more dynamically in the research through the analysis of processes and the accommodating and constraining metropolitan, national and international institutional contexts. These institutional contexts - that underpin spaces and accommodate and constrain processes within spaces - consist of formal rules of the game/institutions (rules and conventions, including constitutions, laws, regulations, property rights, markets and enforcement characteristics like sanctions) and informal rules of the game/ institutions (codes of behaviour like traditions, customs, moral values, religious beliefs and all other norms of behaviour that passed the test of time) (North 1990).<sup>9</sup> While the concept of spaces offers a good framework for the assessment of possibilities for transformative action in various political spaces and their intersections, it needs to be complemented by additional theoretical conceptualisations to answer the research questions of this study.<sup>10</sup>

*Individually claimed spaces*

Individually claimed spaces are claimed or created by individual households or their representative members. A wide array of studies has revealed the ways through which social relations create communal systems of exchange, based on principles of reciprocity and redistribution, which are embedded in the dynamics of culture and cultural change (Douglass 1992). These relations can potentially provide access to assets in different realms of urban life, such as work and livelihood, personal health and well-being, habitat and environment (see also Douglass 1998). Social capital can thus be defined as ‘the ability to secure benefits through memberships in networks and other social structures’ (Portes 1998: 6).

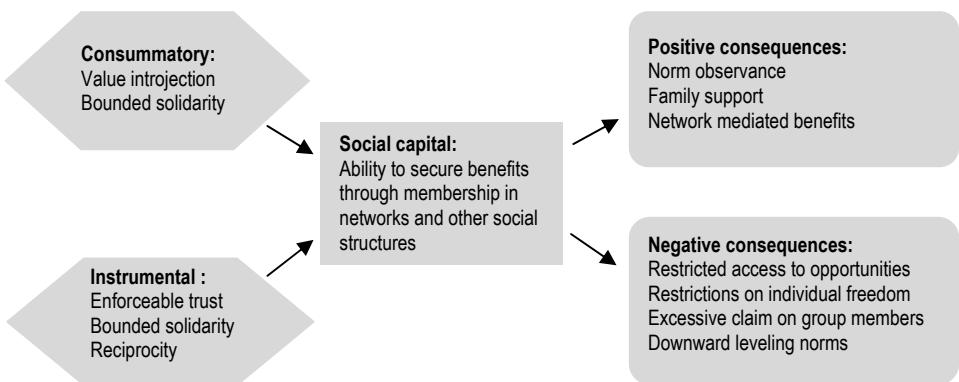
The concept of social capital gained renewed attention during the 1990s in the context of the increased attention for non-economic factors for well-being and in the context of the neo-liberal development agenda as the ‘missing link’ between (retreating) states and markets ( see for example Grootaert 1998; Woolcock 1998). It was based on earlier concepts of strong and weak ties (Granovetter 1973), vertical ties through associations or networks (Coleman 1988) and bridging and linking capital (Putnam 1993/5).<sup>11</sup> The conceptualisations of various levels and types and ways of measurement of social capital have been extensively discussed in the literature and are assumed sufficiently familiar to the reader here (see amongst others Portes 1998; Bankston & Zhou 2000; Uphoff 1999; Uphoff & Waijyaratna 2000; Gootaert & Van Bastelaer 2002; Krishna & Uphoff 2002; Woolcock & Narayan 2000; Onyx & Bullen 2000/1).

The mainstream concept of social capital has been heavily contested in international development literature over its (normative) belief in the accommodating nature of institutions - at micro, meso and macro level - through trust and shared values. Many criticised the lack of proper consideration of the negative aspects of social life or the structural constraints on empowerment of the poor like power inequality and the struggle over access to resources, leading to (reproduction of) social exclusion (Levi 1996; Portes & Landolt 1996; Silvey & Elmhirst 2003; Cleaver 2005).<sup>12</sup> Others emphasised the potentially ‘victim-blaming’ effect of the (boundedly) rational individual (Schuurman 2003) and overemphasis on the role of institutions as mechanisms for uncovering latent shared values, sanctioning anti-social behaviour, and channelling individual action in collectively desirable directions (World Bank 2000, quoted from Cleaver 2005). Others, severely criticised the grand social capital agenda of the World Bank over forming an ideological part of the anti-politics agenda of the post-Washington consensus promoting neo-liberalism (Schuurman 2003; Harris 2002; Fine 2001; see also Gonzalez de la Rocha

2007). Instead these critical views propose Bourdieu’s critical theory (Bourdieu 1980) of reproduction through the structures of class relations (Edwards et al. 2003) or reconceive social capital as embedded social resources (Beall 2001) or as social networks and processes (Long 2001) which are dynamic and negotiated.

Portes and Sensenbrenner (1993) already pointed out both positive and negative consequences of social capital in their famous model of social capital (see Figure 2.3). This model distinguishes between four sources that motivate people to accept claims (Portes & Sensenbrenner 1993). The first two sources, norms of reciprocity and enforceable trust, are instrumental reasons. Reciprocity refers to social chits that develop out of previous good deeds and are backed by the norm of reciprocity. Enforceable trust is the result of individual members’ disciplined compliance with group expectations that are based on notions of ‘good standing’ and expected benefits or punishment. In consummate motivations for social capital moral imperatives are the main forces for behaviour, either in the form of value introjection or in the form of bounded solidarity. Value introjection refers to norms and value imperatives that people learn during socialisation processes and become appropriate behaviour within groups. Bounded solidarity is similar to this except for the fact that it emerges from specific, space and time-bound situations. Positive consequences of social capital are amongst others norm observance, family support, network mediated benefits. Negative consequences are amongst others restricted access to opportunities, restrictions on individual freedom, excessive claims and downward leveling norms. This study takes into account the sources of reciprocity, enforceable trust and bounded solidarity, and includes both positive and negatives consequences of social capital.

Figure 2.3: Sources and consequences of social capital



Source: Portes (1998).

Some studies suggest differentiating political and social capital, in order to overcome problems of using social capital as a catch-all concept for non-material factors in poverty. Some authors define political capital in more general terms in relation to multiple channels for influence and applicable to both individuals and collectives. For Baumann (2000: 6) political capital 'is one of the key capital assets on which people draw to build their own livelihoods'. Claims and assets are defined as 'rights' that are politically defended, and that 'how people access these assets depends on their political capital'. Booth and Richards (1998) describe it as the mechanism of patronage, negotiation, persuasion and influence, enabling other assets to become better realised. Rakodi (1999: 318) stresses the importance of 'access to decision-making' in the political process for the poor. Devas (2002: 208) defines political capital as 'the scope which individuals and/or groups have to exert influence on decision-making which affects them, decision-making being defined widely as both formal and informal and both de facto and de jure which affects them'. Others define political capital especially in relation to policy making and applicable to organisations of the urban poor (McLeod 2001a). Still others distinguish between instrumental and structural political capital (Birner and Wittner 2000: 6). Instrumental political capital 'consists of the resources which an actor...can dispose of and use to influence policy formation processes and realise outcomes which are in an actor's perceived interest'. Structural political capital 'refers to the structural variables of the political system - including 'perverse political capital' such as institutions of repression - which influence the possibilities of diverse actors to accumulate instrumental political capital and condition the effectiveness of different types of political capital'. This study differentiates social capital into social, organisational and political relations.

### *Collectively claimed spaces*

Collectively claimed or created spaces are defined as relatively autonomous spaces created 'from below' by people for themselves (Cornwall 2001/2). These spaces emerge out of sets of common concerns or identifications and may come into being as a result of popular mobilisation, such as around identity- or issue-based concerns, or may consist of spaces in which like-minded people join together in common pursuits (Cornwall 2002). They might also be 'third' spaces, where social actors reject hegemonic space and create spaces for themselves (Soja 1996).

The debate on collective action and social movements is rooted in late 19<sup>th</sup> century Europe, in particular with the work of the French psychologist Le Bon (Van Stekelenburg & Klandermans 2009). The concepts of social movement

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theory have been especially applied to European, American and South American contexts. They have been much less applied in sub-Saharan African contexts, and if so predominantly with regard to South-Africa. Recently social movements and collective action theory is gaining renewed attention in the context of the chronic poverty (Bebbington 2006/9; Mitlin 2009) and globalisation debates (Clark 2003; Keane 2003; Taylor 2005).

There are many definitions of social movements in the literature. A widely accepted general definition views social movements as ‘interlocking networks of groups, social networks and individuals, and the connection between them is a shared collective identity that tries to prevent or promote societal change by non-institutionalised tactics’ (Della Porta & Diani 1999). This definition, just like the definition of Mamdani (1995) which refers to social movements as entailing ‘.....the crystallisation of group activity autonomous from the state’, suits African social processes as it is ‘inclusive and encompasses the distinctions not only between community and class or popular and elite movements, but also between organised and unorganised, spontaneous or anomic movements’ (Nasong’o 2007). The definition of Della Porta and Diani (1999) in addition to Mamdani’s definition also includes social movements that oppose formal bureaucratic organisations for institutional change, which seek to control the state or effective inclusive citizenship, or defend and maintain their autonomy and rights against domination and violation (Amadiume 1995; Olukoshi 1995, quoted from Nasong’o 2007).

Theories on social movements can be classified into four dominant perspectives or paradigms (Della Porta & Diani 1999). The recently formulated framework by Van Stekelenburg and Klandermans (2009) further classifies them under the umbrella of classical or contemporary approaches (Table 2.1). For reasons of definitional clarity it is chosen to present the four perspectives on social movements on the basis of the latter. Each approach also represents a more specific definition of social movements.

Classical approaches are collective behaviour theory, mass society theory and relative deprivation theory. These theories rely on the same general causal sequence moving from ‘some form of structural strain (for example industrialisation, urbanisation, unemployment) that produces subjective tension and therefore psychological disposition to engage in extreme behaviours (such as panics, mobs) to escape from these tensions’ (Van Stekelenburg & Klandermans 2009).



*Table 2.1: Theories on participation and the emergence of social movements*

	Classical approaches	Contemporary approaches		
	<i>Mass society, collective behaviour</i>	<i>Resource mobilisation</i>	<i>Political process approach</i>	<i>Social constructivistic approaches</i>
<i>Why people protest</i>	Grievances, discontent, anomie, class conflict	Resources, opportunities, social networks efficacy	Political opportunities (cognitive liberation)	Social construction of reality: - (meaning) construction - identity - emotions - motivation
<i>Who protests</i>	Alienated, frustrated, disintegrated, manipulated, marginalised people	Well-organised, professional, resourceful social networks; embeddedness	Coalitions between challengers/ political elites; embeddedness	Countercultural groups, identity groups; embeddedness
<i>Forms of protest</i>	Spontaneous, irrational, expressive, violent (panics, fashions, mobs, crime)	Rational, planned, instrumental (institutional politics, lobbying, interest groups)	Rational, instrumental, polity oriented (elite contention lobbying, indigenous minorities disruption i.e. sit-ins, strikes)	Ideological, expressive, identity oriented, (cultural and religious organisations, self help groups, alternative lifestyles)

Source: Van Stekelenburg & Klandermans (2009).

Contemporary approaches concern resource mobilisation theories, the political process approach and social-constructivistic approaches (ibid: 20). Resource mobilisation and political process are examples of structural and rational approaches. Structural approaches consider grievances as omnipresent and view as the key question in participation research not so much why people are aggrieved, as why aggrieved people participate. Resource mobilisation places an emphasis on the internal features of resources and organisational aspects. Resources can be material resources - jobs, incomes, savings and the right to specific incomes and service - as well as non-tangible resources – such as authority, leadership, moral commitment, trust, friendship, skills and habits of industry. Organisational aspects are considered a function of the resources controlled by an organisation to accomplish its goals. Resource mobilisation theory has been criticized over its heavy leaning on vocabulary of economics and its depiction of social movements as rational entities weighing up the costs and benefits of their action (McCarthy & Zald 1977, based on Van Stekelenburg & Klandermans 2009), its failure to acknowledge the strength of indigenous resources like informal networks (Mc Adam 1982, based on ibid),

and its failure to acknowledge the power inherent in disruptive tactics (Mc Adam 1982, based on *ibid*).

The political process approach emphasises the external features of the political and institutional environment in which social movements operate. The three central ideas of the political process approach are: 'first, a social movement is a political rather than a psychological phenomenon; second, a social movement represents a continuous *process* from its creation to its decline rather than a discrete series of developmental stages; third, different forms of action ('repertoires of contention') are associated with different spatial and temporal locations' (Tilly 1986, based on Van Stekelenburg & Klandermans 2009). The form of action chosen by social movements are not purely random and depend on factors such as the structure of the political system (e.g. democratic institutions, the existence and structure of political parties, and possibilities for direct participation), the level of representation and cultural traditions (Tarrow 1994, based on Van Stekelenburg & Klandermans 2009). Criticism on the political process approach concerns the divergent results in different contexts and the lack of theory concerning the specific mechanisms that link political process to movement activity for explanation (Koopmans 2005, based on Van Stekelenburg & Klandermans, 2009). In addition, incentives and expectations as well as opportunities and constraints necessarily involve interpretation (Goodwin & Jasper 1999, based on Van Stekelenburg & Klandermans 2009). The social-constructivistic approach represents an agency approach. It concentrates on how individuals and groups interpret the material and social-political conditions and focuses on the role of the cognitive, affective and ideational roots of contention.<sup>13</sup> Social-constructivistic approaches were initially dubbed New Social Movements theory. New social movements, also referred to as 'political' movements', 'cut across class lines, work with high levels of autonomy from the state ... lobby and pressurize government agencies over development and social issues, and tend to be organized on an ad-hoc basis (Della Porta & Diani 2006). Social constructivistic approaches show similarities with classical approaches regarding the recognition of the importance of cognition and emotion to collective action. Classical approaches however perceive cognition and emotions as pathological, while social constructivistic approaches see them as normal, central aspects of social and political life. 'Social constructivistic approaches try to understand why people who are seemingly in the same situation respond so differently' (Van Stekelenburg & Klandermans 2009). Collective action is a group rather than an individual phenomenon, but in the end it is individuals who decide whether or not to participate. This raises the question of what connects the individual to the collective. Central to the social constructivistic approach are the social psychological notions of the construction of meaning, identity, emotions, motivation and culture. A common framework for integration of these

variables has not yet been formulated (Van Stekelenburg & Klandermans 2009).

In the last two decades there have been several bridging and synthesizing efforts of contemporary approaches.<sup>14</sup> Rather than placing the currently influential focus on agency (identity) approaches of New Social Movements in opposition to structural approaches, the current international globalising context necessitates emphasis on the complementarity of agency and structural approaches and their underlying - structural, political, sociological, social psychological and cultural sociological - theories (see also Della Porta & Diani 2006; Van Stekelenburg & Klandermans 2009).<sup>15</sup> This study aims to integrate or synthesize structure and agency approaches and draws on selected aspects of contemporary approaches.

The literature on social movements and collective action mentions additional observations concerning urban contexts in African contexts. With regard to urban contexts in developing countries, Walton (1998) observes a gradual shift through time from collective action focused on labour issues and individual versus collective goods (during the early urbanisation period), to collective action focused on collective consumption and labour (during the developmental state period), to collective action focused on political rights and collective consumption (during the neo-liberalism period)<sup>16</sup> (Table 2.2). Habib and Opoku-Mensah (2009) further nuance observations in their discussion on the role of 'social movements in Africa' vis-à-vis 'the role of African social movements' to social movements theory.<sup>17</sup> They challenge the two common assertions in current social movement theory, first, a shift from the arena of production to consumption, and second, replacements of overtly material movements by identity movements and struggles, as too simplistic for the South-African and wider African context. Case studies suggest that movements in the arena of production retain vibrancy and are also crucial to the sustainability of struggles of consumption.<sup>18</sup> Furthermore, while identity movements and struggles are indeed on the increase, material issues are as relevant to these struggles as they have been to the earlier social movements. In regard to the struggle for democracy in Kenya, Nasong'o recently distinguished between transformative, redemptive and reformative social movements, and identifies an increase in political and human rights civil society organisations - especially at national level - during the nineties (2007).

The shift towards collective consumptive action is (partly) reflected in the development literature on civil society and urban poverty of the 1990s - early 2000s. Mitlin (2001/4b) stresses the presence of some form of grassroots organisations as the norm rather than the exception and indicates the prevalence of many types of local organisations in low-income urban

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settlements. Among the more common factors instigating and supporting these grassroots organisations are kinship, ethnicity, trade union involvement, city based federations, NGOs, religious organisations, political parties, and the private sector (Mitlin 2001/4b). These self-help groups are often catalysed into action by need to secure land, resist eviction, provide themselves with public goods that are not supplied (e.g. water, security) and services that the market will not provide to them (e.g. savings and insurance) (Mitlin 2001/6). Rakodi

*Table 2.2: Summary of collective action patterns by major influences and periods of development*

		Periods		
		Early urbanisation (ca. 1930-1960)	Developmental state (ca. 1960-1980)	Neo-liberalism (ca. 1980- →)
<b>Major influences</b>		Conflict generally low.	Conflict moderate to high.	Conflict moderate to high.
Economy →	Collective action mainly focused on labour issues	Collective action focused on collective consumption and labour.	Collective action focused on political rights and collective consumption.	Collective action focused on political rights and collective consumption.
State →	and individual versus collective goods.			
Civil society →	Political relations based on craft and rural traditions.	Institutionally channelled political relations.	Growing popular movements independent of state.	

Source: Walton (1998).

(1993) also indicates that collective action by poor households in urban areas is widespread, especially in organising shelter, basic services, employment and security, occurring without government assistance. The World Bank report 'Can Anyone Hear Us' also found that informal networks and associations of poor people are common both in rural and urban communities, and that in the absence of state resources they are experienced by the poor themselves as critical for their survival (Narayan et al. 1999). Jenkins (2001) found that urban social movements in the developing world tend to be formed around basic issues of survival and struggles to gain access to basics of collective consumption, and less around broader issues such as state power and the basic underlying economic structures (Jenkins 2001).<sup>19</sup>

The shift towards collective political and human rights action is only currently taken up more widely in the context of the growing attention for social movements in chronic poverty literature (Mitlin 2006/8). Mitlin (2006) suggests that social movements in urban contexts generally engage with the political system through a need, asset or freedom. Political engagement strategies of these social movements are divided into three categories: social movements engaged around issues to do with the scale and security of incomes (as related to employment and entrepreneurship) and which are concerned with

exploitation in labour markets; social movements engaged around issues related to shelter and related services (particularly the consumption of public goods) and which are concerned with the dispossession and denial, and the protection and extension of assets; social movements that engage around issues of social and/or political exclusion and inclusion (for example those based on political interest and/or ethnic identity). Mitlin compares the extent to which movements by catalyst/cause are supportive to of social movement activity (i.e. politicised, collective, mass movement), have potential to include the poor, and to in the interests of the poor (Table 2.3). Belbin (2009) stresses that movements are unlikely to emerge around issues of poverty *per se* - though may emerge around issues of impoverishment – but rather emerge around economic and cultural phenomena, i.e. the causes of poverty.

*Table 2.3: Summary of movements by catalyst/cause of movement*

Forms/locations of exploitation, dispossession/denial, exclusion	Supportive to SM and SMO (i.e. collective and political)	Inclusion of poorest	Act in the interests of poorest
<b>Labour markets</b>	Yes, in terms of collective action through unions. Focus is the employer, not the state.	Not really. Poorest not that likely to be formally employed. Informal workers not sufficiently protected to be able to organise.	Unlikely, because the poorest are generally not included. Unions may make alliances and/or have a larger political agenda (e.g. macro-economic policies, minimum wages) but not that many examples.
<b>Street traders - markets in goods and services, denial of access to trading space</b>	Weak but some seek political support for informal trading. Primarily defensive. Strongly related to urban management and zoning. Rarely large scale.	Differentiation of movements in terms of the profitability of trading; not many examples of solidarity between trading groups. Poorest are the weakest.	There is potential – but seems to be rare. Many of the poorest do not trade in the more profitable place, so even if access to the central city land is secured the poorest may not benefit.
<b>Micro/small entrepreneurial activities, home workers</b>	Weak political orientation	Differentiation of movements. Many of these self-help groups are organised through micro-finance initiatives and do not include the very poor.	Potential. But market orientation may result in exclusion. Rules such as minimum contributions are not in the interest of the poor.

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<b>Groups facing eviction – neighbourhoods</b>	Yes. Generally strong political orientation. Defensive action in these cases.	Generally some in neighbourhood – incentive to include if squatters. May be tenants and hence not involved directly in ant-eviction struggles.	Depends on ownership structure. Success may exclude in time if formalisation of tenure results in withdrawal of the poorest. Poorest likely on most precarious sites – least likely to win the struggle.
<b>Groups without secure tenure – neighbourhood</b>	Yes. Generally strong political orientation. Collective imperative.	May include poorest but poorest may not see as relevant, or may hesitate to engage with political process. Once more, poorest may be tenants and therefore not able to benefit.	Depends on outcomes. Options may require some finance, in terms of payments for land, and hence poorest may struggle to be included.
<b>Groups without basic services - neighbourhood</b>	Yes. Generally strong political orientation. May be little linking of neighbourhoods across the city.	Generally includes all in the neighbourhood. Tenants may not benefit.	Access may depend on the solutions that are secured, which are likely to be dependent on the market.
<b>Exclusion on grounds of race/ethnicity</b>	Yes. Strong political orientation.	All included on 'group' basis.	Tendency for class interests to dominate.
<b>Exclusion on grounds of gender</b>	Maybe, but may resist strong political identity for gender roles.	May be interested in drawing in the poorest. However, seem to be most successful in being inclusive if they are orientated to basic services.	Tendency for class interests to dominate.
<b>Exclusion on grounds of being very poor or poor/class</b>	Requires some kind of class identity. This in turn seems related to economic structure, spatial development options, and political structures,	Differentiation within the poor may be significant.	May be vulnerable to majority interests.

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Source: Mitlin (2006).

*Invited spaces*

Invited spaces are defined as inclusive spaces legitimately provided ‘from above’ by government, donors and/or NGOs in which citizens are invited to participate (Cornwall 2001/2/4a). These invited spaces can be policy arenas or ‘new forms of governance’ like governance networks and partnerships. Central to this study are especially the invited spaces of governance networks.

Governance networks have in the last two decades been discussed as post-liberal approaches for direct democracy, supplementing neo-liberal institutions of representative democracy (Gaventa 2006a; Sorensen & Torfing 2007). Democracy is then considered a concept constantly contested and under construction, with different forms in different settings and contexts, not as standard recipe of a set of rules, standards and institutional designs (Gaventa 2006a).<sup>20</sup> Governance networks can be defined as ‘relatively stable horizontal articulations of interdependent but operationally autonomous actors; who interact with one another through negotiations; which take place within a regulative, normative, cognitive and imaginary relatively institutionalised framework; that is self-regulating within limits set by external forces and which contributes to the production of public purpose (Torfing 2005; Sorensen & Torfing 2007; Marcussen & Torfing 2003; see also Rhodes 1997; Jessop 2002).<sup>21</sup>

In the context of the debate on local governance and service delivery, neo-institutionalists defined governance and institutions as the ‘rules of the game’ (Coase 1991; North 1990/3), though implicitly specifically referring to the allocative and distributive rules of the game at the level of implementation. Neo-institutionalists predominantly viewed institutions from the perspective of ‘constraints to realisation of actor preferences and how these rules can be changed to lower transaction costs and reduce other constraints associated with implementing policy’. Thereby they ‘optimistically supposed that institutions can be instrumentally designed and reformed’ (see Hyden 2008).

The need for simultaneously building the ‘capacities to respond and demand’ was initially indicated by citizenship literature (Gaventa 2001), though later also recognised wider in the literature (Romeo 2003; Krishna 2003). Mainstream attention and donor funding remained however heavily focused on building the ‘capacity to respond’ of governments. Both the literature on ‘capacity building to respond and demand’ in this period were characterised by an almost exclusive focus on governance process components of amongst others transparency, inclusion/exclusion, representation and accountability. In addition they showed an in retrospect somewhat naive belief that process improvements would almost automatically lead to improved results, which was

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later by the citizenship literature itself described as ideological (Robins, Cornwall & Von Lieres 2008).

Literature on ‘capacity building to respond’ focused on responsive and efficient service delivery programmes. It was built and supported through public sector reform programmes based on concepts of New Public Management (NPM) originating from the early 1980s in a number of OECD countries<sup>22</sup> (see also Mutahaba & Ally 2008). The NPM discourse propagates a strict division of policy formulation and implementation in its effort to develop self-regulating public markets and self-governing agencies through design of competitive games. Public sector reform programmes aim at a small, cost-efficient, private sector enabling government, with mainly medium and high level staff through simultaneous capacity development and downsizing and retrenchment of public sector personnel – though few sub-Saharan African countries have been able to set up effective mechanisms for controlling the growth and costs of the public service (Mutahaba & Ally 2008). Originally these programmes were especially focused on central government.

With the introduction of decentralisation, government capacity building programmes shifted towards multiple-level capacity building. Three hierarchical ordered levels of capacity building for ‘getting good government’ were distinguished (Grindle 1997), predominantly from an internal government perspective. Firstly, human resource development focuses on training of staff and improvement of recruitment procedures and work conditions. Secondly, organisational strengthening focuses on improving management systems by changing management structures or the organisational culture. Thirdly, institutional reform targets the macro-level, including policy and legal change and constitutional reform. The reforms in sub-Sahara Africa placed an emphasis on improving performance in delivery of public services by: performance incentives, sanctions and measurement; reinforcement of the merit principle in public service; and the further rationalisation of the role of the state and its functions (Mutahaba & Ally 2008).

The literature on ‘capacity building to demand’ focused on examining or creating the preconditions for voice (promoting citizenship learning and awareness-raising, building civil society organisations and the capacity to mobilise), and amplifying citizens’ voices and fostering social movements engaged in governance processes (ranging from advocacy research to citizen lobbying for policy change, and citizen monitoring of performance) (Gaventa 2001; Goetz & Gaventa 2001; Gaventa 2004). It also discussed conditions which constrain citizen participation, such as poor levels of citizen organisation (e.g. tradition of social movements), low participatory skills to effectively exercise influence, lack of political will, low levels of participation (e.g.



consultation in stead of decision-making), insufficient financial resources inhibiting local governments to facilitate effective participation (Gaventa & Valderama 1999), and constraining legal frameworks and contextual features for citizen participation (McGee et al. 2003). Furthermore, the worldwide transfer of the notions of participatory budgeting and citizens voice and the related notions of deepening democracy and citizenship from their original predominantly Southern-American contexts, were considered a potential obstacle for a sub-Saharan African context, where even the existence of civil society as such is questioned (Makumbe 1998; Lewis 2002).

### **Towards meta governance at the constitutive level**

Towards the middle of the 2000s there was an increased realisation of the mixed record of results of decentralisation and understanding that citizen and civil society participation as well as voice did not automatically increase civic influence. Furthermore, there was a gradual reorientation at (inter)national level towards rule of law and state building rather than democratisation as the primary cause for development. This context increasingly shifted the focus of attention from voice and influence on the allocative and distributive rules of the game towards influence on the constitutive rules of the game or politics (Hyden et al. 2004).

Hyden indicates a shift in development thinking through the years from the micro-level of project, to the meso-level of program, the macro-level of policy and currently, the meta-level of politics. Governance is consequently defined at the meta level as ‘the formation and stewardship of formal and informal rules that regulate the public realm, the arena in which state, as well as economic and societal actors interact to make decisions’ (Hyden et al. 2004: 16). The optimistic assumption of Neo Institutional Economists that institutions can be instrumentally designed and reformed with little or no attention paid to underlying politics and power dynamics turned out to be unrealistic (Hyden 2008). Governability literature contributes to further clarification of meta-governance in relation to the other levels of governance and indicates the need for complementarity and adequate attention to all levels (Kooiman et al. 2008). First-order governance takes place wherever people and their organisations interact in order to solve societal problems and create new opportunities. Second-order governance focuses on the institutional arrangements within which first-order governing takes place. It constitutes the meeting ground for those being governed and those governing and implies the reconsideration and adaptation of the parameters of first-order governance. Meta- or third-order governance feeds, binds and evaluates the governing exercise. In meta-governance, governors and governed alike take each other’s measure in

formulating norms by which to judge each other and the measuring process too (Kooiman et al. 2008; see also Kooiman 2000; Jessop 2002).

The main response of adherents of decentralisation to the mixed record of results has been the strengthening of the ‘capacity to respond’ through the repetitive widening of the scope of capacity building over the years (Kuhl 2009). In the context of the increased emphasis on endogenous development and ownership in the 2005 Paris Declaration on Aid Effectiveness and the 2008 Accra High Level Forum (AHLF) on Aid Effectiveness, capacity building was recently reformulated into capacity development (OECD 2006) and three major changes to overcome limitations were proposed in the literature. First, intensification of the current agenda through the current widely applied Result Based Management (RBM) approaches in international development cooperation, increasingly propagated by donors to ‘demonstrate’ results of their activities (Baser & Morgan 2008: 91).<sup>23</sup> The comparative advantage of RBM is its focus on short-term products rather than longer-term processes. It can be helpful in tracking immediate outcomes, but it has little to say about capacity outcomes that emerge over the medium and long term. RBM approaches are especially designed for situations to address problems of low complexity where means and ends are clear, but are less applicable or may need to be adjusted to deal with increasing complexity and uncertainty (Baser & Morgan 2008). Second, increased acknowledgement of the importance of linking context and content of capacity development. Grindle (2007) extends her earlier concept of good enough governance with contextual factors. The short list of minimal conditions for good enough governance, could be more appropriately formulated when taking into account the contexts in which governance reforms are introduced and the ways in which their contents affect interests and institutional capacities (Grindle 2007). Baser and Morgan (2008) reformulate capacity development and performance from a systems thinking perspective based on the huge body of capacity literature beyond that produced by the international development community. Capacity is defined as the ‘emergent combination of individual competencies and collective capabilities that enables a human system to create value’ (Baser & Morgan 2008: 3; see also Morgan 2006).<sup>24</sup> It includes five core capabilities: to commit and engage (volition, empowerment, motivation, attitude, confidence), to carry out technical, service delivery and logistical tasks (core functions directed at the implementation of mandated goals), to relate and attract resources and support (manage relationships, resource mobilisation, networking, legitimacy building, protecting space), to adapt and self-renew (learning, strategising, adaptation, repositioning, managing change) and to balance coherence and diversity (encourage innovation and stability, control fragmentation, manage complexity, balance capability mix) (ECDPM 2008; Baser & Morgan 2008). Performance is then interpreted as an emergent pattern that comes about

through the interactions of both internal and external elements and contextual factors. Third, more emphasis on the role of politics or contextual political factors affecting public sector capacity building initiatives (Grindle 2006). Political preferences of elected and appointed leaders determine whether capacity building initiatives are invested in or ignored. Political calendars or electoral cycles create moments when significant new capacity initiatives can be introduced or abandoned. Formal and informal political institutions determine how much scope public officials have for introducing change (Grindle 2006).

The main response with regard to ‘capacity to demand’ also faced three major changes in the context of the mixed record of results, the increased realisation that citizen and civil society participation and voice do not automatically imply increased civic influence - with increased focus on meaningful participation and actual changes in policy and practice (Cornwall & Coelho 2006) - and the changing international development agenda. First, an increased recognition that context matters and modifies the possibilities of state-society relationships (Cornwall & Coelho 2006). The analysis of participation needs to be set within the histories of state-society relations that have shaped the configurations and contestations of the present. Political histories and cultures may embed dispositions in state and societal actors that are carried into new democratic arenas of participation, while at the same time these might form the beginning of a process of change (Cornwall & Coelho 2006). Second, a shift towards influencing (local) politics and power through new channels or methods focused on the political arena and political agenda setting. In addition to the more traditional methods of political capacity building through civic and political education, more innovative channels are suggested, like linking with the political strategies of the growing middle-classes and their residents associations (Chakrabarti 2008), formation of or building links with political parties, running civil society leaders for office, monitoring existing political organisations (Gaventa 2006a). Third, the shift towards increasingly simultaneous coalition building at local, national and global level to increase influence and impact of coalitions and alliances on power relations and increased globalisation (Brock, McGee & Gaventa 2004; Gaventa 2004/6b/7a+b; Bebbington 2006).

### **Mutuality of informal and formal institutions**

Currently informal institutions are increasingly acknowledged as potential alternative or complementary channels by parts of the development policy world, in the context of the 2005 Paris Declaration on Aid Effectiveness calling for greater local ownership of foreign aid. Examples are the Drivers of Change

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approach of DFID/SIDA and the OECD institutional programme (Hyden 2008; Jütting 2007; see also UNECA 2007). This acknowledgement concerns both social informal institutions and political informal institutions (see Helmke & Levitsky 2006; Booth 2009). The central aim for both is to build on rather than condemn informal institutions in order to contribute to national development goals like reducing poverty and promoting economic growth.

In line with this, informal institutions are conceptually more precisely distinguished from formal institutions and defined as the ‘socially shared rules, usually unwritten, that are created, communicated and enforced outside officially sanctioned channels’ (Helmke & Levitsky 2004: 5). Formal institutions by contrast are defined as ‘the rules and procedures that are created, communicated and enforced through channels that are widely accepted as official’ (Helmke & Levitsky 2004: 5). Easterly (2006/8) uses a related but less precise differentiation between top-down and bottom-up institutions, whereby the term ‘bottom-up institutions’ more or less equals ‘bottom-up informal institutions’.<sup>25</sup> Informal institutions may or may not have deeply rooted cultural determinants.

These formal and informal institutions can be mutually conflicting, complementing or undermining (Jütting 2007) and while undermining they can still produce positive outcomes (Hyden 2008). Helmke and Levitsky (2006) distinguish four types of informal institutions based on divergence and convergence with effective and ineffective formal institutions: 1) complementary institutions which fill gaps in formal rules or enhance their efficiency; 2) accommodative informal institutions which blunt the effects of dysfunctional formal institutions; 3) competing informal institutions, which directly subvert the formal rules; 4) substitutive informal institutions, which replace ineffective formal institutions. Informal rules can also be part of formal institutions. Table 2.4 presents a comparison of formal and informal institutions.

*Table 2.4: Comparison of formal and informal institutions*

	<b>Formal institutions</b>	<b>Informal institutions</b>
<i>Type of exchange</i>	Impersonal	Personal
<i>Approach to rules</i>	Rule-of-law	Rule-in-use
<i>Character of rules</i>	Written	Unwritten
<i>Nature of exchange</i>	Contracted	Non-contractual
<i>Time schedule</i>	Specified	Non-specified
<i>Actor premise</i>	Organisational goal adherence	Shared expectations
<i>Implications of agreement</i>	Precise compliance	Ambiguous execution
<i>Transparency</i>	Potentially open to scrutiny	Closed and confidential
<i>Conflict resolution</i>	Third party body	Self-enforcement

Source: Hyden (2008).

Social informal institutions are often generally considered a gradual and more equal alternative to development than formal institutions (Rakodi 2004/6; OECD 2007; Easterly 2008). Motivations for the creation of social informal institutions can be cultural or customary practices, but can also be for reasons of incompleteness of formal institutions, second best strategy (for reasons of lack of power, reduced costs, ineffectiveness), or public non-acceptability of goals pursued (Helmke & Levitsky 2004). The mutually accommodating and constraining character of informal social and formal institutions, eventually has to be compared with the contributions to public outcomes.<sup>26</sup>

Political informal institutions are considered to increasingly dominate formal institutions in the sub-Saharan African context, despite recent immense support for democratisation and good governance (Hyden 2008). The African Power & Politics Programme recently suggested to look comprehensively at the mutually accommodating and constraining character of formal and informal political institutions and the overall effects on both public sector and associational life (Hyden 2008). It discusses how the specific combination of informal and formal institutions in the African context – with power predominantly based in informal institutions of personal relations between people rather than formal institutions founded in agencies that control it - affects politics and by extension policy.

Politics is interpreted and discussed as power configuration consisting of the basis, the reach, the exercise and the nature of power (Hyden 2008).<sup>27</sup> The basis of power in Africa is considered as bifurcated and narrow. It is made up of, on the one hand, a small enclave-like set of actors dominated by transnational corporations and diplomats adhering to formal rules, on the other hand a myriad of relations of dependence stemming from social structures that yet have to modernise and still rely on informal institutions. The challenge is to further formalise the basis of power in order to extend the ‘boundaries of possibility’- determined by the degree of social external dependency and social stratification - for building and managing a society in an increasingly globalised context. The reach of power often remains extensively reliant on informal patronage networks and competing alliances of political leaders, whereby the rulers are more likely to keep the regime going rather than trying to use power to transform society. Migration to cities and urbanization tend to increase transaction costs of power relations built on dependence for maintaining a regime.<sup>28</sup> The challenge is to move beyond merely responding to social change towards creating true development states with both strong capacity for change and development through constructive counter forces of formal institutions. The exercise of power by African political leaders is often not in a vacuum, as (informal) relations of accountability and reciprocity are strongly present. The challenge is to formally institutionalise the self-binding

‘inclusivist’ and ‘exclusivist’ elements of accountability and accepting defeat, as opposed to discretionary ‘inclusivist’ and ‘exclusivist’ approaches of co-opting and alienating (Hyden 2008: 21). The nature of power is often not rationalised in an economically instrumental sense, while exchange relations are often characterised by a dual utility weighing the inherent value of the exchange relation more heavily than one’s own narrow interest – based on value based clientelistic rationality. The challenge is to institutionalise dual utility based instrumental and value-based rationality of empathy and clientelism, as opposed to single utility instrumental and value-based rationality of technocratic and dogmatic nature.

With regard to the consequences of power, Hyden (2008) indicates that the public space in African countries is better described as predominantly ‘affective’ rather than ‘civic’, both for the governmental and the associational arena (see table 2.5). Challenges to authority are too costly and improving governance in these settings should start from other premises than those based on the presence of values and norms which are found in already consolidated democracies.

*Table 2.5: The consequences of power in Africa*

<i>Arena</i>	<b>Public realm</b>	
	<b>Affective</b>	<b>Civic</b>
<i>Governmental</i>	Nepotism Corruption	Professionalism Public accountability
<i>Associational</i>	Needs-oriented Compliant	Rights-oriented Activist

Source: Hyden (2008).

In relation to both social and political informal institutions it is warned for culturalist-traditionalist explanations in which modern day African societies are treated as if they were still shaped by their pre-colonial history or framed within predetermined cultural/ancestral patterns, or as if their history had a meaning (a grain) derived from the distant past (De Sardan 2008; De Sardan & Bierschenk 1998). The terms of neo-patrimonialism, clientelism and informality are considered as often used in a too sweeping, too general and too partial manner, while in any country there are divergences between norms and practices and it is mainly the scope and forms of these divergences that vary depending on the context (De Sardan 2008; see also Erdman & Engel 2006/7).<sup>29</sup> In this study clientelism and patronage are considered as divergences between norms and practices that are influenced but not predetermined by historical, international and other factors.

## **2.4. Impacts**

### *Impacts on quality of life*

#### **The concepts of quality of life, well-being and poverty**

In the last decades there have been major debates over alternative conceptions for development and poverty, challenging the dominant conventional economic conceptions that merely focus on money, commodities and economic growth (Gough, McGregor & Camfield 2007). The first debate revolved around the extension of the idea of development from economic to human development during the last quarter of the past century, amongst others by Sen and Martha Nussbaum (2000). This resulted in the annual international monitoring of a range of basic needs and capabilities through the Human Development Reports of UNDP since 1990. The second debate concerned the reconceptualisation of poverty from money poverty to multi-dimensional poverty of resources and agency that mitigate vulnerability, by various livelihood frameworks during the 1990s (see Rakodi 1999). The third and most recent debate concerns the transition from money-poverty to subjective well-being and quality of life, returning to the individual subject and questioning substantially the ends of development and how we conceive and measure them (Gough, McGregor & Camfield 2007: 7).

Phillips (2006) discusses the rich landscape of families of approaches to quality of life (QoL) and well-being (WB), with variations in the dimensions of types of conceptualisations, value priorities, research methodology, purposes and standpoint, and theoretical sources. Gasper (2009) summarises these 6 main families of research approaches to QoL and WB ranging from more individualistic to more social, with one approach consisting of two research streams (Table 2.6): 1) *Subjective Well-Being (SWB)*, the currently prominent approach which has spread from psychology to economic and sociology. SWB approaches are however not sufficient for all purposes. The remaining approaches, except perhaps the preference fulfilment variant (3a), are diverse interpretations of Objective Well-Being (OWB) (Gasper 2009, based on Phillips, 2009); 2) *Health Related Quality of Life*; 3a) *Utility* - as interpreted in 20<sup>th</sup> century economic -, looking at purchasing power and/or imputed preference fulfilment; 3b) *Needs and Capabilities*, which contains several variants concerning needs fulfilment or achievement of valued capabilities (including Sen's capabilities approach, interpreting capabilities as positive freedoms to achieve reasoned values) ; 4) *Poverty Studies*, which concentrate on the potential quality of life of an individual in terms of opportunities and their social determinants; 5) *Community Studies*, which focus on the social

context/fabric and the quality of life of a community; 6) *Societal Quality of Life Constructs*, which integrate a number of the above aspects.

Table 2.6: An analytical summary of QoL and WB approaches

Families of approaches	Focus and scope (per variant)	Discipline(s)/ Theory base	Values	Purposes and standpoint
<b>1) Subjective well-being (SWB)</b>	Individual well-being (WB) as felt by the individual. Work on 'instant happiness' stresses aspects 1 & 2 more than does work in a eudemonic/reflective well-being tradition.	Psychology, and neo-utilitarian economics and sociology. (But psychology has diverse schools). Aristotelian philosophy stresses aspect 3.	(Priority to Individuals' judgements of A. pleasure/pain B. meaning	- For description and explanation; & - For evaluations by the individual or that seek to represent the individual
<b>2) Health-related Quality of Life</b>	[2a] Individual WB/QoL - Physical (and mental) functioning's & capabilities; listed by professionals (or the subject individuals), then measured by professionals (or self-rated). [2b] Health-related QoL of communities	Health sciences	- Ideas about normal capabilities and functionings - Either belief in superior knowledge and judgement of professionals; or belief in rights and superior knowledge of patients	For allocation of rights and resources for medical care: - policy level - programme level - individual cases
<b>3a) 'Utility'</b>	Here individual WB is imputed from individual's resources and/or choices, especially choices in real or simulated markets.	Mainstream market-oriented economics	Values of market: 1. spenders' values, insofar as moneybacked; 2. income distribution given; 3. people held responsible for own choices (which are assumed to reflect preferences)	For describing, explaining, and conducting allocation according to market principles



<b>3b) Needs and capabilities</b>	A. Prudential values theory	Humanistic economics. Philosophy.	Humanistic values: In A: what makes lives go better.	Variants B, E: for explanation
	B. Human needs theories	Humanistic psychology.	In B: requirements of a decent life.	All the theories: for public policy (constitutional and legal frameworks; strategies, programmes, projects, specific allocations to persons)
	C. Doyal & Gough's theory of need	Critical social policy.	In C: avoidance of serious harm; social participation.	
	D. Sen's capability approach	Humanistic economics.	In D: positive freedom to achieve eased values.	
	E. Nussbaum's capabilities approach	Humanistic philosophy.	In E: As B plus D.	
<b>4) Poverty studies</b>	A. Work on poverty lines	Social economics	Similar to 3b, but: Variant A is often limited to material aspects and values; variants B & C are not.	Variant A: for description, and public policy.
	B. Wider concepts of deprivation	Social policy		Variants B & C: also for explanation
	C. Attention to processes and outcomes of social inclusion and exclusion	Sociology		
<b>5) Community studies</b>	Study of the direct value and indirect impacts of various forms of social capital and social cohesion	Sociology Social policy Public health	Emphasis on people as group members	- Explanation. - Background work for public policy
<b>6) Societal Quality of Life constructs</b>	A. Bernard's democratic dialectic	Sociology	Liberty, equality,fraternity Implies all the values listed above.	For public policy (through from constitutional and legal frameworks, to projects).
	B. Berger-Schmitt & Noll: overarching QoL construct	Social policy	Similar to values of [3b], plus of [5].	
	C. Social Quality approach (Beck et al, 2001)	Sociology		

Source: Gasper (2009), based on David Phillip's Quality of Life (Phillips 2006).

Conceptions of the terms of QoL and WB vary in correspondence with the multitude of approaches and research streams within and convey different meanings. Gasper (2009) stresses the importance of conserving this richness,

rather than attempting to formulate a uniform definition of QoL and WB and 'making well-being assessment to a form of mental temperature-making'. This corresponds with Amartya Sen's principle that interpretations of inherently ambiguous ideas should illuminate, not attempt to eliminate, the ambiguity.

What is considered important is to acknowledge and express that these concepts concern evaluative judgements and express the differing values and research instruments as well as the differing standpoints, purposes, theoretical views and ontological presuppositions (Gasper 2009).

This study uses a social conception of quality of life, combining the approaches of poverty studies, community studies and societal quality of life constructs. Quality of life is conceptualised by on the one hand vulnerability of households and collectives and on the other hand service delivery to the wider society. Vulnerability refers to the ability of households, individuals and communities to bend and bounce back when confronted with adverse situations (Moser 1998). Vulnerability is assessed through the components of resilience, diversification and regularity. Resilience expresses the ease and rapidity of recovery. Diversification refers to reduction of risk through the quantitative spreading of access to assets and minimising the risk of missing any one asset. Regularity expresses the reduction of risk through the qualitative frequency or stability of access to assets. Service delivery to the wider society is assessed as the variety of urban services that is delivered. The concept of quality of life as such then serves as an expression of the extent to which impacts are both serving the poor and matching the scale and the scope of the problems.

### **Impact of individually claimed spaces on quality of life**

Contributions of individually claimed spaces to poverty reduction and development have long been predominantly interpreted positively. Mainstream social capital theory emphasises the importance of social capital for people to reduce risk and vulnerability and increase resilience to shocks (Narayan & Woolcock 2000; Moser 1998; Grootaert 2001). More critical and explanatory research questions and nuances the contribution of social capital to poverty alleviation. Some authors also explicitly point out its negative implications (Portes & Landolt 1996; Portes 1998; Silvey & Elmhirst 2003). Coleman (1988) points out that a given form of social capital that is valuable in facilitating certain actions may be useless or even harmful for others. Portes in addition brings together four forms of negative social capital: exclusion of outsiders (especially in case of bonds), excess claims on group members (especially in later stages), restrictions on individual freedoms and downward levelling norms (Portes 1996/8, 2000; Portes & Landolt, 2000; see also

Woolcock & Narayan 2000). Others additionally emphasize social-structural constraints and the role of ideology (Beall 2001; Long 2001; Cleaver 2005; Bebbington 2006).

### **Impact of collectively claimed spaces on quality of life**

The recent revival of social movements theory is focused on the impacts of social movements on poverty reduction. Currently it is however widely acknowledged that establishing a causal relationship between social movements and any observed change in societies is problematic. In particular attribution is difficult because there are usually multiple variables available involved in any process of social change, including other actors and networks (GSDRC 2009). Many case studies of social movements conclude their impact on long term processes of development and institutional change remains limited.

Until recently the majority of studies on social movements did not focus specifically on assessing their impact, but rather on describing their goals, tactics and experience of engagement with the state. In addition, the literature on civil society and urban poverty until recently, especially in the early 2000's, for a large part explained the limited positive results of grassroots organisations and collective action through internal features in line with the resource mobilisation approach. Mitlin (2001) indicates that the nature of relationships and the level of participation inside grassroots organisations suggest that they may be limited in their capacity to assist in the reduction of urban poverty and vulnerability (such as the exclusion from access to basic services). Leach (1997) finds that the level of representation of the local community is debatable, as grassroots organisations do not always make decisions according to consensus or to principles of democratic or equity-oriented decision-making. Devas (2001) observes that many grassroots organisations act to reinforce patterns of inequality and social exclusion, and are often dominated by men, particularly men of higher status and/or higher income. Dia (1996) noted that grassroots organisations are often inflexible to changes.

The contributions to poverty reduction and development might be somewhat positively influenced by the scaling-up of promising local grassroots initiatives - providing assistance in technical issues and group dynamics - through linking with or participating in programmes of professional support organisations. Some scholars in addition emphasise the potential contributions of grassroots organisations to personal transformation and growth in self-esteem of (some of the) members (Cleaver 2007). Recently, in the context of the increased globalisation effects and the increased acknowledgement of the role of power,

it is largely related to the institutional constraints. This is further discussed/taken up in the paragraph on impacts on influence and political rights. Impacts of the social informal channels are considered to be more gradual and different for various sectors (Jütting et al. 2007; Rakodi 2004/6).

### **Impact of invited spaces on quality of life**

Conditions for contributions of invited spaces until recently were mainly formulated normatively in terms of process factors of responsiveness, transparency, participation, representation, accountability and legitimacy. The general belief – in approaches focusing on the ‘capacity to respond’ as well as those focusing on the ‘capacity to demand’ - was that strengthening these process components would automatically imply positive impacts and that ‘the strong process dimension of governance would make it hard to draw simple conclusions about the strengths and weaknesses (or positive and negative nature) of outcomes at any specific point in time’ (Mitlin 2004a).

Towards the middle of the 2000s it is increasingly acknowledged that decentralisation as such does not automatically contribute to development and poverty reduction (Von Braun & Grote 2002; Bonfiglioli 2003; Devas & Grant 2003; Jütting et al. 2004/5). Crook and Manor (1998) in their study of four South Asian and West African countries already indicated the poor results of decentralisation on responsiveness in the two African countries. A major OECD-DAC study assessing the determination of pro-poor decentralisation by country specificities and the multi-faceted design of the decentralisation process, found that in two-third of the analysed countries the impact of decentralisation on poverty was either ‘somewhat negative’ or ‘negative’ (Jütting et al. 2004/5).<sup>30</sup> Partially corresponding with other literature, the decentralisation process was found more likely to have a positive impact on poverty, if the central government is committed to the purpose, the involved central and local actors have the financial and human capacity, checks and balances are established at local level to control for rent-seeking and corruption, and internal and external policies are sufficiently coherent with the decentralisation policy (Jütting et al. 2004/5).

Many authors emphasise the importance of relations between and within government organisations for effective decentralisation. National level political commitment (by the president, members of parliament, political leaders as well as central bureaucracy) plays a key role in the regulation, redistribution, enforcement, and monitoring and evaluation (Zanetta 2005; see also Jütting 2004), as well as in defining the rules or policy framework for decentralisation that determines the behaviour of lower tiers of government (Burki et al. 1999).

Incentives have to align with political objectives. In addition, a good balance between authority and responsibility is important to ensure the satisfactory performance of politicians and bureaucracies at lower levels of government (Burki et al. 1999). Decentralisation often involves delicate compromises as it ultimately aims at redistributing power and changing existing social power structures. Often there is considerable self-interest and conflict at the central level (movers and blockers) and between central and local level involving clientelist relations and accountability systems (Jütting et al. 2004). Misalignment between the structure of the government bureaucracy and the assignment of service responsibilities to different tiers confuses incentives, weakens accountability for service delivery, and creates conflicts of interest instead of checks and balances – for example through the appointment of local administrative staff by an upper tier government or belonging to a national service (Ahmad et al. 2005).

Ensuring local capacity through mechanisms promoting good knowledge of local conditions, political accountability, and technical and institutional capacity is considered important (IBRD governance site, quoted from Zanetta 2005). Local human capacity for good performers depends on support policy by central government, training, recruitment of staff (exclusive central government recruitment of staff tends to reduce local human capacity), information, technical equipment, experience, clear distribution of roles and responsibilities, and decision-making capacity (Jütting et al. 2004). Local financial capacity that stems from both central government transfers and local taxes as well as substantial independent tax-raising powers seem to contribute positively to pro-poor decentralisation, with the latter tending to increase regional inequalities. Needs-based transfers from central government can be helpful in targeting the poor. Transparency, stability and predictability of transfers also contributes positively.<sup>31</sup> Furthermore, the power and freedom to decide how to spend resources – i.e. the degree of autonomy of council over own budget (Cabannes 2004) –, generally supports poverty-focused decentralisation, especially through increased possibilities for responsiveness and despite the higher risks of improper and unequal allocation (Jütting et al. 2004).

Checks and balances at the local level are necessary to avoid or reduce practices of corruption and local elite capture of the agenda. Decentralisation in the African context often does not challenge local elites who are resistant or indifferent to pro-poor policies. Therefore ideological commitment to the poor by the centre and strengthening and broadening democratic accountability both at the national and local level are crucial conditions for poverty reduction (Crook & Manor 1998; Crook 2003). Democratic local governance initiatives have encouraged participation and increased representation, but have provided

little in the way of empowerment and even less in making the distribution of benefits more equitable or reducing poverty (Blair 2000). In line with this, Manor (2003) found that fiscal and administrative systems tend to promote centralisation and that for decentralisation to be beneficial it must have a significant democratic content. Furthermore, strategies and outcomes are often very much related to the motivation of the mayor or leading group within the council and the nature and scope of groups drawn into budgeting processes (Cabannes 2004; Mitlin 2004a). Recent research in India indicates elite capture of the (metropolitan) governance agenda through middle-class activism of residents or neighbourhood associations (Baud & Nainan 2008; Chakrabarti 2008). A fundamental problem with promoting participation in 'invited spaces' is that often, entrenched relations of dependency, fear and disprivilege undermine the possibility of the kind of deliberative decision-making they are to foster (Cornwall 2004a). Comparative action-research on gender, citizenship and governance in South Asia, India and Southern Africa, found that it is more difficult for women to penetrate as independent political actors or to raise controversial issues, as local government is often more embedded in local social structures than national government and prevailing gender ideologies are more concentrated at the local level. Furthermore, procedures were often found to be gender neutral and gender blind, incorrectly assuming that women and men have equal power and status (Mukhopadhyay 2003/4).

Finally, and somewhat ideologically, decentralisation was found more successful when it is part of a broader agenda of government reforms and consistent with donor strategies (Jütting et al. 2004). Policy coherence can for example be enhanced through linkages with prior and/or parallel strategies of economic liberalisation and democratisation or land reform programmes. Sector Wide Approaches (SWAPs) and their possibly related trade-offs with expanding local capacities, need to also be considered in terms of policy coherence.

### *Impacts on influence and political rights*

#### **Influence and political rights**

Impacts until recently were mainly analysed in terms of development results and assets or resources. Only recently international development research has started to bring back politics and power into research and to address 'why and how questions' of poverty - involving dynamic, structural and relational factors - in addition to 'what questions' (see also Harris 2007; Mitlin & Bebbington 2006; Hyden 2004/8; De Haan 2007). In this study impacts are - next to being measured in terms of quality of life - also assessed in terms of influence and

political rights. Influence was earlier defined by citizenship literature as ‘a tangible impact on policy making and the organisation of service delivery’ (Goetz & Gaventa 2001). In order to clearly distinguish influence and political rights, for the purpose of this study the definitions of influence and political rights have been formulated on the basis of conceptualisations of institutions in the literature. Influence refers to the tangible impacts on the allocative and distributive rules of the game or policies, processes and implementation of service. Political rights refers to the tangible impacts on the constitutive rules of the game. The study analyses both increases and decreases in rights and influence.

### **Impacts of individually claimed spaces on influence and political rights**

Impacts on influence and political rights through individual claimed spaces were only limitedly touched upon in the literature. The Chronic Poverty Research Centre indicates that studies of political capital have mainly focused on the links between political capital and poverty reduction, rather than those between low levels of political capital and poverty itself, chronic or otherwise (CPRC website, December 2009).<sup>32</sup> Attempts to promote inclusion of the relationship between political capital and other capital assets within the sustainable livelihoods framework (Baumann 2000; Rakodi 1999; Devas 2002; Birner & Wittner 2000), failed to gain wider recognition and largely remained limited to discussion of analytical, conceptual and practical relationship issues (Baumann 2000; Rakodi 1999).

### **Impacts of collectively claimed spaces on influence and political rights**

The literature so far only contains limited research findings with regard to the impacts of collectively claimed spaces on influence and political rights. As indicated earlier, the majority of the research literature on collective action and social movements has been focused on describing goals, tactics and experiences of engagement with the state, rather than the formulation of conditions (GSDRC 2009; Bebbington 2009). Most of the available case studies on social movements indicate that their impact on long term processes of development remains limited (GSDRC 2009). As social movements can mainly exert influence indirectly through other actors, they can merely modify rather than alter processes that determine the creation of poverty (Mitlin & Bebbington 2006). In addition, much of the literature suggests that the primary importance of social movements is to change the ways in which society understands poverty, rather than affect poverty through the state by placing pressure on governments to adapt new policies (GSDRC 2009).

Currently the chronic poverty research agenda is reformulated – in preparation of phase 3- towards inclusion of dynamic, structural and relational factors of poverty (Shepherd 2007; see also Bebbington 2006; Mitlin & Bebbington 2006; Harriss 2007; Mitlin 2008; Bebbington 2009).<sup>33</sup> Within this context of increased focus on power and structural causes of poverty, it is initially looked for possibilities of bringing the until recently largely separated themes of social movement and poverty together (Bebbington 2009).<sup>34</sup> Bebbington (2009) on the basis of a literature study identifies several causal pathways through which social movements can potentially impact poverty: through challenges of institutions that underlie the political economy of poverty (challenging processes of exploitation or dispossession); through reworking the cultural politics of poverty (challenging ideologies surrounding poverty debates); through direct effects on assets of the poor (providing access to land, water, shelter) and through engagement with the state (varying on a continuum from collaborative to adversarial relationships). Bebbington (2009) finds that the relative significance of causal pathways to poverty reduction depends on the domain of contention in question, the type of social movement involved and the more general political economy context. In addition, the internal constraints to relationships and participation inside grassroots organisations can also hinder to address some of the more structural causes that result in a lack of empowerment and powerlessness (Mitlin 2001). Examples are problems of internal representation and democracy (including how far they can represent the poorest), the difficulty of sustaining coherence and convergence among actors, and tensions within movements (Bebbington 2009; Mitlin 2008). These internal explanatory factors are almost similar to the ones the literature mentioned earlier with regard to contributions of grassroots organisations to poverty reduction.<sup>35</sup> On the basis of the literature Bebbington suggests that one of the most important effects of social movements (when they are ‘successful’) is to induce the creation of new public institutions that contribute to poverty reduction (Bebbington 2009).

More concrete conditions on how the context could be made more favourable or better anticipated through longer term strategies are however often lacking in the literature, or it is referred to policies or to action and limited in taking into account the roles of other actors that the social movement and the state. Earlier citizenship literature indicated that the created issue-based ‘popular spaces’ can potentially serve as a base from which to launch a direct confrontation of authority from an ‘outsider’ position (Cornwall 2004a). Habib and Opoku-Mensah (2009) also indicate the continued importance of material struggles for other struggles in the African context. If processes of popular protest, direct action, campaigns, lobbies, strikes and demonstrations can achieve ‘critical mass’, they can influence decisions in otherwise closed spaces.<sup>36</sup> Furthermore, they can also function effectively in serving to prepare,



empower, support and legitimise those who are then delegated to enter the 'lion's den' on their behalf and engage in policy deliberation in an invited space. The literature however also indicates that 'linking' social capital can negatively impact associations, in general and with regard to democratic governance in particular, if not accompanied by sufficient 'bonding' and 'bridging' social capital (Titeca & Vervisch 2008). Cornwall and Coelho's (2006) suggestions for citizens to participate in popular education and mobilisation in order to learn to recognise themselves as citizens (rather than beneficiaries or clients) and to learn 'to cut their political teeth' in participatory sphere institutions and transfer these skills to other spheres, also by no way seems to be a short and/or easy route. Some studies stress the importance of unintended impacts by successful social movements through the spurring of influential counter-movements (Kirmani 2008). They stress the importance of counter-balancing the assessment of positive outcomes of social movement activities with recognition of the limitations and possible negative implications of engagement.

### **Impacts of invited spaces on influence and political rights**

The research literature with regard to impact of invited spaces on influence and political rights has been limited so far. The literature mainly focused on pointing out the importance of voice through consultations and participatory inclusion of the poor and taking their realities into account by showing these realities, rather than formulating conditions for actual impact on influence on policies and processes. Some writers are optimistic about the potential to stimulate further participation and democratisation from below (Baochi 2001; Avritzer 2002, quoted from Cornwall & Coelho 2006). Others pointed out the ambivalent effects of institutionalised participation on social and political energy and further on democratisation (Piven & Cloward 1971; Dryzek 1996; Taylor 1998, quoted from Cornwall & Coelho 2006). Coelho and Cornwall (2006) indicate that 'more contingent factors can alter the balance of power, such as unintended consequences of mutations and processes of politicisation that accompany resource negotiations or subtle shifts that new discourses of rights, social justice and citizenship create as they circulate through networks that support different social actors and expand their interpretive and political horizons'. Recent research on India found that negotiating rights through 'political spaces' was more effective for vulnerable low-income groups, while negotiating rights through 'executive spaces' was more effective for middle-class citizens (Baud & Nainan 2008). Linking with the political strategies of the growing middle-classes and their resident associations is also suggested as a viable alternative (Chakrabarti 2008). Impacts of informal political channels are currently being explored, particularly by the Africa Power & Politics

Programme. Mitlin already indicated possibilities through offering authorities information they don't have and gaining confidence and trust through joint operations (Mitlin 2004a) and co-production, going well beyond the material advantages to achieve a broader set of political objectives (Mitlin 2006/8).<sup>37</sup>

## **2.5. Conclusion**

In this chapter an overview of the current debates on governance networks, (democratic) governance assessment, decentralisation, citizenship and deepening democracy, social capital and livelihoods, social movements and chronic poverty was presented to set the framework for this study. Several elements from these general debates are of particular importance to understand the discussion on the conditions under which spaces can contribute to improved impacts on quality of life, influence and political rights for the poor.

Spaces are understood in abstract terms as the ways in which opportunities for engagement might be conceived or perceived, and in concrete terms as the actual sites that are entered and animated by citizens. The further differentiation of spaces into the types of individually claimed spaces, collectively claimed spaces and invited spaces will serve to enable the identification of conditions for improved impacts with regard to the full spectrum of relevant spaces at local level and national level for the poor in metropolitan cities. The analysis of the literature in addition shows that there is often still a limited constellation of relevant actors to these spaces included in research, for example with regard to the collectively invented spaces of social movements and collective action, but also with regard to invited spaces of governance networks. This study, where possible, will take into account the full spectrum of relevant actors and their roles in processes, which amongst others leads to interpreting donor agencies not only as part of the institutional context, but also as actors with interests in concrete negotiation processes over spaces, as well as the positive and negative internal features which influence the impacts of spaces.

With regard to these spaces the literature shows that all debates are currently shifting from a perspective of agency to a realistic structural approach. Moreover, the literature recognises the role of power and the multi-level institutional context in relationships. Spaces will therefore in this study be conceived as underpinned by formal and/or informal institutions. Processes within and outside these spaces will be conceived as accommodated and constrained by formal and/or informal institutions, including structures of opinions, beliefs and cultural norms. Institutions are thus considered as rules that are separated from the players, which allows for the investigation of both

the accommodating and constraining roles of institutions on processes. With regard to individually claimed spaces the factor of instrumental political capital will be explicated next to the factors of social and organisational capital, allowing for analysis of the relationship between political capital and other non-material and material capital assets.

The analysis of the literature shows that until recently the focus in all research strands was predominantly on processes rather than impacts, which were often more or less normatively interpreted as positive. The literature also shows that currently there is an increased call to include the factors of (positive and negative) impacts on poverty as well as the factor of influence on institutions by the poor in research. In this study a comprehensive approach including the factors of processes, impacts on quality of life and impacts on influence and political rights will be applied. Impacts on quality of life is defined on the basis of a mixture of the social approaches to quality of life of poverty studies, community studies and societal quality of life constructs. This allows for assessment of impacts on quality of life in terms of vulnerability of households and collectives and service delivery to the wider society. It expresses the extent to which impacts are both serving the poor and matching the scale and the scope of the problems. Impacts on influence and political rights are defined on the basis of the notion of influence in citizenship literature and conceptualisations of institutions in new institutional economics, governance network and (democratic) governance assessment literature. This allows for assessment of impacts on influence and political in terms of tangible impacts on the allocative or distributive (formal and/or informal) rules of the game (including policies, processes and implementation) respectively on the constitutive (formal and/or informal) rules of the game.

Finally, the literature review also shows that the challenge of the shift in focus from the 'what' to the 'why and how' of development is to avoid a relapse to the structural perspective of the 1970s and 1980s that mainly provided insights and explanations of power (im)balances without many action repertoires, and to rather stay focussed in a balanced way on formulating conditions under which spaces of power can sustainably deliver for the poor.

The literature review has now positioned this study within the body of relevant literature and set the framework for research. The research questions and further operationalisation of the theoretical concepts discussed here will be addressed in the next chapter on research methodology.

Notes

<sup>1</sup> The Washington Consensus of 1990, right after the end of the Cold War, made for the shift from the economic agenda of Structural Adjustment Programmes towards the neo-liberal political agenda of good governance, democratisation, decentralisation and private sector enablement. The shift towards decentralisation in Africa was mainly driven by external interests, although it was the fourth time on the African continent to introduce decentralisation, but the first time for this reason (Owusu 2001). For additional information on the Washington Consensus and meta-narratives see amongst others Maxwell (2005).

<sup>2</sup> The conditions for impact of (democratic) decentralisation on poverty reduction are further discussed in section 2.4.1, sub-section impacts of invited spaces on quality of life.

<sup>3</sup> Some authors consider privatisation (UNDP 2004) or outsourcing to Community Based Organisations (Ahmad 2005) also as a form of decentralisation, though generally the term decentralisation is exclusively reserved for transfer of functions and powers within the public sector. Furthermore, sometimes federalism is considered the strongest form of decentralisation.

<sup>4</sup> Normativity especially plays a role in regard to defining good governance and good enough governance –mainly in regard to measurement of governance at the national level –, with the latter referring to the minimal conditions of governance necessary to allow political and economic development to occur (see Grindle 2005/7).

<sup>5</sup> Some authors from other research strands also emphasised the need for capacity to demand in addition to the capacity to respond. See for example Romeo (2003) and Krishna (2003).

<sup>6</sup> Citizenship literature defined voice as ‘the range of measures – such as complaint, organised protest, lobbying, and participation in decision-making and product delivery – used by civil society actors to put pressure on service providers to demand better service outcomes’ (Goetz & Gaventa 2001).<sup>6</sup> Consultation involves the ‘opening of arenas for dialogue and information sharing’. Presence and representation involves ‘institutionalising regular access for certain social groups in decision-making’. Influence concerns citizen engagement whereby citizens can translate access and presence into a tangible impact on policy-making and the organisation of service delivery (Goetz & Gaventa 2001).

<sup>7</sup> Originally invited and claimed spaces were also further differentiated on the basis of the temporal dimension of relative durability of spaces for participation into regularised relations (invited/long-term), fleeting formations (invited/ad-hoc), movements (invented/long-term) and moments (invented/ad-hoc) (Cornwall 2002/4).

<sup>8</sup> Mitlin (2006) indicates that in urban contexts place based-movements of the poor are especially at the micro and meso-level, as the poor have an essential struggle for political inclusion (citizenship) at the level of the city.

<sup>9</sup> The difference between formal and informal institutions is further elaborated upon in the section 2.3.4 on invited spaces.

<sup>10</sup> Gaventa (2006) himself also indicates that the power cube is an ‘analytical device which can be used – *along with other approaches* - to reflect on and analyse how strategies for change in turn change power relations’.

<sup>11</sup> Social theorists like Durkheim, Weber, Marx and Simmel laid the foundations of these conceptualisations of social capital (Portes 1998).

<sup>12</sup> Cleaver (2005) attributes the structural reproduction of exclusion of the chronic poor in social relations especially to the inability to sustain their able-bodiedness; the little room to manoeuvre in their kin and wider social relationships due to small fragile families, unstable marital arrangements and wider derogatory perceptions of the poor; and the inability to articulate successfully in public fora – and even where the voices of the poor are heard they are given little weight and exert negligible influence (Cleaver 2005).

<sup>13</sup> While the structural approaches in the US tend to pay a great deal of attention to the *how* of collective action, the social constructivistic approaches in Europe attempt to explain *why* individuals are inclined to such actions (Klandermans, Kriesi & Tarrow 1988).

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<sup>14</sup> Amongst others by Klandermans, Kriesi and Tarrow (1988), McAdam, McCarthy and Zald (1996), Della Porta and Diani (1999), McAdam Tarrow and Tilly (2001), and Snow, Soule and Kriesi (2004).

<sup>15</sup> The new social movement perspective was renamed in the revised second edition and could also be called the cultural representations perspective (Della Porta & Diani 2006). The shift especially since the WSF in Seattle.

<sup>16</sup> Collective action focused on consumption concerns the mobilisation of consumers of urban services, action focused on the availability of collective or public good and urban services, and expressed in actions such as land invasions, squatter protests and street demonstrations. Collective action focused on political (and human) rights action evolves around the non-material issues of justice, security, freedom from repression and democratisation.

<sup>17</sup><sup>17</sup> The article of Habib and Opoku-Mensah is part of a wider venture on whether social movements are a global phenomenon that happen to be situated on the African continent, or whether it concerns social phenomena of a sort unique to Africa and therefore difficult to analyse in a comparative perspective (Ellis & Kessel 2009). Habib and Opoku-Mensah address the debate on social movements in the global academy from the perspective of the African continent's contemporary social struggles. Despite the fundamental differences in socio-economic contexts - African societies are not post-industrial societies – they question whether it is intellectually sustainable to develop a theory of social movements with universal ambitions on the narrow experiences of post-industrial societies (Habib & Opoku-Mensah 2009).

<sup>18</sup> Hickey and Bracking (2005) also do not describe to a language of 'new'(lifespace) and 'old'(workspace) social movements.

<sup>19</sup> They often take the form of self-help groups. Self-help can be defined as 'any voluntary action undertaken by an individual or a group of persons which aims at the satisfaction of individual or collective needs or aspirations' (Verhagen 1989). It is characterised by a substantial contribution of the individual's or group's own resources in terms of labour, capital, land and/or entrepreneurial skills. As formal membership arrangements are often not in place (equal sharing of risks, costs and benefits amongst the members; liability of leadership and/or manager to be called to account by the membership for their deeds), it is preferred to speak of self-help groups in stead of self-help organisations, reflecting better the informal character of these groups. Since the 1990s residents associations have also become a common phenomenon in urban contexts mechanism for the delivery of services by people themselves, but also for claiming rights.

<sup>20</sup> Klijn & Belcher (2007) differentiate four conjectures of compatibility between representative democracy and governance networks: incompatible, complementary, transitional, instrumental. Incompatible conjecture refers to governance networks as challenging representative democracy and decision rules of representative democratic institutions. Complementary conjecture refers to governance networks as providing democratic institutions with additional linkages to society. Transitional conjecture refer to governance networks as offering greater flexibility and efficiency than representative democratic institutions and will increase as the primary mode of decision making at the expense of representative democratic institutions. Instrumental conjecture refers to governance networks providing a means for democratic representative institutions to increase their authority in the face of societal complexity (emphasising agreements over outputs rather than inputs to the decision process).

<sup>21</sup> A partnership can be viewed as a particular form of governance networks consisting of the following features: it involves 2 or more actors; it refers to a more or less enduring relationship between the actors based on a written or verbal agreement; mutually beneficial relationship, without assuming equality between actors; expressed in concrete, physical activities; contributing either directly or indirectly to a public goal (Baud & Post 2001).

Common types of partnerships are those between government and private sector companies, between communities and private sector, and between communities, NGOs and local government (Baud 2000).

<sup>22</sup> UK, New Zealand, Australia, United States and Canada (UNDP 2003)

<sup>23</sup> Result Based Management (RBM) is a life-cycle approach that integrates strategy, people, resources, processes and measurements to improve decision making, transparency and accountability. The approach focuses on achieving outcomes, implementing performance management, learning and changing and reporting performance.

<sup>24</sup> The concept of capabilities is based on Sen (1999), who conceptualised development as developing the capabilities or freedoms of people by increasing the options available to them.

<sup>25</sup> The top-down view of institutions sees institutions as determined by laws written by political leaders (the view of most Enlightenment intellectuals like Rousseau and Condorcet). The bottom-up view sees institutions as emerging spontaneously from the social norms, customs, traditions, beliefs and values of individuals within a society, with the written law only formalising what is already mainly shaped by the attitudes of individuals (the view of the leading critic of the top-down French Revolution, Edmund Burke) (Easterly 2008).

<sup>26</sup> Civic-driven change literature seems to fit in here stressing the culture-based aspects of development, though not explicitly differentiating between formal and informal institutions and not clarifying concepts of how alternative civic driven institutions could be created (Biekart & Fowler 2007).

<sup>27</sup> Hyden (2008) indicates the prevailing notion of the concept of power among DPs is 'power to' viewing power as a capability or ability as contrary to the conflictual approach's notion of 'power over' viewing power as a relationship. In regard to the APPP it is suggested to define power as 'the ability to achieve a desired outcome in competition with other actors who lay claim to the same resources needed to produce that outcome.

<sup>28</sup> An extreme examples of coping is the imitation of the financing of patronage networks through enterprises officially owned by the ruling party in Malawi by Mozambique and Tanzania (Hyden 2008).

<sup>29</sup> The terms are considered too sweeping because, for the majority of researchers, they provide a means of saving effort on empirical analysis of the relations to which they refer. Too general because they reduce the potential diversity of the divergences between norms and practices to a general, abstract, ideal-typical model, which cannot be shown to have exhausted the range of relevant situations. Too partial because they only focus on one aspect or dimension of divergences, for example, the public-private confusion, or the distribution of spoils (De Sardan 2008).

<sup>30</sup> Country specificities consist of: size of the country, level of economic development, degree of democracy and capacities. Process design of decentralisation consists of: political factors (commitment to a real devolution process, policy coherence, donors' involvement), administrative factors (anti-corruption measures, division of functions, building local capacity) and fiscal factors (type and amount of resources involved). (Jütting et al. 2004/5).

<sup>31</sup> Predictability of transfers is enhanced through the use of formula-based allocation systems driven by simple measures of equity and efficiency (Bird 2003).

<sup>32</sup> Research has so far focussed on the transformation of social into political capital, particularly in terms of how local communities and groups can influence policy (Birner & Wittner 2000; Booth & Richards 1998) and on the links between political capital and levels of democracy (Booth & Richards 1998).

<sup>33</sup> In September 2010 an international conference will be held to set the research agenda of the Chronic Poverty Research Centre for the next ten years (2010-2020) ([www.chronicpoverty.org](http://www.chronicpoverty.org), consulted January 2010).

<sup>34</sup> Bebbington (2007) mention some exceptions of studies in which the two themes were integrated. Obviously this is also often the case with collective action for material resources.

<sup>35</sup> Recently Mitlin (2006), seemingly built on Morgan (2006), formulated five capacities for social movements to increase their effectiveness: the capacities to act, to be, to represent, to relate, to strategise.

<sup>36</sup> The earlier mentioned methodologies for capacity development to demand are also applicable here (see 2.3.4).

<sup>37</sup> Co-production is referred to as 'a state that is both participatory in decision-making and which allows local groups to be directly involved in the implementation of state policy; or, alternatively conceptualised, a state that is willing to give financial support to development strategies defined and undertaken by the poor themselves' (Mitlin 2006: 45). The latter is also named bottom-up co-production (Mitlin 2008: 7).





## 3. Methodology

### 3.1. Introduction

This chapter discusses the research methodology for the study. In section 3.2 the central research question is further operationalised into four research questions. In section 3.3 the conceptual framework is explained, while in section 3.4. its main concepts are defined. In section 3.5 the fundamental underlying epistemological and theoretical perspective on knowledge and the ways it was obtained are clarified. Finally, in section 3.6, the strategic research choices concerning selection of case studies, research methods and fieldwork design are discussed.

### 3.2. Research questions

As already indicated in chapter 1, the central question of this study is:

*To what extent and under which conditions do household pathways and negotiation processes in claimed and invited spaces in Nairobi that are accommodated and constrained by formal and/or informal institutions contribute to quality of life, influence and political rights for the poor from the informal settlements of Nairobi?*

The four specific research questions derived from this central research question are:

1. *Which livelihood pathways are created by households in informal settlements of Nairobi and what are the major access modifying factors which influence their levels of assets and vulnerability?*
2. *How do interaction and negotiation processes of actors within claimed and invited spaces take place and what is the extent of conflict and cooperation in these processes?*
3. *How effective are the claimed and invited spaces in increasing quality of life, influence and political rights and how can their effectiveness be increased?*
4. *What is the influence of international, national and metropolitan institutional contexts on these spaces, negotiation processes and impacts in Nairobi?*

The research questions are answered in separate chapters for individually claimed spaces, collectively claimed spaces and invited spaces (chapters 6, 7, 8). However the first research question is only discussed in the chapter on individually claimed spaces. The overall conclusions (chapter 9) analyse and compare the findings to the research questions with regard to all three types of spaces.

The first research question explores the composition of livelihoods and their pathways and the influence and prevalence of household variables in Nairobi's informal settlements at household and community level. Recent literature claims the necessity of a shift in focus which integrates social capital, human and material assets, and structural aspects at micro-, meso- and macro-level. Globalisation can reduce employment possibilities, transform side-activities to main activities for the purpose of diversification, and increase dependency upon social policy programmes. Furthermore, it is likely to influence the balance between households with a regularly employed member and households running HMEs, the percentages of women and men running HMEs, the categories of HMEs run by men and women, and their dependency on social, organisational and political assets versus other assets. These issues are discussed in chapter 6.

The second research question deals with the negotiation processes in claimed and invited spaces and the extent of cooperation and conflict within them. Processes of reciprocity, enforceable trust and bounded solidarity in social, organisational and political relations have positive as well as negative consequences, and influence outcomes of these individually claimed spaces. Their levels vary according to the issues at stake, existing cultural norms, values and relational possibilities. The (inter)national remittances in cash and kind are also increasingly interpreted from the perspective of reciprocity, though often not differentiated in terms of topics of remittances. These issues are part of the discussions in chapter 6.

Processes of inclusion/exclusion, trust and accountability, influence the outcomes in collectively claimed spaces. The core issues are to what extent informal institutions offer enough trust for land acquisition, land transaction and dispute resolution and whether informal and formal institutions are mutually accommodating. With regard to land buying companies, land acquisition and transactions through informal institutions of elders and/or witnesses are found to offer enough tenure security for plot buyers in recent settlements. In consolidated settlements – with eroded trust due to out- and immigration and increased population densities – often additional security through legal documents is required, leading to gradual formalisation (Musyoka 2004). Gradual formalisation and related payment of land rates and other revenues is often a prerequisite for fulfilling new demands for service delivery in case of well-functioning local government. Dispute resolution through informal institutions of village elders is often preferred above formal institutions (courts, land tribunals, local provincial administrators) for reasons of lower costs, shorter periods to process and resolve disputes, easy accessibility and trustfulness through familiarity with the local situation and shared ethnicity and less intimidating environment (Musyoka 2004). In case dispute resolution through informal mechanisms is unsuccessful, people tend to

turn to formal state rules by involving state agents, which implies state recognition of informal land transactions and mutual accommodation (Musyoka 2004/6).<sup>1</sup> To what extent the efficiency of informal institutions is also applicable in regard to land buying cooperatives, trusts and societies of the poor in peri-urban metropolitan contexts will be discussed in chapter 7.

Processes of inclusion/exclusion, representation, accountability and meta-governance, influence the outcomes in invited spaces of city-wide governance networks. Core issues are how these mechanisms work for different categories of people and whether systems of accountability and/or meta-governance are mutually reinforcing or leading to excesses in accountability and unbalanced meta-governance. These issues are discussed in chapter 8.

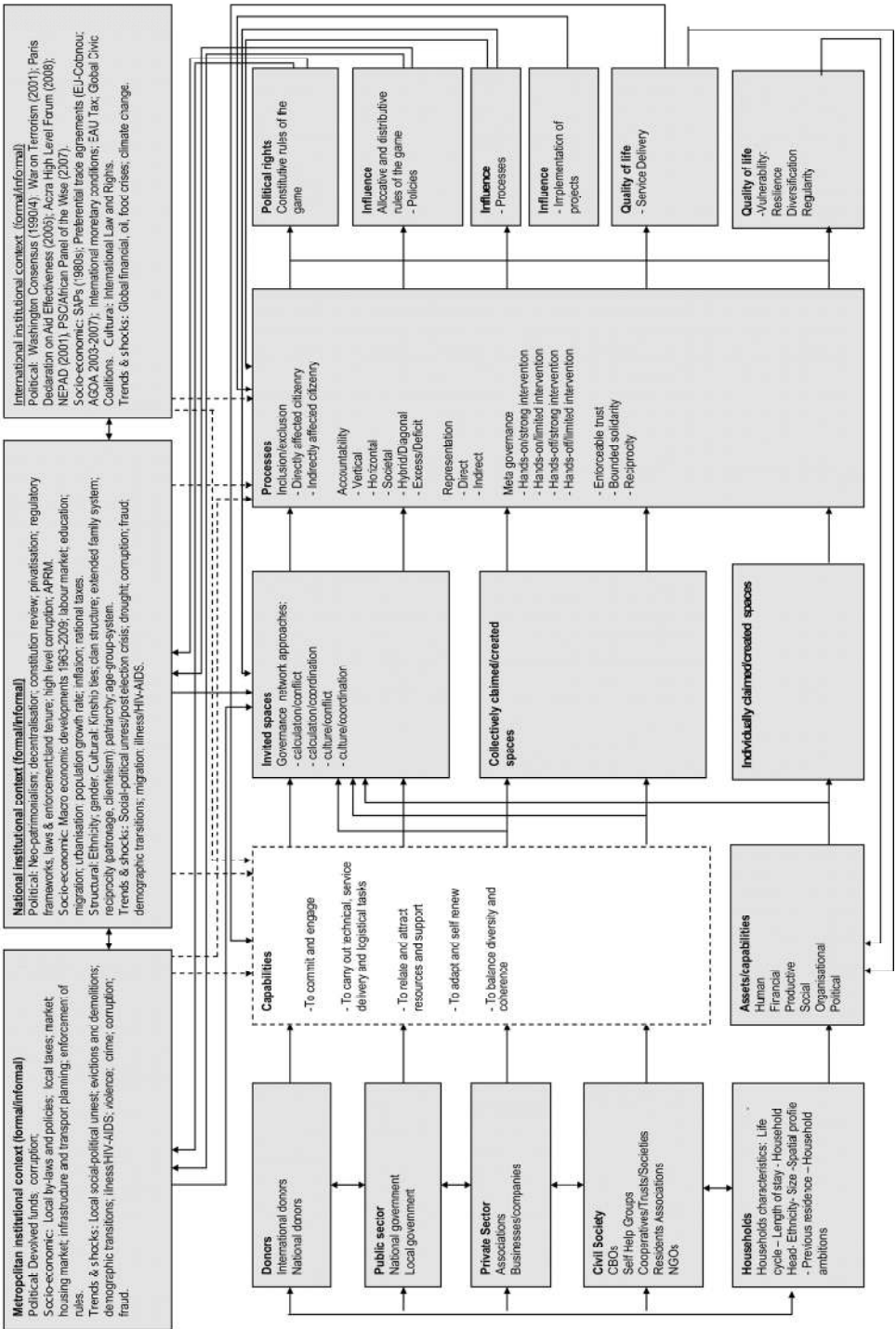
The third research question deals with the impact of claimed and invited spaces on quality of life, influence and political rights. Spaces that are accommodated and constrained by informal institutions are considered to contribute to quality of life more gradually, compared to those underpinned by formal institutions. Influence on rules of the game, policies and processes can potentially widen spaces towards more equal distribution of quality of life aspects, reducing vulnerability and providing a broader range of services and spaces for negotiation. These issues are discussed in the chapters 6, 7 and 8.

The fourth research question explores the impact of international, national and metropolitan institutional contexts on processes and outcomes of claimed and invited spaces. Contextual factors make visible underlying explanations or causes of changes in processes and outcomes in both claimed and invited spaces. In addition, contextual analysis can indicate the conditions for formal and/or informal institutions under which claimed and invited spaces can work for the poor. The national and metropolitan institutional contexts are first of all discussed in chapters 4 and 5. The influence of the institutional contexts on the selected claimed and invited spaces is discussed in chapters 6, 7 and 8.

### **3.3. The conceptual framework**

The conceptual framework (Figure 3.1) further spells out the relations explored in the research between actors, capabilities/assets, spaces, processes and impact on quality of life, influence and political rights. First, the framework expresses the concept of a balanced structural approach, by relating all the components (actors, spaces, processes and impacts) to the accommodating and constraining metropolitan, national and international institutional contexts. Second, the framework integrates various types of actors and relations between them at micro-, meso- and macro-level. This concerns donor-, public sector-, private sector- and civil society organisations and households. Third, the framework expresses the direct relation between processes and impact in terms of quality

Figure 3.1: Conceptual framework



of life, influence and political rights, rather than looking at processes in an isolated and self-explanatory way. Fourth, the feedback loops of the framework indicate the relations between impacts and the institutional contexts, capabilities/assets, spaces and processes. Political rights can contribute to changes in claimed and invited spaces and processes through structural changes in the institutional context. Influence can contribute to changes of processes or implementation of projects. Vulnerability reduction and service delivery can contribute to the capabilities and/or asset bases of actors and their individual and collective pathways. Finally, the framework also indicates the limitations in this research. Capabilities of organisations are included only from the perspective of contextual conditions influencing the productivity of organisations, rather than from the perspective of internal factors of good management and exceptional leadership. This is indicated by the dotted lines in the figure. Furthermore, intra-household relations were not an explicit topic of research.

## **Main concepts and definitions**

### *Households*<sup>2</sup>

Households are often considered the basic unit of social analysis in research on Africa and conventionally defined as spatial units characterized by shared residence and daily reproduction, primarily cooking and eating. However, many authors agree that the concept of households is complicated, contains many aspects that are difficult to combine in one definition (Van Vuuren 2003) and question whether the search for one universal definition is feasible and desirable (Chant 1998; Beall et al. 1999). Households are not “natural” units with fixed forms and meanings across space and through time but are socially constructed and inherently variable. In Kenya, a household is usually considered to consist of a person or a group of persons who live together in the same compound/homestead but not necessarily in the same dwelling unit, have common housekeeping arrangements and answer to the same head of household (Kenya 2002b). The head of the household is that person living in the same household who is acknowledged by the other members as its head. Such a person holds some primary authority and responsibility of the household’s affairs, mainly economic and cultural (Otieno 2001). This conventional definition has been used over the years in Kenya for population census purposes and as such has been easily adopted by many researchers (Owuor 2006). In the context of urban households with (strong) rural links, the above definition of a household is not really satisfactory. The strong ties and reciprocal support between urban-based and rural-based individuals and units suggest that in many instances households are better defined as ‘multi-spatial’ (see Potts 1997; Beall 1999). Membership can then be defined on the basis of

the commitments and obligations individuals maintain towards units in which they may not reside, either temporarily or even on a semi-permanent basis. Because of this a number of researchers in this field have developed different terminologies to refer to urban households that go beyond the urban sphere. Rakodi (1995b) uses ‘separated or split households’ when the wife and/or one or more of the children live in the rural area. Smit (1998) refers to ‘multiple-home households’ when the household maintains both an urban and rural base. For Tacoli (1998), it is the widely used ‘multi-spatial households’, with some members residing in the rural areas and others in town. In another example, Muzvidziwa (2001) refers to the practice of ‘split-household residential patterns’ as a form of mobilizing both rural and urban resources. As such, (some) individuals are no longer necessarily or strictly organized as co-resident groups (i.e. concentrated in space) but instead resemble individual cells or units connected to each other by social networks, along which flow remittances, information and food (Kaag et al. 2004; De Haan & Zoomers 2003). In an attempt to capture the spatial dimension highlighted above and because of the focus of the present study, a household comprises (1) all individuals, who at the time of the survey, were considered to be resident in the same house or compound as the household head, and (2) the family members who were living in the rural area/home, in as far as they had an impact on the household’s activities (production, consumption, reproduction and livelihood) (Owuor 2006). As such, this study distinguishes between (a) the urban (part of the) household, and (b) the rural part of the household. Mono-spatial households in this study are defined as households in which all members were regularly living in Nairobi’s informal settlements at the time of the study. Multi-spatial households are defined as households with reciprocal ties between urban-based and rural-based individuals and units.

#### *Informal settlements and slums*

Since it first appeared in the 1820s, the word slum has been used to identify the poorest quality housing, and the most unsanitary conditions; a refuge for marginal activities including crime, ‘vice’ and drug abuse; a likely source for many epidemics that ravaged urban areas; a place apart from all that was decent and wholesome. Today, the catch-all term ‘slum’ is loose and deprecatory. It has many connotations and is seldom used by the more sensitive, politically correct, and academically rigorous. But in developing countries, the word lacks the pejorative original connotation, and simply refers to lower quality or informal housing. The term ‘slum’ is used to describe a wide range of low-income settlements and poor human living conditions. (UN Habitat 2007a). A simple definition of a slum, as used by UN-Habitat, is ‘a heavily populated urban area characterised by substandard housing and squalor

and lacking in tenure security' (UN Habitat 2003). Slums have come to include the vast informal settlements that are quickly becoming the most visible manifestation of urban poverty in developing world cities. Such settlements are known by many different names and are characterized by a variety of tenure arrangements. In all cases, however, the buildings found there vary from the simplest shack to permanent and sometimes surprisingly well-maintained structures, but what most slums share in common is a lack of clean water, electricity, sanitation and other basic services. A UN Expert Group recently recommended to policy makers and international bodies what they consider to be a more 'operational definition' of a slum, one that is intended to enable better targeting of improvement programmes aimed primarily at resolving the physical and legal problems faced by slum dwellers. According to these experts, a slum is an area that combines to various extents the following characteristics: inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structural quality of housing; overcrowding; and insecure residential status (UN Habitat 2007a/b).<sup>3</sup> These characteristics have been proposed because they are largely quantifiable and can be used to measure progress toward the Millennium Development Goal to significantly improve the lives of at least 100 million slum dwellers by 2020.<sup>4</sup>

In Kenya the concepts of slums and informal settlements are often used interchangeably and there is no official definition of slums or informal settlements (Mitullah 2003a). Slums in Nairobi are generally of two types: squatter settlements and those that arise out of illegal subdivision of either government or private land. A number of slums are located on land unsuitable for construction, especially of residential housing. Various works have provided characteristics of slums and informal settlements in Kenya (Matrix 1993; see also Syagga, Mitullah & Karirah-Gitau 2001), similar to the characteristics mentioned in the definition of the UN Expert Group. A rapid assessment with 30 households in a slum in Nairobi indicated that the concept slum is also predominantly used by the slum dwellers. They do not however put emphasis on lack of basic services and infrastructure as characteristics of slums (Mitullah 2003a).

A recent World Bank study proposed a narrow definition of slums, focusing on households that score poorly on all four dimensions of the Living Conditions Diamond - tenure, infrastructure, unit quality and neighbourhood conditions (Gulyani & Talukdar 2008). Defined as such, Nairobi's informal settlements are considered a subset of informal settlements. The authors suggest that the framework allows for a more comprehensive or multi-dimensional approach to slums, a more dynamic understanding of living conditions based on interactions between underlying variables, and move beyond a simplistic notion that slums are universally homogeneously poor in quality to more

### *Chapter 3*

context-specific explanation of variation in quality of living conditions amongst slums (Gulyani & Talukdar 2008). The World Bank's analytical framework is however moving too quickly from the wider slum development diamond (welfare, employment, living conditions, education) to the living conditions diamond and leaves out further contextual and structural constraints. This might provide some more insight in differences in levels of components of slum development and access to services in slums in different countries, though is accompanied by problems in explanation of differences and suggested interventions, which is part of the discussions in chapter 6.

In this study the terms slums and informal settlements are used synonymously. The study recognises the differences and heterogeneity of slums or informal settlements in different contexts and even within the same country and also the difference in structural and contextual explanations for differences.

#### *Spaces*

In the theoretical chapter it was indicated that the concept of spaces originated from 20<sup>th</sup> century German (Habermas, Arendt) and French (Lefebvre, Foucault, Bourdieu) social theorists (cf. Cornwall 2002). Spaces for participation were defined 'in abstract terms as the ways in which opportunities for engagement might be conceived or perceived, and in concrete terms of the actual sites that are entered and animated by citizens' (Lefebvre 1991). Towards the end of 1990s the notion of spaces was introduced in the international development literature in the context of the growing attention for (local) governance and accountability, viewing inclusive governance as a right for all citizens as opposed to earlier need based conceptions of participation (Gaventa & Valderama 1999; Cornwall 2002). Invited spaces are defined as inclusive spaces legitimately provided 'from above' by government, donors and/or NGOs in which people are invited to participate (Cornwall 2001/2/4). Invented or claimed spaces are defined as relatively autonomous spaces more organically created 'from below' by people for themselves (Cornwall 2001/2/4).

More recently the notion of spaces for participation was adapted in the context of the growing recognition of the importance of power relations and globalisation (Gaventa 2006b). In the so called 'power cube' the dimension of power is explicitly added next to the dimensions of spaces and places, while redefining them as the levels, spaces and forms of power. Levels consist of global, national and local places. Spaces are divided in closed, invited and created/claimed spaces. Forms of power, based on Lukes (1974/2005), are divided in visible, hidden and invisible power (Gaventa 2006b/7a/7b). Spaces



are then seen as ‘opportunities, moments and channels where citizens can act to potentially affect policies, discourses, decisions and relationships that affect their lives and interests’ (Gaventa 2006b). In this study the core differentiation between claimed and invited spaces is used. Claimed spaces are additionally differentiated into individually and collectively claimed spaces, respectively created by individual households and collectives of multiple households or representatives. It discusses spaces at the local/metropolitan level and their intersections with spaces at the national level. The added dimensions in the ‘power cube’ are in the research captured more dynamically through the process analysis and inclusion of metropolitan, national and international formal and informal institutional contexts.

### *Livelihood and livelihood pathways*

The literature distinguishes narrow and wide definitions of livelihood, either including or excluding external elements that contribute to or affect the household’s ability to ensure a living for themselves and their household. In this research a livelihood is defined as the ‘capabilities, assets (including both material and social resources) and activities required for a means of living’ (Carney 1998). The wider concept of livelihood is here referred to with the term of ‘livelihoods framework’. This framework comprises four basic components: 1) the livelihood assets that people draw upon to make a living; 2) the vulnerability context that refers to the long term stresses and short term shocks that affect people’s options and puts their resilience to accommodate these threats to the test; 3) the institutions that structure people’s access to and control over assets together with the transformations that may result from people’s individual or collective agency; and 4) the livelihood strategies people adopt and their outcomes’ (Rakodi 2002). The concept of livelihood pathways as differentiated from livelihood strategies includes structural components and regularities in the analysis of livelihoods, in line with the shift from a neo-liberal approach of Giddens towards a more structural approach of habitus’ of Bourdieu (see also chapter 6). Pathways are here defined as ‘patterns of livelihood activities which arise from a coordination process among actors. This coordination emerges from individual strategic behaviour embedded both in a historical repertoire and in social differentiation, including power relations and institutional processes, both of which pre-structure subsequent decision-making’ (De Haan & Zoomers 2005). This study differentiates between individual pathways and collective pathways, expressing the difference in pathways of individual households and actors and collective actors.

*Civil society, collective action and social movements*

In this study collective action and social movements refer to the direct collaboration of two or more individuals and/or organisations and/or their indirect collaboration through representing organisations for a common purpose. Collective action and social movements are however difficult social phenomena to define (Tilly 1995). One distinguishing characteristic is the association with contention and disagreement (Belbin 2009). Another distinguishing characteristic is the diffused identity of multiple actors (ibid.). Social movements are understood as a larger entity, and nonetheless composed of organisations, ideas, social networks, technologies, repertoires of action (ibid.). The notion that social movements are differentiated from social movement organisations is longstanding among some social movement theorists (McCarthy & Zald 1977). This especially refers to the role of movements to provide for resources which localised or informal social networks are unable to mobilise on their own (Crossley 2002; McAdam et al. 1988; Ballard et al. 2005). While specific organisations within movements might make claims based on their own interests, movements as a whole mostly make claims for principles more than interests (Belbin 2009). In Kenya major types of civil society actors involved in collective action and social movements are CBOs, SHGs, Societies, Cooperatives, Trusts, Residents Associations and NGOs. Besides, also private sector companies and their associations can be involved in collective action. At least since the colonial period collective action and social movements have played a role in Kenya.

Community Based Organisations (CBOs) are administratively registered with the Provincial Administration or the Department of Social Services under the Ministry of Culture and Social Services. The civic organisations ordinarily registered under this option consist of community groups operating in fairly limited administrative areas such as locations and divisions within the district, i.e. at grassroots level. The majority of these organisations are self-help groups and women groups involved in commercial or developmental activities for the benefit of a community in a geographical area. These organisations operate in a relatively ad-hoc manner and often do not have a functioning constitution or any rules that govern them. The requirements for registration of SHGs in Nairobi were: the group's constitution; completion of four copies of registration forms (with name of group, area of locations, membership, officials and other committee members, activities to be undertaken, sources of income); list of all members (minimum of 10 members) and their identity card numbers; minutes of how the group elected its officials and their names; and payment of registration fee of Ksh 300 and annual renewal fee of Ksh 100 (Chitere & Ombati 2004, based on DSS 2003). Renewal of the registration is required to be made annually, although the District Social Development office

rarely enforces this requirement. Whereas CBOs are not registered as societies under the Societies Act, where the activities of a particular CBO are deemed by the Registrar of Societies to be of a nature requiring that it be registered as a society, then the Registrar may, by notice, require that the CBO applies for registration as a society under the Act.

Societies are registered under the Societies Act (Cap 108 of the Laws of Kenya, section 10) by the Attorney General's Office. A society is defined as 'any club, company, partnership or other association of ten or more persons, whatever its nature or object, established in Kenya or having its headquarters or chief place of business in Kenya.' A branch of a society also qualifies as a society. The definition specifically excludes trade unions, cooperatives, corporations, and certain other entities. Types of organisations that are registered as societies include self-help groups, resident/neighbourhood associations or alliances and a wide variety of charitable associations. Most political parties are registered as societies. Other types of societies can engage in political activities if their governing documents permit it. No society in Kenya can affiliate with any political organisation or group outside Kenya. (Societies Act, s. 11(1)(a)). Registration is often easily granted to most such organisations, except for political parties, which are thoroughly scrutinized and vetted before they are registered or refused registration.

Cooperatives or Cooperative Societies in Kenya originate from the time immediately after independence, playing an important role in wealth creation, food security, employment creation and poverty reduction (Gunga, 2008). Cooperatives are registered under the Cooperative Societies Act (2004, No. 12 of 1997 as Amended, in 2004; Cap. 490 Laws of Kenya), by the Registrar of Cooperative Societies. A cooperative is universally defined as an 'autonomous association of persons united voluntarily to meet their common economic, cultural and social needs and aspirations through a jointly owned and democratically controlled enterprise' (Recommendation 193, ILO 2002; see also [www.ica.coop](http://www.ica.coop)). Cooperatives undertake business activities with the prime objective of providing services to the members. They pool available resources from the members, utilise it in the best possible manner and share its benefits. Cooperatives in Kenya can be differentiated into service and producer cooperatives. Producer cooperatives' objectives are to promote the use of modern technology and contribute to national development through production. Service cooperatives are responsible for procurement, marketing and expansion services, loan disbursement, sale of consumer goods and member education (Gunga 2008).<sup>5</sup>

Trusts are entities created to hold and manage assets for the benefit of others. Trusts can be established under the Trustees (Perpetual Succession) Act only

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for religious, educational, literary, scientific, social, athletic, or charitable purposes (Trustees (Perpetual Succession) Act, Chap. 164, s. 3(1)). Charitable purposes may also be affected by forming a trust by way of a trust deed. There are no requirements for a minimum number of members and minimum capital for the organisation.

Resident/Neighbourhood Associations in Nairobi either take on the legal status of societies or associations (42,4 percent), Self Help Groups (21.1 percent), Limited Companies (3 percent) or operate informally without having registered (33.3 percent) (Chitere & Ombati 2004).

NGOs are registered under the NGO Coordination Act (1990). An NGO was originally defined as 'a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development, charity or research in the areas inclusive of, but not restricted to, health, relief, agriculture, education, industry and the supply of amenities and services.' (NGO Coordination Act, s. 2, as amended by legal notice 11 of 1992). Recently the definition of NGO was widened to include all Voluntary Service Organisations. An NGO has been redefined as 'a voluntary organization or grouping of individuals or organizations which is autonomous and not-for-profit sharing; operating in the voluntary sector; organised locally at the grassroots level, nationally, regionally or internationally for the purpose of enhancing the legitimate economic, social and/or cultural development or lobbying or advocating on issues of public interest or interest of a group of individuals or organizations; but shall not include Trade Unions, social clubs and entertainment sports clubs, political parties, private companies or faith propagating organizations' (GoK 2006b).

Companies are registered under the Companies Act Cap. 486 of the Laws of Kenya, with the Registrar of Companies at the Attorney General's Office. Companies under the Companies Act are divided into (private and public) companies as Companies Limited by Shares, Companies Limited by Guarantee, Unlimited Liability Companies and Foreign Companies.

### *Governance*

The term governance became a core concept in the context of the debates on the changing relationships between state, private sector and civil society, characterised by a reduced role of the state and increased importance of markets in providing goods and services to citizens. This was often

accompanied by a shifting importance of different levels of government with the role of national government being reduced vis-à-vis that of local government on the one hand and international governing institutions on the other hand (Baud & Post 2002). Governance takes on the form of multi-actor arrangements and has been described as ‘a notoriously slippery term that vaguely refers to non-hierarchical attempts at coordinating public and private interests, actions and resources’ (Pierre and Peters, 2000). These multi-stakeholder arrangements or public-private partnerships are increasingly meta-governed through systems of regulatory frameworks and supervisory agencies. In this study governance is defined at the meta level and refers to ‘the formation and stewardship of formal and informal rules that regulate the public realm, the arena in which state as well as economic and societal actors interact to make decisions’ (Hyden et al. 2004). This definition emphasises the importance of the constitutive side of politics and governance, in addition to the distributive and allocative sides. Additionally, the definition explicitly includes both formal and informal rules of the game or institutions.

### *Institutions*

Institutions are generally defined as ‘regularised patterns of behaviour between individuals and groups’ (Leach 1999), ‘the humanly devised constraints that shape interaction’ (North 1990) and ‘social practices that are regularly and continuously repeated, sanctioned and maintained by social norms and have a major significance in the social structure’ (Abercombie et al. 1984). More popularly institutions are defined as ‘rules of the game’ (North 1990). Institutions can be formal and informal. Formal institutions are formal rules and conventions and include constitutions, laws, regulations, property rights, markets and enforcement characteristics like sanctions (Ellis 2000; Jütting 2003). Informal institutions are codes of behaviour like traditions, customs, moral values, religious beliefs and all other norms of behaviour that passed the test of time. Recently informal institutions were conceptually more distinguished from formal institutions and defined as the ‘socially shared rules, usually unwritten, that are created, communicated and enforced outside officially sanctioned channels’ (Helmke & Levitsky 2004/6). Formal institutions by contrast are defined as ‘the rules and procedures that are created, communicated and enforced through channels that are widely accepted as official’ (Helmke & Levitsky 2004/6). Neo-institutionalists introduced the definition of institutions as ‘rules of the game’ (Coase 1991; North 1993) predominantly from the perspective of constraints to realisation of actor preferences and how these rules can be changed to lower transaction costs and reduce other constraints associated with implementing policy. This definition optimistically supposes that institutions can be instrumentally designed and

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reformed with little or no attention paid to underlying politics and power dynamics (Hyden 2008). This study includes both constitutive and allocative/distributive rules of the game. It builds on these notions for a clear differentiation between influence and political rights (see also definitions on influence and political rights).

#### *Organisations*

Organisations must be distinguished from institutions. The relative confusion in the use of terminology in everyday speech, which is characterised by referring to organisations as institutions, predominantly stems from the fact that organisations as categories are also rooted in institutions. This is consistent with the earlier statement that the ‘rules must be separated from the players’ (North 1990). Most definitions of organisations emphasise the aspect of an overriding and unifying objective (Sorensen & Torfing 2007), common goals or set of goals (Robbins 2004); some common purpose to achieve objectives (North 1990). In addition, some authors add the defining aspects of (political) leadership, capable of imposing formal sanctions on the participants and a chain of command permitting governing by decree (Sorensen & Torfing 2007).

#### *Governance networks*

Governance networks are defined in this study as ‘relatively stable horizontal articulations of interdependent but operationally autonomous actors; who interact with one another through negotiations; which take place within a regulative, normative, cognitive and imaginary relatively institutionalised framework; that is self-regulating within limits set by external forces and which contributes to the production of public purpose (Torfing 2005; Sorensen & Torfing 2007; Marcussen & Torfing 2003; see also Rhodes 1997; Jessop 2002). The relative institutionalisation of governance networks, which facilitates and constrains negotiated interaction, permits to draw on institutional theory in order to understand the dynamics of governance networks (Sorensen & Torfing 2007). The relatively institutionalised framework is an amalgam of contingent ideas, conceptions and rules. It is shaped and reshaped in the course of action, but it also conditions future interaction among the networks actors. As such it has a regulative aspect (providing rules, roles and procedures), a normative aspect (providing norms, values and standards), a cognitive element (providing codes, concepts and specialised knowledge) and an imaginary aspect (seeing as it produces identities, ideologies and common hopes) (Torfing 2005).

Governance networks must be differentiated from organisations and institutions in a strict and narrow sense of the terms (Sorensen & Torfing 2007). Governance networks generally lack the defining characteristics of organisations in terms of an overriding and unifying objective, a (political) leadership capable of imposing formal sanctions on the participants and a chain of command permitting governing by decree. Governance networks also lack the defining characteristics of institutions, as they are marked by a profound institutional ambiguity since, at the beginning, there are no clearly defined and commonly accepted rules, norms and procedures and no formal constitution that predetermine how legitimate decisions are made (Hajer & Versteeg 2005).

Governability literature emphasises the complementarity of levels of governance with regard to governance networks (Kooiman et al. 2000/8). First-order governance takes place wherever people and their organisations interact in order to solve societal problems and create new opportunities. Second-order governance focuses on the institutional arrangements within which first-order governing takes place. It constitutes the meeting ground for those being governed and those governing, and implies the reconsideration and adaptation of the parameters of first-order governance. Meta- or third-order governance feeds, binds and evaluates the governing exercise. In meta-governance, governors and governed alike take each other's measure in formulating norms by which to judge each other and the measuring process too (Kooiman et al. 2008; see also Kooiman 2000; Jessop 2002). This study includes all levels of governance relevant for governance networks. The internal capacities of (government as well as civil society) organisations are considered external factors influencing the processes and impacts of governance networks.

### *Quality of life*

The theoretical chapter presented an overview of six main families of research approaches to quality of life (QoL) and well-being (WB), ranging from more individualistic to more social approaches (Phillips 2006; Gasper 2009). It indicated the importance of conserving this richness of approaches, rather than attempting to formulate a uniform definition of QoL and WB and 'making well-being assessment to a form of mental temperature-making'. This study uses a social conception of quality of life, combining the approaches of poverty studies, community studies and societal quality of life constructs. Quality of life is conceptualised on the one hand by the vulnerability of households and collectives and on the other hand by service delivery to the wider society. Vulnerability refers to the ability of households, individuals and communities to bend and bounce back when confronted with adverse situations (Moser 1998). Service delivery to the wider society concerns the variety of urban

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services that can be delivered. The concept of quality of life as such then serves as an expression of the extent to which impacts are both serving the poor and matching the scale and the scope of the problems.

### *Political rights and influence*

The theoretical chapter indicated the importance to clearly distinguish influence and political rights. For the purpose of this study the definitions of influence and political rights have been formulated on the basis of citizenship literature and the different conceptualisations of institutions. Influence was earlier defined by citizenship literature as ‘a tangible impact on policy making and the organisation of service delivery’ (Goetz & Gaventa 2001). Influence in this study refers to the tangible impacts on the allocative and distributive rules of the game. This is measured through the impacts on policies, processes and implementation of services. Political rights refer to the tangible impacts on the constitutive rules of the game. This is measured through the impacts on the widening and/or narrowing of spaces. The analysis in terms of political rights is especially relevant for invited spaces, while to a lesser extent for the collectively and individually claimed spaces included in this study.

### **3.5 Strategic research choices and limitations**

This section discusses the strategic choices and limitations regarding the research methods, fieldwork design and selection of case studies. The chapters 6, 7 and 8 discuss these issues in further detail.

### *The study areas*

Fieldwork was carried out in different sections within and around the metropolitan city of Nairobi. For each type of space relevant study sites were selected. For the study on individually claimed spaces the informal settlement of Mathare Valley in Nairobi was selected. Mathare Valley was chosen as it is one of the two largest and oldest slums in Nairobi, with residents from the four major tribes inhabiting the city, furthermore the researcher has an in-depth familiarity with the area. For the study on collectively claimed spaces, pre-selection of the three issues of land and tenure, education and solid waste management took place in a bottom-up way by the slum residents themselves on the basis of outcomes of a household survey and four focus groups of fifteen to twenty people (one focus group for women; one focus group for men; two mixed focus groups). Final selection of the collectively claimed spaces in



peri-urban land and tenure were based on the findings in the preparatory research that these spaces would become increasingly important in the near future, the contribution they could make to the international development debate on social and economic impacts of access to land and tenure, and the inherent inclusion of both consumptive and political rights collective action in issues of land and tenure. For the study on invited spaces the mechanism of citywide governance networks was selected, as these provided new spaces of inclusion beyond consultation and opportunities for analysis of both impacts on influence and political rights. These citywide networks cover the period from the time of introduction of multi-party election in Kenya in 1992 up to 2008. The selected case studies are further discussed in chapters 6, 7 and 8.

### *Research methods*

The study used a combination of quantitative and qualitative research methods to answer the formulated research questions. Below is a description of the major methodologies used in this study. A more detailed description of the case studies, research population and methods is presented in the subsequent findings chapters 6, 7 and 8.

To answer the first research question on the household pathways of the poor in informal settlements, the research methods of a household survey and focus groups were selected. This provided the possibility of combining quantitative and qualitative observations at individual and community level and to analyse livelihood pathways in a comprehensive way. The focus groups of 15 to 20 persons consisted of one focus group for women, one for men and two mixed groups from the slums of Mathare Valley. They provided additional information on questions that arose during the research and discussion over the relative importance and weighing of assets and asset-components. The original aim to weigh and rank assets on the basis of the opinions of the poor was however not realised, as they found it difficult to differentiate between relative importance of assets and actual ownership of assets. Therefore, it was finally decided to primarily rank and weigh assets on the basis of expert information, in combination with relevant inputs from the focus groups.

To answer the second research question on negotiation processes different methods were used with regard to the individually claimed spaces, collectively claimed spaces and invited spaces. Negotiation processes in individually claimed spaces were covered by the household survey, providing comparative information and data at household and community level. Negotiation processes in collectively claimed spaces were explored through semi-structured interviews with the leaders of the selected housing initiatives, support

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organizations, government and key-experts. Furthermore, focus groups with members of some of the housing initiatives – the initiatives which had already selected the people that were to relocate - were held to collect information on these processes, their hindrances, and ways to overcome them. Negotiation processes in invited spaces were researched through key-informant and in-depth interviews with many key stakeholders (public sector, private sector, civil society, donor), in order to reflect the multiple perspectives and interpretations. Whenever possible, complementary secondary data were gathered to complete the picture and refer to official documents.

To answer the third research question regarding impacts on quality of life, influence and political rights, also different methods were used to research the different types of spaces. Impacts of individually claimed spaces were measured through the asset- and vulnerability-index created on the basis of the data from the household survey. Next to these impacts of the claimed spaces of social, organizational and political relations, also the impacts of household characteristics, household ambitions and structurally accommodating and constraining institutions were gathered and analysed. Impacts of collectively claimed spaces of housing initiatives of the poor were measured in detail through a second household survey, among members of the one housing initiative that had already moved. Mapping of present and former ownership of plots occurred through meetings with members of the committee and control questions in the survey questionnaire and follow up checks. For the other housing initiatives, impacts were measured through interviews with leaders of the initiatives and support organizations on key indicators that could provide information on potential beneficiaries, poverty reduction and gaining influence and political rights (once the move had been made). This provided the opportunity to make worthwhile conclusions in terms of potential impact for these channels of access to land and tenure. Impacts of the invited spaces were measured through interviews with key stakeholders and detailed secondary data sources of public and private sector, civil society and donor organizations.

The fourth research question regarding impacts of international, national and metropolitan institutional contexts on spaces, processes and impacts, was explored on the basis of interviews and literature study. During the various fieldwork periods many secondary sources were collected from libraries and resource centres in Nairobi. These included the libraries of the Housing and Building Research Institute (HABRI) and International Development Studies (IDS) at the University of Nairobi. Resource centres of Institute of Policy Analysis & Research (PIAR), UN-Habitat, World Bank, Institute of Economic Affairs, AMREF, Mazingira Institute, Ministry of Education, Kenya Human Rights Commission (KHRC) and Transparency International (TI). Statistics were gathered from the Central Bureau of Statistics (CBS) and the Kenya

Institute for Public Policy Research & Analysis (KIPPRA). In addition, many secondary resources were collected through public, private and civil society organizations. During the entire research period information was also collected from internet editions of Kenyan Newspapers like the Daily Nation, Standard and East African. In addition, whenever necessary and unavailable online, secondary sources were sent by mail.

### *Fieldwork design*

The research data was collected during five fieldwork periods between 2002 and 2008. This allowed for a more historical and longitudinal approach to the research with regard to the study on invited spaces, observing spaces over a longer period of time and identifying underlying explanatory patterns.

The first fieldwork period took place in the months of June, July and August 2002, just before the Kenyan general elections of December 2002. During this period the first household survey in the slums of Mathare Valley was carried out, which also served as a selection mechanism for collectively claimed spaces. Unfortunately, recurring unrest in Mathare Valley did not allow for a longitudinal study through a second household survey. In addition a first round of interviews on invited spaces was held and preliminary orientation on other sectors started.

The second, third, fourth and fifth fieldwork period took place from May to June 2004, January to March 2006, October to November 2006 and October to November 2007, respectively. In these periods the collectively claimed spaces as well as the invited spaces were explored in depth. Some additional research took place from a distance through phone calls, internet and resource persons. In all fieldwork periods a research team of 4 to 5 local research assistants was formed, with changing composition through the years. Major consideration for the use of local research assistants was the avoidance of a cultural bias in interpretation and answering of questions. The research teams consisted of Kenyan men and women with various ethnic, professional and geographic backgrounds. In general the research teams performed well, were committed, and appreciated the learning experiences and income. With regard to the household survey on individually claimed spaces, one research assistant was let go due to irregular practices, which were discovered through control measures. This research assistant was dispelled immediately after the discovery and a small number of questionnaires were destroyed. The research teams were trained in advance on conducting questionnaires, and on the context of the research, which was followed by a period of piloting the questionnaire. During the research, the teams were provided with close and daily supervision and

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detailed monitoring of the collected data for quality results, which also contributed to the team spirit and learning. The research assistants were especially employed for conducting the household surveys, as well as to take on additional research with regard to the collectively claimed spaces. Interviews with key stakeholders of invited spaces were completely carried out by the Ph.D. researcher, as these required more open questions and full awareness of the overall perspective of the research.

## Notes

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<sup>1</sup> Conflicts, disputes and negotiations can be between landlords (over spillage waste and flood water, boundaries, illegal occupation and blockage access roads), between landowners and municipality (over illegal occupation and payment infrastructure costs) and internally between sellers and buyers and kin (over boundaries, dubious sales, ownership and inheritance) (Musyoka 2004/6).

<sup>2</sup> The definition of households is largely based upon Owuor (2006).

<sup>3</sup> UN-Habitat defines a slum household as a group of individuals living under the same roof in an urban area lacking one or more of the following: durable housing, sufficient living space, easy access to safe water in sufficient amounts at an affordable price, access to adequate sanitation, and security of tenure that prevents forced evictions (UN-Habitat 2003).

<sup>4</sup> UN-HABITAT analyses show that Sub-Saharan Africa's slums are the most deprived; over 80 percent of the region's slum households have one or two shelter deprivations, but almost half suffer from *at least* two shelter deprivations (UN-Habitat 2007a).

<sup>5</sup> In Kenya cooperatives are among others thriving in agriculture, banking, credit, agro-processing, storage, marketing, dairy, fishing and housing (Gunga 2008). This study specifically discusses housing cooperative societies.



## **4. The national institutional context**

### **4.1. Introduction**

This chapter analyses the opportunities and constraints of the national institutional context of Nairobi for individually claimed spaces, collectively claimed spaces, and invited spaces. Together with chapter 5, it addresses the fourth research question on the opportunities and constraints of institutional contexts on individually claimed spaces, collectively claimed spaces and invited spaces. The influence on the processes and impacts of the selected spaces will be discussed in further detail in the subsequent chapters on the research findings. Section 4.2 briefly discusses the history, geography, demography and culture of the country. Section 4.3 analyses politics, governance, public sector reform and the role and characteristics of civil society in Kenya. Section 4.4 analyses the macro-economic situation since independence, including a discussion on the economy, economic strategies, socio-economic trends, poverty and inequality. Section 4.5 analyses national policies and institutions on business and employment to address poverty and inequality. Finally, section 4.6 discusses national policies and institutions on land, tenure and housing to address poverty and inequality.

### **4.2. History, geography, demography and culture**

Kenya is located in East-Africa and borders Ethiopia to the North, Somalia and the Indian Ocean to the East, Tanzania to the South and Uganda to the West and Sudan to the Northwest (Map 2.1). The country covers an area of 582,650 square kilometres, of which 11,000 square kilometres are water and 576,000 square kilometres are land mass. Approximately 20 percent of the land mass has medium to high agriculture potential, largely because it receives adequate and reliable rainfall. The rest can be classified as arid and semi-arid lands, mainly used for wildlife conservation and extensive livestock production, such as ranching and pastoralism (Kinyua 2004, based on Owuor 2006). Most of the agricultural land used for farming lies in the Western Highlands, around Lake Victoria, Mount Kenya and the coast.

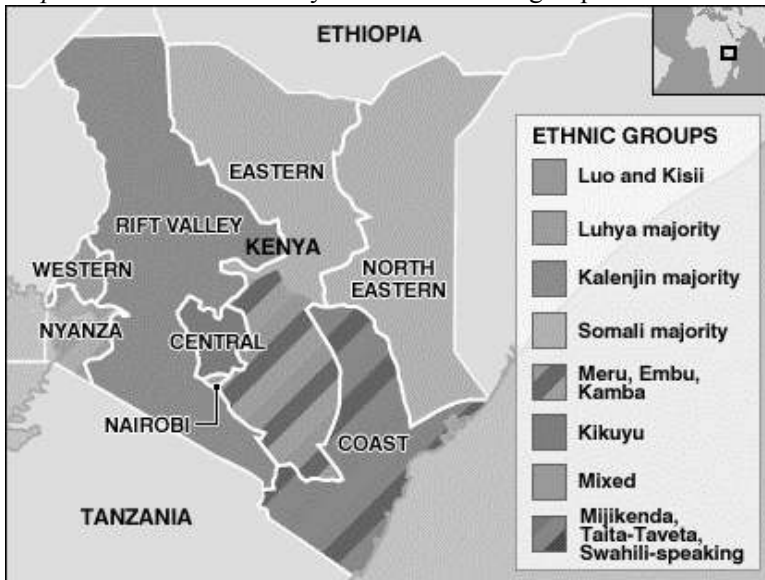
Towards the end of the 20th century, Kenya was established as a nation state. The nation state formation began with the Imperial British East Africa Company in 1888, followed by the release of Germany's Coastal holdings in 1890. The country was a British colony from 1890 until independence in 1963. The land that is called Kenya today was quickly transformed into a harshly politicised colonial state and integrated into the Western capitalist market

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system (Ogot 1995). The colonial period was characterised by the settlement of foreigners thriving on extensive commercial agricultural farms referred to as the ‘white highlands’ in central Kenya and the Rift Valley. Local people were displaced and relocated to native reserves as peasant farmers, others became squatters working on settler farms. Thus the colonial land tenure system led to social segregation and inequitable distribution of land. This colonial history formed a lasting legacy on land management in Kenya.

The country is divided into 8 provinces, which are subdivided into districts (Map 4.1). Nairobi, the capital city as well as administrative centre, is considered a separate province, but is not subdivided into districts. The Kenyan population has steadily grown from a population of 28.7 million in 1999 to 38.5 million in 2008 (World Bank Development Indicators Database 2009) and is projected to rise to 50 million by 2030. The Kenyan population growth

Map 4.1: Provinces of Kenya and main ethnic groups



Source: BBC World News website (January 2008).

rate grew from 3.1 percent in 1960 to 3.8 percent in 1980 and gradually went down to around 2.6 in 1999, and slightly rose to 2.9 percent in 2005 (World Bank 2008b; KIPRA 2009). The urban population growth rate rose from 5.7 in 1960, to 8.2 percent in 1980 and gradually went down to 4.4 percent in 2005, and is projected at 3 percent in 2015 and 1.7 percent in 2030 (UN Common Database 2005).<sup>1</sup> While Kenya’s urban population has grown steadily in recent decades (partially due to an internal migration), 80 percent of Kenyans still lived in rural areas in 2005. As a result a high rural population



density is notable, rather than a large urban population shares characterise the current picture, however is evolving over time (World Bank 2008a).

Kenya is still at the early stages of a demographic transition characterised by a large proportion of youth. About 53 percent of the Kenyan population falls within the age group of 0-19 years (KIPPRA 2009).<sup>2</sup> In the 1980s and 1990s the country was undergoing a demographic transition when fertility and death rates declined. Fertility rates went down from 8.1 percent in the 1970s to 4.7 percent in the late 1990s; however, data from the 2003 Demographic and Health Survey indicate that this transition may have halted prematurely with fertility rates estimated at about 4.8 percent in 2000-2003. Currently, the national age dependency ratio for Kenya is among the highest in the world with 83 percent (KIPPRA 2009, based on the Kenya Integrated Household Budget Survey 2004/5). The rural age-dependency ratio (91 percent) exceeds the urban ratio (64 percent).<sup>3</sup>

There are about 42 ethno-linguistic groups and most of the provincial demarcations closely follow these linguistic groups (Map 4.1). The main ethnic groups in terms of population size are: Kikuyu (22 percent), Luhya (14 percent), Luo (13 percent), Kalenjin (12 percent), Kamba (11 percent), Kisii (6 percent), Meru (6 percent), other African (15 percent), non-African i.e. Asian, European and Arab (1 percent) (World Factbook Kenya, consulted November 2009). Ethnicity, kinship ties, clan structure and extended family system are cultural patterns that play a major role in the structure of Kenyan society. These factors both support and constrain individual and collective access to material and non-material resources. They are often closely related to the continuation of political-economic interests and power, transforming relations of reciprocity into relations of patronage or clientelism, further characterised by heavy dependency and use of force by the patron. Related cultural patterns of age-group-systems and patriarchy also contribute to the exclusion of youth and women in large parts of Kenyan society. Structural exclusion at the same time has led to the formation of networks that transcend ethnic and kinship membership. In addition these masses of excluded people can become a political factor in general elections, as the 2007 general election campaigns showed with regard to the youth.

### **4.3. Politics, governance and public sector reform**

#### *Politics and political economy*

The Republic of Kenya is governed under Anglo-Saxon statutory law inherited from the British colonial powers. Since independence, the country has been

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ruled by three elected presidents Jomo Kenyatta (1962-1978), Daniel Arap Moi (1978-2002) and Mwai Kibaki (2002-2009). The political institutions were mainly inherited from the British and more or less continued during post-independence.

From 1964 to 1982 Kenya was ruled as a de-facto single-party state, led by president Jomo Kenyatta until his death in 1978. Although starting as a multi-party state, Kenya quickly transformed into a single-party state with the dissolution of the Kenya African Democratic Union (KADU), which transformed into the Kenya African National Union (KANU), and the collapse of the African People's Party (APP) (Ogot & Ochieng 1995; Mitullah et al. 2004). In 1966 an attempt to form the Kenya People's Union (KPU) was made, however, was banned in 1969 after riots during a presidential visit to the party's stronghold in Kisumu (Mitullah et al. 2004). These were national parties, but regionally pronounced and partly divided along ethnic lines.<sup>4</sup> Politicians were making for a mixture of African nationalism and ethnic tribalism, but actually a major elite formed that took the position of the former colonial elite and governed the country (Ogot & Ochieng 1995). With the death of Kenyatta, vice-president Moi of Kalenjin ethnic background took over power in 1978 and was later elected president.

From 1982 to 1992 Kenya was ruled as a de-jure single-party state. In 1982 the constitution was amended to make Kenya a one-party state, related to the establishment of the Kenya African Socialist Alliance (KASA). During this period the system did not allow MPs to hold divergent views and Kenya witnessed further deteriorated state-society relations and dictatorial excesses of power and political violence by the autocratic regime. Disciplinary action was taken against those who had alternative views, including expulsion from the party and detention by the state (Mitullah et al. 2004). Through the years the political pressure for the 'second liberation' through multi-party democracy increased amongst others through the formation of New Democratic Movement (NDP) and the Forum for the Restoration of Democracy (FORD) - a forum predominantly united to get rid of the Moi government and KANU - led by the former KPU and KASA leader Oginga Odinga. When the national and international conditions were ripe for change this culminated into the removal of section 2A in the Kenyan constitution in 1991 and the formal recognition of multiple political parties. The opposition, and especially the 'young Turks' in FORD-Kenya, were however soon embroiled in conflicts that had nothing to do with differences over political philosophy or ideas, but which marked political competition, accentuated by ethnic suspicions and fears, and betrayed the trust reposed in them by the people (Ogot 1995).<sup>5</sup>

From 1992 to 2009 Kenya was again ruled by as a multi-party state. The first two five-year terms were still led by KANU and president Moi, with continuation of strong repression and heavy corruption by central government. In the 2002 elections, the Moi-regime was peacefully replaced by the joint opposition parties' coalition of the National African Rainbow Coalition (NARC), including former KANU government members like president Mwai Kibaki and Raila Odinga. This went together with a renewed spirit of anti-corruption and accountability for corruption and fraud, in both the political sphere and everyday life.<sup>6</sup> Moreover, a constitutional review was promised within 100 days after installation of the government. However, the terms of the coalition's MoU, which included a power-sharing arrangement through the creation of the position of prime-minister and added checks to the executive powers of the president, were not honoured by Kibaki less than two years after installation. This led to withdrawal of Raila Odinga from the cabinet in 2004 and the formation of the Orange Democratic Movement (ODM). Liberal Democratic Party allies were marginalized, and contrastingly, diehard KANU members like Simeon Nyachae, Kipkalia Kones, William Ole Ntimama and John Koech, were invited to the coalition. They formed a cabal of largely Mount Kenya region politicians popularly referred to as the 'Mount Kenya Mafia', to defeat the popular optimism that saw Kenya through the elections (Nasong'o & Murunga 2007). Infighting within the coalition stalled the constitutional review process, which was eventually hijacked by the National Alliance of Kenya (NAK), a wing of NARC, which proceeded to amend the people-driven Bomas draft of the constitution, which was created to maintain the institutional status quo with regard to presidential powers (ibid). The heavy and popular campaigning between the 'bananas' and 'oranges', eventually resulted in the rejection of the revised (WAKO) draft constitution in the November 2005 referendum by Kenyan citizens.<sup>7</sup> This power controversy, together with the increased economic inequity of the country's division of recent prosperity and land along ethnic and geographic lines were carried forward and further politicized by the Party of National Unity (PNU) and the now registered ODM, in the December 2007 elections. This eventually resulted in the politically instigated violent December 2007 post-election crisis over election fraud and irregular swearing into office of PNU president Kibaki, with at least 1,000 citizens dead and 600,000 internally displaced persons. Negotiations led by former UN Secretary and member of the African Union Panel of Eminent African Personalities, Kofi Annan, resulted in a power sharing agreement on the formation of a grand coalition under presidency of Kibaki, the creation of the post of prime minister occupied by Raila Odinga and the formulation of the Kenya National Dialogue and Reconciliation Agenda as contained in the report of the National Accord Implementation Committee.<sup>8 9</sup> The deadline of 30 September 2009, to form a Special Tribunal to try the post-election violence suspects locally, was however not met by the

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Kenyan government. Prosecution of involved high level officials and ministers will be held in the International Criminal Court in The Hague. From September 2009, there has been increased international pressure over the stalled reform agenda by US, UK and EU sanctions. Commitment to fight corruption and fraud loosened again since mid 2004 and corruption has been on the rise again ever since. John Githongo, the former executive director of Transparency International Kenya who became the first Permanent Secretary for Anti-Corruption in the President's Offices in 2003, was urged to go slow on investigations in the Grand Corruption Anglo Leasing scandal by the Minister of Justice in May 2004. Pressure on Githongo mounted as investigations found evidence on the complicity of a number of senior politicians and led to the resignation of two Ministers and three Permanent Secretaries. These were eventually not prosecuted and the politicians were soon reappointed to ministerial positions. Githongo soon after resigned and went into exile in January 2005 during a visit to the UK. All this – partly resulting from the initial shaping of a cross-ethnic national boundaries and the alienation of the best African agricultural land from local populations by the colonial powers - further complicates the transition of informal to formal governance institutions.

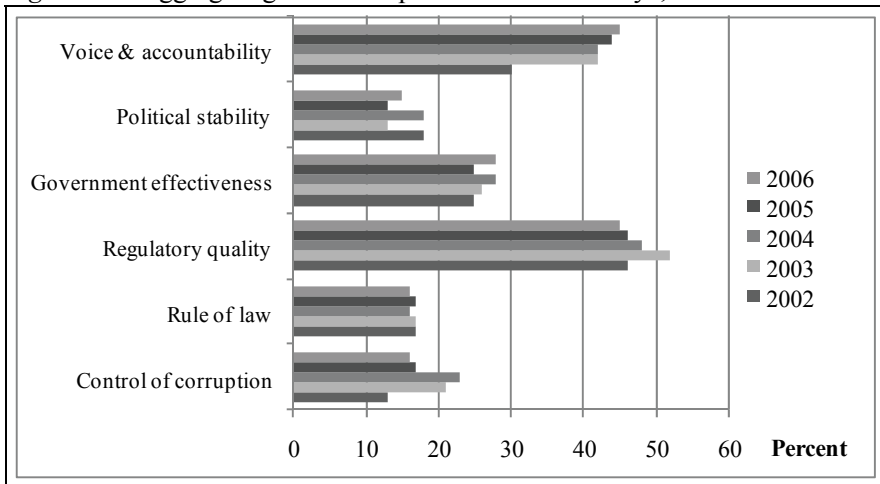
### *Governance*

Although its constitution at independence outlined a devolved system of government that gave powers to elected regional assemblies and elected local authorities, reflective of practices during the colonial period, Kenya also inherited the colonial model with a strongly centralised state and a dominant executive.<sup>10</sup> The devolved system was systematically abolished by subsequent constitutional amendments and gradually replaced; furthermore, executive powers of the president have been strengthened through the years at the cost of Legislative parliament. Kenya's Judiciary is only nominally independent, allowing for key appointments to be made through the Executive and through political patronage; in turn affecting its accountability. The Judiciary is an arm of government that has the constitutional power to decide on conflicts and controversies in Kenya, and consists in order of superiority of the Court of Appeal, High Court and Magistrates courts. Major shortcomings of the Judiciary are related to inadequate personnel, corruption and unaffordable court fees for the poor. Lack of access to justice is exacerbated by a general lack of knowledge of laws on the part of ordinary Kenyans, legal procedures that are required to be followed, and the continued application of customary laws that discriminates against women. In addition, Kenyan laws allow for the application of customary and Islamic law in personal cases (civil law). Other national governance institutions are also still under executive control, especially in the area of allocation of funds, including the Electoral

Commission, the Controller and Auditor General, the Kenya National Human Rights Commission (KNHRC), the Kenyan Anti-Corruption Commission (KACC) and the National Commission for Gender and Development. Recently, the NEPAD-African Peer Review Mechanism (APRM)<sup>11</sup> was criticised for the disproportionate role of state actors in the process, the non-consultative manner of appointment and domination of the national steering committee by government representatives and the heavy focus on service delivery rather than tackling the more challenging task of institutional reform (Akoth 2007). Moreover, the occurrence of the December 2007 post-election crisis has led to questioning the relevancy of the APRM process in Kenya (AfriMAP 2008), as the APRM Kenya country review report of July 2006 had already indicated the need for a healing process of the nation (APRM 2006).

Governance performance in Kenya between 2002 and 2006 in terms of the World Bank's six aggregate governance indicators increased with regard to scores on voice and accountability, government effectiveness and control of corruption. It declined with regard to scores on political stability, regulatory quality and rule of law (Figure 4.1) (Kaufmann, Kraay & Matruzzi 2007; KIPPRA 2009). The aftermath of the December 2007 general elections, including violent clashes and the political crisis, are likely to see the country's governance scores fall further. The crisis may on the other hand also provide greater impetus towards re-examination and implementation of governance reforms (KIPPRA 2009).

*Figure 4.1: Aggregate governance performance for Kenya, 2002-2006*



Source: KIPPRA (2009), adopted from Kaufmann et al. (2007).

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Key challenges with regard to governance lie in the effective working of the Grand Coalition government to deliver on the agreed actions, including those identified in the Report of the National Accord Implementation Committee on National Reconciliation and Emergency Social and Economic Recovery, and the medium-term plan for Vision 2030 (KIPPRA 2009). This includes enactment of a new constitution, operationalisation of an independent Truth, Justice and Reconciliation Act, operationalisation of the National Cohesion and Integration Act, and fast-tracking the implementation of Agenda Item 4 of the Kenya National Dialogue and Reconciliation.

In November 2009 the harmonised draft Constitution of Kenya, formulated by a Committee of Experts on Constitutional Review, was released. The executive at the top level will constitute a State President, a Prime Minister and the Cabinet. The draft proposes a semi-presidential system, also referred to as a presidential-parliamentary system. The State President will not be a member of the Cabinet and will not be capable of nominating persons to the Cabinet. He/she will not dismiss the Deputy Prime Minister and Ministers without the consent of the Prime Minister.<sup>12</sup> The Legislature will consist of two chambers, introducing an upper house or Senate. The Judiciary will consist of 3 superior courts (Supreme Court, Court of Appeals, Constitutional Court). An independent Judiciary Service Commission will be set up to handle the appointment of judges. The commission will nominate names of persons to be appointed as judges by the President. The Attorney-General will be appointed by the President, with approval from the National Assembly. Devolution to the regions and counties will only be in implementation of centrally planned projects, budgets and distributed resources, but will not allow regions to act autonomously similar to a federal system. Finally, citizens who acquire foreign citizenship will not lose their Kenyan citizenship. After a 30 day period for forwarding proposed amendments to respective members of parliament and parliamentary approval, the constitution is planned to be subjected to a referendum in March 2010 (GoK 2009b).

The fight against corruption also remains a major challenge (KIPPRA 2009). The overall level of corruption in Kenya remained largely unchanged between 2004 and 2006, and the country dropped in the corruption ranking for 2007. The Transparency International Kenya Bribery Index reveals that while the likelihood of encountering bribery had increased, the average size of bribe declined from about Ksh 4,958 in 2004 to about Ksh 1,236 in 2006 to (KIPPRA 2009). Kenya has been ranked in the lowest quarter of the ranking list during the years between 2001 and 2009, with a Corruption Perceptions Index ranging between 1.9 and 2.2.<sup>13</sup> The most corruption prone areas include law enforcement, access to services such as education and utilities, compliance with regulations, and in securing jobs and promotions of staff. The police and

the Transport Licensing Board (TLB) remained the most corruption-prone institutions. Other corruption-prone institutions include CDF offices, law firms, Ministry of Local Government, Ministry of Public Works and Ministry of Labour (KIPPRA 2009). Available evidence shows that corruption remains largely unchanged despite various measures taken by the government. There is thus a need for a re-assessment of the countries anti-corruption measures. Such measures include the enactment of the Anti-Corruption and Economic Crimes Act 2003, leading to the establishment of the Kenya Anti-Corruption Commission (KACC) to fight corruption, and the Public Officer Ethics Act that requires government officials to declare their wealth annually as a way of deterring illegal accumulation of wealth.

The KACC annual reports reveal enormous cases of corruption within the public sector. According to the Commission's 2007/2008 annual report, one of the key challenges hindering efforts to fight corruption is the fact that quick conclusion of grand corruption cases continues to be delayed through legal defence opportunities that are afforded in the Kenyan law; in addition, challenges remain in poor record keeping in public offices and lack of legal frameworks for dealing with transnational investigations of corruption cases. There is also need to improve effectiveness of government communication about its governance efforts to influence perceptions. It is recommended that bilateral and multilateral agreements with other countries be negotiated and mutual legal assistance laws established to support transnational investigations.

### *Civil society and democratic governance*

Despite the large and vibrant arena of CSOs in Kenya, civil society and pro-democracy movements generally have contributed modestly to opening up political spaces for negotiation of new rules of politics. This largely was a function of the window of political opportunity afforded by the general movement for good governance (Nasong'o 2007). In pre-colonial Kenya the social antagonisms that shaped civil society in Europe, were nearly absent in Kenya, like in the rest of Africa (see Owiti 2000). 'Deliberately constructed social institutions, especially the extended family system, kinship ties, the clan structure and the age-set system provided social security and facilitated the diffusion of power and the inviolability of this egalitarian social order' (Nasong'o 2007). During the colonial period modern civil society in Kenya emerged through social organisations - especially ethnic welfare and cultural associations - clustered around new urban areas and moderately demanding the amelioration of externalities of colonialism and inclusion in socio-economic dispensation (Nasong'o 2007). In rural areas, more radical movements emerged, such as 'Dini ya Msambwa' (DYM) in Western Kenya and 'Kikuyu

Karing'a' (Orthodox Kikuyu) in Central Kenya, rejecting colonial hegemony and seeking to reconstruct alternative institutions or a return to African traditionalism. Nasong'o describes that the exclusive nature of the colonial state and its failure for political inclusion resulted in the vibrant nationalist movement. The transformation of these social formations into political organisations (KANU and KADU) on the eve of independence however left a partial vacuum at the intermediate societal level, presaging a period of uncertainty and fluctuation in state-society transactions. Between independence and the late 1970s civil society in Kenya was largely restricted by the regime. The shift from the *Majimbo* (federalist) system towards centralisation of politics and the establishment of control over the regions was accompanied by shrinking associational spaces through the close monitoring and control of registration and activities of associational organisations based on the Societies Act (Nasong'o 2007; based on Ochieng 1995, Makinda 1996, Republic of Kenya 1998).

During the immediate post-independence era civil society grew in number and variety, but did not expand in size or increase in relative importance (Nasong'o 2007). Independent social organisations were enveloped and their range of maneuverability severely constrained by the authoritarian regime. CSOs in this context either adopted the strategy of retrenchment (i.e. closing off to unnecessary influence from above and nurturing own dynamic arrangements backed by specific group values) or the strategy of patron-client relations in their relations with state agencies (ibid.). The void of institutional mechanisms (through the lack of political opposition and intermediate civil organisations) was filled with personalistic networks of 'ethnic boss-men serving as links between their communities and the state as conduits for the extraction of resources from the centre to the locality' (Nasong'o 2007, based on Nyangira 1987, Ochieng 1995, Adar 1998, Oyugi 1998). Social movements were pulverised and political institutions perverted to serve the self-aggrandising interests of an ethnically based political elite (Nasong'o 2007, based on Katumanga 2000, Nasong'o 2001, Muranga 2002). During the first half of the 1980s the Moi regime transformed the 'Imperial Presidency' of Kenyatta into a 'Personal State', which was characterised by intense repression and dilution of civil organisations. Social movements were largely forced to go underground and their aims shifted from reformative objectives to a transformative revolutionary agenda. The capacity of these revolutionary movements was however limited or undermined in terms of training political and military cadres and mass mobilisation. In the mid -1980s the severe economic conditions and the felt failure of state led developmentalism opened up economic and political spaces, allowing for the emergence and strengthening of viable CSOs, especially at the community level (Nasong'o 2007). These spaces further expanded during the period of Structural Adjustment

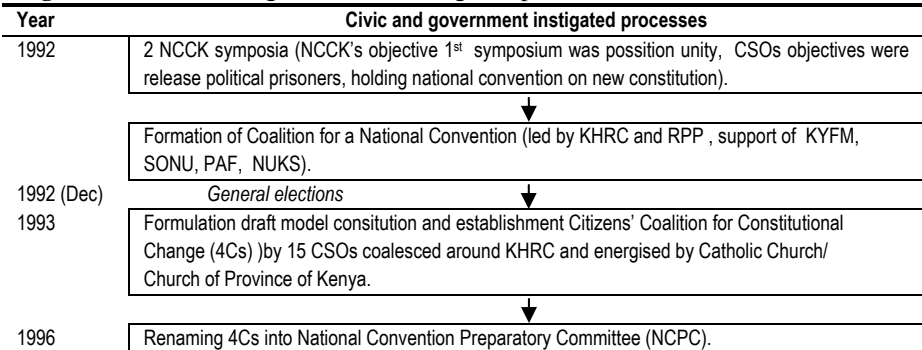


Programmes and brought the outline of civil society back to where it was just before independence. This was backed by the international donor community which shifted its policies from supporting the state to assisting CSOs. In addition to supporting economic development donors also took the opportunity to support action for political change and social justice. This conjuncture led to the emergence of a number of democracy oriented civil organisations that thrived on political aid, aiming for new rules of politics like advocacy for democracy and good governance, promotion of human rights and civic awareness. The political activism of these CSOs was geared towards restructuring the state and rewriting the constitution. Figure 4.2 shows the long process of civic protests and contestation over constitutional review in Kenya.<sup>14</sup>

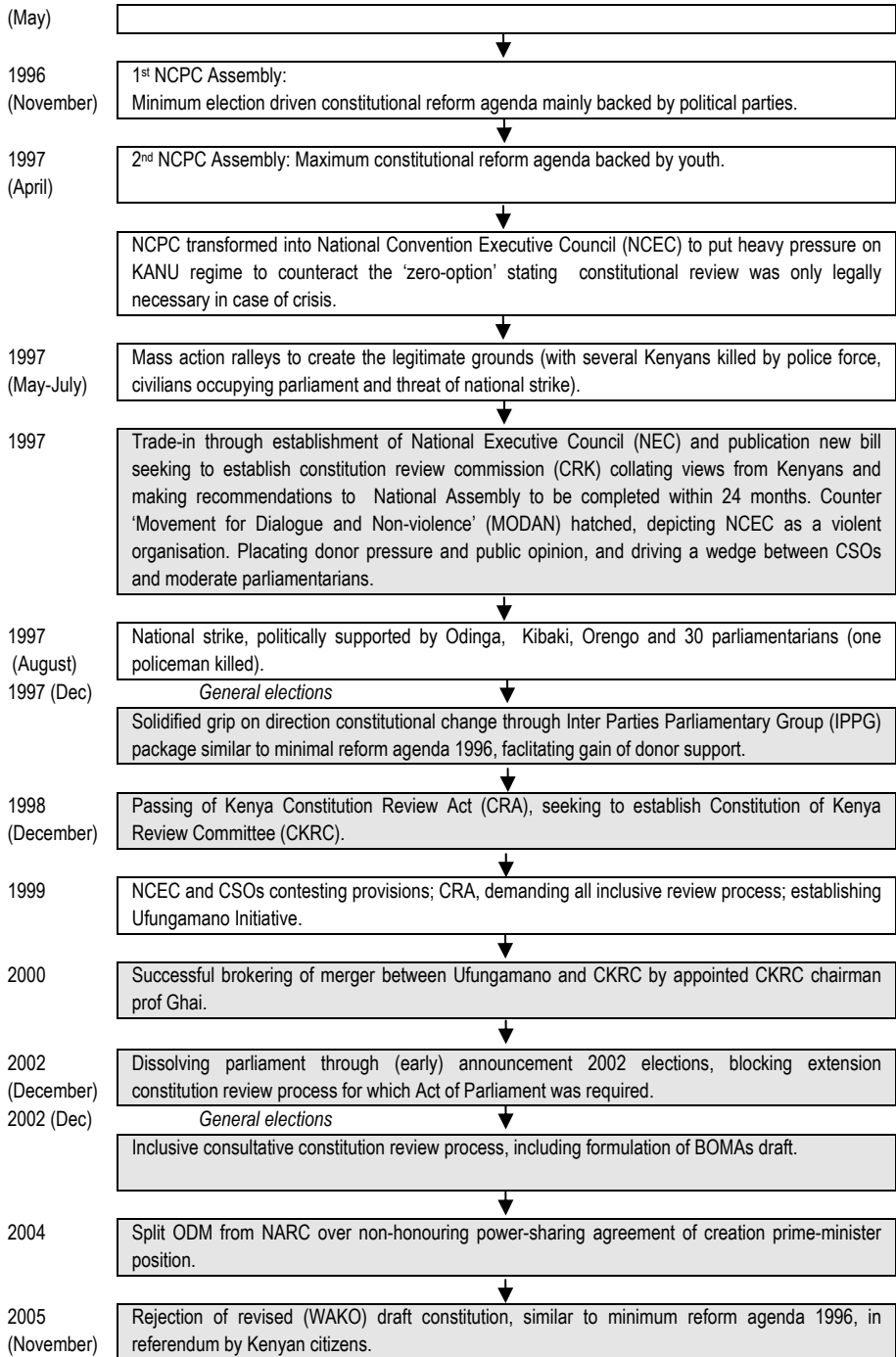
*Public sector reform*

Decentralisation and devolution of power to lower levels has been out of sight after the rejection of the draft constitution in 2005.<sup>15</sup> The Ministry of Local Government, which has provincial and district offices, constitutes the current local government system; moreover, local authorities are made up of executive elected and nominated councillors and administrative staff. Their legal mandate and power are derived from the Local Government Act, Chapter 265 of the Laws of Kenya. The relationship between central and local government is basically directive, and even though local authorities are autonomous legal entities, the Ministry of Local Government exercises considerable legal control over them (Wanjohi 2003; Akivaga et al. 1985). Figure 4.3 shows the governance context for the local government of Nairobi (see also chapter 5.3). Line-ministries of the sector system also have parrallel provincial and district offices, while the office of the President of the district system has parallel offices at location and sub-location level, in addition to parallel provincial and district offices (see also chapter 8.4).

*Figure 4.2: Civic and government instigated processes for constitution review*



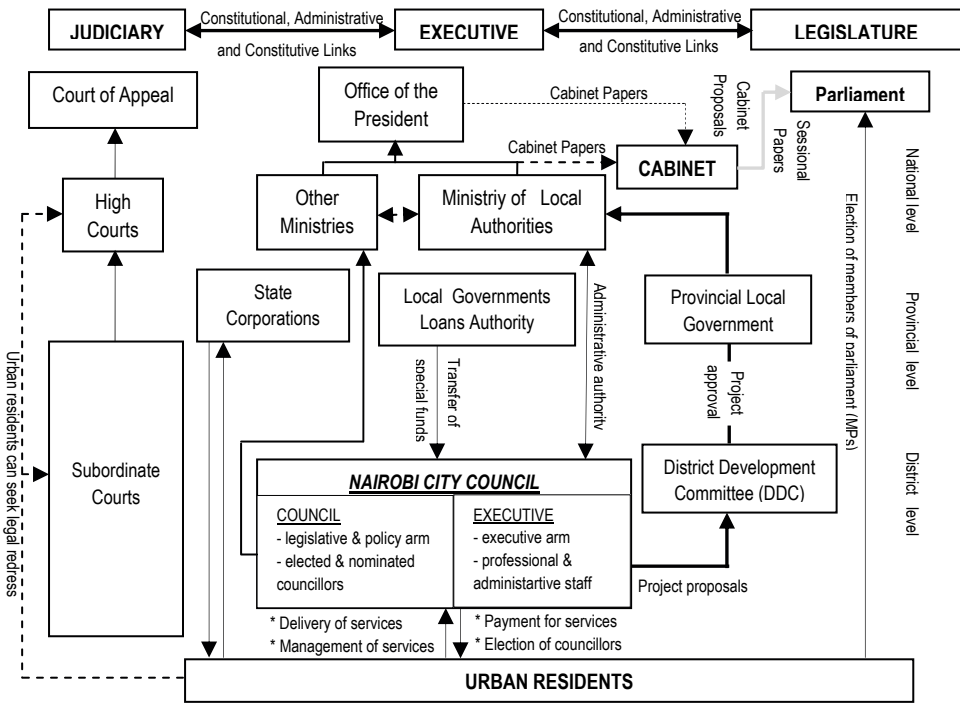
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Source: based on Nasong'o (2007).

[ ] = civic instigated process; [ ] = government instigated process

Figure 4.3: Urban Governance Framework – Nairobi City



Source: Aligula (1999)

Initiatives for fiscal decentralisation through devolved funds have increased in the last decade, especially within the last two years of the NARC government (Table 4.1).<sup>16</sup>

Almost all funds are targeted grants, except for the Local Authorities Transfer Fund which is a block grant. Devolved funds operate differently, with some going straight from the Exchequer to the spending unit such as the constituency, school or local authority (for example CDF, SEBF, LATF); while others sent to intermediaries (such as micro financiers), who then distribute the funds based on criteria (for example YEDF) (IEA 2006). Despite the indicated budget allocation equivalents, processes and implementation of devolved funds (especially CDF) in practice show considerable shortcomings such as corruption, mismanagement of public resources poor project choices, and lack of coordination with other initiatives. Central and local government units, as well as intermediaries, need to operate efficiently and in cooperation in order to enhance project effectiveness at all levels of the project cycle, including auditing. In the case of CDF, corruption and mismanagement of resources recently led to a shift in authority from CDF committees to line ministries over disbursement of cash for constituencies, while the CDF law is reviewed and

mechanisms are improved through increased training of project managers (Daily Nation 2009d, 2010b).<sup>17</sup>

*Table 4.1: Devolved funds in Kenya*

<b>Devolved fund</b>	<b>Origin</b>	<b>Budget allocation equivalent</b>	<b>Distribution criteria</b>
Local Authorities Transfer Fund (LATF)	1999/ 2000	-5% of gross tax income (increase from 2% initially).	- 7% is allocated equally among all 175 LAs. - 60% allocated on relative population LAs. - 33% allocated on relative urban population.
Constituency Development Fund (CDF)	2003/4	- Provision of basic services to fight inequality and poverty. -2,5% of total national revenue - A motion seeking to increase the allocation to 7,5% of government's revenue passed in parliament in 2005, but has not been implemented) .	- 75% is allocated equally among all 210 constituencies. - 25% is allocated based on constituency poverty levels, population size and size of constituency. - A maximum of 10% of each constituency's annual allocation may be used for education bursary schemes, 3% for administration and 5% emergency reserve.
HIV/AIDS Fund	1999		- Project proposals at constituency level to a maximum of Ksh 350,000. - Project proposals at national level from Ksh 350,000 to 7,5 million.
Road Maintenance Levy Fund (RMLF)	(1993) 1999	The fund is made up from a fuel levy on petroleum products and transit toll collections.	- 57% allocated to the Roads Department of the Ministry of Roads and Public works (targeted for maintenance and repair of major roads). - 24% is allocated equally among District Roads Department, Kenya Wildlife Service and Las (targeted for secondary roads). - 16 % is allocated equally to District Road Committees (DRCs) and distributed equally among constituencies within a district (targeted for rural roads). A maximum of 3% is allocated to the Kenya Roads Board (for operational costs and recurrent expenditures)
Secondary Education Bursary Fund (SEBF)/ Constituency Bursary Fund (CBF)	1998/9		- A first tranche of Ksh 1 million is allocated to all 210 constituencies. - The second allocation varies between constituencies based on the following factors: 1) the number of students enrolled in secondary school education as compared to total national enrollment; 2) calculated against

			the poverty index of a constituency; 3) of each second allocation 5% is set aside for the girl child.
Free Primary Education Fund	2003	Ksh 1,020 per child per annum with the amount disbursed to a constituency/district based on the number of pupils enrolled in schools within that area.	<ul style="list-style-type: none"> <li>- First allocation is for the purchase of teaching and learning materials.</li> <li>- Second allocation is for general-purpose.</li> <li>- Third allocation is for operations and maintenance.</li> </ul>
Rural Electrification Programme Levy Fund (REPLF)	1998	Financed by a 5% cross-subsidy on all electricity consumed in Kenya (increased from 2% to reach Ksh 1 billion annually).	- Same criteria applied as for disbursement of CDF in 2008.
Community Development Trust Fund (CDTF)	1996	<ul style="list-style-type: none"> <li>- Ksh 860 million for CDP III (2007-2009).</li> <li>- Ksh 8 million for CEF (2006-2012).</li> </ul>	<ul style="list-style-type: none"> <li>- Distribution criteria based on poverty-index and poverty mapping.</li> <li>- 90% disbursed to District Social Development Committees; 10% retains at headqaurters.</li> </ul>
Youth Development Fund	2006/7	<ul style="list-style-type: none"> <li>- Target: youth between 18 and 35 years).</li> <li>- \$14 million (Ksh 1 billion).</li> </ul>	<ul style="list-style-type: none"> <li>- 50% is allocated to newly formed youth groups in Kenya's 210 constituencies.</li> <li>- 50% is disbursed through 15 MFIs for onward lending to established youth groups.</li> </ul>
Women Development Fund	2007	\$ 16 million (Ksh 1 billion).	<ul style="list-style-type: none"> <li>- 65% disbursed through 12 MFIs for loans to women enterprises at grassroots.</li> <li>- Each constituency receives Ksh 1 million (\$16,000), with group setting Ksh 50,000 (\$800).</li> </ul>

Source: Odhiambo & Taifa (2005), KIPPRA (2009), Oyugi (2005).

Broadly speaking, there have been three major waves of public sector reforms in Kenya, similar to reforms in the rest of Sub-Saharan Africa: restructuring of the public service (mid-1980s to mid-1990s); capacity building (late 1990s); and improved delivery of services (since 2000) (Mutahaba & Kiragu 2002). Government reforms in Kenya have been implemented since independence. The colonial government's preoccupation with system maintenance and dedication to the development of institutions for the maintenance of law and order, left civil service institutions incapable of dealing with post-independence development needs (Oyugi 2006). In 1993 government reforms were intensified due to the declining performance of the public service and as part of the implementation of SAPs, through the Kenya Civil Service Reform Programme, which mainly focused on ministerial departments (Oyugi 2006).<sup>18</sup> In 2001 the programme was expanded to the Public Sector Reform Programme, to include the wider public service by including the judiciary, local authorities and para-statal sector. The basic objective was restoring

efficiency and effectiveness of public service delivery and implementation of comprehensive public sector reforms that provide unity of purpose and synergy in the reform process (Nzioka 2002, quoted from Oyugi 2006).

Currently the programme focuses on: rationalisation of ministerial functions and structures, staff rationalisation and management of the wage bill, pay and benefits reforms, training and capacity building, financial performance improvement initiatives, legal sector and judicial reforms, parastatal reform and performance improvement in the civil service (Oyugi 2006). Performance contracting (PC) was (re)introduced by the Kenyan government in 2003 in order to achieve the objectives and targets of Economic Recovery Strategy and manage performance challenges in public service (Kobia & Mohammed 2006; see also DPM 2004).<sup>19</sup> Performance contracts were piloted in 16 state corporations since December 2004 and after initial success extended to the public service, beginning with Permanent Secretaries and accounting officers. Since September 2005, performance contracts were piloted in five major municipalities (Nairobi, Mombasa, Eldoret, Kisumu, Nakuru) and later extended to the remainder of the 175 municipalities in December 2006 (Kobia & Mohammed 2006).<sup>20</sup> Local authorities have also been incorporated in the ongoing introduction of the Results Based Management (RBM) approach, to the public sector transformation by the Ministry of Public Sector Reforms & Performance Contracting (PSR&PC), Office of the Prime Minister. Although noticeable progress has been made in implementation of civil service reforms, major obstacles remain in the implementation of performance-oriented civil service reforms (Marwa & Zairi 2009). Reforms have been undermined by 'lack of clear and enabling policy, institutional and legal framework, resulting in piecemeal and expedient changes that have had little impact on service delivery' (Osiche 2007: 311).<sup>21</sup>

Local government reforms were initiated in 1996 through the Kenya Local Government Reform Programme (KLGRP) under the Ministry of Local Government, which only recently became part of the comprehensive Public Sector Reform Programme run by the Ministry of Public Sector Reforms & Performance Contracting (PSR&PC), Office of the Prime Minister. KLGRP included putting in place the Local Authority Transfer Fund (LATF), fuel levy funds, contribution in lieu of rates, licensing, improvement of property taxes, integrated financial management systems, introduction of single business permits and mutual debt resolution (Oyugi 2006). Kenya was recently characterised as continuing 'to be highly centralised, despite lip service to quasi decentralisation' (Osiche 2007: 311). Table 4.2 shows intensity levels of particular aspects of public sector reforms in sub-Saharan African contexts. The comparison shows that intensity levels and consistency in reforms in Kenya are less than in other African countries.

Table 4.2 : Intensity levels and consistency in reform implementation by the countries

PSRP components	Sub-focus	Rwanda	Kenya	Malawi	Mozambique	South Africa
Fundamental Basic Reform	Rationalisation & restructuring ministries	3	1	1	1	3
	Rationalisation of public agencies	3	1	1	1	0
	Reform of policy making/ cabinet process	1	1	1	0	3
	Management information system/records management	2	1	1	1	3
Service Delivery Improvement	Privatisation of public enterprises	3	1	1	1	2
	Results-oriented management/ performance improvement	0	1	1	1	3
	Public-private partnership	0	1	1	0	3
	Improvement of human resource capacity	2	1	1	1	3
Reform to enhance good governance	Leadership & management development	1	1	1	1	3
	Representativity & affirmative action	1	1	1	1	3
	Democratisation	2	1	1	1	3
Decentralisation and local government	Anti-corruption	2	1	2	1	2
	Strengthening governance institutions	1	1	1	1	2
Decentralisation and local government	Decentralisation/local government strengthening	2	1	1	1	3
Harnessing IT	Electronic government	2	1	1	1	3
Incentives and pay	Incentive & pay reform	2	1	1	1	2

PSRP components	Sub-focus	Tanzania	Uganda	Zambia	Namibia	Botswana
Fundamental Basic Reform	Rationalisation & restructuring ministries	3	2	1	2	3
	Rationalisation of public agencies	3	1	1	2	3
	Reform of policy making / cabinet process	3	1	1	2	2
	Management information system/records management	3	2	1	2	3
Service Delivery Improvement	Privatisation of public enterprises	3	1	1	1	1
	Results-oriented management/ performance improvement	3	1	1	2	3
	Public-private partnership	3	2	1	1	2
	Improvement of human resource capacity	2	1	2	3	3

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	Leadership & management development	3	2	1	2	3
Reform to enhance good governance	Representativity & affirmative action	3	3	1	1	1
	Democratisation	2	2	2	1	1
	Anti-corruption	2	1	2	1	1
	Strengthening governance institutions	2	2	1	1	1
Decentralisation and local government	Decentralisation/local government strengthening	2	2	1	1	1
Harnessing IT	Electronic government	2	2	1	2	3
Incentives and pay	Incentive & pay reform	2	1	1	2	3

Source: Kiragu & Mutahaba (2006) (0 represents no action; 3 represents the highest degree of action).

### 4.4. Macro-economic situation after independence

#### *Economy*

Kenya's overall economic performance through the years shows a downward trend until recently (Pollin 2007). From independence until the beginning of the 1980s the economy generally grew. From the beginning of the 1980's until 2003 the overall economic performance has been poor (Pollin 2007). Economic growth fell from 7 percent per year in the 1960s to 4 percent in the 1980s and to 2 percent in the 1990s, and between the late 1990s and 2002 the economy was in recession (CBS 2003; KIPPRA 2009) (Table 4.3).

*Table 4.3:* Economic growth rate achieved by Kenya since independence in percentages

Period	Average growth rate	Lowest growth rate for the period	Highest growth rate for the period
1966-1970	7.2	3.12	12.84
1971-1980	4.9	2.90	8.13
1981-1990	4.3	0.35	5.97
1991-2000	2.1	-0.33	4.82
2001-2006	4.2	0.60	6.10

Source: KIPPRA (2009) (computed from Economic Surveys, various issues).

The decline in economic growth during late 1990s especially concerned agriculture and manufacturing, while the economic growth rate for tourism increased by almost one third (Table 4.4). The Kenyan Shilling has devalued sharply since the mid-1990s, declining in value against the US dollar from 44.8



in 1994 (CBS 2001) to 77 in 2002 (CBS 2003). In addition, Kenya has had lower growth rates and higher levels of inflation than its immediate neighbours, Tanzania and Uganda (CBS 2003). The GDP per capita for example rose significantly until the 1980s and since remained steady. Reasons mentioned for the economic stagnation are the 24 years presidential reign (from 1978 to 2002) of Moi, the structural adjustment policies (SAPs) and high level government corruption (Pollin 2007).

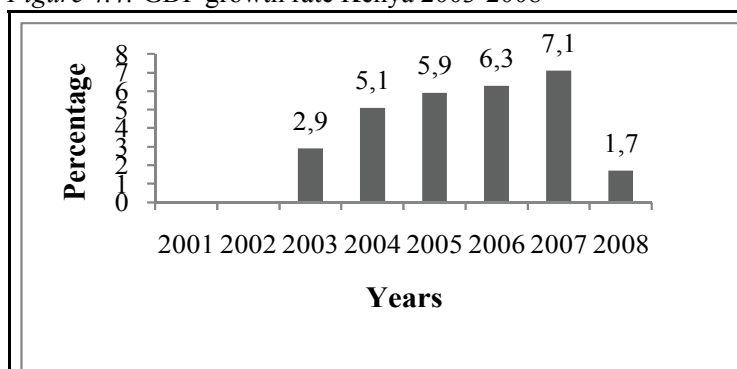
*Table 4.4: Growth of selected activities and sectors in percentages*

<b>Sector</b>	<b>Period</b>	<b>Average</b>	<b>Minimum</b>	<b>Maximum</b>
Agriculture	1964-1973	4.6	1.3	8.4
	1974-1979	3.9	-1.3	12.3
	1980-1985	3.5	2.2	4.8
	1986-1990	3.8	-3.4	4.9
	1991-1995	3.3	-1.1	4.8
	1996-2000	-1.2	-2.4	1.5
	2001-2006	2.5	-3.1	6.9
Manufacturing	1964-1973	9.1	7.9	10.8
	1974-1979	10.0	-0.2	18.5
	1980-1985	4.8	4.3	5.9
	1986-1990	5.4	5.2	6.0
	1991-1995	2.8	1.2	3.9
	1996-2000	-0.5	-1.5	1.9
	2001-2006	3.3	0.8	6.9
Building & construction	1964-1973	5.8	-8.7	20.7
	1974-1979	1.2	-8.2	7.5
	1980-1985	3.6	-0.1	5.4
	1986-1990	4.7	2.2	5.4
	1991-1995	2.6	-6.7	3.8
	1996-2000	1.2	-1.5	3.5
	2001-2006	3.4	-0.5	7.6
Tourism	1964-1973	-	-	-
	1974-1979	8.8	-7.6	10.7
	1980-1985	6.6	2.8	8.1
	1986-1990	4.4	2.2	9.8
	1991-1995	2.2	0.1	8.6
	1996-2000	3.4	1.0	8.0
	2001-2006	6.8	1.3	14.9
Transport & communication	1964-1973	7.3	1.2	10.6
	1974-1979	6.3	-5.7	10.4
	1980-1985	3.4	0.4	6.5
	1986-1990	3.5	3.0	4.4
	1991-1995	3.2	0.8	4.2
	1996-2000	2.0	1.2	4.0
	2001-2006	5.7	1.5	10.9

Source: KIPPRA (2009) (computed from Economic Surveys, various issues).

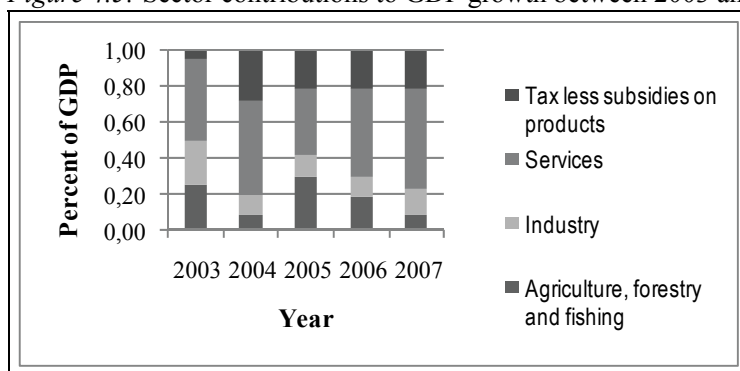
From 2003 to 2007 there has been accelerated economic growth in Kenya (Figure 4.4).<sup>22</sup> This was followed by a sharp decline in 2008 due to social economic disruptions and damage arising from the political violence of the December 2007 post-election crisis, coupled with an unfavourable international environment (KIPPRA 2009). The economic growth registered between 2003 and 2007 has been broad based (Figure 4.5). The services sector contributed about 45 percent of growth in GDP, with the key sub-sectors being transport and communication, wholesale and retail trade, and hotels and restaurants. The agricultural and industrial sectors contributed to growth in GDP by 18 and 17 percent, respectively. Kenya’s GDP composition in 2006 showed that services accounted for more than half of the GDP, agriculture for a quarter and the manufacturing industry for ten percent (Figure 4.6).

Figure 4.4: GDP growth rate Kenya 2003-2008



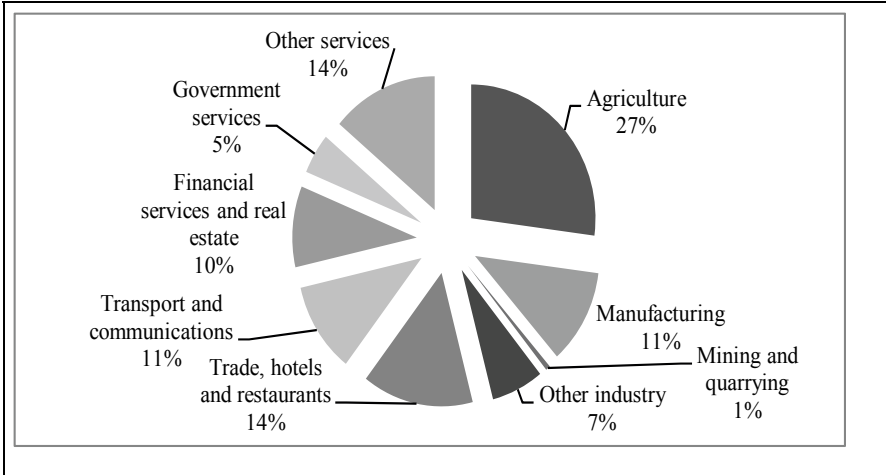
Source: GoK (2009c).

Figure 4.5: Sector contributions to GDP growth between 2003 and 2007



Source: KIPPRA (2009).

Figure 4.6: GDP by sector in Kenya 2006 (estimated)



Source: AfDB/OECD (2008), estimates based on CBS data.

The period from independence until the beginning of the 1980s is characterised by Import Substitution Industrialisation (ISI) (UNDP 2005).<sup>23</sup> However, ISI failed to deliver the envisioned jobs and economic growth, especially since the oil price shock in 1973/4. Major limitations of ISI were the small domestic market and lack of regional markets, due to the collapse of the East African Community in 1977; inefficiency and non-responsiveness to customers' needs; erosion of efficiency through regulations surrounding importation of plant and equipment and discouragement of price competition in key goods through price controls. Furthermore, ISI increased dependence on imports rather than greater utilisation of available domestic resources.

The period from the mid 1980s to the mid 1990s is characterised by major changes in the Kenyan economy as a result of the Structural Adjustment Programmes (SAPs). The main ingredients of SAPs were trade liberalisation, devaluation, deregulation of domestic markets, reduction of public sector employment, privatisation of para-statal enterprises, and support for private sector development, including MSE development (UNDP 2005). Although SAPs were instituted in the early 1980s, the actual shift from controlled to free markets occurred from 1992. Some authors therefore distinguish a pre-liberalisation phase (1983-1989) and a liberalisation phase (1990-1998) (IEA 2001). Controls on the holding and trading of foreign exchange were removed, tariffs reduced, and restrictions on the imports of certain goods eased. Furthermore, private investments in key industries such as dairy and fish processing were encouraged and restrictions on the movement of agricultural products and other commodities lifted. The opening of Kenya's markets to products from other countries and heightened competition had a major impact

## *Chapter 4*

on Kenyan industry.<sup>24</sup> SAPs in Kenya were controversial, partly due to their donor-mandated origin and partly because their effects were widely felt as public employees were retrenched; moreover, user fees were imposed on schools and health facilities and price controls were removed (UNDP 2005). Privatisation has been on the government's agenda since the 1980s, but progress in this direction has been extremely slow.

Since the change of regime in 2003, the Economic Recovery Strategy and Vision 2030 policies focus on private sector development, economic growth and employment, enabling regulatory frameworks and policies for finance and micro-finance institutions. The contributions of informal sector SMEs are increasingly recognised, and since the informal sector is measured, economic growth more visibly comes from informal sector employment. Economic growth is mainly due to the informal sector and further integration and synergy of the formal and informal economy are promoted (Pollin 2007).

Export was promoted and grew through business opportunities in garment and apparel under the AGOA international trade agreement, utilising Export Processing Zones (EPZs) and Manufacturing Under Bond (MUB) (UNDP 2005), which are currently extended to additional sectors under the new name of Special Economic Zones (SEZs) (Daily Nation 2009c). However exporters of manufactured goods often straddle between domestic and foreign markets as a strategy against risks associated with trade policy uncertainties, while exporting is important for increasing the scope of operations. Regional markets have been growing, and Kenya's trade with African market destinations (47 percent) currently exceeds trade with traditional European (27 percent) and Far Eastern and Australian market destinations (11 percent) (KIPPRA 2009). In Africa, COMESA is the leading export destination, accounting for about 30 percent of total exports. Exports to Europe consist mainly of unprocessed or slightly processed goods, such as fish, fresh fruits and vegetables, coffee and tea (UNDP 2005). Exports to Africa on the other hand mainly include finished products.<sup>25</sup> The East African Community Tax Union was revived in 2005, with free exchange of goods and products from 2010 (Daily Nation 2009f).<sup>26</sup> Constraints to export growth still lie in lack of product diversification, low value export and supply side limitations (KIPPRA 2009).

### *Economic strategy of Kenya*

Since independence there have been a number of policy papers and development plans, which have aimed to generate growth and improve standards of living (Bird, Kamau & Odhiambo 2007). After the change of regime in 2002 there has been a shift towards an increased role of the private

sector in order to attain economic growth and social provisioning. The first *Sessional Paper No. 10 of 1965 – African Socialism and its Application to Development*, laid the basis for the new state's development endeavours. Its implementation intended to eradicate poverty, disease and ignorance, but had mixed results. The *National Poverty Eradication Paper (NPEP) (1999-2015)* was developed in line with resolutions made at the 1995 World Summit on Social Development in Copenhagen (Bird, Kamau & Odhiambo 2007). The plan aimed to reduce rural and urban poverty by 50 percent by 2015 and to narrow geographical and gender disparities in poverty through strengthening the capabilities of the poor and vulnerable groups. Implementation of NPEP was supposed to be through the Poverty Eradication Commission (PEC) in close cooperation with various ministries. The target of 20 percent poverty reduction during the first phase from 1990-2000 was not attained and had not achieved much besides the establishment of the PEC (Bird, Kamau & Odhiambo 2007). The *Kenya Poverty Reduction Strategy Paper (PRSP) (2001-2004)* sought to implement the NPEP in a series of three-year rolling plans. PRSP was a condition for further lending by international financial institutions and tied to the PRSP Medium Term Expenditure Review Framework budgeting approach. Besides the standard macro-economic requirements of reducing deficits and maintaining low inflation, the PRSP emphasises measures aimed at improving governance and reducing corruption (Bird, Kamau & Odhiambo 2007). The new NARC government that came to power in 2002 appears to have shelved PRSP in preference to its Economic Recovery Strategy, combining elements of the PRSP with the party's manifesto promises (Bird, Kamau & Odhiambo 2007).

In 2003, the *Economic Recovery Strategy for Wealth and Employment Creation (ERS)* was put in place. As a response to past economic and social challenges, Kenya implemented bold economic and structural reforms within the ERS period. The ERS was anchored on three key pillars, namely: Restoration of economic growth within the context of a stable macroeconomic environment; enhanced equity and poverty reduction; and improvement of governance to enhance efficiency and effectiveness in the economy. These three pillars were selected in order to pull the economy out of a recession. *Vision 2030* represents Kenya's second long term growth and development strategy. It anticipates the economy growing at a sustained rate of 10 percent per annum over a period of 22 years. As Kenya pursues a vigorous export led growth strategy, the role of cities and city-regions will become more important. The document considers that strategically located cities, such as Nairobi, are able to offer suitable infrastructure, supporting services, living environments and other ancillary services have an important role to play in global business. As a result, such cities greatly contribute to national development efforts in their countries. Therefore, in *Vision 2030* Kenya strives to be globally

competitive and the Nairobi Metropolitan Region (NMR) will be strategically positioned to play a central role in realising Vision 2030 goals.

The policy frameworks of ERS and Vision 2030 especially focus on private sector development, economic growth and employment creation. The overall aim of ERS was to create 500,000 jobs annually between 2003 and 2007 (a total of 2 million jobs). The bulk of these jobs were expected to be created in the informal sector: 88 percent of jobs are from informal sector enterprises and the remaining 12 percent from existing formal sector enterprises. ERS and Vision 2030 have been fed through the National Economic and Social Council (NESC), which was established in 2004 and had its first meeting in January 2005. NESC consists of major public sector, private sector and social sector stakeholders and experts. Under the umbrella of NESC, multiple sector working groups – later renamed multi-stakeholder forums – have been set up to facilitate private sector growth as the main development strategy. Various private sector and business development frameworks have been set up to encourage private finance institutions, non finance institutions, small and medium enterprises. The role of NGOs in private sector development has also been increasingly recognised (GoK 2006b).

In this context, multi-stakeholder platforms and umbrella alliances have been established nationally for more responsive policymaking and alliances for involvement. In March 2003, the Kenya Private Sector Alliance (KEPSA) was initiated to represent the private sector in public policy dialogue and influencing. This umbrella body consists of member-based private sector representative organisations, associations and federations.

### *Social- economic trends, poverty and inequality*

Real wages have increased between 1960s and 1970s and thereafter declined. Between 1980 and 1985 real earnings in the private sector fell by roughly 15 percent and in the public sector by 20 percent. Incomes in the formal and informal sector differ and show significant disparities among categories of workers within these sectors as well as between urban and rural areas (Table 4.5) (Pollin 2007). In the informal sector the median income of the overwhelming majority of paid employees and self-employed own-account workers is between Ksh 2,600 and 2,900 per month, with rural workers earning half of what urban workers earn. The very small category of ‘self-employed working employers’ earn twice the median income of paid employees and self-employed own-account workers. In the formal private sector, workers earn the same as self-employed, working employers, with rural workers earning half of what urban workers receive. The median income of (semi-)public sector

employees is highest, although these categories of workers only constitute 5 percent of total employment in Kenya. Zepeda (2007) indicates an average wage gap of 19 percent in favour of men as compared to women, based on calculations of the Kenya Integrated Labour Force Survey 1998/9. Kenya has been operating a wide array of minimum wage orders (45 separate minimum wage standards) that apply to different sectors, regions of the country and job categories to lower labour costs, secure a minimum floor and encourage employment. However, recently the potential benefits from a simplification of the elaborate system of minimum wage standards have been emphasised (Pollin, Githinji & Heinz 2007). In addition, the need for adoption of alternative policy approaches to expand decent employment has been suggested, such as raising productivity, adoption of a credit subsidy programme for the creation of jobs and encouragement of transition from informal to formal businesses, improving marketing capacity, and maintaining a more competitive exchange rate. In August 2007 the Minister of Labour announced that the government was planning to abolish minimum wage standards, and to replace them by wage standards based on productivity levels.

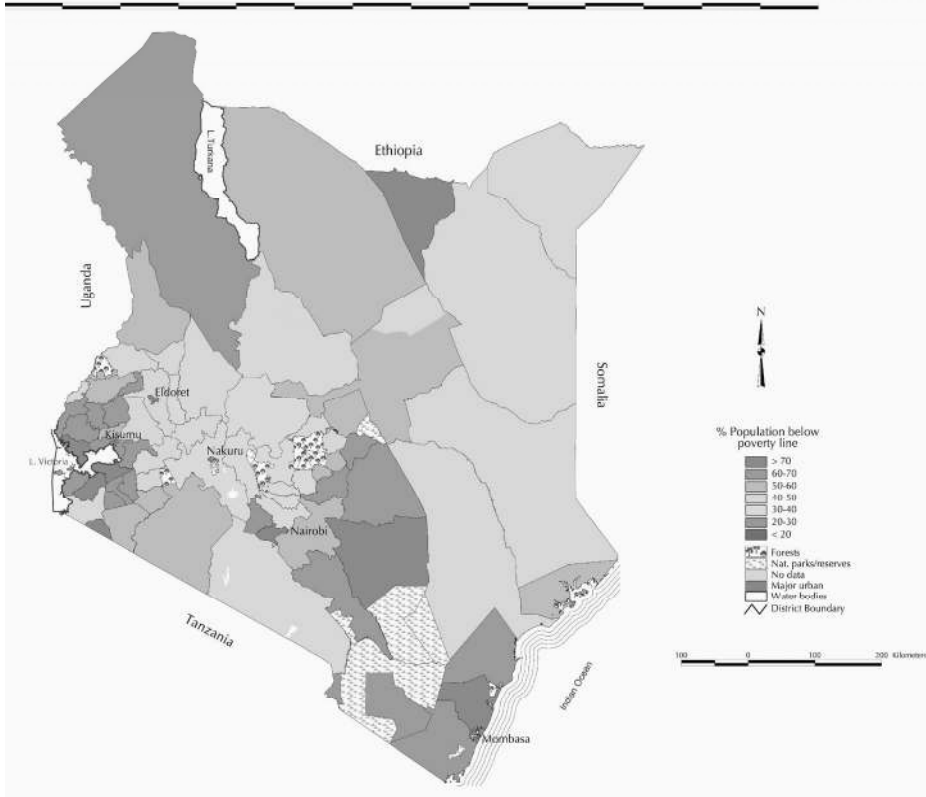
Table 4.5: Incomes from informal and formal sector employment

	Number and percentages of workforce (total = 12.1 million)	Median monthly incomes- wages or net-enterprise earning (in Ksh)	Median monthly incomes by region (in Ksh)	
			Rural	Urban
<b>Informal sector</b>				
Paid employee	2,174,563 (18%)	2,880	2,000	4,000
Self-employed own-account worker	1,406,445 (11.7%)	2,600	2,000	4,000
Self-employed unpaid family worker	228,028 (1.9%)	0	0	0
Self-employed, working employer	116,753 (1%)	6,000	4,083	7,800
<b>Formal sector</b>				
Paid-employee, private	771,078 (6.4%)	6,160	4,800	9,000
Paid employee, public	518,858 (4.3%)	15,375	14,672	16,132
Paid employee, semi-public*	28,304 (1.1%)	12,800	4,600	18,700
Self-employed, own-account worker	114,869 (1%)	6,000	4,857	6,755

\*Includes employees of state-owned and majority controlled enterprises

Source: Pollin (2007), calculations based on 2005-06 KIHBS.

Map 4.2: Kenya Poverty Incidence District Level



Source: GoK (2003a).

Kenya’s poverty incidence rose from 45 percent in 1992 to 52 percent in 1997 and 56 percent in 2000 (Omiti et al. 2002). Data from the Kenya Integrated Household Budget Survey (KIHBS) shows the national poverty incidence declined from 56 percent (51.5 percent urban and 59.6 percent rural) in 2000 to 46 percent (33.7 percent urban and 49.1 percent rural) in 2005/2006 (Wambugu & Munga 2009).<sup>27</sup> Although the proportion of people living in poverty has declined, the number of those living below the poverty line is estimated to have increased from 13.4 million in 1997 to about 16.6 million in 2006. National surveys set the urban absolute poverty line for 1997 and 2005/6 at respectively Ksh 2,648 and Ksh 2,913 per month and the rural absolute poverty line at respectively Ksh 1,239 and Ksh 1,562. The respective figures for the food poverty line in 1997 and 2005/6 are Ksh 1,254 and 1,474 for urban areas and Ksh 927 and 988 for rural areas.<sup>28</sup> The food poverty incidence in urban areas increased from 38 percent in 1997 to 41 percent in 2005/6. Although income inequality as measured by the Gini coefficient in Kenya slightly declined from 0.45 in 1995, to 0.43 in 2000 and 0.41 in 2005/6 (0.447



for urban and 0.380 for rural areas), Kenya retains relatively high levels of inequality within and across provinces (KIPPRA 2009).<sup>29</sup> Map 4.2 shows the Kenya poverty incidence at district level in 2003. Kenya's HDI slightly rose from 0.522 in 2000, to 0.530 in 2005 and to 0.541 in 2007.<sup>30</sup> Kenya went down in international ranking from 136 in 1998, to 146 in 2001 and 147 in 2007 (UNDP 2000/3/9). Urban districts have higher HDI values than rural districts, ranging from 0.773 and 0.769 respectively for Nairobi and Mombasa, to 0.172, 0.256 and 0.267 respectively for the districts of Turkana, Wajir and Garissa (HDR 2006).

Key drivers of poverty in Kenya according to the PRSP are: inadequate economic growth; income inequality and unequal access to productive resources like land; natural shocks such as drought, floods and fire; inadequate spread and access to basic social services especially education and health; poor implementation of development programmes; lack of effective social policies and mechanisms and high incidence of diseases such as TB and HIV/AIDS. Increased trade flows are likely to further increase income inequality, if not countered by other policy measures (Bird, Kamau & Odhiambo 2007). Kenya's recent improvements in poverty reduction and income inequality have been attributed to recent policies that focus on increasing resources to the social sectors (education and health), infrastructure development, use of decentralised funds such as Constituency Development Fund and increases in per capita income (KIPPRA 2009). Additional implementation of distributional policies is considered important (KIPPRA 2009; Wambugu & Munga 2009). UNECA (1999) estimated that for African countries to reduce poverty by half by 2015, a sustained GDP growth of 8 percent annually is required, starting from the year 2000, a level Kenya has not yet attained and sustained despite the post 2003 recovery in economic growth.

Kenya's unemployment rate was estimated at 13 percent in 2006 as compared to 15 percent recorded during the Labour Force Survey in 1998/9 (KIPPRA 2009). Urban unemployment was higher than rural unemployment, respectively 20 and 10 percent in 2005/6 as compared to 25 and 9 percent in 1998/1999. The most frequent explanations of the causes of unemployment in Kenya include: rapid population growth; poor dissemination of labour market information; disparity of skills; structural reforms, slow or declining economic growth and high costs of labour (Wambugu, Munga & Onsomu 2009). Key employment challenges are: high youth unemployment, rapidly growing labour force, underemployment (i.e. the proportion of employed people who are involuntarily working less than the normal hours of work), and gender inequality in employment.

Unemployment is highest within the age groups of 15-19 and 20-24 in 1998/99 as well as in 2005/06 (Wambugu, Munga & Onsomu 2009) (Table 4.6). Female youth unemployment in these age groups was higher compared to male youth unemployment in 1998/99, while almost similar in 2005/06. Overall, youth unemployment is more than double the national unemployment rate. The level of underemployment is also relatively high. The rate of underemployment to the labour force is 21.4 percent. This rate was higher in rural areas (23.9 percent) than in urban areas (14.6 percent).

*Table 4.6: Unemployment rates in Kenya by age group and sex in percentage (1998/99 and 2005/06)*

Age (years)	1998/99			2005/06		
	Total	Males	Females	Total	Males	Females
15-19	24.1	21.8	26.4	19.0	19.2	18.8
20-24	27.1	19.0	33.9	32.6	31.1	33.8
25-29	15.5	8.2	21.6	20.9	20.2	21.5
30-34	10.8	4.8	16.8	8.3	8.1	8.5
35-39	8.4	5.0	11.8	6.6	6.6	6.6
40-44	9.1	7.8	10.6	5.0	5.6	4.5
45-49	8.2	4.9	12.5	3.5	3.5	3.5
50-54	8.7	6.3	11.1	2.1	2.6	1.7
55-59	13.5	14.2	12.7	1.4	2.0	0.9
60-64	11.7	7.5	15.7	0.6	1.1	0.2
<b>Total</b>	<b>14.6</b>	<b>9.8</b>	<b>19.3</b>	<b>12.7</b>	<b>11.2</b>	<b>14.3</b>

Source: Wambugu, Munga & Onsomu (2009).

The informal sector remains the major employer, accounting for more than three quarters of total employment. In 2005/6, 14 percent of employed Kenyans were estimated to be working in the formal sector, 36 percent in the informal sector, and 50 percent in agricultural self-employment (Pollin, Githinji & Heintz 2007). In 2006, informal sector employment grew by 6.5 percent, creating 410,000 new jobs compared to formal sector employment that grew by 2.8 per cent or 50,000 new jobs. Informal employment was estimated to have expanded from 7.5 million in 2007 to 7.9 million in 2008. The informal MSE sector is however characterised by a ‘missing middle’, being a lack of enterprises in the 11-50 employment size category. Only 9,041 MSEs fell into the category of “small” (with 11-50 employees); these small firms accounted for an estimated 154,267 workers, or 5 per cent of total MSE employment. The challenge for the Kenyan government is to increase the proportion of MSEs that grow to the next employment size. In addition, a large number of those employed in the formal sector are the ‘working poor’.<sup>31</sup> Table 4.7 shows that Kenya has a large proportion of this group compared to other regions of the world. The predominance of informal employment also raises policy questions related to the decency of employment. Sector analysis of employment reveals that the service sector is the main source of employment. In 2007, it accounted

for approximately 70 percent of employment, while the manufacturing sector accounted for almost 15 percent (Pollin 2007).<sup>32</sup> In terms of gender, formal sector employment is still male-dominated, with women accounting for about 30 percent of the total formal employment. Of female employees in the modern/formal sector, about 58 percent work in the community, social and personal services (KIPRA 2009).<sup>33</sup>

*Table 4.7: Distribution of Employment in Non-agricultural Household Enterprises*

	Total	Informal	Formal
<b>A. Sectoral distribution of employment</b>			
Services	69.9%	55.0%	14.9%
Manufacturing	13.8%	7.3%	6.5%
Agricultural*	4.4%	3.9%	0.5%
Construction	1.0%	0.8%	0.3%
Mining/quarrying	0.9%	0.8%	0.1%
Other/unknown	9.9%	9.9%	0.0%
<b>B. Categories of employment in household enterprises</b>			
Unpaid family members	37.2%	28.4%	8.8%
Own-account workers	34.1%	31.6%	2.6%
Employees	19.5%	10.0%	9.5%
Employers	3.0%	2.3%	0.7%
Other/unknown	6.1%	5.5%	0.7%

\* Non-agricultural enterprises may operate in agriculture-related activities, even if they are not directly engaged in agricultural production.

Source: Pollin (2007), based on calculations from 2005-06 KIHBS.

#### **4.5. National institutions for business and employment to address poverty and inequality**

##### *Institutions and MSEs*

During the 1960s and 1970s most of the poor and unemployed, especially in Nairobi, worked illegally in the informal sector in low-income areas and local government often demolished enterprises in these areas (Werlin 1994). In 1972 the ILO report on income and employment revealed the importance of the informal sector for the economy; furthermore, the government was urged to support the sector (ILO 1972). It still took more than 10 years for the Kenyan government's commitment to foster the growth of MSEs as one of the key strategies in the 1986 *Report on Economic Management for Renewed Growth*. This was reinforced as a priority in several policies.<sup>34</sup> The national Economic Recovery Strategy for Wealth and Employment Creation 2003-2007, identifies

SMEs and in particular ‘Jua Kali’ expansion as major activities for economic recovery and growth (GoK 2003c). This has been concretised and implemented through a number of acts.<sup>35</sup>

Global business pressures generated by globalisation and liberalisation have shifted emphasis from traditional factors of competitiveness (such as price reductions) towards new forms of competitiveness (such as innovation and knowledge creation). However, MSEs in Kenya operate within restricted levels of technology and most lack the capacity for modern technological adoption and absorption. Furthermore, a coherent and comprehensive technology and innovation policy framework is lacking (Moyi & Njiraini 2005). The institutional technology model in Kenya has been guided by the supply driven Appropriate Technology (AT) approach, rather than the demand-driven technological capability paradigm. It had minimal impact on the technological capacity of Kenya, focused mainly on MSEs and failed to narrow the gap between MSEs and larger enterprises (Aduda & Kaane 1999). The current technology model with the main technological support institutions of National Council for Science and Technology (NCST), Ministry of Labour and Human Resource Development (MLHRD)<sup>36</sup>, the private sector, NGOs and Kenya Industrial Research Development Institute (KIRDI), has several shortcomings and weaknesses. NCST is mainly responsible for technology policy design and regulation, based on an outdated science and technology policy (sessional Paper No. 5 of 1982 on Science and Technology for Development) which fails to address the specific technology concerns of MSEs. The main institutions that are closely linked to the NCST are statutory research institutions, including KIRDI. KIRDI also suffers from the problem of supply-driven rather than demand-driven research, and weak linkages between Research and Technology Organisations (RTOs) and MSEs on the one hand, and between RTOs on the other hand. Moyi and Njiraini (2005) indicate the need for increased public support, deepening of market forces, promotion of inter-firm linkages, developing mentoring programmes for ‘technopreneurs’ and promoting intellectual property rights.<sup>37</sup> Lessons also indicate that MSE associations, metrology and standards, research and development are critical in technology development. They suggest the shift to a new theoretical MSE technology model guided by the technological capacity approach, which is demand-driven, inclusive (National Council on Small Enterprise for formulation of technology policies for MSEs) and integrated. It is based on five pillars that include: the government; science, technology, engineering education institutions; innovation and technology markets; financial institutions; and business enterprises.

*Primary and secondary education and vocational training*

Institutions in the field of education were encouraged by the governmental policies on free education from 2003 for primary education and 2007 for secondary education. With the change towards education for all, and under pressure of international campaigns and the national Elimu Yetu campaign, non-formal education has been increasingly recognised and integrated into the educational system. The shift from quantitative access to quality improvements is still ongoing in the education sector, through the comprehensive Kenya Education Sector Support Programme (KESSP) (2005-2010) (RoK 2005).

Despite the expansion of the Technical and Vocational Education and Training (TVET) system in Kenya<sup>38</sup>, like in most developing countries it faces major constraints. These are among other things: lack of a coherent TVET national strategy and policy framework; lower enrollment capacity and effectiveness of training institutions due to underinvestment and policy neglect; limited role of the private sector in TVET provision; very limited links between industry and public training institutions in terms of apprenticeship and attachment training, curriculum development, and sponsorship; and inadequate meeting of skill needs of MSEs (Moyi & Njiraini 2005).

In 2005 a new national policy framework on Technical, Industrial and Vocational Entrepreneurship Training (TIVET) was formulated in Sessional Paper No. 1 of 2005.<sup>39</sup> After the recognition of underlying causes of unemployment, the African Development Bank (US\$ 42 million) supported TIVET project in Kenya, which aims at improved access, quality and relevance of skills development since December 2008. The project consists of four major components: Construction and upgrading of TIVET institutions; human capacity building and curriculum review and development; creation of centers of excellence and integration of ICT; and support to programme management.

*(Micro) finance*

Kenya's commercial banking and micro-finance sector have been strong and is considered a regional financial hub. Recently, micro-finance enabling regulatory frameworks for licensing and supervision of establishment, business and operation of any deposit-making MFI by the Central Bank have been introduced, in the *Microfinance Act* of 2006 (operational since May 2008) and additional *Microfinance Regulations of Central Bank of Kenya* of 2007. The Microfinance Act allows MFI deposit-taking and provides for protection of customers' deposits to a maximum of Ksh 100,000 (US\$ 1,200) as is the case with commercial banks.<sup>40</sup> The Kenyan banking sector comprises 44 licensed

commercial banks, and 2 mortgage finance companies, of which 33 are locally owned and 13 are foreign. There are 3 locally owned financial institutions with significant shareholding by the government and State Corporations (Consolidated Bank of Kenya, Development Bank of Kenya, National Bank of Kenya) (CBK 2009). About 70 percent of commercial banking is dominated by five commercial banks led by Barclays Bank and Standard Bank. Two former MFIs of K-REP Bank and Equity Bank were transformed into commercial banks in 1999 and 2004 respectively (Microcapital 2007). Registration as deposit-taking MFI under the MFI-Act remained limited to the two major MFIs of Faulu Kenya and Kenya Women Finance Trust (CBK 2009). The Association of Microfinance Institutions, with 42 member MFIs, therefore claims a self-regulating system for MFIs, to ensure that MFIs which are not able to meet CBK regulations have simpler regulations for preventing infiltration of MFIs with ill intentions into the sector (Daily Nation 2008a).

The informal private sector has for a long period been poorly organised. The functioning of associations under the Moi regime was often hindered and interfered with by the government. The Kenya National Federation of Jua Kali Associations (KNFJKA) was founded in 1992, four years after the recognition of the Jua Kali sector by President Moi and the formation of the Ministry of Research, Technical Training & Technology (MTT&T) in 1988. KNFJKA, however faced problems of politicisation and misappropriation of development funds, repression and instigation of internal conflict (König 1998). The Kenya Small Traders and Entrepreneurs Society (KSTES), which was often strongly opposed to the government, was not allowed to merge with KNFJKA. Informal street trade or hawking was not part of the positive re-evaluation of the informal sector during these years (König 1998). The street traders were exposed to harassment, insecurity and lack of infrastructure and services (Mitullah 2003b). With the placing of the informal sector or economy into the centre of the national economic recovery plan in 2003 - and the related growing importance given to payment of taxes - spaces for policy influence by informal sector associations opened up and national associations were increasingly built. The Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT) was for example initiated in 2003. It was built on the outcomes of a research on women street vendors between 1998 and 2000 and was officially registered in 2006 (The Street Trader 2006).<sup>41</sup> The Nairobi Informal Sector Confederation (NISCOF) formed in 2003 evolved from the NCBDA initiative. It was registered in 2005, after the failure to build the Nairobi Hawkers Association (NAHA) from 2001 onwards through leadership challenges and urban dynamics, and was requested to participate in the Kenya Private Sector Alliance. NISCOF among other things used participation in the Forum on the National Taxpayers Association to express

their willingness to pay tax in return for services from the government and CCN (Kamunyori 2007). KNFJKA also became a major member of KEPSA.

Other umbrella bodies of street vendors that already existed before 2000 are the Kenya Street Traders Society (KSTS), the Kenyan National Hawkers Association (KENAHA), and the Vendors Federation of Kenya (VEFEKE). These are often competing over positions and trustworthiness, despite Street Net International's advice to join hands. Sub-sector associations among others, are the National Jua Kali Exhibition and Marketing Association (NJEMA), the National Association for Technology Transfer and Entrepreneurial Training (NATTET), the Kenya Curios Jua Kali Association (KCJKA), and the Association of Makers and Exporters of Gift Articles (AMEGA).

### *Business licensing, registration and taxes*

Business licensing and registration have been major challenges for MSEs and other businesses in Kenya. These were introduced by the colonial administration predominantly for purposes of regulation and control, although also for tax collection (Mitullah 2006a). During the late 1990s traditional business licenses have been replaced with a Single Business Permit (SBP), with the simultaneous objectives of increasing local revenues and reducing regulatory compliance costs on businesses (Devas & Kelly 2001).<sup>42</sup> Devas and Kelly note that prior to the reforms of the late 1990s, one was required to meet a number of pre-conditions in order to obtain business licenses, such as health clearance certificates and tax payment receipts. These requirements could involve lengthy delays and often were beyond the capacity of the applicant to achieve. Defects of business licensing in Kenya prior to the reforms were among other things: First, high compliance costs to businesses due to multiple licensing and complex procedures; second, tariff structures which were illogical and did not reflect ability to pay; third, a process loaded with ineffective regulatory requirements which provided opportunities for rent seeking without actually protecting citizens from health and safety risks; fourth, poor administration and evasion which reduced the tax base and generated inequities; and fifth, a revenue source which generated relatively little income for local government, and little scope to increase the yield (Devas & Kelly 2001). Devas and Kelly argue that regulating businesses can be justified where there are market failures, but that licensing is often a crude form of regulation which may be less effective than other instruments such as codes of practice, producer insurance and liability assignment, or targeted taxes and subsidies.

The reform of business licensing took five steps. First, acknowledgment that the regulatory requirements were ineffective and created opportunities for corruption, and untying processes of public health and safety licensing from inspection of premises. Second, the law was amended to broaden the base to include all businesses and trades, including professions and occupations. Third, businesses were only required to have one Business Permit per premise, regardless of the range of activities carried out in the premises – hence the title Single Business Permit (SBP). Fourth, LAs were required to establish ‘one-stop-shops’, at which permits could be issued on the spot in exchange of the appropriate fee. Fifth, a standard tariff structure was established, which uses a generic classification of businesses into eight sectors and sub-divided into broad categories reflecting the scale or profitability of the business.

The results in terms of local revenue collection in 2006 were that Single Business Permit represented 16 percent of all local revenues (pre-SBP revenue from licenses was 7 percent) and 12 percent of total local authorities revenue.<sup>43</sup> SBP became the third most important source of revenue after national government’s Local Authority Transfer Fund and property-based collections (Ministry of Local Government 2006, quoted from Grava 2008). The ease of starting a business in Kenya ranked 110 and 124 (out of 183 countries) in 2009 and 2010 respectively (World Bank Doing Business website, consulted March 2010).<sup>44</sup>

The results in terms of enabling business development, through the reduction of compliance costs, rent seeking behaviour and corruption, remained limited. Based on a 2007 Assessment by the Government of Kenya’s Working Committee on Regulatory Reforms for Business Activity in Kenya, Grava (2008) outlines the major limitations. First, the single business permit is considered the most troublesome of all local government licenses. The system of implementation of the SBP by local authorities is not procedural; furthermore, the enforcement system adopted by the local authorities is crude. Fundamentally, the SBP has not been de-linked from other licenses. Second, LAs fee levels are too high. Most businesses are forced to close or bribe their way through the chain to continue operating, while others have been forced to reduce the size of operations as local authorities increase the fees according to the size of the business. On the one hand, an increase in a business’s economic activity is actually penalized by an increase in the fee category when conducting an annual renewal of the SBP. On the other hand, when an operation reduces activity there is no reduction in the level of the SBP fee. Third, annual payments are rigid and some businesses actually benefit based on the month they started businesses. Fourth, local services have not improved with the introduction of the SBP. Fifth, some Local authorities charge manufacturers simply for transporting goods through the local authority’s



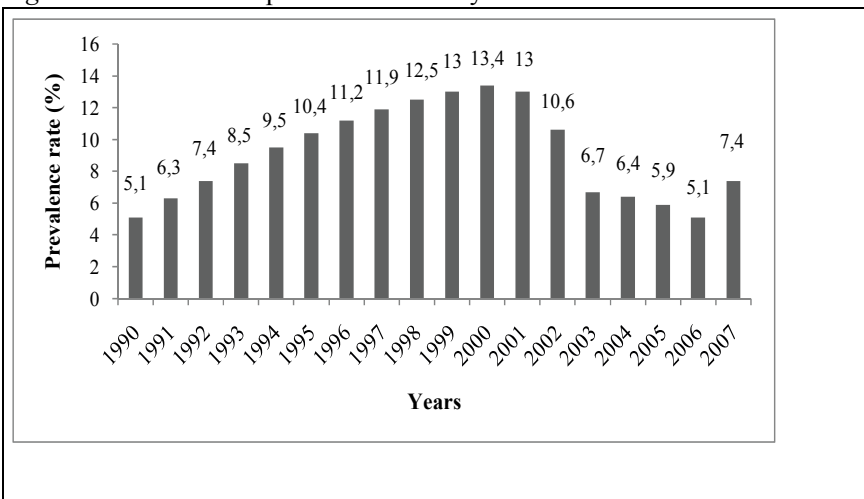
territory for distribution elsewhere. Sixth, local authorities continue to impose redundant licenses that should have been consolidated under the SBP. In addition, UNDP (2006) indicates that access and awareness of such legislations as well as other legal business requirements and information has remained largely confined to elitist business leaders.

### HIV/AIDS

HIV/AIDS continues to be a major challenge to Kenya's socio-economic development. It spread rapidly in Kenya during the 1990's reaching prevalence rates of 20 to 30 percent in some areas of the country. Prevalence subsequently declined in some sites in Kenya, but remained stable in others. Figure 4.7 shows the HIV/AIDS prevalence in Kenya between 1990 and 2007.

The HIV/AIDS prevalence rate among 15-49 year olds was estimated at 6.7 percent in 2003 (KDHS 2003) and at 7.8 percent in 2007 (KAIS 2007).<sup>45</sup> The percentage of women compared to men aged between 15-49 infected with HIV was higher both in 2003 and 2007, with respective rates of 8.7 and 9.2 for women and 4.6 and 5.8 for men.<sup>46</sup>

Figure 4.7: HIV/AIDS prevalence in Kenya

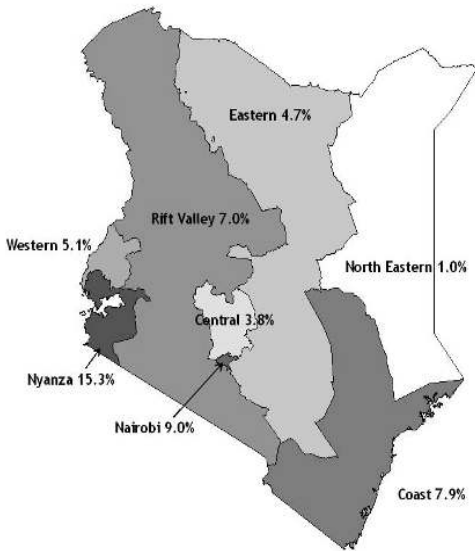


Source: KIPPR (2009), based on Ministry of Health (2007) Facts and Figures; NACC/NASCOP (2007).

The geographical distribution of HIV infections varies greatly across Kenya (Map 4.3). Prevalence is highest in Nyanza province, while high prevalence rates compared to the national rate are also found in Nairobi, Coast and Rift Valley (KAIS 2007).<sup>47</sup> Because of differences in population sizes of provinces,

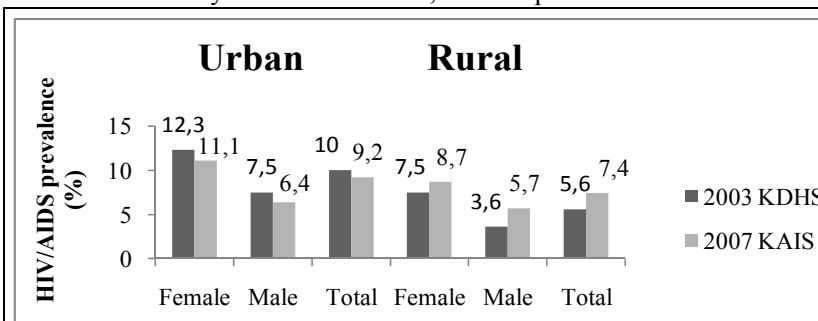
comparison of relative prevalence rates might provide a different impression than comparison of absolute prevalence rates. The relatively smaller area of Nyanza, Nairobi and Rift Valley accounts for half of all HIV infected adults. Urban residents aged 15-49 face a higher risk of HIV infection than rural residents, with urban rates decreasing and rural rates increasing between 2003 and 2007 (KDHS 2003; KAIS 2007) (Figure 4.8). Both in urban and rural areas women face a higher risk compared to men.

Map 4.3: HIV prevalence in Kenya by province in 2007



Source: Kenya Aids Indicator Survey (KAIS 2007).

Figure 4.8: HIV prevalence among participants 15-49 years old in KAIS 2007 and KDHS 2003 by sex and residence, with 95 percent CI.



Source: Kenya Aids Indicator Survey (KAIS 2007).

In 1999 the government of Kenya declared HIV/AIDS a national disaster and established the National Aids Control Council (NACC) (GoK 2005). It facilitated the Kenya National HIV/AIDS Strategic Plan (KNASP I; 2000-2005), which set out a multi-stakeholder response to the epidemic jointly agreed by stakeholders within the government, civil society, the private sector and development partners. The five main components of KNASP were: prevention and advocacy; treatment, continuum of care and support; institutional arrangement, management and coordination; monitoring and evaluation (M&E) and research; and mitigation of socio-economic impact (GoK 2005). KNASP II (2005/06-2009/10) aimed to reduce the spread of HIV, improve the quality of life of those infected and affected, and mitigate the socio-economic impacts of the epidemic; moreover its target was an HIV prevalence rate below 5.5 percent. KNASP III (2009/10-2012/13) aims to be more responsive to the changing character of the epidemic, evidence based and to include aspects of emergency management and preparedness. The KNASPs have been supported through the World Bank Multi-Country HIV/AIDS Programme (MAP) 2000-2005 for the Africa region and the 2007-2011 Total War Against HIV/AIDS (TOWA) Project. Purpose of the KNASP is to provide an action framework for HIV/AIDS within which all interventions in HIV/AIDS in Kenya take place. The KNASP is not intended to replace or duplicate sectoral HIV/AIDS strategies, nor does it include detailed operational and implementation plans, or detailed budgets for specific interventions. Rather, the KNASP provides the framework within which such strategies, plans and budgets should be formulated, monitored and coordinated.

#### **4.6. National policies in land, tenure and housing to address poverty and inequality**

##### *Land and tenure*

Land is a key driver of poverty and inequality in Kenya, both for its role in determining the pattern of development and its significance to social and political stability (World Bank 2008a).<sup>48</sup> It needs to be considered in the context of history and governance.

During colonial times the most fertile land fit for agriculture was appropriated from the local population by the settlers across the country, especially around Mount Kenya and in the Rift Valley. The earlier informal communal land system was blocked into trust, crown and private lands, and a cash economy was introduced. In 1891, the first land regulations for Kenya were published. These rules formed the formal framework for land administration and provided for 21 year leases of land. Additional land regulations in 1897 allowed the

colonial administrator to grant land occupancy certificates for periods not exceeding 21 years. The Crown Land Ordinances (CLO) of 1902 and 1915 defined the course of land policy in Kenya. CLO 1902 empowered the Commissioner of Lands to grant leases on Crown Land, excluding land in the actual occupation of native villages. The Commissioner could also grant freehold titles to parcels up to 1000 acres, 99 year leasehold titles and temporary occupation licenses for up to 5 years. This ordinance did not deal with the question of the extent of indigenous land rights. In CLO 1915 Africans were restricted within native reserves and could not own land outside these reserves. All land in the protectorate (including the native reserves) was declared Crown land subject to the governor's power of alienation. This resulted in the loss of ownership and land rights for indigenous populations. The Native Land Ordinance of 1938 built on the recommendations of the Carter Land Commission set up by the colonial government in 1933 in response to land grievances from indigenous populations. This law provided additional land for native reserves and removed them from Crown land. The White Highlands came under a White Highlands Board, while native lands came under a native Land Trust Board. All these historical events led to the current dual land system of customary and statutory tenure in Kenya, which is present in many formerly colonised (Anglo-Saxon as well as French) sub-Saharan African countries. Official public figures indicate that currently government land comprises 10 percent, private land 20 percent and communal land (held in trust by county councils) 70 percent of the total land area (Mwenda 2001).

Land policy reforms in Kenya can be differentiated into individualisation of land tenure, land redistribution and alienation of public land. The shift from customary tenure to individualised freehold tenure for indigenous populations in Kenya was provided for through the Swynterton Plan of 1955. This followed land related unrest in the native reserves, which triggered a political uprising in the early 1950s. The plan aimed to reduce the claims for redistribution of land (especially in the White Highlands) through enabling increased productivity in African agriculture and growth of a land market in native reserves. Individualisation of land tenure in the former native reserves (now called trust land) has been carried out through a systematic adjudication programme since the 1950s and continues today. It is implemented through the 1959 Land Consolidation Act (LCA) and the 1968 Land Adjudication Act (LCA) used for adjudication of existing rights respectively in consolidation areas where fragmentation is deemed to be excessive and in enclosure areas where parcels are not severely fragmented. Registration of parcels is done under the Registered Land Act (RLA) and transactions under the Land Control Act (LCA). By 1999 more than 1,5 million titles covering 8 million hectares had been issued under the individualisation programme (Njenga 2004). The

programme only covered 14 percent of total trust land area, among other things through the prolonged and numerous land boundary and ownership disputes (20,500 cases up to currently).

Land redistribution first of all occurred through settlement schemes started by the colonial administration and inherited by the post independence government. The settlement schemes were set up to accommodate the landless who had been displaced either by the application of colonial land laws or by tenure reform in native reserves, and those who were squatting on white highlands outside the reserves (Lamba 2005). The Kenyan government bought land from departing white settlers at market price and through the Settlement Fund Trustees (SFT) under the Agriculture Act provided for loans to enable new indigenous settlers to purchase settlement plots from the government. This programme was funded by the British government, the Commonwealth Development Corporation and World Bank. The resettlement schemes between 1961 and 1965 did however not lead to the initial goal of settling the landless. Less than 5 percent of the population benefitted, especially the new mainly African political elite. In the Rift Valley, the allocation of land to Kikuyu settlers during both the late colonial and early independence days, caused resentment by the resident Kalenjin, who looked upon the Kikuyus as ‘outsiders’ (Branch & Cheeseman 2008). In total 418 settlement schemes have been established country-wide covering more than one million hectares (Mwenda 2001). Another strategy for land redistribution is the subdivision of company and cooperative farms and registration of individual titles. Individual titles are registered under the RLA, while farmers maintain their own records of group members and shares. By 1999, 2700 such farms covering 2.2 million hectares had been registered and issued with titles (Mwenda 2001). Land redistribution through subdivision of ranches provides for the issuing of group titles to group representatives while a list of names of group members is kept in a group register under the 1968 Land Group Representatives Act (LGRA). 387 ranches have been registered to date, covering more than 2.5 million hectares (Njenga 2004). Public land alienation concerns land tenure reform through transfer of public land rights from the state or local authority to individuals. After independence all land in Kenya, which had been appropriated to the Crown under British rule, was renamed government land held in trust by the president or the local government on behalf of the communities. Leasehold grants up to 99 years, originating from the Crown Land Ordinances, may still be issued by the Commissioner of Lands for development purposes under the Government Lands Act (GLA). More than 230,000 (the majority) leasehold titles to public land have been issued over the last century (Mwenda 2001). Local authorities may also ‘set apart’ portions of Trust land and request the Commissioner of Lands to issue letters of allotment to individual allottees for development purposes under the 1939 Trust Land Act (TLA). The Government

Lands Act provides that before public land is allocated, the Commissioner of Lands, as the final authority in the process, should advertise that land and sell it at a public auction to the highest bidder (Syagga et al. 2001). Yet due to a system of political patronage it is not only the ability to pay, but also political considerations which determine access to land.

Since the 1980s, injustice favours and corruption in the administration and management of land allocation, have come up as major issues in public debates (World Bank 2008a).<sup>49</sup> In recent years (especially just before and after the change of reign from KANU to NARC) there have been lively public debates over land. A number of civil society organisations such as the Kenya Land Alliance and individuals have been engaged in the policy and legislative debates. Many major investigation and policy initiatives were initiated, including: the Presidential Commission into the Land Law system of Kenya (Njonjo report, GoK 2002); the Constitution of Kenya Review Commission (Chapter on Land) Commitment for a National Land Policy Process; the Presidential Commission into the Illegal/Irregular Allocation of Public Land (Ndung'u report, GoK 2004c); the Kenya Economic Recovery Strategy for Wealth and Employment Creation 2003-2007, which commits to implementing the Njonjo report; the National Land Policy (NLP) formulation process, which commenced in 2004 and provides for a multi-sectoral approach in policy implementation and recently (June 2009) culminated in the adoption of the formal policy aligning with Agenda Item 4 and the AU Framework and Guidelines for Land policy in Africa of July 2009; the Land Reform Support Programme and Land Information Management System Programme, which integrate land policy development with institutional transformation arrangements and preparation for implementation (UN-Habitat/DPGL 2009).

Some of the major areas of concern in the National Land Policy are (World Bank 2008a): 1) Conversion of land from communal to individual ownership and registration before and after the national independence, which involved some of the land that is claimed by pastoralists and resulted in longstanding conflicts in land use especially in the Rift Valley; 2) Access of women to land, especially through inheritance. While the Constitution provides for equal access, there is a clause which exempts for devolution of property at death. As culture and traditions support male inheritance and as family laws are not sensitive to gender, access of women to land ownership has been adversely affected; 3) Reform of current organisations – including the Ministry of Lands and Housing as well as many other central and local government authorities involved in the administration of private lands – which have been regarded as inefficient, corrupt and ineffective (Ministry of Lands and Housing 2005). Authority for land allocation which is currently anchored in the presidency and delegated to the Commissioner of Lands would be reformed, so that it is given

to a National Land Commission and to District and Community Land Boards. The commission and boards would then become responsible for – more responsive and accountable - land administration and the ministry especially for policies and regulatory issues.<sup>50</sup>

Table 4.8 presents an overview of the legal framework for land management in Kenya. The land administration system will not be discussed in detail here.

*Table 4.8: Overview of legal framework for land management in Kenya*

<b>Function</b>	<b>Legislation</b>	<b>Administering authority</b>
<b>Land adjudication and consolidation</b>		
1. Enclosure areas	Land Adjudication Act	Director of Land, Adjudication & Settlement/ Director of Surveys/ Chief Land Register
2. Consolidation areas	Land Consolidation Act	Director of Land, Adjudication & Settlement/ Director of Surveys/ Chief Land Register
<b>Land redistribution</b>		
1. Settlement	Registered Land Act	Director of Land, Adjudication & Settlement/ Settlement Fund Trustees/Director of Surveys
2. Subdivision of company and cooperative farms	Registered Land Act	Director of Surveys/Chief Land Registrar
3. Group ranches	Land Group Representatives Act	Director of Surveys/Chief Land Registrar
<b>Alienation of public land</b>		
1. Government land	Government Land Act	Commissioner of Lands (on behalf of President)
2. Trust land	Trust Land Act	Commissioner of Lands (on behalf of LA)
<b>Cadastre</b>		
1.Survey	Survey Act	Director of Surveys
2.Mapping	RLA/RTA/LTA/SPA	Director of Surveys
3.Apartments	Sectional Properties Act	Director of Surveys
<b>Land registration</b>		
1.Conversion areas	Registered Land Act	Chief Land Registrar
2.Non conversion areas	Registration of Titles Act	Principle Register of Titles
3.Parts of Coast region	Land Titles Act	Registrar of Titles/Land Court
4.Sectional properties	Sectional Properties Act	Chief Land Registrar
<b>Land use planning and control</b>		
1.Religious land (Muslim)	Waqf Commisioners Act	Kadhi's Court
2.All other land	Physical Planning Act	Director of Physical Planning/CEO/LA
<b>Land taxation/revenue collection</b>		
1. Land tax	Various	Various
2. Land fees	Various	Various
<b>Land transfer</b>		
1. Agriculatural land	Land Control Act/RLA	District Commissioner/Chief Land

## Chapter 4

2. Non agricultural land	Registered Land Act/Registration of Titles Act	Registrar Chief Land Registrar/Principle Registrar of Titles
3. Land registered under Crown Land Ordinance/Land Titles Ordinance	Indian Transfer of Properties Act	High Court of Kenya
<b>Land dispute resolution</b>		
1. Ownership (fixed boundary)	Various	High Court of Kenya
2. Ownership (general boundary)	Land Dispute Tribunals Act	Magistrate's Court of Kenya
3. Boundary (fixed)	Survey Act	High Court of Kenya
4. Boundary (general)	Registered Land Act	Chief Land Registrar
<b>Environmental conservation</b>	Environmental Management & Coordination Act	National Environmental Management Authority

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Source: Lamba (2005).

### *Housing*

Provision of shelter has been a major challenge, with the authorities unable to keep pace with the authorities estimating estimated growing annual housing need too modestly at 40,000 units by 1990, 80,000 units by 2000 and 150,000 units by 2003 (COHRE 2006; see also Kusienya 2004). Housing policies were characterised by internationally informed sites and services schemes for self help housing during the 1970s, followed by a *laissez-faire* approach in the context of structural adjustment programmes and ‘paper policies’ during the 1980s and 1990s (see also chapter 5.2). In December 2003 the government formulated a National Housing Policy and a National Housing Development Programme (NHDP) 2003-2007 to operationalise the policy. The bill proposes the establishment of a National Housing Fund to support future housing development. A draft Housing Bill was published and discussed with stakeholders (Republic of Kenya, 2006; COHRE 2006). This bill among other things aims to affirm and facilitate progressive realisation of the right to adequate housing, makes provision for the development of eviction guidelines, and proposes the establishment of a tribunal to adjudicate complaints. There is however no indication as to whether the eviction guidelines will draw on international law. The bill also lacks a clear provision or system for incremental slum upgrading, whereby communities who wish to commence upgrading can instigate the process within an official institutional framework. Some aspects of the draft housing bill might even hinder slum upgrading projects. The only significant step has been that the government’s programme for Integrated Land and Urban Sector incorporates slum upgrading as one of its key components (COHRE 2006). The Kenya Slum Upgrading Programme was initiated in 2000 through an agreement between the Kenyan government and UN-Habitat under former president Moi and renewed under the NARC



government in January 2003. KENSUP aims at simultaneous slum upgrading and development of a slum upgrading policy contributing towards eradication of Kenyan slums by 2015 (KENSUP 2001). The programme has started within selected slums within the statutory, regulatory and legal boundaries of the Nairobi city council, the Kisumu municipal council and the Mavoko municipal council. The KENSUP document also expresses the will to enable a demand-driven approach. COHRE (2006) indicates that the additionally needed slum upgrading policy and institutional framework should not only include a mechanism for participation but also a mechanism for accountability, lodging and hearing formal complaints. It also pleads for commissioning independent evaluations of slum upgrading projects on a regular basis.

More adaptive and facilitating housing regulations were initiated during the 1990s as part of the official and dominant approach of ‘enablement’ to housing policy informed by the neo-liberal agenda. Regulations that were seen as inhibiting to the development of the low income housing sector were repealed. Major regulations in this regard are the so-called ‘Code 95’ regulations, which redefined a dwelling house and eased standards for housing construction (Syagga et al. 2001).<sup>51</sup> Adaptive standards were applied in Nakuru, while CCN as well as the Ministry of Lands and Housing in regard to KENSUP have sought not to make use of it (Huchzermeyer 2008). In addition, Code 95 did not anticipate multi-storey rooming. It did however make provision for a – never installed - Building Code Review Board, to ‘keep under review all the planning and building by-laws in Kenya to ensure their relevance and applicability to the development of affordable, safe and sanitary housing and other urban facilities (Interministerial Task Force 1992; see also Huchzermeyer 2008).

Housing finance in Nairobi and the wider Kenya has been largely left to private and semi-private organisations, keeping housing finance largely out of the reach of low-income populations. Major actors in formal housing finance are the Housing Finance Company of Kenya (HFCK), the East African Building Society (EABC), Savings & Loans (S&L) and the National Housing Corporation (NHC) (Syagga et al. 2001). The HFCK provides for long term mortgages. The EABC - and funds of the other two remaining Building Societies (Equity Building Society; Family Finance Building Society) - also cater for long term mortgages for a small segment of the formal housing market.<sup>52</sup> Prohibitive loan requirements and high interest rates, between 20 and 30 percent (Syagga et al. 2001) excludes low-income and most of middle income citizens from accessing mortgage finance. S&L caters for commercial loans. The NHC was intended to channel government funds into housing and the principle of cost recovery through provision of secured loans limits accessibility to formal employed middle-income groups.<sup>53</sup>

The public sector itself also largely fails to accommodate the need for low-income housing. Inaccessibility of housing finance for the poor was recognised by the first post-Moi government in the Housing Policy of July 2004 (GoK 2004b). This has however largely remained a 'paper policy', as the proposed Slum and Low-Cost Housing Infrastructure Development Fund has never been capitalised, while the earlier exchequer allocation of funds for housing, including rural housing loans, collapsed. The 2004 housing policy - in addition to the failed private financing agreement - recommends amendment of the Retirement Benefits Authority Act to allow 10 percent statutory and pension funds held by the National Hospital Insurance Fund (NHIF) and the National Social Security Funds (NSSF) to be lent for housing.

The failure of private and public sector organisations to cater for low-income housing needs leaves upgrading programmes largely dependent on international donors. At least 80 percent of the Kenya Slum Upgrading Programme is funded by donors (Cities Alliance) and 20 percent by the Kenyan government. Other major slum upgrading programs were funded by the German government and the Italian government.

Micro-finance for low-income housing is an alternative channel, though often includes mainly lower middle-class or middle-class citizens, especially because of higher interest rates to meet conditions of rotation. Low-income housing delivery through savings - often in combination with micro-finance for low-income through NGOs - can be a viable alternative, though remains limited in scale. Examples are cooperatives supported by NACHU, Jamii Bora and Muungano wa Wanavijiji/Akiba Mashinani/Pamoja Trust.

#### **4.7. Conclusions**

This chapter analysed the opportunities and constraints of the national institutional context and structures for individually claimed spaces, collectively claimed spaces and invited spaces. The influence on the processes and impacts of the selected spaces will be discussed in further detail in the subsequent chapters on the research findings.

Individually claimed spaces of social, organisational and political relations are accommodated and constrained by cultural patterns of ethnicity, kinship ties, clan structure, extended family system, reciprocity (including: patronage and clientelism), age-group-systems and patriarchy. The positive side of these cultural patterns is the provision of a sense of social security and access to material and non-material resources such as jobs, land, housing, business, finance and a sense of belonging. The negative side is that these cultural

patterns often largely constrain people through dependency and exercise of power in relations in favour of the patron. In addition patriarchy and age-group-systems have led to exclusion and dependency of women and youth in large shares of Kenyan society. Exclusion at the same time leads to networks that transcend ethnicity and kinship ties. Large groups of excluded people can become a political factor in elections over power positions as the latest election campaigns showed with regard to youth. Furthermore, individually claimed spaces are increasingly accommodated by the national regulatory frameworks for private sector development, business development and increased employment, organised under the national Economic Recovery Strategy for Wealth and Employment Creation (2003-2007) and the national development strategy Vision 2030. These regulatory frameworks, which were introduced in a supply driven way by national government and supporting international aid agencies, include an increased recognition and enablement of the role of the informal sector for economic growth and employment.

Collectively claimed spaces by civil society have been increasingly constrained since independence and returned to the level reached just before independence in the 1990s, mainly due to the shift in policies of international development agencies towards supporting and directly funding civil society, instead of the government. Social movements and collective action have largely focused on collective consumptive action and consumers' rights and to a small extent on action to change political rules and national institutions. With regard to access to land and tenure, national institutions of housing policies and regulations have been restrictive or remained 'paper policies'. The public sector largely fails to accommodate the need for low-income housing. Housing finance was predominantly left to (semi-) private organisations, keeping housing finance largely out of the reach of low-income populations. Catering for low-income housing needs through upgrading programmes is left dependent on international donors. A clear provision or system for incremental slum upgrading, whereby communities who wish to commence upgrading can instigate the process within an official institutional framework, is however failing. The hybrid mechanisms of land buying companies, cooperatives, societies and trusts provide some space for access to the land for the people. These mechanisms build on post-independence resettlement policies and facilitate collective formal land access and informal subdivision of plots.

Invited spaces have reluctantly emerged in the context of the (re)introduction of multi-party politics, especially through negotiations at the local level by coalitions of opposition politicians, civil society and international donors during the 1990s. The introduction of multi-party politics could however, not warrant a long term difference in political culture between opposition and ruling parties, while central government also increased its dominance. Expansion of

## *Chapter 4*

invited spaces through devolution has until recently not succeeded and has been debated among other things in the contentious constitutional review process which is currently still pending, largely due to the ruling elite protecting its own interests even after the defeat of the KANU regime under Moi. The Reform Agenda of the Grand Coalition MoU formulated after the December 2007 post-election crisis might however provide opportunities to accelerate decision-making over constitutional review and forms of decentralisation. Until now decentralisation has however remained limited to fiscal decentralisation, through a number of devolved funds initiated towards the end of the 1990s and especially within the last two years of the NARC government. These funds transfer a small percentage (though still considerable amount of money in absolute numbers) of national income tax to local authorities and constituencies for reduction of inequality and poverty at grassroots level. The increasingly accommodating regulatory frameworks and policies organised under the Economic Recovery Strategy 2003-2007 and Vision 2030 also provide extra invited spaces for consultative policy-making with regard to enabling policies. These spaces primarily include formal private sector alliances, though increasingly include informal sector associations either through direct or indirect representation. Consultations in practice however often remain limited to ad-hoc implementation issues rather than longer term policies. Overall, voice and accountability and regulatory quality have been increased through invited spaces during the 2000s. However, the functioning of these spaces remains heavily constrained by political instability, lack of government effectiveness, weak rule of law, and a lack of control on corruption. The next chapter discusses metropolitan institutions, how these relate to national institutions, and how they influence claimed and invited spaces.

## Notes

<sup>1</sup> Regional comparison of urban growth rates and slum growth rates between 1999 and 2005 shows highest rates for sub-Saharan Africa (UN-Habitat 2005, Global Urban Observatory; UN-Habitat 2006). For regions with similar urban and slum growth the respective growth rates were: Sub-Saharan Africa 4.58 and 4.53; Western Asia 2.96 and 2.71; Southern Asia 2.89 and\* 2.20; For regions with significantly higher urban growth than slum growth the respective growth rates were: South-Eastern Asia 3.82 and 1.34; Eastern Asia 3.39 and 2.28; Northern Africa 2.48 and – 0.15; Latin America/Caribbean 2.21 and 1.28. For the developed world the respective growth rates were 0.75 and 0.72, while for the whole world 2.24 and 2.22. The average sub-Saharan African urbanisation rate compared to the average total population growth rate between 2005 and 2010 is: East Africa (4.05 vs 3.92), West Africa (4.02 vs 4.03), Southern Africa (2.56 vs 1.47) (UN-Habitat 2008).

<sup>2</sup> World Bank (2008) indicates that the share of youth (15-29) has risen slightly in the last two decades and is expected to remain at around 30 percent. The infant (0-4) and child (5-14) ratio to total population fell between 1988 and 2005, and is expected to fall further.

<sup>3</sup> The age-dependency ratio is calculated as the population aged below 15 and above 64 years over the working-age population, mainly aged 15 to 64 years.

<sup>4</sup> KANU was concentrated in Central Province, part of Eastern province and Nyanza province. KADU was largely concentrated in Rift Valley and western and coastal areas. APP was concentrated in Eastern province. (Mitullah 2004).

<sup>5</sup> FORD was split into FORD-Asili and FORD-Kenya in mid-1992. FORD-Kenya was again split in September 1993 along ethnic lines and led to the separation of FORD-Kenya led by Raila Odinga and Wamalwa Kijana and the revived GEMA (Gikuyu, Embu and Meru Association) led by Paul Muite and Gitobu Imanyara.

<sup>6</sup> Demonstrated by the appointment of anti-corruption activist John Githongo, from Transparency International Kenya to the new position of permanent secretary of anti-corruption in the President's Office.

<sup>7</sup> See also figure 4.2 for an overview of the whole constitution review process.

<sup>8</sup> The KNDRA consists of three short term and one long term agenda items: 1) Immediate action to stop violence and restore fundamental rights and liberties; 2) Immediate measures to address the humanitarian crisis, promote reconciliation, healing and restoration; 3) How to resolve the political crisis; 4) Long term issues and solutions matrix of implementation agenda (constitutional reform; institutional reform: judiciary, police, civil service, parliament; land reform; poverty, inequality and regional imbalances; unemployment, particularly among the youth; consolidating national cohesion and unity; transparency, accountability and impunity).

<sup>9</sup> Currently ODM holds 99 seats, PNU 43 seats, ODM-K 16 seats, KANU 14 seats. The opposition ODM and its affiliates have 104 seats and PNU and government-affiliate parties have 103 seats.

<sup>10</sup> Power has been mainly concentrated at central government level and often related to the security force during colonial times.

<sup>11</sup> APRM is an instrument 'voluntarily' acceded to by member states of the African Union as an African self-monitoring mechanism. Its mandate is to secure policies and practices of the participating states, ensuring they conform to the political, economic and corporate governance values and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance approved by the AU summit in Durban, South-Africa, 8 July 2002. It requires African states to subject themselves to self-assessment by their own citizens followed by external review through a panel of distinguished African leaders. Kenya acceded APRM in March 2003 and engaged in a long and vigorous national consultative and review process culminating in a comprehensive APRM country review report and a National Programme of Action. Following the 2005 peer review, Kenya developed the 'Sustaining the Dialogue Programme' which looks specifically at sustaining

the dialogue created with citizens throughout the APR process and aims at a structured platform from which to monitor, evaluate and influence public policy, reforms and programs on a regular and continuous basis. In the fourth quarter of 2009 a review of the domestication of the NEPAD/APRM process in Kenya is undertaken (UNDP 2009).

<sup>12</sup> The Parliamentary Select Committee (PSC) on the Constitution, which debated contentious issues of the harmonised draft Constitution prepared by the Committee of Experts, in January 2010 opted for a presidential system checked by Parliament, the Judiciary and regional governments (and in order to deepen the separation between Parliament and the Executive, Cabinet Ministers will not be MPs), rather than a parliamentary or hybrid system. A report of the Committee of Experts to the PSC on the views expressed by the public indicated that Kenyans did not favour the hybrid system of government. Both partners in the coalition, ODM and PNU, were then said to favour a presidential system, which would avoid the current ('unworkable') situation of two centres of power in the Grand Coalition since early 2008. The PSC also supposedly tended to favour a two-tier system of devolution (national and regional) (Daily Nation 2010). In April 2010 parliament however gave up trying to make changes to the proposed constitution and approved it as was written by the Committee of Experts (The Standard, 2010). This raises the chances that it will be the people to decide in the referendum on the proposed constitution.

<sup>13</sup> Kenya has been ranked 96 out of 102 (CPI 1.9) in 2002, 122 out of 133 in 2003 (CPI 1.9), 129 out of 145 (CPI 2.1), 144 out of 159 in 2005 (CPI 2.1), 142 out of 163 (CPI 2.2) in 2006, 150 out of 179 (CPI 2.1) in 2007, 147 out of 180 (CPI 2.1) in 2008, and 146 out of 180 (CPI 2.2) in 2009 (Transparency International 2003/4/5/6/7/8/9).

<sup>14</sup> Nasong'o (2007) concludes that conditions for successful reform of the political rules of the game, in contexts where multi-party elections are introduced as the first step, are inter-party agreement on reform and extended donor pressure beyond permitting multi-party elections and including inter-party agreement. Although having great potential to impact politics, CSOs in Kenya faced five key constraints to effectively contribute to democratisation. First, lack of a clear-cut definition of the objective and agreement on strategies to be employed by the Kenyan movement for democratisation. Like elsewhere in Africa, the democratisation effort in Kenya suffered from overpersonalisation of the crisis in governance and the contradictions inherent in African politics. Only seldom it was defined in terms of constitutional change. A mere change of guard is not in and of itself a basis for a new mode of politics, notwithstanding the claims and promises of the new ruling elite to the contrary. Second, the crisis of leadership within the pro-democracy movement in Kenya. The leadership was bifurcated between civil society personalities (a.o. Kibwana, Mutunga, Maathai) and politicians marginalised from politics (a.o. Oginga Odinga, Moliro, Nthenge) and lacked capabilities of strategic thinking and planning, effective mobilisation and inspiration. Third, the failure of the pro-democracy movement to articulate an ideology to unify its varied elements and catalyse the commitment of its followers to action for social change. No credible alternatives to the political agenda and policies were formulated. CSOs tended to capitalise on the unequal distribution of the externalities of SAPs, general socio-economic and political dislocation and to identify with any source of pressure directed at the incumbent KANU regime including the aid crunch on the country and the shock therapy prescriptions of IMF/World Bank. Fourth, lack of fanatic and passive sympathisers in addition to the many ideological sympathisers of the pro-democracy movement. The pool of fanatics was narrow and limited to the unemployed and underemployed urban youth (especially in Nairobi, Kisumu, Kiambu and Nakuru and closely associated with specific politicians like Kenneth Matiba and Raila Odinga), while most Kenyan remained passive sympathisers. Fifth, external linkage with international donor/lenders/nations/international monitors rather than loyalty and support of domestic constituencies made the pro-democracy movement vulnerable to accusations of being programmatic appendages of international

funding agencies. Furthermore, some CSOs were criticised over misuse of international funds for self-advancement and personal accumulation.

<sup>15</sup> The current constitution review process has become part of the Reforms Agenda Item 4 and is carried out through a Committee of Experts rather than a consultative process. Ghai (2008), who formerly chaired both the Constitution of Kenya Review Commission and the Kenyan National Constitutional Conference at Bomas, notes that the text of the draft constitution has not been amended in any way in the light of the December 2007 electoral crisis and violence and consequently reflects a pre-crisis perspective.

<sup>16</sup> Disbursement of LATF funds increased from Ksh 1 billion in 1999/2000 to Ksh 5.6 billion in 2005/6. Disbursement of CDF funds increased from Ksh 1.26 billion in 2003/4 to Ksh 10.04 billion in 2006/7. Disbursement of the RMLF increased from Ksh 6.6 million in 1999/2000 to Ksh 8.7 billion in 2004/5. Disbursement of the REPLF rose from Ksh 672 million in 2002 to Ksh 1.8 billion in 2004. Disbursement of FPEF increased from Ksh 4.8 billion in 2003/4 to Ksh 7.8 billion in 2005/6. Disbursement of the SEBF increased from Ksh 25 million in 1998/9 to Ksh 536 million in 2000 and 1.43 billion in 2005/6 (KIPPR website consulted January 2010; Kibua & Mwabu 2009; CGD 2007).

<sup>17</sup> Although referring civil society, it is worthwhile to mention here the establishment of the National Taxpayers Association ('Pesa Zetu, Haki Yetu') in September 2007. The impetus for this initiative was the growing frustration among citizens and civil society organisations regarding the use of taxpayer's money in socio-economic development focused devolved funds, such as the Constituency Development Fund (CDF), Local Authority Transfer Fund (LATF), and the Constituency Bursary Fund (CBF), among others. NTA donors are DFID, SIDA, CIDA, GTZ and World Bank (NTA, website consulted January 2010).

<sup>18</sup> Kobia & Mohammed (2006, based on GoK 2004) indicate that the core civil service reduced with about 30% between 1992 and 2003 from 272,000 to 192,670 employees. This was amongst others through a Voluntary Civil Service Retirement Scheme for civil servant in job groups A-G linked to staff rightsizing initiatives and rationalisation of government functions and structures through which 42,132 civil servants retired. Besides it was through retrenchment of 23,448 civil servants in 2000 linked to rationalisation of government structures/ departments to determine appropriate structures and optimal size of the civil service for effective performance of the government's core functions within budgetary limits.

<sup>19</sup> The concept of performance contracting was first introduced in the management of state corporations in 1989 (Kobia & Mohammed 2006).

<sup>20</sup> In June 2007, Kenya was among 14 countries that won the prestigious United Nations Public Service Award (UNPSA) for its extensive system of performance-based contracting and for fostering responsiveness and accountability in the civil service. The other countries that won the award are Australia, Austria, Azerbaijan, Chile, India, Lebanon, Morocco, Korea, Singapore, South Africa, Switzerland and the United Arab Emirates (KIPPR 2009).

<sup>21</sup> Recent literature increasingly demonstrates that the uncertainty surrounding the introduction of the requisite wide-ranging policy, institutional and legal reforms in the local government sub-sector, Kenya has since the mid-1990s initiated and pursued incremental reforms (Oyugi 2005; Steffensen et al. 2004). These foremost have focused on improving the 'softer' fiscal aspects of local authorities (LAs) without, to date, substantial institutional, legal and policy streamlining.

<sup>22</sup> Studies show that real GDP growth in a number of sub-Saharan African countries has been above 5 percent annually over a three year period (IMF 2007). This is especially the case for mineral and oil exporters, but also in 6 non-mineral sub-Saharan African countries (World Bank 2008). Concurrently, the sub-Saharan African population growth rate of 2.3 percent is also high and undermines efforts and resources to improve standards of living and reducing poverty. It is estimated that at the current population growth rate, sustained average real GDP growth of about 7 percent per year would be required to attain the Millennium

Development Goal of reducing poverty levels in sub-Saharan Africa by 50 percent by 2015, although this would vary by country (EC 2006).

<sup>23</sup> Under ISI Large industry was supported by high tariffs, foreign exchange control, import licensing and various regulations governing trade on the domestic market (UNDP 2005).

<sup>24</sup> Especially through the replacement replacement of textile industries with imports of second-hand clothing and the establishment of second-hand motor vehicle refurbishment assemblies predominantly imported from Dubai (UNDP 2005).

<sup>25</sup> These finished products include vegetable oils, sugar, soap, plastic products, cement, paper, medicaments, and flat rolled iron products.

<sup>26</sup> Duty-free export under the EAC Customs Protocol from Tanzania and Uganda to Kenya was already operative from January 2005. Following extensive complaints by Ugandan and Tanzanian manufacturers about the expected stiff competition from Kenya's more advanced manufacturers, an agreement was reached to allow the two countries to charge tariffs on Kenya's exports at a reducing rate and to fully removed by January 2010. Commodities originating from Kenya to Uganda and Tanzania attracted a 10 to 25 per cent tariff during the transition period of five years. Rwanda and Burundi signed the Accession treaties on July 1, 2007, and made a commitment to commence implementation of the Customs Union on July 1, 2009 (Daily Nation 2009).

<sup>27</sup> Previously the percentage of the poor increased from 29.3% urban and 46% rural in 1992 to 49.2% urban and 52.9% rural in 1997 (Wambugu & Munga 2009).

<sup>28</sup> The absolute poverty line indicates the costs for meeting a household's entire basic requirements (food and non-food). The food poverty line indicates the costs of consuming the recommended 2250 calories per day per adult. Recently the term hardcore poverty was also used (Mitullah 2003), referring to households that would not meet minimum food requirements even if they allocated all their income on food.

<sup>29</sup> In 1999 the top 10% of households controlled 43% of total income, while the bottom 10% of households controlled 0.76 percent of total income (SID 2004). In addition it was estimated that the top 20 percent of the Kenyan population controls about 59 percent of the national income, while the bottom 20 percent controls 2.5 percent of the national income (UNDP 2002). In 2005/6, the consumption decile ratios of the top 10 percent to the bottom 10 percent stood at 20:1 and 12:1 in urban and rural areas respectively. This compares to 5:1 in Tanzania and 3.3:1 in Ethiopia, for example (World Bank 2008).

<sup>30</sup> The NESO website indicates the HDI for Kenya in 1975, 1990 and 2002 was respectively 0.445, 0.540 and 0.488. For Singapore this was 0.724, 0.821, and 0.902. For Nigeria the numbers were 0.324, 0.430, 0.466.

<sup>31</sup> The 'working poor' are individuals who, despite working, earn too little (usually less than US\$ 1 or US\$ 2 per day) to pull them and their families out of poverty) (KIPPRA 2009).

<sup>32</sup> KIPPRA (2009) based on World Development Indicators (World Bank 2007) estimated that the services sector accounts for approximately 60% of employment and the manufacturing sector for less than 10%.

<sup>33</sup> This sector includes education, public administration, domestic and other services (KIPPRA 2009).

<sup>34</sup> The 1989 *Strategy for Small Enterprise Development in Kenya: Towards the Year 2000*, which set out the mechanisms for removing constraints to growth of the MSE sector. The 1992 *MSE policy report, Sessional Paper No. 2*, focuses on Small Enterprises and Jua Kali Development in Kenya.

<sup>35</sup> The 2005 *Sessional Paper no. 2 on Development of Micro and Small Enterprises for Wealth and Employment Creation for Poverty Reduction* and the 2006 *MSE Bill* set policies for further enablement and development of the MSE sector. The 2005 *Procurement and Supplies Act (Cap 412)* protects local companies, particularly MSEs, in procurement of goods and services. The 2005 *Restrictive Trade Practices, Monopolies, and Price Control*



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*Act (Cap 504)* encourages competition and prevents abuse of dominance and market entry barriers (both formal and informal) (Mbithi & Mainga 2006).

<sup>36</sup> Some MSE policy issues are executed by the department for Micro and Small Enterprise Development (MSED) in the MLHRD. Policy issues on SMEs fall within the mandate of the Ministry of Trade and Industry. Supervision of the institutes of technology falls under the Ministry of Education, Science and Technology (Moyi & Njiraini 2005).

<sup>37</sup> Technology is here understood comprehensively as the way of doing things. It ranges from the way a product is made and designed, how raw materials are sourced and used, how the production line and workshop are designed and structures, how products are distributed and stocked, how MSEs are managed, how the various phases of production or departments are interlinked both within and outside the MSE, the way of financing production, the way power is acquired (Moyi & Njiraini 2005).

<sup>38</sup> In 2004 the capacity of TVET system in Kenya was estimated at 26,000 for training institutes of the Ministry of Education (national polytechnics, 1 technical teachers training college, 21 technical training institutes, 16 institutes of technology), 45,000 at training institutes of the Ministry of Labour (1 vocational training center, skills centers, special vocational training centers, Kenya textile training institute, 600 youth polytechnics), 4,000 (estimated) at 40 training institutes of 15 other government ministries, and 80,000 (estimated) at 800 training institutes of churches, private sector and NGOs (World Bank 2004).

<sup>39</sup> The curriculum for YPs has been reviewed by the Kenya Institute of Education based on this new policy framework to ensure that it matches the market needs.

<sup>40</sup> Among other requirements, deposit-taking licensing regulations require institutions to operate nationwide throughout Kenya and to maintain a minimum core capital of at least Ksh 60 mln (US\$ 770,000). Smaller microfinance institutions operating within a district or a town are required to retain capital of at least Ksh 20 mln (US\$ 257,000). Deposit-taking MFIs are enabled to partially fund their loans, it will see MFIs gain access to the huge savings of Kshs 15-20 mln they held in January 2008 that they currently deposit in banks where they incidentally borrow at higher interest rates, and will eventually not have to rely completely on donor funds and loans from commercial institutions as MFIs without a license must do.

<sup>41</sup> KENASVIT consists of 5,450 members drawn from 175 smaller associations that form urban alliances in 7 urban centres: NISCOF Nairobi (1240 members from 18 member associations), MSVSTA Migori (750 members drawn from 75 local associations), NASTHA Nakuru (218 members drawn from 8 member associations), KASVIT Kisumu (1547 members drawn from 27 member associations) MTSVJSHG Machakos (632 members drawn from 14 member associations), MUSTA Mombasa (1000 members drawn from 33 member associations), EASVIT Eldoret (not functioning well and no membership record) (The Street Trader 2006).

<sup>42</sup> Grava (2008) mentions five initial principles and objectives of SBP in Kenya (pre-1999): 1) Simplification (remove multiple and overlapping licences; self-declaration; uniform in all local authorities); 2) Local accountability (minister to pre-approve the fee schedule and then LA has right and responsibility to choose from among the rate schedules); 3) Local control (generate information needed by LA for planning, regulation and improved service); 4) Transparency (reduce rent-seeking opportunities; LAs allowed to withdraw SBP only upon written request by the regulatory agent (eg, health officer, etc.) that the business had violated a regulatory condition); 5) revenue generation by LA.

<sup>43</sup> The total local authorities' revenue includes all revenues collected from within the LA's area of jurisdiction and funds realized from LATF and other external injections.

<sup>44</sup> The overall ease of doing business rank of Kenya was 84 in 2009 and 95 in 2010 (World Bank Doing Business, website consulted March 2010).

<sup>45</sup> UNAIDS (2008) estimated a slight increase in HIV/AIDS prevalence for adults aged 15 to 49 years from between 7.1 and 8.5 percent in 2001 to between 7.4 and 9.8 percent in 2007.

<sup>46</sup> For both women and men, HIV occurs in all age groups (KAIS 2007). There are, however, some differences in prevalence across the life span. Among youth aged 15-24, women are 4 times more likely to be infected than men (6.1 and 1.5 percent respectively). A higher proportion of Kenyans aged 30-34 are currently infected with HIV than in any other age category. The decline in prevalence among women after age 34, and among men after age 44 could represent a decline in new infections in older age groups or an increase in HIV-related deaths in these age groups. The burden of infections is statistically higher among men than women until age 35, after which the ratio of male to female infections starts to approach 1 to 1. HIV/AIDS prevalence for men was found three to five times higher in case of not having been circumcised, in all but the youngest age group.

<sup>47</sup> The HIV/AIDS prevalence rate for Nairobi remained almost the same, with 9.9 percent in 2003 (KDHS 2003) and 9.3 percent in 2007 (KAIS 2007).

<sup>48</sup> The Ndung'u report (2004) states: Land retains a focal point in Kenya's history. It was the basis upon which the struggle for independence was waged. It has traditionally dictated the pulse of our nationhood. It continues to command a pivotal position in the country's social, economic, political and legal relations.

<sup>49</sup> Others issues are the numerous outdated and complex land laws, insecure land tenure and ineffective mechanisms for the resolution of land conflicts, the management of informal land developments (World Bank, 2008).

<sup>50</sup> Despite the attempts of the 2005 Government Lands Act (Amendment Bill) providing for the establishment of tribunals and other institutions to address illegal and irregular allocation of land as was recommended by the Ndung'u report, the circular of the former Ministry of Lands and Housing stating that individuals could take action to reclaim public land from the government and the KACC's announcement that it will receive irregularly or illegally acquired titles from individuals wishing to voluntarily hand back public land, there is no systematic solution to the problem and the tribunals have not yet materialised (COHRE 2006).

<sup>51</sup> Code 92, gazetted as Code 95 in 1995 provides for an adaptive standard for 'multi-purpose room occupancy' (Interministerial Task Force 1992; Building Code 95). The standard applying to a multi-purpose room (i.e. single-room occupancy) is 10.5 square meter, with a minimal internal dimension of 2.1 square meter (Interministerial Task Force 1992). Further standards are described for communal sanitary, washing and cooking facilities.

<sup>52</sup> The number of Building Societies reduced from 26 in 1993 to 3 in 1997.

<sup>53</sup> The NHC had developed 42,340 units of rental, tenant purchase, site and services, and mortgage housing nationally by 1990 at a cost of US\$ 40 million (Rimber 2002; Syagga et al. 2001).

## **5. The metropolitan institutional context**

### **5.1. Introduction**

This chapter analyses the opportunities and constraints the metropolitan institutional context and structures provide for invited spaces, collectively claimed spaces, individually claimed spaces, and individual household pathways. Nairobi was recently characterised as a spontaneous and organic city, reflecting the make-up of the country at large, and rhetorically a kind of ‘belonging to everyone’ (AEGIS 2006). Nairobi differs from other cities that are built on or around older settlements, and from cities with migrant communities who have lived there for years. It also differs from residentially segregated cities resembling an ethnic cauldron rather than a melting pot and reflecting a ‘divided nation’.<sup>1</sup> This chapter further clarifies and nuances the picture of Nairobi as a city ‘belonging to everyone’ and reflecting a ‘united nation’. Section 5.1 begins with an analysis of the geographical characteristics and historical background of Nairobi and its informal settlements. Section 5.2 follows up with an analysis of the economy, wages and employment in Nairobi. In section 5.3 politics, governance and public sector reform are discussed. Section 5.4 and 5.5 analyse metropolitan policies and institutions on business, and on land and tenure, respectively, which affect poverty and inequality. Finally, section 5.6 concludes on the opportunities and constraints of metropolitan institutions for the invited, collectively claimed and individually claimed spaces included in this research.

### **5.2. Metropolitan geographical characteristics, historical background and informal settlements**

#### *Physical and geographical characteristics*

Nairobi is located 140 kilometres south of the equator and 500 kilometres west of the Indian Ocean in Kenya’s Central Highlands, at a latitude of 36° 50’ east and a longitude of 1° 17’ south (K’Akumu & Olima 2007), at the southern end of Kenya’s agricultural heartland (Mitullah 2003a). Nairobi has a (sub)tropical highland climate with mild daily temperature and cool evenings and mornings becoming distinctly cold during the rainy season. There are two rainy seasons: the long rains from March to May and the short (lighter) rains in November and early December. The mean annual rainfall ranges between 850 and 1050 mm. The altitude of the metropolitan city varies between 1,600 and 1,850 metres above sea level (Mitullah 2003a). The western part of Nairobi is on high ground (approximately 1700–1800 msl) with rugged topography, the

eastern side is generally low (approximately 1600 msl) and flat (Saggerson 1991). Key physical features include the Nairobi, Ngong and Mathare rivers and the indigenous Karura Forest in northern Nairobi. The Ngong hills stand towards the west, Mount Kenya towards the north and Mount Kilimanjaro towards the South-east. As Nairobi is adjacent to the Rift Valley, minor earthquakes and tremors occasionally occur (CCN 2007). The soils of the Nairobi area are products of weathering of mainly volcanic rocks. Weathering has produced red soils that reach more than 50 feet (15m) in thickness (Saggerson 1991). A number of subdivisions are recognised in the Nairobi area according to drainage, climatic regions and slopes, and other categories have been introduced for lithosols and regosols (CCN 2007a).

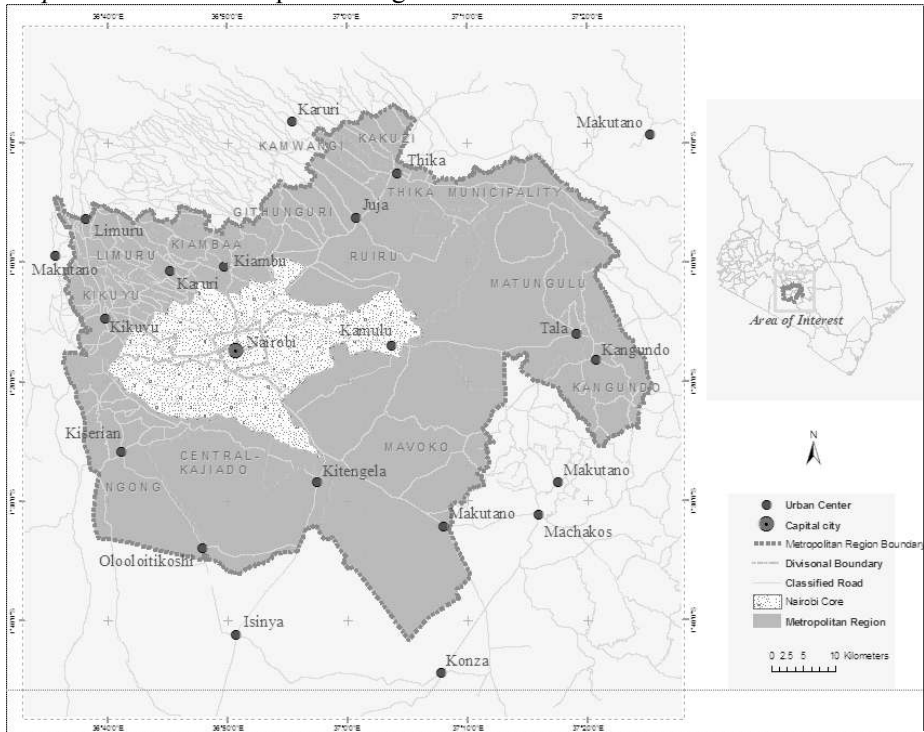
*Nairobi's origins and spatial development*

The name Nairobi comes from the Maasai phrase 'Enkare Nyirobi', which translates to 'the place of cool/cold waters'. Before the start of the colonial administration, Nairobi was a major trading center for the Kikuyu people and their neighbours (the Maasai, the Ndorobo and the Kamba), with whom they traded in grains, tobacco, copper ornaments, livestock, animal skins and other merchandise. Nairobi had been established as a stop-over for trading caravans from the coast en-route to Uganda and brought in imported beads, angles and cloth items (and also brought Islamic culture and Swahili language to the region – see Hirst & Lamba 1994; Zwanenburg & King 1975; Lee-Smith & Lamba 1998). The construction of the Mombasa-Uganda railway gave it further prominence when the railway reached Nairobi. In 1899 the railway authorities established their administrative and railway headquarters in Nairobi. They made more extensive developments in Nairobi than at any other point on the railway line (Hake 1977; Obudho & Obudho 1992). In 1905 the British colonial government moved its headquarters from Mombasa on the coast, to Nairobi, after the completion of the railway line. The town quickly grew to become the capital of British East Africa in 1907 (instead of Mombasa) and eventually the capital of the Republic of Kenya in 1963.

The boundaries of Nairobi were extended four times in 1920, 1927, 1963 and 2008. In 1920 Nairobi had just become a municipality with corporate powers and its boundaries were extended to include some residential areas such as Parklands (K' Akumu & Olima 2007; Olima 2001). In 1927, as a result of rapid urban growth in population and infrastructure, the boundaries of Nairobi were expanded to cover 30 square miles or 2537 ha (77 km<sup>2</sup>). In 1963 the boundaries were extended to cover an area of approximately 266 square miles or 68,945 ha (686 km<sup>2</sup>), anticipating the massive influx of migrants to the capital of Kenya after independence. Finally in 2008, with the introduction of

Nairobi Metropolitan Region (NMR) and the adoption of the status of Metropolitan city, the area covered was extended to 3,000 square kilometres, within a radius of 40 kilometres, despite the functional area covering approximately 100 kilometres (Map 5.1) (GoK 2008a). It swallows 12 local authorities from the districts of Murang'a, Thika, Kiambu, Machakos and Kajiado.<sup>2</sup> Residents of Kiserian, Athi River, Kitengela, Kangundo, Tala, Kyanzavi, Juja, Thika, Kilimambogo, Ruiru, Ngong, Kikuyu, Uthiru, Limuru and Ololotikosh will all be under the metropolis.

Map 5.1: Nairobi Metropolitan Region



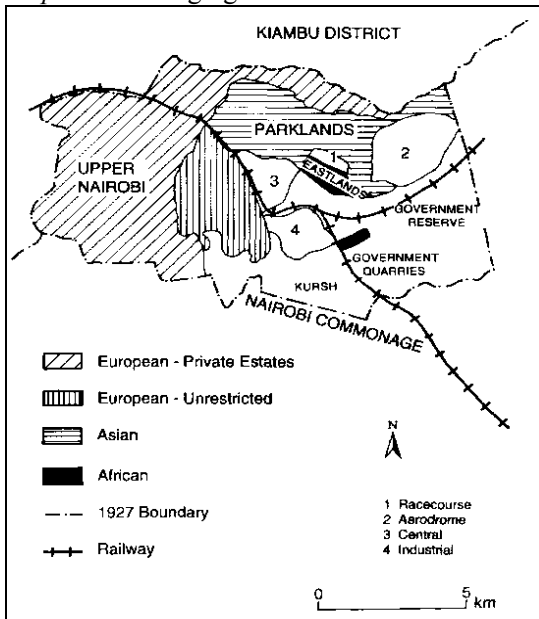
Source: GoK (2008a).

### Settlement structure, land-use and population

The origins of the settlement structure of Nairobi lay in the need to accommodate people of different races and ethnic origins. The major influence that set the frame of the city was racial segregation, a practice of the colonialists that prevailed as late as the early 1960's (Desouza 1988; Syagga et al. 2001; see also: Olima 2001; K'Akumu & Olima 2007). Nairobi was systematically racially zoned in the major plans of 1905, 1927 and 1948. The

main aims were to keep African urban population low and to prevent the spread of infectious diseases (Stren 1978) with a minimum of public expenditure (Amis 1984). The 1948 Master Plan - until the recent Nairobi Metro 2030 Vision (2008) - was the only comprehensive plan for the city (with the non-implementation of the 1973 Nairobi Metropolitan Growth Strategy). The 1948 Master Plan did not address the issue of segregation. The result was a 'racial tripartition' of the city with Europeans overwhelmingly inhabiting the north-western and western areas with high rent and land values, Asians predominating in the north-eastern parts, while Africans were condemned to live in the densely populated areas to the east and south of the city (Salau 1988) (Map 5.2).

Map 5.2: The segregation of residential areas in Nairobi, 1909



Source: Karuga (1993).

At independence in 1963, the racial segregation and tri-partition of the city became socio-economic residential segregation, with differences in legal tenure between formal and informal settlements (K' Akumu & Olima 2007; Olima 2001; see also Syagga, Mitullah & Gitau 2001).<sup>3</sup> The restriction on the movement of indigenous population to urban areas was lifted, which brought migrants to Nairobi in search for employment. The population rose to more than 300,000 (K' Akumu & Olima 2007).

First order-polarisation divides the city in six land use divisions; namely, the Central Business District (CDB), Industrial Area, public and private open

spaces, public land, residential areas, and undeveloped land (K'akumu & Olima 2007). Table 5.1 shows the absolute and relative distribution of land use types in Nairobi in 1994. Most land in Nairobi, including the CBD, is publicly owned and leased to private owners, usually for periods of 99 years (Ondiege 1989, in Obudho 1997). Government leasehold covers most of the legalised residential areas; moreover (temporary) corporate occupation of land in these areas has become increasingly widespread. Freehold land is privately owned either by individuals or by groups of individuals and can be sold on the market without limits to the period of ownership. This covers a small portion of land mainly to the west and North-west of Nairobi and includes suburbs such as Dagoretti, Mwimuto, Runda, Gigiri and part of the Kahawa area in the north.<sup>4</sup> Over 50 percent of Nairobi is estimated to be under private ownership (Karuga 1993, in Obudho 1997). A number of the larger illegal residential areas are found in these freehold zones (Ondiege 1989). By 1993, 40 percent of Nairobi's land was owned by the Government. This included Nairobi National Park and other major parks and forest areas, airports, Kenyatta and Nairobi universities, and Kamiti prison. Of the total land, only about 5 percent, mainly in the east, is owned by the City Council of Nairobi (Karuga 1993, in Obudho 1997). In practice, the public sector has little direct control over land available for development (Macoloo & Maina 1994, in Obudho 1997).

*Table 5.1: Land use types in Nairobi in 1994*

Land use type	Area (km <sup>2</sup> )	Cover (%)
Residential areas	175.6	25
Industrial/commercial/service centres	31.8	5
Infrastructure	15.9	2
Recreation	12	2
Water bodies and riverine areas	11.8	2
Urban agriculture	96.8	14
Open lands	198.8	29
Others (including protected areas)	153.6	22

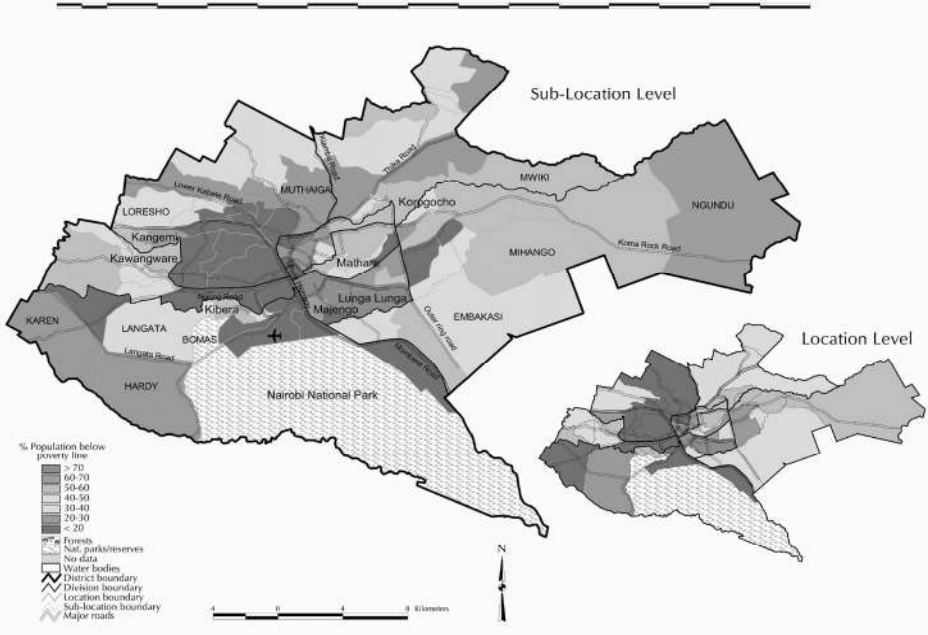
Source: DRSRS (1994) in Nairobi Environmental Outlook (CCN 2007).

Second-order polarisation of residential use reflects the skewed income and expenditure distribution in favour of higher income groups (Olima 2001; K'akumu & Olima 2007). Map 5.3 shows the geographical distribution of poverty in Nairobi in 2003 at location and sub-location level (CBS 2003).

The Nairobi population grew from 2 million in 1999 (K'akumu & Olima 2007), to 3 million in 2007 and almost 5 million in 2008. It is expected to grow further to 8 million in 2030 (GoK 2008a). The average annual population growth in Nairobi in the last 30-40 years is 4.8 percent annually (Omwenga 2008). The city's population is principally composed of migrants. The proportion of city-born residents is no more than 20 percent up to age 35 and

less than 10 percent after age 50. Half of the migrants came to Nairobi between 17 and 23 years old (Agwanda et al. 2004).

Map 5.3: Nairobi poverty incidence: percent of population below the urban poverty line



Source: GoK (2003a).

Table 5.2 shows the area and population increase between 1906 and 2030. In general, population and housing densities are a reflection of the socio-economic status of (sub-) locations. In 1993, 55 percent of the population was living in informal settlements, which covers only 5.5 percent of the city’s residential land (Matrix 1993; Alder 1995).<sup>5</sup> Low-income high-density areas are predominantly found to the east of the CBD (Eastlands) (CBS 2003; Obudho & Aduwo 1989). Informal settlements are predominantly located here - except for Kibera, Uthiru and Kawagware - and are either located near sources of employment opportunities (industrial area, city centre), or along rivers, dumping grounds, airfields, quarry sites and other abandoned or reserved sites which have not been developed. The population density ranges from 358 and 2490 per km<sup>2</sup> in high and middle income areas, to, between 15,753 and 82,590 per km<sup>2</sup> in low income areas (GoK 2001). Table 5.3 shows the population sizes and densities for a selected number of high, middle and low income areas.



Table 5.2: Area and population of Nairobi between 1906 and 2030

Year	Area (ha)	Population
1906	1,813	11,512
1928	2,537	29,864
1931	2,537	47,919
1936	2,537	49,600
1944	2,537	108,900
1948	8,315	118,976
1963	68,945	342,764
1969	68,945	509,286
1979	68,945	827,755
1989	68,945	1,324,570
1999	68,945	2,143,254
2007	68,945	3,050,000
2007	300,000 (NMR)	4,730,000
2017	68,945	4,400,000
2017	300,000 (NMR)	6,840,000
2030	68,945	7,560,000
2030	300,000 (NMR)	11,740,000

Source: Based on various sources: Olima (2001), GoK (2001), K' Akumu & Olima (2007), GoK (2008a).

Table 5.3: Population sizes and densities in a selected number of high, middle and low income areas

Settlement/Estate	Population	No of households	Area in square km	Density
<i>Low density or high income areas</i>				
Karen	9,764	3,381	27.3	358
Muthaiha	6,786	1,681	14.1	481
Lavington	18,966	5,815	11.0	1,724
Loresho	15,784	5,131	9.5	1,661
<i>Medium density or middle income areas</i>				
Langata	16,118	5,051	44.5	362
Highridge	46,642	13,019	42.3	1,103
Parklands	11,456	3,369	4.6	2,490
Kitisuru	27,459	8,603	20.9	1,314
<i>High density or low income areas</i>				
Kibera Silanga	16,518	6,281	0.2	82,590
Korogocho Gitahuru	22,899	7,415	0.3	76,330
Mukuru Nyayo	36,232	10,224	2.3	15,753
Mathare	69,003	24,525	1.5	46,002

Source: Syagga, Mitullah & Karirah-Gitau (2001, based on Kenya Population Census 1999).

The gender composition of the Nairobi population is uneven, with 54 percent men and 46 percent women. At national level the division is almost equal (APHRC 2002). The city has a smaller percentage of female headed households (20 percent) compared to the national level (almost 32 percent) (Oxfam 2009). Moreover, close to 40 percent of the slum and Nairobi

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populations are men aged between 15-29, compared to approximately 25 percent nationally. The proportion of women in this age-group is 26 percent for Nairobi slums and the country as a whole, and 29 percent for Nairobi as a whole (APHRC 2002).

The ethnic composition of the Nairobi population is diverse. The dominant ethnic groups, which constitute 88 percent of the total population, are Kikuyu, Luhya, Luo and Kamba in that order. Compared to their relative size in Nairobi as a whole, the Luo and Luhya are over-represented in the slums while Kikuyu are under-represented (APHRC 2002).<sup>6</sup> The Maasai, the original inhabitants of the region before the city's establishment, constitute only 1 percent of the population (Practical Action 2004). The other major ethnic groups are Asians (people who trace their origins to India and Pakistan), Europeans and Somalis.

### *Informal settlements*

Informal settlements originate from colonial times (see K'Akumu & Olima 2007), especially as a consequence of local people losing control over their land, in order to provide labour for settler farms and emerging urban centres (Kobia 1991; K'Akumu & Olima 2007).<sup>7</sup> Majale (2000) indicates that next to the displacement of Africans to make room for European settlers, the colonial government's de facto policy of not allocating enough resources to cater for housing needs of Africans (K'Akumu & Olima 2007; Olima 2001) and clearances of 'sub-standard' housing, played a role in the pre-independence formation of slums. Post-independence formation and growth of slums can be attributed to rural-urban-migration, natural population growth, lack of adequate housing provision, demolitions, resettlement due to new developments, upgrading of slums and/or relocation to new sites and extension of city boundaries (Mitullah 2003a).

In Nairobi generally two types of informal settlements can be distinguished: squatter settlements and illegal subdivisions of public and/or private land. Land tenure in informal settlements in Kenya takes the form of non-formal *de facto* tenure where land is acquired, occupied and used with or without the permission of its owner (Syagga et al. 2001; Musyoka 2004/6). Three major tenure sub-types can be distinguished in informal settlements in Kenya (Okoth-Ogendo 1999):

- *Share ownership*: land is acquired by joint purchase through land buying companies, cooperatives, trusts, societies, self-help groups, etc, while individual members are issued with share certificates.
- *Squatting*: land is acquired through invasion of public or private vacant land.

- *Temporary occupation license*: land is acquired by permission from central government through the local authority for the use of vacant public land on a temporary basis.

Different land tenure systems can exist in the same informal settlement (NISCC 1997).

Most of the informal settlements that exist in Nairobi today were established after independence (K'Akumu & Olima 2007).<sup>8</sup> At independence the Kenyan government introduced a policy of containment and slum clearance, which was common in many developing countries at the time (Syagga et al. 2001), and often without alternative resettlement plans. The proliferation and growth of new slums led to a *laissez-faire* approach. The hostile attitude was superseded by a conciliatory and accommodating position and a tacit acceptance of informal settlements (K'Akumu & Olima 2007). New approaches such as site and services schemes – including relocation of beneficiaries - were introduced during the 1970s, although demolition and evictions remained regular parallel practices.<sup>9</sup> The 1980s were characterised by further deterioration of services and growth of slums, through adoption of a *laissez-faire* approach by the government in the context of Structural Adjustment Programmes (SAPs). Accelerated commodification and commercialisation of unauthorised housing since the mid-1970s transformed squatting into renting practices and small-scale subsistence renting into large-scale commercial housing (Amis 1984).<sup>10</sup> In addition, small scale private landlordism, predominantly with owner occupation, is increasingly replaced by - mostly unauthorised - large scale multi-storey private landlordism. Nairobi was renamed a 'tenement city' (Huchzermeyer 2007). Most residents (92 percent) have become insecure tenants (World Bank 2006), paying rents to individual landlords who negotiated informal arrangements with the authorities to allow them to erect structures and collect rents (UN-Habitat 2006).<sup>11 12</sup> Vested interests of absentee owners and other stakeholders in an unregulated housing-market characterised by huge demand and few suppliers and a 'high price-low quality' trap, has led to continuous growth of informal settlements (World Bank 2006; Gulyani 2008; Huchzermeyer 2008).

Upgrading programmes during the 1990s and 2000s have only brought mixed results, despite increasing levels of community participation. Until recently these programmes have been largely restricted to aspects of physical and land tenure, rather than adopting an integrated approach responding to the social and economic needs of communities (Syagga et al. 2001). Reallocation and/or trade of units to middle-class citizens has been a regular practice, amongst others for reasons of unaffordability and windfall gains (Huchzermeyer 2008; Kusienya 2004). In the case of the Kibera High Rise project of the National Housing Corporation in the early nineties, middle-class standards were used in

building from the outset (Huchzermeyer 2008). Renting rooms to tenants by the new owners often leads to unanticipated increased densities and lack of privacy. Less density and more privacy had been formulated as aims by the community at the start of the Huruma Upgrading Programme in the early 2000s (Huchzermeyer 2008). Furthermore, new structure-owners were often found to immediately behave like all slum landlords (Weru 2000) reinforcing market exploitation. Fights between tenant and owners also played a major role in the Mathare 4A upgrading programme (Martin & Mathema 2006). In implementing that programme, residents were inadequately represented, force was used to ensure implementation, and corruption occurred in allocating units (Opiata & Bodewes 1999), together with problems of slum lords, rent defaults and political interference (Kusienya 2004). Huchzermeyer and Omenya (2006) in addition indicate that despite policy advances there are ongoing problems of uncoordinated and drawn-out policy making, conflicting stakeholder agendas and duplicating policy initiatives. Recently, the delivery of 1,000 apartments in the KENSUP pilot programme in Kibera-Soweto, was accompanied by heavy complaints of residents about the size and price of units as compared to their former houses, the lack of space for economic activities between the blocks of flats, the absence of water and electricity connection two weeks after slum dwellers moved in, and the removal of original structures of residents from the Nubian community who owned title deeds to the land they occupy (Daily Nation 2009e). Overall, the need indicated in the Nairobi Situation Analysis (Syagga et al. 2001), to go beyond (international) standardised solutions to housing problems, squatter upgrading and reduction in building and planning standards for resolving settlement problems in Nairobi, is still valid today. The World Bank recently suggested regulation of the Nairobi housing market and upscaling of negotiated development approach to land in informal settlements of the Muungano wa Wanavijiji slum dwellers federation, and supporting NGO Pamoja Trust (Gulyani & Talukdar 2008). Huchzermeyer (2008) in addition discusses whether the housing rights and provision of shelter, water, sanitation and refuse collection should be taken out of the hands of informal entrepreneurs and placed into the hands of local government or public agencies.

Informal settlements are not homogenous (Olima 2001; K'Akumu & Olima 2007). Settlements vary considerably in physical layout, density of housing units (Majale 2002), size (built-up area), availability of basic urban services, materials and methods of construction, and tenure, ranging from neighbourhoods with methodical planning and a moderate concentration of dwellings, to areas with an arbitrary layout and extremely high densities. The socio-economic profiles of the inhabitants differ considerably and range from illiterate and chronically unemployed or under-employed individuals to professionals. The differences are traceable to various factors, including the

history and evolution of settlements, location, ethnic composition and original ownership of land. The efficient operation and functioning of informal settlements is partly ascribable to this heterogeneity, which allows individuals and groups to play all roles: leaders and followers, financiers and borrowers, and buyers and sellers.

Kibera and Mathare Valley are the oldest and largest informal settlements of Nairobi. Kibera emerged in 1918 as the 'Kibra Nubian Villages', when the British colonial government settled 40,000 Nubian ex-soldiers (originally from Sudan) of the King's African Rifles on 4,180 acres of forest land just outside Nairobi and gazetted it as a military reserve (Lamba 2005).<sup>13</sup> The first World War veterans named their new home Kibra (the Nubian word for jungle) and settled on 10-acre agricultural parcels. In 1928 the administration de-gazetted the reserve and re-gazetted it as a settlement reserve. The residents were issued with permits allowing them to live, build a house and cultivate their demarcated parcels of land at Kibra. Kibra must be distinguished from Kibera, the informal settlement in which the four Kibra Nubian villages are located. Kibera lies 7 kilometres South-west of the Nairobi city centre (Lamba 2005).

Mathare Valley is likely to have existed already as a quarry and squatting area around 1931, when the city council was found debating the destruction of 'African housing' outside the 'Native location' of Pumwani (Etherton 1971). The Africans employed by the Asian quarry owners lacked appropriate accommodation and had started putting up cardboard structures. Others suggest that Mathare grew after the demolition of the informal settlement of Pangani in 1938 (Undugu 1995; Ngau 1994, based on NACHU 1990). After the declaration of the Emergency in 1952<sup>14</sup>, it was believed that Mathare sheltered a Mau Mau core, and in 1954 structures were bulldozed and most inhabitants taken into detention. After the Emergency in 1959 and at independence some of the previous inhabitants returned to Mathare, though the new government at independence intended to clear Mathare Valley. The opposition amongst politicians has prevented the intention from being carried through.

The villagers, for safety reasons, decided to band together to form cooperative organisations and purchase plots in Mathare Valley. The practice of collective land purchase and informal subdivision originated from land distribution in the resettlement period (see also chapter 6). In 1969, 34 percent was owned by the state, 8 percent by the city council and 58 percent by individuals, companies and co-operative societies. Until 1969, when the co-operatives began buying land, the Mathare villages were illegally built in all three types of ownership. While all Mathare land-buying companies were originally organised for cooperative landbuying, only one remained as a cooperative society. By mid-1969 most of the companies began to take in outside members from other parts

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of Nairobi and Central Province and went into speculative tenement building. Towards the end of 1969 land buying companies from outside the squatter villages began to buy land in Mathare Valley, in line with the patterns of commodification and commercialisation of housing in Nairobi indicated earlier. Mathare is located five kilometres North-east of the Nairobi city centre. Photo 5.1 shows Mathare Valley slums.

*Photo 5.1: Mathare Valley slums*



Source: author

### **5.3. The metropolitan economy, employment and wages**

The economic structure of the metropolitan city is important, because it affects the way of life of its residents and the wider country. Nairobi contributes around 50 percent of the country's GDP (UN-Habitat 2006).<sup>15</sup> It is considered a regional hub and a potential 'global city'. Nairobi is among the four sub-Saharan African candidate cities (besides Johannesburg, Cape Town and Lagos), with a national capacity to house global cities and the required levels of corporate services (as indicators of the connectivity index for corporate services) (Table 5.4 and 5.5) (Taylor 2002). Scores on accounting, advertising and banking are relatively high, and low on insurance and law (Merwe 2004).

The important economic sectors in Nairobi reflect the composition of the nation's economy.<sup>16</sup> Nairobi's metropolitan region has a major Central Business District (Photo 5.2), secondary commercial centres and houses (regional) headquarters of several world-wide companies (CCN 2005). It also houses the Nairobi Stock Exchange (NSE), which is the leading securities exchange in East and Central Africa, the fourth largest in Africa in terms of

trading volumes, and the fifth in terms of market capitalisation as a percentage of GDP (Millennium IT 2007). Nairobi also has two industrial areas and export processing zones. It is the home to several international organisations and is one of the four international UN headquarters. It has a large tourism industry, both as tourist destination and as transport hub.

Table 5.4: Possible Global Cities in sub-Saharan Africa

Country	City	Connectivity Index	Corporate services (2000) (% firms)				
			Accounting	Advertising	Banking/Finance	Insurance	Law
	London	2.42					
South Africa	Johannesburg	1.00	31.9	18.8	26.4	11.5	1.2
South Africa	Cape Town	0.58	65.3	19.7	4.5	5.3	0
Kenya	Nairobi	0.55	47.8	23.6	23.5	2.1	0
Nigeria	Lagos	0.48	53.3	23.7	13.8	2.4	0
Cote d'Ivoire	Abidjan	0.44	40.9	17.2	29.3	5.1	0
Zimbabwe	Harare	0.43	36.9	29.3	15.1	8.7	0
Ghana	Accra	0.40	46.3	24.9	18.0	2.8	0
Zambia	Lusaka	0.39	40.9	24.1	23.9	2.9	0
Tanzania	Dar es Salaam	0.31	37.5	32.4	16.0	3.6	0
Mozambique	Maputo	0.29	40.4	34.1	16.0	3.8	0
Senegal	Dakar	0.28	47.7	16.4	23.7	4.0	0
Cameroon	Douala	0.25	62.1	15.8	11.2	4.4	0
Angola	Luanda	0.22	46.0	0	34.3	5.1	0
Ethiopia	Addis Ababa	0.16	42.5	28.1	12.9	6.9	0
	World Average		45.5	10.9	21.0	10.1	1.9

Source: Merwe (2004) and Taylor (2002).

Table 5.5: Capacity of African Countries to House Global Cities (2000)

Country	Population Millions	Total GDP (\$ Millions)	Internet users	Foreign Investment (\$ Million)	Liveability of Cities (Water availability)	Airline departures
South Africa	2.46	1*	1*	1*	1*	1*
Nigeria	1*	3.67	18.20	1.04	1.51	8.63
Kenya	3.69	13.42	52.00	8.74	1.79	3.79
Ghana	5.54	18.75	60.67	8.78	1.34	22.53
Cote d'Ivoire	7.50	13.42	45.50	4.13	1.72	48.00
Tanzania	3.32	19.01	72.80	6.94	1.59	18.40
Angola	8.72	29.76	60.67	1.10	2.26	25.09
Mozambique	5.65	39.11	60.67	6.96	1.43	16.48
Cameroon	7.41	15.74	91.00	30.85	1.39	19.71
Zimbabwe	8.59	19.01	91.00	41.76	1.01	8.00
Zambia	12.14	42.78	121.33	7.96	1.37	18.10
Senegal	11.79	29.13	NA	11.01	1.10	122.67
Ethiopia	1.73	21.39	182.00	7.20	3.58	4.15
	1=108.9 M	1=\$ 126.900 M	1=18200000	1=\$ 969.8 M	1=86%	1=110400

Source: Taylor (2002).

Photo 5.2: Nairobi Central Business District



Source: UN Habitat (2006).

Nairobi has since long been Kenya's administrative centre. There are a large number of educational institutions in and around Nairobi with potential and the global air transport network could form the basis for a regional transportation and logistics hub (GoK 2008a). However, current development trends depict a slow decay of industrial areas due to collapsed infrastructure, high costs of utilities and opening of markets. The planning dilemma is 'how to resuscitate such a sleeping giant to conform to the current shift to IT industry rather than heavy industry and compete as an international investment destination' (CCN 2005).

Lately many businesses consider relocating and/or establishing (regional) headquarters outside the CBD, especially Upper Hill and Westlands areas at about 2 kilometres from the CBD. Land is cheaper, facilities can easily be built and maintained in these location<sup>17</sup>, and traffic is slightly less congested.<sup>18</sup> Recently many landlords in CBD are subdividing floors into small rooms to accommodate more small and medium sized companies and maximise returns, which raises rental prices further (Capital Business 2009).

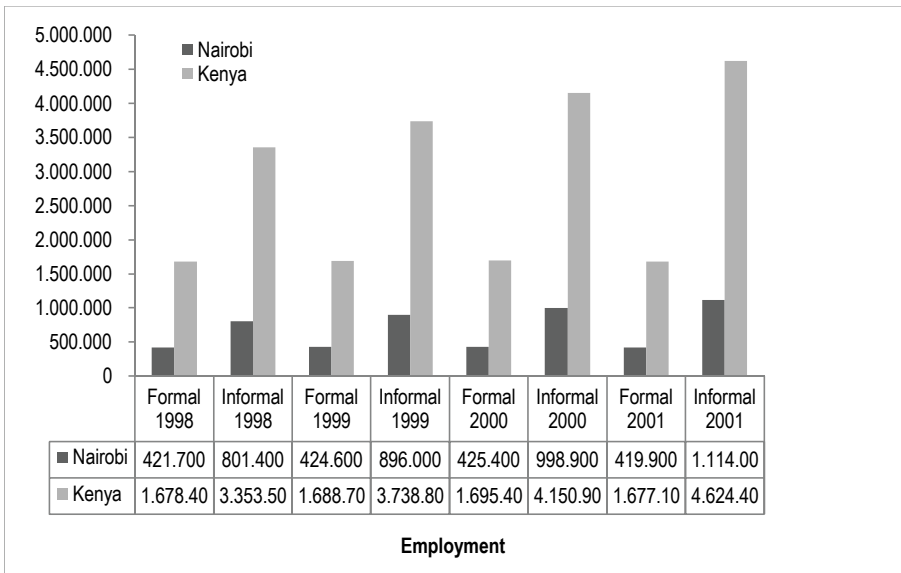
Proponents see Nairobi Metro Vision 2030 as an opportunity for planning and indicate that it is for the first time since independence that a comprehensive planning for the area is within reach (Opiyo 2007). Others emphasise that until now plans have never worked out and indicate potential negative effects of increasing land prices, rates and house rents.



*Social-economic trends: poverty and inequality in Nairobi*

Nairobi provides 25 percent of Kenya’s formal employment and 43 percent of the country’s urban workers (SID 2004, based on Economic Survey 2004 and 1998/9 Integrated Labour Force Survey; UN-Habitat 2006). The size of the formal sector has remained relatively stable through the years (Figure 5.1). The decrease of formal sector employment from 60 percent of the employed population in 1989 to 55 percent in 1999<sup>19</sup> - as a consequence of the economic crisis and a shrinking public sector - is less if the employees informally contracted by formal enterprises are taken into account. Nairobi is one of the most formal urban labour markets in sub-Saharan Africa, with the exception of South-Africa (NURIP 2005). Nairobi also accounted for 24 percent of the country’s informal employment in 2005 (SID 2004; UN-Habitat 2006), that is 1.5 million people, up from 1.1 million in 2001. A further growth of the informal sector is expected, in wholesale trade, retail trade, hotel and restaurants, manufacturing, industry, community, social and personal services, transport and communication, and construction.

Figure 5.1: Comparison of formal/informal employment patterns 1998-2001



Source: Mitullah (2003a), adapted from economic survey (GoK 2002).

The unemployment rate for Nairobi is 21 percent overall, and for youth aged 15-24 it was 42 percent in 2008 (World Bank 2008a).<sup>20</sup> This was largely due to the urban population growth rate exceeding economic growth rates in the city. Public sector retrenchment and downsizing has mainly effected older people,

whereas private sector employment has led to a flexibilisation of labour. The consequences of both are fewer formal jobs for youth and reduced wages in an increasingly competitive informal sector.<sup>21</sup>

Absolute poverty estimates for Nairobi range from 26.5 percent in 1992, to 26 percent in 1994, 50 percent in 1997, 53 percent in 2000, and 22 percent in 2005/6 (GoK Economic Survey 1994 and 1997; Mwabu et al. 2000; Mwabu et al. 2002; Kimalu et al. 2002; KIHBS 2005/6). Income inequality in Nairobi is high. The Gini coefficient for Nairobi (as measured in 1999) is 0.59. The top 10 percent of households commands 45.2 percent of total income, while the bottom 10 percent commands 1.6 percent (SID 2004). Poverty was high in the informal settlements of Nairobi, with 63 percent of the population falling below the poverty line in 2006 (De Laat, Faye, Suri & Zulu 2008). At the same time, a significant heterogeneity within and across slums is suggested (Gulyani 2006/8; De Laat et al. 2008), as well as large numbers of people who move both into and out of poverty (World Bank 2008a). Among the minority of slum dwellers who had been non-poor in 2003, only about half were still above the poverty line in 2006. Conversely almost a third (31 percent) of those poor in 2003 were above the poverty line in 2006 (World Bank 2008a). Recently food poverty levels in Nairobi (and other urban areas) increased dramatically through inflation and the international food crisis.<sup>22</sup> Urban households are considered especially vulnerable to inflation, given that most urban food and non-food needs are purchased from the market (Oxfam 2009).

#### **5.4. Politics and governance in Nairobi**

##### *Politics in Nairobi*

The City Council of Nairobi (CCN) is supervised by central government through the Ministry of Local Government. It is governed in its operations by a variety of legal statutes and administrative decrees from the Office of the President (OP) and the Ministry of Local Government. The Local Government Act, Chapter 265 of the Laws of Kenya is the main legal statute that governs its operations. CCN performs mandatory functions such as provision of public health and primary educational facilities, maintenance and repair of urban roads, and burial of destitutes. It has permissive functions, which include administrative activities, sewerage and drainage, water supply, collection of garbage, markets, and social welfare services. Day-to-day operations of CCN are carried out by the non-executive mayor and elected and nominated councillors. The executive role is performed by the Town Clerk appointed by the Ministry of Local Government.

CCN politics has been largely dominated by central government politics. At independence, Nairobi was a full-fledged urban centre, run by an elected council. Between 1983 and 1992 the council was dissolved and replaced by the Nairobi City Commission.<sup>23</sup> This commission was characterised by continuous infighting among officials, frequent changes of chairpersons, an increase of appointed commissioners from 3 to 26 over the years (compared to 55 elected councillors previously) and yearly threats of dissolution (Lee-Smith & Lamba 1998). In 1992, when multi-party elections were introduced, and a strong opposition developed and concentrated in Nairobi, the City Council was reconstituted. Between 1992 and 2002, opposition parties gained the majority of seats in the council, which was answered by severe central government repression. In 1992, 52 percent or 28 seats of the 55 council seats went to the Democratic Party of Kenya (DP) and 26 percent or 14 seats to KANU. In 1997, the elections resulted in a three quarters majority of opposition councillors (almost two-thirds of them being Kikuyu). Proportional control by political parties of the 17 nominated seats was also won through intense public and political pressure in January 1998 (Lee-Smith & Lamba 1998). After 2002, differences in Nairobi's and the nation's political composition were decreased, though opposition politics remains stronger in Nairobi. In 2002, out of 21 political parties only the two main parties of NARC and KANU won city council seats, with NARC taking all of the seats minus two (Mitullah et al. 2004). In 2007, with an increase in elected councillors from 55 to 75, and nominated councillors from 18 to 25, ODM and PNU won 52 and 45 council seats, respectively. Interests of national political parties and national politicians often undermine representative local democracy and tie local politicians. Lack of resources makes some political parties influence allocation of resources, which were originally intended to enhance efficiency of council operations. Parallel local and national elections encourage patronage relations between national and local level politicians along party and ethnic lines. Local politicians often win elections on a ticket of national politicians, for which they expect political support in return in times of need. Appointment of the mayor through the Electoral College often exposes him to political intrigues related to electoral campaigns and makes maintaining political alliances more important than satisfying residents' interests. (Mitullah, Mboga, Mundara, Cheron, Odipo, Agevi & Mbugua 2004; Mitullah 2004).

### *Governance in Nairobi*

Similarly, central government dominates executive local government. Under colonialism local governments were fairly autonomous and had significant sources of revenue, and this *majimbo* or semi-federal system was continued some time after independence. Soon after administrative spaces for local

government vis-à-vis central government increasingly deteriorated. Five main reasons for this deterioration of administrative spaces for local government are mentioned in the literature (Oloo 2009; Wanjohi 2003, Mitullah et al. 2004).

1. Transfer of the most critical functions and powers to central government (especially in 1969), curtailing the autonomy of local government councils (Oloo 2009; Wanjohi 2003). Currently CCN is mainly responsible for provision of services with regard to pre-primary and primary education; public health and sanitation; environmental protection and management; roads and drainage (construction and maintenance); water supply and sewerage (privatised); urban planning and development control; urban public transport management; public housing; fire services and fire brigade; community development; burial of destitute persons (CCN 2006).
2. Acquisition of new supervisory powers by central government over execution of the limited functions that local authorities retained. The Minister of Local Government acquired the power to upgrade existing local government authorities and to create new ones, to establish local government electoral areas without consulting local residents, to nominate members to local government councils without consulting local people, to dissolve local government councils and either call for fresh elections or unilaterally appoint a commission to run the affairs of the local government authority<sup>24</sup>, and to vet local government budget and development plan proposals (Oloo 2009; Wanjohi 2003). In effect this turned local authorities into appendages rather than autonomous entities (Oyugi 1994).
3. Central government undermined the financial base of local government authorities by taking over local level sources of revenue on which local governments depended. In addition the Graduated Personal Tax (GPT), which local governments used to levy the local population, was abolished in 1974. The central government introduced Service Charges in 1988 intended to benefit local government authorities, but central government designated itself as the collecting agency and did not remit the collected revenues to the area of collection. Currently about 10 percent of CCN sources of revenues are intergovernmental transfers and grants of LATF (3 percent) and Fuel Levy Fund/Road Maintenance Levy Fund (6 percent) and about 90 percent local revenues of property rates (41 percent), permits (17 percent), parking fees (8 percent) and other (25 percent) (Sarzin 2006; based on CCN records 2003/4).<sup>25</sup> In addition, the council receives finances from development partners.
4. Local government has been undermined by the Provincial Administration (PA), which the central government has designated as the prefectural authority in all field units, a role that included supervision of operations of local government councils. Local governments thus came under direct influence of the District Commissioner (DC) – (for Nairobi the Provincial

Commissioner) - and the PC also greatly influenced council decisions as the PC was nominated by the Minister of Local Government. The intervention of the central government in the affairs of the council through the PA has ensured that central government is the actual dispenser of patronage as opposed to local government councillors (Oloo 2009).

5. In the divisions, locations, and sub-locations, district officers (DOs), chiefs and assistant-chiefs are the actual wielders of power and authority (see also chapter 8, figure 8.1 on parallel systems of government in Nairobi) . The powers and authorities that the Chief's Authority Act vested in Chiefs and by extension in their superiors – DOs, DCs and PCs – depicted the PA as the actual local government and their status as the President's personal representatives in their localities enhanced their power and prestige over the elected local leaders (Oloo 2009). Dominance of central government over local government was recently further increased by the installation of the Ministry of Nairobi Metropolitan Development (MoNMD) responsible for coordination and governance of Nairobi metropolitan area.

Besides the mentioned limitations in means and power through the central government dominance, the costs and capacity of CCN human resources remain a major limiting factor in improving performance. About 60 percent of the council's available financial resources is spent on salaries, while only about 40 percent remains for investment in operations, maintenance and service delivery (CCN 2006). In the 2003/2004 budget, these figures were 75 percent for wages, 21 percent for operations and maintenance, and 4 percent for service delivery (UN Habitat 2006).<sup>26</sup> Also, financial resources (and human capital) are negatively influenced by the inability of HIV/AIDS recipients to pay for services rendered and HIV/AIDS of CCN staff (Sarzin 2006; CCN 2006).<sup>27</sup> Furthermore, some interest groups succeeded in court cases to withhold council revenue, while others used the poor image of CCN as an excuse for non-compliance with CCN Bylaws, particularly those relating to revenue collection (CCN 2006).<sup>28</sup> CCN does not collect taxes effectively. For example, at the close of the financial year 2002/2003 only Ksh 2 billion of the Ksh 11.4 billion payable accumulated rates had been collected (GoK/Rweria report 2004a). CCN's recent transfer of water distribution to a commercial entity reduced its collected revenues by half (UN Habitat 2006).

The human resources capacity of CCN has been limited through the years. CCN considers itself understaffed in the senior and technical cadres and overstaffed in the lower staff grades (Sarzin 2006; CCN 2006) (Table 5.6).<sup>29</sup>

Table 5.6: Number and costs of categories of CCN personnel<sup>30</sup>

Scale	Category	Number of people	Percentage of people	Costs in mln Kshs	Percentage of costs
1-3	Senior management	16	0.12	15	0.4
4-9	Middle management	621	4.74	326	9.5
10-14	Technical staff-non management	3,556	27.12	1,163	33.9
15-18	Subordinate staff	8,918	68.02	1,925	56.2
<b>Total</b>		<b>13,111</b>	<b>100%</b>	<b>3,429</b>	<b>100%</b>

Source: CCN Strategic Plan (CCN 2006).

In addition, the senior management level faces a high turnover through interventions from the Ministry of Local Government through the Public Service Commission (PSC)<sup>31</sup> and wage gaps at some personnel levels between the Council and the Civil Service (CCN 2006; KACC 2007). Non-performing officers and appointments to positions are not based on qualifications but on tribalism (GoK/Rweria report 2004a). The frequent transfer of senior level staff leads to lower ranked officers acting 'in much higher positions than their current designations and above their qualifications' (KACC 2007). The low public sector wages as compared to private sector wages and - until recently - frequent delay in payments of salaries by CCN negatively influence staff motivation (KACC 2007) and in many cases drive staff to take on 'side activities' to make a (better) living. The CCN strategic plan indicates a huge deficit in financial management, performance management, ICT, change management and service delivery skills.

Ineffective and inefficient bureaucracy undermine CCN's operations. Deficiencies in the overall structure of CCN and its management have led to segmented and uncoordinated responses both internally and externally. The operations of CCN are mainly conducted through full Council and Chief officers' meetings held at least monthly or as required. These have however been characterised by turbulence and the vested interests that have held the Council in its grip over the years (CCN 2006). Strategic planning has been weak and performance information and performance trends are not available or used to streamline these meetings. Rather meetings are centred on resources and activities and not on results and performance accountability (CCN 2006).

Heavy corruption and inappropriate bureaucratic controls are major causes for the lack of (resources for) adequate service provision by CCN. In 2005 around the time of publication of the Rweria extra-ordinary inspection report, CCN ranked 13<sup>th</sup> out of 33 organisations surveyed in the Kenya Bribery Index.<sup>32</sup> The four key issues to discuss with regard to corruption and control are the role of the Ministry of Local Government, interference by civic leaders in the administration, lack of transparency and accountability, and external influence and interference (GoK/Rweria report 2004a).

First, the role of the Ministry of Local Government has already been discussed above. Second, councillors interfere in the administration leading to disposal of council assets and fraud in the supply of goods and services through collusion and/or conflicts with Chief Officers. One major form was the liaison of councillors with Chief Officers over elections in 1992, 1997 and 2002 to grab plots and plunder council resources. Another form is that councillors increasingly functioned as parallel or alternate heads of department, since the 2003 instructions of MoLG that chairmen of Council committees should have offices in City Hall gave councillors a greater role in management of CCN. This was accompanied by cases of intimidation, unethical behaviour and physical confrontation of officers (GoK/Rweria report 2004a). While the instructions were later reversed, councillors have increasingly shifted from a primary policy making role to a more activist and executive role. A third form exists in the many cases of conflict of interest and contravention against procurement procedures, for example through payments for substandard or undelivered goods and services not rendered, and through the establishment of an illegal tender committee in 2003 run by councillors with chief officers attending as observers (GoK/Rweria report 2004a). The Mbogua report (GoK/Mbogua report 2000), speaks of involvement in 'get-rich-quick' schemes of councillors, council officers and their associates. The KACC report speaks of 'a complex web of system manipulation involving city council employees, defaulters and a coterie of shady business partners and 'cowboy' contractors' (KACC 2007).

Third, there is a lack of transparency and accountability in revenue collection and expenditure by CCN. The recent forensic report by the Kenya Anti-Corruption Commission states that City Hall continues to lose a huge portion of parking fees, land rates or rent to corrupt officials exploiting weak financial management systems (KACC 2007). The report indicates that perpetrators of fraud at the Council had devised a complex system to block evidence of unremitted money estimated to be worth millions of shillings. Key to these events is concealment of the paper work involving such money, including bouncing cheques, tempering with the numbering of parking fees receipts and the filing of fraudulent expenditure claims at the council's cash office (KACC 2007). By the end of April 2007, City Hall was unable to account for Ksh 33.6 million in unsurrendered imprest and Ksh 9 million worth of obsolete stock in its stores (KACC 2007). Rweria in addition points out the almost non-functional internal audit function and answerability of the Chief Internal Auditor to the City Treasurer whom he is expected to audit (GoK/Rweria report 2004a). Disciplinary action (on staff in scales 10-18) is difficult due to patronage and political interference (KACC 2007).

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Fourth, external influences and interference among others concern the allocation of council properties by the Commissioner of Land to individuals and developers without consent or knowledge of the council, the appointment of commissions by central government to run the council after dissolving it with a view to facilitating the plunder of CCN resources in the 1980s and early 1990s, and the lack of appeals in courts of law in potentially successful cases, and the exaggerated fees and fraudulent multiple payments to external lawyers by the CCN Litigation Section due to external influences (GoK/Rweria report 2004a).<sup>33</sup>

Within this context of central government dominance, lack of resources, ineffective and inefficient bureaucracy, corruption, and rapid population growth, CCN failed to manage the city adequately. This has led to the current deplorable state of services and infrastructure and contributed to the Council's image as a poor performer and a 'den of corruption' which cannot be trusted with national resources (CCN 2006; see also KACC 2007).<sup>34</sup> External and internal client satisfaction of CCN were recently rated low (CCN 2006).

### *Public sector reform in Nairobi*

To address the immense problems CCN has been facing, the government of Kenya since 1983 appointed 18 independent probe commissions, task forces, committees and reports to look into its affairs (GoK/Rweria Report 2004a). Especially the Odongo Omamo report of the Commission on Inquiry on Local Authorities in Kenya (1995) and the Mbogua extra-ordinary inspection report (2000) were significant, providing recommendations to guide future development and management of the city council (CCN 2006). In August 2003 the Nairobi Interim Oversight Board (NIOB) was briefly charged with restoring financial and management health of CCN as precursor of a full-fledged Financial and Management Control Board for CCN (GoK/Rweria report 2004a).<sup>35</sup> In 2004 the Rweria extra-ordinary inspection report concluded that many of these recommendations were never implemented (GoK/Rweria report 2004a). The Kenya Anti Corruption Commission did not find much improvement either (KACC 2007).

Another potential road to bridge and finance the service delivery gap has been the outsourcing of service delivery through partnerships with the private sector and civil society. A number of public-private partnerships have been initiated in the last decade, among others in the fields of street lighting (with 'Adopt a Light'), garbage collection<sup>36</sup> and water supply and sewerage (see also Photos 5.3 and 5.4). Partnerships with community groups have been limited (UN



Habitat 2006). Adoption of partnership approaches have faced major challenges as a coherent framework for private sector participation and public-private partnerships in service delivery was lacking (UN Habitat 2006); moreover implementation of public-private partnerships is often accompanied by corruption.<sup>37</sup>

Another potential road to bring the provision of essential services closer to residents and overcome the intermingling of councillors in administrative issues has been through decentralisation and opening of departmental offices at ward level through the decentralisation programme of the Ministry of Local Government in conjunction with CCN which started in January 2003. The programme intended to deploy about 5,500 staff to the wards, with each ward being allocated 100 staff members. 55 ward and 8 divisional offices were

*Photos 5.3 and 5.4: Public-private partnerships in Nairobi in street lighting through ‘Adopt a light’ mechanism*



Source: author.

identified as the first step towards implementation of the programme (CCN website, consulted December 2009). The programme aimed to ensure that each and every department was fully represented in every ward, and eventually both senior and junior officers were planned at divisional and ward levels (Mitullah 2006b; based on CCN 2004). By February 2004, the decentralisation programme was in different stages, with 13 ward offices fully completed, 41 partially completed, 3 constructions commenced, 2 renovations commenced, while in 4 wards construction had not yet started (Mitullah 2006b; based on CCN 2004). Mitullah (2006b) indicates that councillors have been against the decentralisation plan and that the programme has not dealt with issues of overlapping roles and responsibilities and conflicts between civic leader and administrators, which may be transferred to ward level. In addition, the decentralisation plan has not yet been translated into policy and law and the eventual results will be strongly influenced by the concrete form of the Ministry of Nairobi Metropolitan Development (MoNMD) and the final

outcome of the constitutional review process with regard to the issue of decentralisation.

Another pathway for CCN to provide adequate service delivery is through inclusion in the 'Results for Kenyans' programme of the Ministry for Public Sector Reform & Performance Contracting (PSR&PC), Prime Minister's Office. Osiche (2008, based on Ogot 2007) indicates that this was a corollary for unlocking the World Bank funded multi-million US dollar Kenya Municipal Programme, by piloting the Rapid Results Approach (RRA) and the preparation of Terms of Reference for the within a record 22 days in December 2005. This also influenced the formulation of the CCN Strategic Plan 2006-2010.<sup>38</sup> Recently the 'fifth wave of the Rapid Results Initiative (RRI)', which consists of 100 days implementation for results within 14 service delivery areas, has been implemented in Nairobi from 17 June to 24 September 2009 (CCN website, December 2009). Challenges of RRA implementation, among others, are mentioned (Osiche 2008):

- The largely centralised character of RRI methodology for reform;
- Limitation of line agencies to develop result-based competencies and reinforcement of process-based organisational incentives and insularity through centralised way of implementation;
- Lack of guarantee for leadership styles necessary for implementation versus traditional rigid vertical council ethos, and reinforcement of implementing role rather than policy-making role of councillors;
- Treatment of symptoms rather than underlying causes of corruption and inefficiencies in revenue collection.

The effects of the Rapid Results Initiative (RRI) on the outcomes of the Local Authorities Service Delivery Action Plans (LASDAP) in Nairobi will be discussed in chapter 8. In 2005 CCN formulated an institutional and financial recovery strategy, focusing on enhancing efficiency in capturing existing and new sources of revenue (CCN 2005). CCN procurement procedures are also in line with the Public Procurement and Disposal Bill of June 2003 and the amended version of December 2004, to harmonise procurement procedures and ensure transparency, fairness and accountability in the procurement process (CGD 2005).<sup>39</sup>

Finally, Mitullah (2006b) mentions that several suggestions with regard to the political system have been made to overcome poor performance. These include making higher level education mandatory for councillors running in LA elections, direct elections for the position as Mayor, and - as formulated in the Draft Preliminary Bill on the Local Government Act Cap 265 - the possession of a degree, at least ten years management experience in public and/or private sector and integrity for the Mayor. Mitullah (2006b) quite rightly points out

that ‘while these suggestions are useful, the lack of commitment and integrity seems to be the major bottleneck facing the council’. Councillors predominantly view themselves in terms of doing residents a favour, rather than in terms of responsibility to residents for adequate service delivery.

### **5.5. Local policies and institutions in business affecting poverty and inequality**

#### *Policies and institutions with regard to business and poverty*

HBEAs and/or MSEs are accommodated and constrained by formal rules with regard to registration/licenses, taxes, public health, environment and public order. Compliance of informal businesses to these rules often varies according to the level of input of assets from formal sources (government incentives, formal financial services) and whether the owner has a business- or livelihood orientation. Generally, the regulations mainly concern the control of businesses, rather than facilitating development of the urban economy.

Although there are business licensing and registration reform policies, businesses at the local level often remain constrained by local enforcement procedures. At the local level, single business permits are often not de-linked from other licenses. Although a large share of informal businesses operate without licenses (Mitullah 2006). Licensing provisions give the responsible officers wide discretionary powers to grant, revoke, cancel or renew licenses. These powers are often implemented inappropriately, at the cost to businesses, resulting in uncertainty, wasted time, and expenditures in form of bribes. Mullei & Bokea (1999) observe that the manner in which licensing provisions are enforced in Kenya, creates a major disincentive to investment. This is reflected in the violation of property rights of entrepreneurs by trade licensing enforcement officers, and the harassment and bribery of street traders by police and Local Authority officers. Most MSEs are referred to as ‘informal’ businesses (UNDP 2006). To take advantage of government incentives and access formal financial services, businesses until recently however needed to be registered. Table 5.7 shows an overview of the regulatory requirements for some types of MSEs in Kenya.

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**Table 5.7: Regulatory requirements for MSEs in Kenya**

<b>Requirement</b>	<b>How often (frequency)</b>	<b>Business applicable</b>
Hawking	License given on production of: -Identity card -Certificate of good conduct -Daily fee of Ksh 25 -Hawking to be done on designated areas	Every year
Bulk agro business (including vegetables, fruits, grains, tomatoes, potatoes)	-License -Daily fee of Ksh 100 -Operation in designated markets in cities or towns (Wakulima market in Nairobi)	Every year Every time one sells from the markets
Jua Kali products (including motor mechanic, engineering, manufacturing industries)	- SBP -Fee -One operates in designated area, or in, Jua Kali sheds	Every year Monthly fee Ksh 200 or weekly Ksh 50
Paper & paper products, printing & publishing	SBP given on production: - Physical address - Certificate of good conduct	Every year
Textile, wearing apparels & leather product shops	SBP given on production: -Physical address	Every year
Wood, wood products and carpentry	SBP	Every year
Whole sale & retail trade	SBP Trade License	Every year
Restaurants and hotels	SBP Trade license	Every year
Textile and tailoring	SBP Trade License	Every year
Textile and tailoring	Trade License Weekly fee of Ksh 50 Sell in designated areas	Every year
Meat and meat products	SBP Trade License	Every year
Live animals	Fee of Ksh 50 Operate in designated market areas	On entry to the designated market areas
Transport and communication (matatu business)	Fee of Ksh 70 Transport Business License Certificate of good conduct Road license Insurance Root number	Daily Every year
Real estate and businesses services, brokers, auctioneers	SBP issued on provision of location details	Every year
Handicrafts and carvings	Trading License Fee of Ksh 100	Every year

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	Operate in designated market areas or places	
Other small business, e.g. barber shops, hair dressing	SBP issued on provision of location details	Every year

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Source: UNDP (2006).

The legal situation on HMEs in urban agriculture is unclear, with most urban dwellers assuming it is illegal (Ayata, Kibata, Lee-Smith, Njenga & Rege 2004). However a close look at the Local Government and Public Health Acts, as well as the Nairobi Bylaws, indicates that urban farming may be practiced under certain restrictions. Under the Local Government Act (Cap. 265), local authorities in Kenya have the power (under Section 201) to enforce bylaws to: maintain residents' health, safety and well-being; maintain good rule and government in the area; prevent and suppress nuisance; and control, regulate, prohibit or compel any act they are empowered to perform. CCN has used these powers to enact bylaws that prohibit cultivation on public streets and keeping livestock that create a nuisance. Section 144 (c) of the Local Government Act also prohibits cultivation by unauthorized persons on land that is not occupied or enclosed, or land belonging to private persons, government and local authorities. Section 155 (b) of the same act, however, allows for agricultural and livestock undertakings and the provision of services to them. In doing this, it refers to the Animal Diseases Act regarding the prevention of the outbreak and spread of disease. Section 155 (c) also provides for the planting of famine relief crops by persons to support themselves in any part of the country where there is likely to be a shortage of foodstuffs. The Public Health Act (Cap 242) in Section 157 (1) empowers the Minister of Health to prohibit cultivation or irrigation within and around townships. Amidst the uncertainty however, farming activities have continued to thrive in urban centres in Kenya often with little regard for associated health issues such as contamination from pathogens and toxic materials among the waste materials used in farming systems and disease transmission from animals kept in unhygienic conditions. Experiences gained from other cities of the world where urban and peri-urban agriculture is legalized and is better regulated indicate the beneficial effect of farming in cities in providing better nutrition, poverty alleviation and employment creation. Recently there is a shift from ignorance by urban planners and interpreting urban agriculture as insignificant cultural practice adopted from rural life to a potential livelihood strategy for survival. More accommodating policies for urban agriculture in Nairobi might become reality, especially in the context of the current food crisis and the current extreme rise of inflation rates in urban areas.

Policy guidelines in the fields of employment and poverty need to address the integration of urban and peri-urban farming in urban economic and physical

planning, the lack of institutions dealing with UPA and the coordination of institutions under whose mandates it falls by default, recognition of UPA as an urban industry and its underutilised resources for waste management as a potential source for income generation, and provision of credit facilities, extension service and advice (Ayata et al. 2004). Other policy guidelines are needed in the fields of health issues and waste management (risk management, disease prevention, waste management), household nutrition, land use management and physical planning, legislation and governance framework. HBEAs and community groups in solid waste management partly face the same legal regulations on public health as those in urban agriculture. In addition these initiatives need to comply with environmental regulations and CCN bylaws concerning the production of noise, smell and environmental hazards. HBEAs in food preparation and restaurants need to comply with a large number of standards and regulations with regard to public health. Licenses on food have through the years faced recurrent hindrances of public health regulations, though inspection/enforcement of rules is limited.

Created by the colonial administration, the General Nuisance Bylaw allows city inspectorate officers to arrest anyone deemed to be creating 'general nuisance' in public spaces. This bylaw especially constrains hawkers and/or street vendors, as city inspectors use it to harass street vendors who have and have not paid their daily license. The City of Nairobi Hawkers bylaws 2007 especially restricts unlicensed hawking and buying from hawkers, negotiating, and inducing or bargaining hawked goods in non-designated areas (CCN, website consulted November 2009). This bylaw often overrules the more specific City of Nairobi Hawkers bylaws 2007 providing for street vending on condition of payment of daily or yearly license fee.<sup>40</sup> Between 1980 and 2005 seven relocation attempts for hawking have been undertaken by CCN. The latest attempt concerns the new Muthurwa Market for hawkers at a cost of \$14.3 million and will most likely also fail to achieve the government's aim to remove hawkers from the CBD. These locations have lower pedestrian traffic and/or customers with lower purchasing power than in the CBD. In addition there is limited space for the increasing numbers of hawkers and the relatively high entrance fee of Ksh 100, vis-à-vis the expected fall in sales from relocating (Bankelele 2008).<sup>41</sup> Other business operation related policies and institutions at the local level also often constrain operations of HBEAs and MSEs of the poor. Consequently, there have been recurring skirmishes between CCN askaris and hawkers over access to the Central Business District. Despite the intention of the government towards an inclusive city, it remains reluctant to allocate vending sites or zones within the CBD (Mitullah 2006a). The choice of CCN to deal with hawkers through the control department, indicates the primary attention for control rather than urban economy by CCN. The micro-finance environment in Nairobi has been thriving, though generally

not providing access for the poorest households and businesses, as interest rates are often too high and loan amounts too large. Micro-finance institutions offer a way to access finance, though their interest rates are often still too high for the poor. Examples of these are Kenya Women Finance Trust, Faulu Kenya, Small and Micro Enterprise Programme (SMEP). Some, however, provide opportunities that are more convenient to the poor, by including the possibility of small loans, flexible repayment terms and inclusion of health insurance that meets needs at both sides. Examples of this category of support organisations are Jamii Bora and Akiba Mashinani. ROSCAs of the poor themselves form the major alternative for the poor, whether or not assisted by micro-finance support organisations.

Inclusive spaces for dialogue with the private business sector have emerged and grown in the last decade, though initially mainly for formal businesses and at the level of implementation of services. The Nairobi Central Business District Association (NCBDA) was founded in 1997 to halt deterioration of the CBD (Makhoka 2006). It grew to an association of about 80 major member corporations of hotels, insurance companies, banks and other service providers. After a long period of resistance from the government, NCBDA and CCN in 2000 eventually signed a MoU for a public-private partnership on the provision of plans, services and their funding by NCBDA and the political decision-making and approval of plans by CCN. The agreement distinguished between two spatial areas - the 'inner core of the CBD' and 'the CBD and its environs', whereby the latter was not demarcated clearly and interpreted freely to include the entire space within the boundaries of the City of Nairobi (Anyumba 2003, based on Kamunyori 2007). Major projects in NCBDA's early years (2000-2002) were the rehabilitation of public toilets, improvement of garbage disposal (litter bins spread across CBD), community policing (pilot in Ruai) and establishment of police information centers, beautification (more than five roundabouts), and street lighting rehabilitation.<sup>42</sup> After initial successes, the scope was partly expanded to urban regeneration at the city level, addressing issues like urban governance, participatory decision-making, social-economic and environmental aspects and urban infrastructure (Makhoka 2006) - with donor support of Ford Foundation, UNDP and Cordaid (on capacity building), among others.

The NCBDA slowly grew dormant in this period. With the new Kenyan regime's strong focus on private sector development and integration of the formal and informal sector for economic development, there was also a shift in attitude of NCBDA towards the informal sector and an increased emphasis on joint policy advocacy, moving beyond the traditional symbiotic relation in economic terms<sup>43</sup>. Up to then efforts to invite the informal private sector to the association had failed because of distrust and poor functioning of the few

informal sector associations in existence (Makhoka 2006; Mitullah 2003b).<sup>44</sup> Under the umbrella of the USAID funded 'Appropriate Governance for Informal Training Programme' (September 2003 - December 2005), NCBDA carried out a survey on informal traders in Nairobi. In addition, it organised a series of seminars for large groups of informal traders aimed at helping them organise themselves into an umbrella association, in particular Nairobi Informal Sector Consultative Forum/Confederation (NISCOF), and providing them with skills to lobby effectively for their rights in policy making. NISCOF was simultaneously invited in the Kenya Private Sector Alliance (KEPSA). Furthermore, an exchange trip was organised for individuals drawn from the Ministry of Local Government, CCN, the private sector and NCBDA to learn about how South African cities have dealt with the issue of informal trading (NCBDA 2005).<sup>45</sup> Recently, NCBDA's vision for Nairobi was reformulated as 'The 25-hour city economy, Choice of Africa, Clean, Safe Secure and Vibrant' and strategies further sharpened towards policy advocacy and exploration of public-private partnerships in essential service provisions (GoK 2008a). Despite the more collaborative atmosphere, the results of this increased dialogue still remain to be seen, especially with regard to women, as these spaces for policy making are often male dominated.

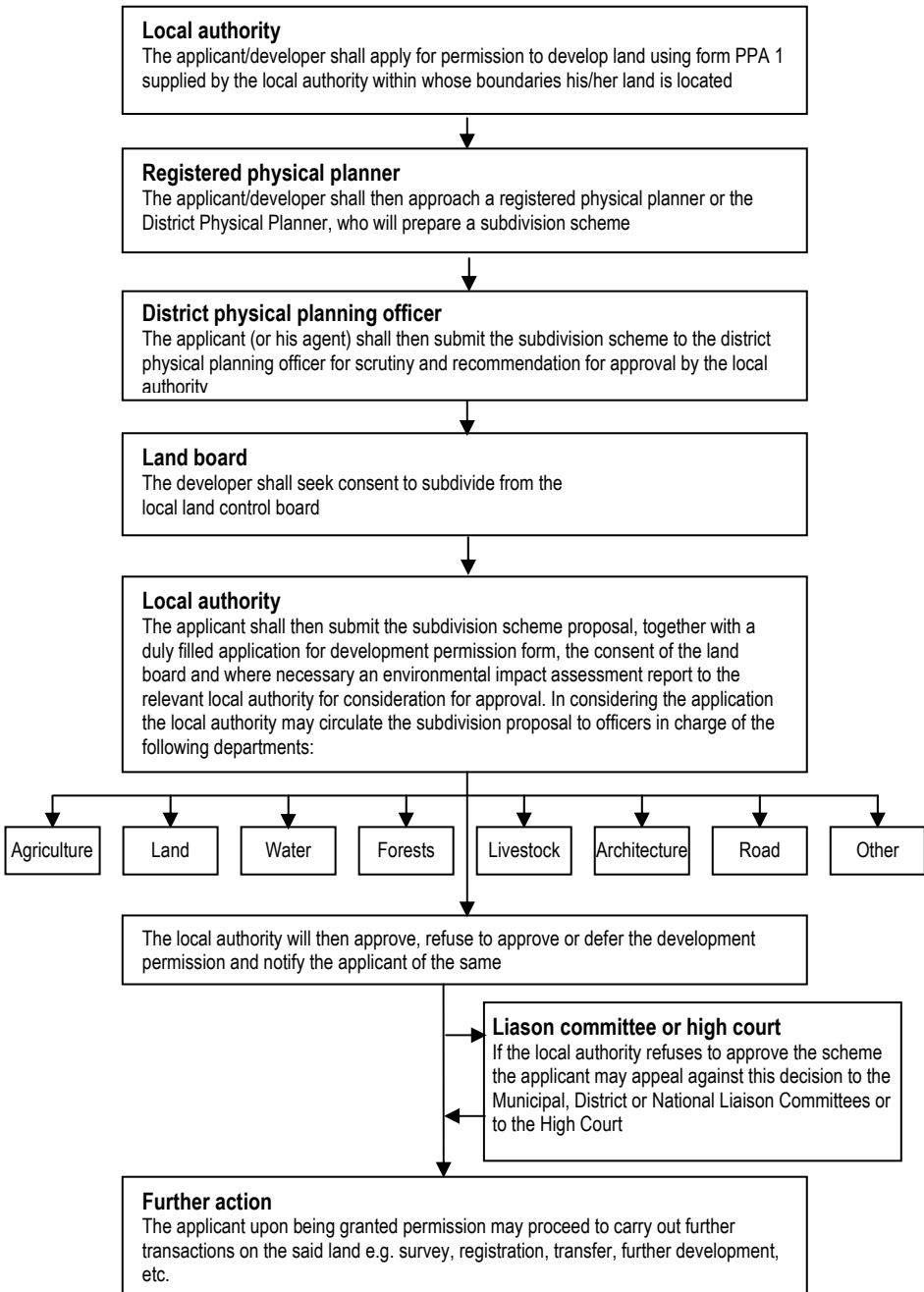
### **5.6. Local policies and institutions in land, tenure and housing affecting poverty and inequality**

CCN (and the country as a whole) lacks clear and specific policies for housing, land use planning and land management (Syagga et al. 2001). This makes a coherent and clear division of land difficult. The subdivision of land in freehold areas within municipalities is however a responsibility of the local authorities and follows formal procedures as indicated in figure 5.2.

Besides the number of steps through which a subdivision application must pass, various costs must be borne by the applicant, in the form of fees payable to the EMC, the Land Control Board and government departments, as well as professional fees. Ideally, the following requirements should be met for a subdivision application to be approved: 1) Copy of the title deed or certificate of lease presented as proof of ownership; 2) Four copies of the proposed subdivision plan provided; 3) A public purpose plot of 4 per cent of any land being subdivided with an area of 5 acres (2.2 ha) or more set aside; 4) A rate clearance certificate provided; 5) A sketch site plan from the Department of Physical Planning duly signed and stamped (for the purpose of identifying the location of plots that are not registered). The overall procedure is long and costly.



Figure 5.2: Procedures for the subdivision of freehold land



Source: Musyoka (2006), constructed on the basis of Physical Planning Act (GoK 1996).

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The local authority requires the owner to provide infrastructure, for which the council takes on maintenance responsibilities, before a subdivision of privately owned land is approved. In practice, this does not happen due to the costs involved and, in most cases, infrastructure provision is left to the buyers. A large farm may first be formally subdivided and its 'smallholdings' sold. Subsequent subdivisions may or may not satisfy official procedures. Many sellers circumvent the process and subdivide and sell their land informally.

The majority of house-owners in the informal settlements have some form of quasi-legal tenure through letters of allotment from Chiefs or through agreements with land owners on private land (Syagga et al. 2001). In some settlements, such as Mitumba near Wilson Airport (included in chapter 7), there is pure squatting with residents having no rights (Gitau 2000). TOLs permit allottees to use vacant public land on a temporary basis on the condition that the allottee does not erect the permanent structures on the plot without permission. These are granted by the Central Government and can be terminated at short notice. In 1999 CCN also introduced TOLs to promote investment in small businesses and the efficient and productive use of idle public land in strategic locations like street intersections, road reserves in high density neighbourhoods and open land on the urban fringe (Yahya 2002). Licenses are allocated annually on a renewable basis for a land rent, and entitle licensees to construct semi-permanent structures. Typical uses include pavement restaurants and kiosks as well as street food vendors, open air garages and furniture shops. Some people also live on their sites. Among the advantages of the system is the simplicity of the administrative procedures (no surveys are involved), payment is spread over the year, building standards are flexible, and the public authorities retain control of the land (Yahya 2002). In 1999, about a third of the 1,924 applications were approved by CCN (Yahya 2002).

Civil society in Nairobi predominantly focuses on access to land and shelter at the implementation level. A major channel is through collective savings of residents. Savings and Credit Cooperatives Organisations (SACCOs) are the major form of savings groups, with more than 200 SACCOs in 1989 and loans to members of around Ksh 7.5 billion (Syagga et al. 2001). They mainly cater for middle and upper-low income groups in formal employment (ibid.). Since 1970 National Housing Cooperative Union (NACHU) facilitates and supports cooperative schemes, of which about 45 percent for low income. Up to 2001 members of four cooperatives in Nairobi were supported (ibid.). Muungano wa Wanavijiji or Federation of Slum Dwellers was established in 1996, influenced by slum dweller federations from India and South Africa. Its base is local saving groups or 'saving schemes that provide a community structure for internal governance and housing initiatives' (Weru 2004). By 2002 there were

54 savings schemes with 43 bank accounts (ibid.). The grassroots federation has developed 100 savings groups in 60 settlements with a membership of 10,000 people in at least eight Kenyan towns (ibid.), though predominantly in Nairobi. Since 2000 Muungano is supported by the non-governmental organisation Pamoja Trust, member of the Shack/Slum Dwellers International (SDI) network of slum federations and NGO and also the Kenyan partner of Homeless International. Muungano and Pamoja Trust seek to improve housing and both through regularisation and upgrading of the settlements in which urban poor groups currently live (including getting tenure of the land they occupy) and through new land tenure projects. Especially, the aim for negotiated development over getting tenure of the land they occupy in concrete programmes is characteristic for the innovative approach of Pamoja Trust that became possible with the increasing space for partnerships and negotiation with the government in the early 2000s. Recently Muungano and Pamoja Trust have restructured operations and established the Akiba Mashinani (i.e. 'grassroots savings') Trust Fund to lend to local savings schemes. A World Bank related study indicated the need for regulating the Nairobi housing market and upscaling or extending the negotiated development approach of Muungano and Pamoja Trust in order to fill the 'high-price low-quality trap' in Nairobi (Gulyani & Talukdar 2008).

Civil society in Nairobi has traditionally always strongly focused on housing rights issues, especially to fight demolitions and the constant threat of evictions for slum residents and provide secure tenure within the boundaries of Nairobi. Key civil society actors have been the NGOs Kituo cha Sheria, Shelter Forum, and later Pamoja Trust. Kituo Cha Sheria (literally meaning 'Centre for Justice') was founded in 1973 as a legal and human rights organisation that undertook public interest litigation on behalf of low-income communities threatened with unlawful eviction (Weru 2004). Shelter Forum was established in 1990 as a (national) coalition of organisations and individuals, with a membership of 600 professionals, development workers, self-help and community groups (Makokha 2006). It brings together the key players who through collective action facilitate access to affordable decent shelter for vulnerable groups. Shelter Forum is also active in network and policy formulation, for example with regard to the process of formulating a new housing policy since the late 1990s and as a member of the thematic working group on 'urban land, environment and infrastructure' for the formulation of the draft national Lands Policy (Makhoka 2006). Moreover, civil society organisations negotiated a (temporary) ban against demolitions and evictions through NISCC in 1997. The more recent NGO Coalition Against Forced Evictions is linked to the international coalition of the Centre on Housing Rights and Evictions (COHRE). It includes members like Kituo Cha Sheria, Pamoja Trust, Maji na Ufanisi (Water and Development), African Network for

the Prevention and Protection of Child Abuse and Neglect (ANPPCAN), Shelter Forum, Kutoka Network of Catholic Parishes in the Informal Settlements, Carolina for Kibera, Basic Rights Campaign, Concern, Kenya Human Rights Commission.

## **5.7. Conclusions**

This chapter analysed the opportunities and constraints of the metropolitan institutional context and structures for individually claimed spaces, collectively claimed spaces and invited spaces. The influence on the processes and impacts of the selected spaces will be discussed in further detail in the subsequent chapters.

Individually claimed spaces of social, organisational and political relations and/or individual household pathways are heavily constrained through the lack of basic services delivered by the City Council of Nairobi. Systematic political and administrative dominance of central government over local government, ineffective and inefficient bureaucracy, and heavy corruption have largely restricted local government authority, resources and capacity for adequate service delivery. Privatisation of service delivery through public-private partnerships shows mixed results and often ends-up in uncontrolled growth of private companies delivering services on a supplier-buyer basis and weak or absent regulatory frameworks. Metropolitan bylaws mostly lack an enabling approach and often contradict the recent increasingly accommodating national level regulatory frameworks for private sector development, business and employment.

Collectively claimed spaces by civil society are one of the few ways through which the poor can gain secure access to land and tenure. Absence of accommodating land and housing policies and regulations, land grabbing and corrupt practices, and heavy commercialisation of Nairobi's unregulated housing market, have left the poor largely dependent on renting in informal settlements or slums. The high demand and low supply of housing has led to a 'high-price low-quality' trap for which the poor have to spend a large share of their limited resources. Alternatively, the poor seek access to land and tenure through collective negotiations over land by the Kenyan Homeless International Federation with government and other stakeholders. An example are the recently increased claimed spaces around upgrading linked to agreements between the national government and UN-Habitat, and in line with international MDG 7 to reduce the proportion of urban population living in slums by 2020. Limitations of these upgrading programmes are however that the formula of formulating accommodating policies alongside implementation

of pilot cases, such as KENSUP in the slums of Kibera, has failed so far. Other potential negative aspects of upgrading have been high costs of housing, sale of upgraded units by the poor or planning of middle-income standards in advance. Another major alternative for the poor to seek access to land and tenure is through collectively claimed spaces by land buying cooperatives, trusts and societies. The advantage is that through this mechanism the poor can potentially gain secure access to land and tenure through the private market. The potential disadvantages are that the mechanism has been predominantly used by commercial land buying companies and Savings and Credit Cooperatives Organisations (SACCOs) at prices affordable only to middle and middle-low income households. Earlier experiences of the poor, especially in the context of resettlement, often ended up in sales of plots and structures by the poor - dependent on the form and property rights - and faced a lack of infrastructure and other facilities. Other constraining factors are the long and costly land registration procedures, and the limited accessibility of housing finance for the poor.

Invited spaces at local level have increased through the initiation of devolved funds since the 1990s. These spaces are however constrained by national and metropolitan informal political practices of patronage, clientelism and corruption. The difference in political culture between opposition and ruling party at the time of introduction of multi-party elections, did not sustain long. The recent increasingly accommodating national regulatory framework for private sector development, business and employment also opens some invited spaces for consultative policy-making at the metropolitan level. These spaces primarily include formal private sector alliances, though increasingly include informal sector alliances through direct and/or indirect representation. To make effective governance through invited spaces work, it is important to deal with underlying causes of misperformance rather than treating symptoms, and to materialise transformations in commitment and integrity.

## Notes

<sup>1</sup> Other spontaneous and organic cities, reflecting the make-up of the country at large, are Johannesburg and Lagos. Cities that are built on or around older settlements are amongst others Accra and Duala. Examples of cities with migrant communities who have lived there for years are Addis Ababa regarding Eritreans, Asmara regarding Ethiopians, South African cities regarding Nigerians, Angolans, Congolese. Finally, examples of residentially segregated cities resembling an ethnic cauldron and a 'divided nation' are Brazzaville and Abidjan (AEGIS 2006).

<sup>2</sup> The proposed Nairobi Metropolitan Region (NMR) comprises 15 independent local authorities, including City Council of Nairobi, Thika Municipal Council, Thika County Council, Machakos Municipal Council, Mavoko Municipal Council, Kiambu Municipal Council, Kiambu County Council, Karuri Municipal Council, Tala/ Kangundo Town Council, Kikuyu Town Council, Ole Kejuado County Council, Ruiru Municipal Council, Limuru Municipal Council (GoK 2008).

<sup>3</sup> The dividing line between informal settlements and other residential areas coincides with differences in geographic and climatic characteristics (Amis 1996).

<sup>4</sup> By 1902, the reservation of areas for European settlement had been adopted and all of the western part of Nairobi was allocated for Europeans. This explains why the western and northern parts of the city are still in the hands of private individuals (Obudho 1997).

<sup>5</sup> Using a more stringent definition of slums and the metropolitan city's boundaries, CBS estimated the slum population in the 1999 national census at 30% or 0.64 million (0.81 million if corrected for population growth rate of 4.85% per year) (Gulyani 2006; Gulyani & Talukdar 2008; see also World Bank 2008).

<sup>6</sup> Another study estimated the relative proportion of indigenous population of Nairobi as: Kikuyu (32 percent), Luo (18 percent), Luhya (16 percent), Kamba (13 percent) (Oxfam 2009, based on Practical Action 2004).

<sup>7</sup> The displacement of indigenous populations from high potential areas by the application of the Crown Lands Ordinances (1902 and 1915) and the practice of residential segregation created squatters in the White Highlands and urban centres. The implementation of the Vagrancy Act of 1922 restricted the movement of indigenous people outside native reserves (Macharia 1996) and a policy on demolition of any unauthorised structures under the Public Health Act regulated informal land development in urban centres, especially Nairobi.

<sup>8</sup> The figures for the number of informal settlements in Nairobi over the years are conflicting: 50 (NCC-NCCK 1971), 78 (NACHU 1990), 36 (Matrix 1993) and 133 (Ngau 1995) (Syagga et.al. 2001).

<sup>9</sup> The 1990s were marked by massive evictions from slums, not as part of development programmes, but merely as a result of land disputes (Huchzermeyer & Omenya 2006). Occupied land was allocated by the ruling party to 'reward political loyalty' (Olima 1997) and with an increasing politicisation of ethnicity, ethnic land conflicts emerged (COHRE 2006). A 1997 moratorium on demolitions by NISCC was only temporarily respected. With the change of regime in 2002, there was a strong sense of urgency that the abuses and excesses of the previous regime headed by Moi had to be reversed. From February 2004 the emphasis shifted however to evictions with the ostensible purpose of reclaiming all riparian, railway and road reserves that had been encroached upon. State corporations also indicated that all households built within the periphery of safety must be pulled down. The announced evictions affected slums in five of Nairobi's eight divisions. The planned evictions related to the suspended construction of a road bypass through Kibera, remain pending (COHRE 2006; Pamoja Trust 2009). In the absence of a law and comprehensive national eviction guidelines that comply with international human rights standards, forced evictions are likely to continue (Amnesty International 2009).

<sup>10</sup> This reflects the shift from petty-subsistence and petty-bourgeois to petty-capitalist landlords. The subsistence landlord has only one house and predominantly uses it for self-

consumption of its use-value, while the partial conversion into exchange-value by renting rooms is part of a survival strategy not of a deliberate move. The petty-bourgeois landlord owns one house only but unlike the subsistence landlord produces rental accommodation in order to generate additional income. Income from rental housing is used to repay loans, purchase consumer durables, or accumulate savings for house improvements. The aim is to improve the household's quality of life. The petty-capitalist landlord owns more than one property and produces rental units in order to expand and reproduce capital in the form of landed property. Rental units are provided for their exchange value (Kumar 1996).

<sup>11</sup> 4.8 percent of slum households are 'resident landlords'. The vast majority of structure owners are hence 'absentee landlords' (World Bank 2006).

<sup>12</sup> Chiefs and elders have been known to derive a considerable income from allocating public land in slums and low-income settlements to put up low-income structures for rent (UN-Habitat 2006).

<sup>13</sup> The term 'Nubian', the common name for these Sudanese descendants, is a misnomer. It arose out of their need to portray themselves as a distinct group after independence, and has no reference to the 14th century Christian Kingdom of Nubia (Lamba 2005).

<sup>14</sup> From October 1952 to December 1959 Kenya was under a State of Emergency, arising from the 'Mau Mau' or Kenya Land Freedom Army movement insurgency against British colonial rule in general and its land policies in particular. This rebellion took place almost exclusively in the highlands of central Kenya among the Kikuyu people. The governor requested and obtained British and African Troops, including the King's African Rifles. The capture of the Mau Mau leader Dedan Kamathi in October 1956 signified the ultimate defeat of the Mau Mau and essentially ended the military offensive (Lamba 2005).

<sup>15</sup> See Polese (2005/6) and Taylor (2006) for debate on measurement of cities' contributions to the GDP and on attribution of economic growth to national states by Polese and attribution of expansion of economic life to (inter)national groups of cities in the Jacobian tradition by Taylor. See Duranton (2008), for the initial suggestion of the continued aim to raise within-city efficiency in combination with reduction of obstacles for reallocation of factors across cities for productivity and economic growth in developing countries.

<sup>16</sup> Manufacturing in Nairobi consists of many small and medium-sized industries. These include industries manufacturing steel products, plastic goods, soaps, flour, vegetable oil, canned fruit and fruit juice, horticulture, and dairy and poultry farming. Bulk trading of Kenyan coffee (the Kenyan coffee auction) also takes place weekly at the Nairobi Coffee Exchange. Although Nairobi trade is based on an agricultural economy, the most vibrant industry is the service-based industry with Business Process Outsourcing (BPO) as the latest entrant into the market. The service industry contributes 59.2 percent of Nairobi's GDP as compared to 24 percent from agriculture, followed next by the manufacturing industry (McCormick et al. 2002).

<sup>17</sup> A recent NCBDA survey indicated for example that for most businesses in the CBD the Council provides collection services at a monthly fee of Ksh 5,000. The managers of the hotels said they were satisfied with the quality of services provided by the Council. About 80% of restaurants in the CBD that the team visited had however made arrangements with peri-urban pig and dairy farmers or pet owners to collect their waste for animal food. The hotels were however not informed on sites/places the collectors disposed off any left-overs that they did not feed to their animals.

<sup>18</sup> International companies and organisations that moved to Upper Hill include Citibank (2007), Coca Cola, World Bank, International Finance Cooperation (the private sector arm of World Bank), and PriceWaterhouseCoopers. Other international companies with regional headquarters in Nairobi include General Electric, Toyota, Goodyear, Young & Rubicam, Google, Siemens, Zain, Cisco Systems (Business Daily 2007; Press Media Wire 2008). The CBD currently especially houses (multi-)national banks (a.o. Barclays, I&M, Standard Chartered, Equity Bank, Kenya Commercial Bank, National Bank, Co-operative Bank, and

CFC Stanbic Bank), government offices and high end international hotels (a.o. Hilton Nairobi, Serena Nairobi, The Stanley). The CBD is characterised by a skyline of skyscrapers, due to a construction boom after independence and another construction boom in the late 1990s and early 2000s. Most skyscrapers (Times Tower, Kenyatta International Conference Centre, NSSF Building, I&M Bank Tower, Government Office Conference Hall) are the headquarters of businesses and corporations.

<sup>19</sup> The corresponding figures for decrease in wage employment were 73 percent in 1989 and 60 percent in 1999.

<sup>20</sup> KIPPRA estimated the unemployment rate for persons between 15 and 64 years in Nairobi to have declined from 23.9 percent in 1998/1999 to 16 percent in 2005/2006 (Wambugu, Munga & Onsumu 2009, based on CBS 2003 and GoK 2008a).

<sup>21</sup> Unemployment of youth is held to be one of the key factors behind the increasing levels of insecurity and violence in the informal settlements. The post-election violence of early 2008 is seen as a manifestation of this.

<sup>22</sup> The average annual inflation rate rose from 2.0 percent in 2002, to 9.8 percent in 2003, to 11.6 percent in 2004, 10.3 percent in 2005, 14.5 percent in 2006, 9.8 percent in 2007 to 26.2 percent in 2008. This was the highest inflation rate since 1994, when it reached 24.4 percent. Underlying inflation, which excludes food commodities, rose from 5.7 percent in 2007 to 11.1 percent in 2008. The rise in inflation was caused by the high food and fuel prices during the period under review (GoK 2009).

<sup>23</sup> The Local Government Act of 1984 further increased the power of central government, by making appointment of heads of departments and numerous actions – including raising revenue – subject to approval by the Minister of Local Government.

<sup>24</sup> CCN has been dissolved various times, ‘ostensibly for centre driven audits and inspections’ (Osiche 2008; Rweria 2004).

<sup>25</sup> The KACC (2007) report indicates that CCN generates revenues of approximately Kshs 5 million per year from various sources, namely: 1) Intergovernmental transfers and grants; 2) Education facilities through hire of school premises and grounds; 3) City Inspectorate Department through training, impounding, etc; 4) Department of Environment through the hire of parks, open spaces, dustbins, films, boats, etc; 5) Public Health Department through inoculations, mortuary and cemetery fee, vermin control fee, ambulance, maternity fee and cost sharing at clinics, etc; 6) Engineering department through parking fee, construction site board, road works and stormwater drainage fee, fire services and advertising on road reserves; 7) City Planning Department through survey fees, building plan fees, lease extension and advertising; 8) Housing Development Department through eviction fee, building plans, rates and mortgage repayments; 9) Town Clerk’s Office through the hire of Halls, rent from trading establishments and City Hall Annex; 10) Social Services and Housing Department through gate collections at stadiums, rents from housing, market access, shops and halls.

<sup>26</sup> Whilst the city contributes about 50% of the GDP, it only receives approximately Kshs 1 billion through LATF and RMLF, less than a half percent of domestic revenues (CCN 2006). The minister of Local Government recently indicated that Nairobi receives 23% of national resources (Nation 2009).

<sup>27</sup> The crude death rate for CCN gradually increased from 1% in 2001 to 1.4% in 2004. The aggregate HIV/AIDS related costs in percentages of the wage bill were projected to increase from 2.2% in 2006 to 2.7% in 2010. Cost figures for CCN more than double the figures for Kampala (Uganda) and Iliala (Tanzania/Dar es Salaam) councils, which stay almost stable (Sarzin 2006).

<sup>28</sup> Especially the court case over payment of 2002 land rates on the basis of the 2001 revised Draft Valuation Roll, which was meant replace the 1982 valuation roll - which legally should have been renewed every 5 year - and to raise the CCN revenue income. The 2001 Draft Valuation Roll proposed an increase in base value of almost 50 times for residential



plots and of 500 times for commercial plots, while the council proposed a general rate levy of 1%, with 0.4% remission for residential plots (effective 0.6%). This levy, while remaining at less than 4%, would have resulted in 100% increase in actual payments for residential plots and nearly 400 percent for commercial plots compared to 2001 payments (Rihal 2004).

<sup>29</sup> Overall, CCN workforce increased from 17,000 to 20,048 between 1995 and 2000 (Ikiara, Karanja & Davies 2006) and decreased to around 13,000 in 2006 (CCN 2006; Sarzin 2006). CCN staff numbers are divided into: Education and Health (24%); Bylaw enforcement and prosecution of offenders (23%); Cleaning (20%), Engineering, planning and housing development (15%) (UN-Habitat 2006).

<sup>30</sup> These figures exclude primary and secondary school teachers, who are employees of the central government.

<sup>31</sup> Appointment, promotion, disciplining and discharging of senior level personnel in scale 1-9 is attributed to the Public Service Commission (PSC) and for other personnel in scale 10-22 to the council (KACC 2007).

<sup>32</sup> In 2008 CCN had however moved out of the Kenya Bribery Index, partly indicating limitations in measuring methodology.

<sup>33</sup> The Rweria report points out the weak legal capacity within CCN with no Legal Department and two understaffed legal sections on conveyance (1 lawyer) and litigation (2 lawyers) under the Town Clerks Department. Corruption and fraud involving external lawyers and council officers cost the council huge financial loss: external lawyers costed the council 60% of court cases, pending bills on courts awards amounted to Ksh 815 million, cases are delayed in court for unreasonable many years, and lawyers do not take any action to have them prosecuted or dismissed; moreover, corrupt consent judgements in courts are arranged by council officers in collusion with the plaintiffs and/or their lawyers. In addition, external lawyers in collusion with council officers have been paid exaggerated legal fees, with a total of pending bills on legal fees of over Ksh 500 million and the council paying more than Ksh 50 million a year. Other external lawyers have been collecting rates on behalf of CCN and not remitting the same, which amounts to stealing clients money. The Rweria report therefore recommended the establishment of a strong legal department and gradual restriction of the use of external lawyers to very special cases (GoK/Rweria report 2004).

<sup>34</sup> City authorities also have an influence in the events taking place within informal settlements, both negatively and positively. They determine whether a settlement stays in situ or is demolished and influence economic activities undertaken within the settlements.

<sup>35</sup> The Nairobi Interim Oversight Board was proposed in the Mbogua report in 2000, and is often referred to as covering the period of 2000 to 2003, but it still took until August 2003 until it was formally established as there was strong opposition of a group of councillors who sought clarification on the board's legal standings kept NIOB from being fully operational at least until 2003 and limited its effects (see also DFID 2003).

<sup>36</sup> A first attempt to privatise garbage collection to a single Italian private company 'Jacorossi Impresse' in 2004 failed, after opposition of ministers and councillors against a MoU with the Ministry of Local Government. A second attempt, tendering contracts to 10 different companies, is currently ongoing. This comes as bad news to the private companies contracted by estate managers and individual households to fill the gap in CCN services, as residents are to pay the fees directly to the ten garbage collectors (Business Daily 2010). Karanja (2005) identified about 60 private companies providing solid waste collection and disposal services in Nairobi, operating without any regulation, monitoring or supervision by CCN (Karanja 2005).

<sup>37</sup> The 2000 Mbogua report indicates that whichever provision of services were privatised, they are operated by cartels involving groups of councillors, council officers and their associates (see GoK/Rweria report 2004a).

<sup>38</sup> Under the Strategic Plan for 2006-2010 the City Council has set for itself numerous strategic objectives which it expects to fulfill under the seven areas of focus (key result areas): rationalization of the legal framework; change management and capacity building and responsive systems; resource mobilisation and improved financial management; partnerships with stakeholders and image building; decentralisation of service delivery; management of the City's development; results-based management for improved service delivery (CCN 2006).

<sup>39</sup> The Public Procurement Proposal Bill amongst others provides three oversight organs to ensure harmonisation of procurement procedures and that all public entities follow the same rules and procedures. These organs are the Public Procurement Oversight Authority, the Public Procurement Oversight Advisory Board, and the Review Board (CGD 2005).

<sup>40</sup> Residents contravening these bylaws shall be liable to conviction to a fine not less than Ksh 10,000 or 9 months imprisonment (CCN website, consulted November 2009).

<sup>41</sup> After two days of heavy protests and riots over relocation of hawkers and street vendors to Muthurwa market and following a petition by the hawkers to the Minister of Local Government saying that the initial fee was too high for the size of stall available, the daily fee for Muthurwa market was adjusted to Ksh 50 (KBS 2008).

<sup>42</sup> Other NCBDA projects were CCTV camera installation on Moi Avenue, City Hall Way and Tom Mboya Street; beautification of Market Street and Mama Ngina Street; numbering of buildings in partnership with the Office of Public Communications; Road markings and pedestrian crossings (NCBDA website <http://ncbda-kenya.org/achieve.php>, consulted November 2009).

<sup>43</sup> Kamunyori (2007) mentions also the more specific reasons of the realisation of the relation between the rise in petty crime and the times city inspectors tried to keep street vendors away from the CBD, as well as avoidance of the prevailing image of an elite-institution.

<sup>44</sup> Mitullah (2004) indicates that before no agreements were possible because of fragmentation of associations and being played out against one another, through mere representation and listening, rather than negotiating.

<sup>45</sup> After completion of the NCBDA/USAID programme, the incubation of NISCOF was continued for 3 years by the small business-led Corporate Renewal Centre (CRC) (Kamunyori 2007).

## 6. Individually claimed spaces

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### Abstract

The current debates on livelihoods, social capital and chronic poverty suggest a shift from an actor-oriented perspective of 'agency' towards a realistic structural approach of 'habitus' with more emphasis on human and material assets. This article analyses the extent to which households in Nairobi's informal settlements are able to move out of poverty, reduce vulnerability and gain influence, and discusses sufficiency of current institutions. Ten percent of households in the sample from a low income area are classified as non-poor through operating business-oriented household micro-enterprises. Four percent are able to move out of poverty through migration to non-slum areas for economic prospects. Vulnerability is especially reduced through ambitions of highest level of education, renting urban structures, running HMEs and ownership of tools and machines, and by characteristics of life-cycle and household-head. However, the majority of urban poor heavily depend on social, organisational and political relations, while gaining influence is limited to implementation level. Reducing poverty reduction can potentially be achieved through current institutions for private sector and business development and employment, when combined with interventions in relevant (technical, vocational and soft) skills, knowledge and product innovation.

Key words: Urban livelihoods; livelihood pathways; household characteristics; ambitions; social, organisational, political assets; institutions; vulnerability; Nairobi; Kenya.

### 6.1. Introduction

The current debates on livelihoods, social capital and chronic poverty suggest including politicisation and power in the analysis of social and economic relations as well as a shift from an actor-oriented perspective of 'agency' towards a more structural and realistic approach of 'habitus' (Harris 2002; Schuurman 2003; De Haan & Zoomers 2005; Cleaver 2005; Green & Hulme 2005). After the transition from the structuralist perspective of dependency

theory to the actor-oriented agency perspective in the 1990s, it is now time to move toward a more balanced critical and politicised perspective. The mainstream livelihoods approach is being criticised as a ‘constructed (neo-liberal) myth of survival’ (Gonzalez de la Rocha 2007), putting too much emphasis on asset bases and measurement and placing full responsibility on the poor at the individual household level for their own deficit in assets and marginalisation (Bebbington 2006). Chronic poverty research, in particular, emphasizes that persistent poverty and growing inequality can only be overcome by addressing the underlying power structures at meso- and macro-level. The livelihoods and social capital literature often leave out the political angle and face the risk of treating symptoms rather than causes of poverty. As such, the livelihoods approach itself becomes inherently political. The actual gain seems to lie in a shift of focus towards the further integration of structural aspects at the micro, meso- and macro- level, not only in displaying the (hegemonic) power processes at play.

This article addresses to what extent and under which conditions (household characteristics, ambitions, relations and institutions) poor households in informal settlements are able to reduce poverty and vulnerability and gain influence, and to what extent recently created institutions are sufficient. The research takes a holistic approach to (urban) livelihoods, integrates analysis of structural elements at micro-, meso- and macro-level, and includes the notion of political assets to incorporate influence. Nairobi is an interesting case as it offers the possibility of analysing the necessity for a shift in emphasis from social capital to human and material assets in the context of a increasingly globalising sub-Saharan African economy. Furthermore, Nairobi is characterised by a circular system of migration where many households are engaged in multi-spatial livelihood strategies.

The article starts with discussing the current debate on (urban) livelihoods, especially the shift towards increased attention for structural factors modifying access at micro-, meso- and macro-level. Second, the livelihoods of Nairobi’s informal settlements are described. Third, the methodology of asset- and vulnerability- index is explained. Fourth, fifth and sixth, the determination of asset-bases and vulnerability through household and demographic characteristics, household ambitions, and relations are analysed. Seventh, the institutional contexts and conditions for matching the poor in informal settlements are analysed. Finally, in the conclusion, the overall contributions to poverty and vulnerability reduction are discussed and the central question of the need to shift the analytical emphasis from social capital towards human and material assets in sub-Saharan African metropolitan contexts is explored.

*Livelihoods, poverty, assets and vulnerability*

The people-centred livelihoods approach stresses the diversity between poor households, the multi-dimensional character of poverty and the multiple livelihood opportunities through diversification of resources. A livelihood is defined as comprising ‘the capabilities, assets (including both material or economic and social resources) and activities required for a means of living’ (Chambers & Conway 1992). Although originating from and strongly biased towards rural livelihoods, the livelihood concept has been applied to the urban context as well (Moser 1998; Rakodi & Lloyd-Jones 2002; Verrest 2007). The core of the urban livelihoods approach is the concept of increasing security, defined as the ability to recover from shocks and stresses and to maintain and enhance capabilities and assets (Rakodi 2002). Increased security is the result of the variety of assets that low-income households can access, the trade-offs between them, vulnerability to loss and resilience in coping with such loss, as well as support or lack of it provided through local governance strategies. Urban poverty has accordingly been conceptualized as a lack of access to assets, and a result of multiple and interacting economic, social, infrastructural and environmental factors, embedded in a complex local reality (Rakodi 2002; Moser 1998).

With the increased blurring of boundaries between urban and rural through migration, urban-rural linkages, sectoral interactions and emergence of multi-spatial and transnational households, livelihoods increasingly include both urban and rural characteristics in sub-Saharan Africa (Tacoli 1999/2002). Livelihood analysis integrates the transition from mono-local to multi-local and transnational spaces (De Haan 2007). In addition to rural livelihood characteristics, specifically urban livelihood features need to be included in the framework.

Human assets, especially labour activities, are considered the most important livelihood assets for urban residents (Rakodi 1999; Meikle 2002). These refer to quantitative and qualitative aspects of labour resources such as health status, skills and education, labour and available working hours. Labour consists not only of productive activities but also of reproductive activities, predominantly carried out by women, and these often increase in times of crisis due to consumption modifying strategies and reduction in quality of infrastructure (Moser 1998). The likelihood of household exits from poverty through labour market participation increases with the level of income, especially informal income, earned, which in turn depends on the level of education, occupation, sector of employment (Odhiambo & Manda 2003) and firm size (Söderbom, Teal & Wambugu 2005). The likelihood of exits from poverty decreases the longer households remain in poverty (up from the second month in this

condition) and, the greater the distance of initial per capita income below the poverty line; however, households without initial income do not necessarily imply a lower chance to exit poverty (Machado & Ribes 2008).

Financial assets comprise savings, loans, credits, wages, pensions and remittances. As the urban context is highly monetised, access to monetary income and availability of financial services is crucial for survival of urban households as well as for longer term investments. Household earnings are still the primary determining factor for access to saving and borrowing opportunities through formal institutions (banks, credit unions, micro-finance institutions), semi-formal institutions (hire-purchase) and informal institutions (Rotating Saving and Credit Associations, family, friends and money lenders) (Rakodi 1999).

Productive assets or physical capital comprise machines, tools, livestock, household goods, social and economic infrastructure and housing (Meikle 2002). Productive use of structures and plots through renting out rooms or operating home-based economic activities (HBEAs) are considered the most important activity after labour for urban people, both for productive and reproductive purposes (Moser 1998; Beall & Kanji 1999; Amis 1999). Households with (income-generating) HBEAs are generally less vulnerable through better access to financial institutions, higher levels of education and more sources of income (Verrest 2007).

Natural resources are considered less important assets for urban contexts, except for land used to practice urban agriculture (Rakodi 1993) and clean and safe local environments that indirectly impact human assets (Meikle 2002).

Social capital is often defined at the community, household or individual level in line with notion of civic virtue (Putnam 1993). It refers to the complex, multi-layered and dynamic social relations and networks in which poor households and their organisations are engaged. For the urban context social capital is defined as ‘reciprocity within communities and between households based on trust deriving from social ties’ (Moser 1998). Mainstream literature further differentiates social capital into the complementary roles of bonding, bridging and linking capital (Grootaert 1998; Woolcock & Narayan 2000), which were presumed to almost inevitably contribute to poverty reduction and development. ‘Bonding’ based on strong ties with immediate family members, neighbours and close friends provides for meeting day-to-day-needs and guards against the vulnerability of the poor. The weaker ‘bridging’ ties gained through association with people of different ethnic, geographical and occupational backgrounds are more important in terms of getting ahead and creating public benefits (Granovetter 1973). ‘Linking capital’ allegedly provides poor people

with the opportunity to promote their interest with people of influence in institutions such as government agencies and banks. In the urban context, social capital is more diverse, less linked to the extended family, more individualistic and less group-oriented. Some authors have pointed out the potential useless or harmful character of social capital at micro-level while being simultaneously valuable and accommodating for others (Coleman 1988; Portes & Sensenbrenner 1993). Four forms of negative social capital are differentiated: exclusion of outsiders, excess claims on group members, restrictions on individual freedoms, and downward levelling norms.<sup>1</sup>

The underlying assumption of livelihoods theory of equal and flexible trade-off between assets has been challenged as too optimistic and unrealistic for the poor (De Haan & Zoomers 2005). First, differentiated weighing of assets is suggested as more realistic. Research on household aspirations implicitly overemphasises economic/material motives. Furthermore, equal exchange of social capital is questioned, as it is not a resource one owns but rather utilizes. Second, interchanges of assets are bound by property relations and configurations of power. Gender-based intra-household relations, for example, often limit free trade-offs between assets.

#### *Micro-level household and demographic characteristics and impact*

Livelihood approaches acknowledge diversity between poor households and their relations to livelihood opportunities and vulnerabilities through combined intentional, unintentional and structural elements within household strategies (Beall & Kanji 1999; Ellis 2000; Rakodi & Lloyd-Jones 2002).

Access to and preference of assets and livelihood opportunities depend on household characteristics like gender, class, ethnicity, caste, religion, age, size, and other household characteristics. Single-headed (usually female) households are often considered more vulnerable than two-parent households. There is, however, ample evidence to show that female-headed households are not necessarily poorer in terms of income or in terms of other poverty criteria (Chant & Campling 1997). Household size relates positively to livelihood opportunities through shared costs of living and time for care. It relates negatively through the need for more income and living space to fulfil basic demands.

Household dynamics linked to demographic characteristics result in life-cycle related differentiation of household strategies, formulated in terms of objectives, aspirations and priorities, rather than owned resources. The original life-cycle model differentiates between stages of expansion, consolidation and

dispersion (Gonzalez de la Rocha 1994; Chant & Campling 1997). Households in expansion and dispersion stages are generally considered more vulnerable as fewer members are available to generate incomes. The model was adjusted through socio-economic and cultural contexts in extended rather than nuclear households in the Caribbean (Verrest 2007). Four situations of age-dependency structures in which households may find themselves, rather than life-cycle stages, are differentiated: expansion, consolidation, dispersion and transition.

Household dynamics linked to migration can be formulated in terms of the spatial character of households and in terms of migration typologies. Multi-spatial households are generally considered less vulnerable than mono-spatial households (Tacoli 1998). Research on migration to and from slums has differentiated migration typologies based on previous residence (rural, other urban, non-slum, other slum area) (Zulu, Konseiga, Darteh & Mberu 2006) and/or on sequences of migration (long term, recent, serial, circular migrant) (Batten, Baschieri & Zulu 2009). These studies focus on explanation of migration types and/or patterns on the basis of household characteristics (especially gender) and suggest feminisation of migration. Most studies have not yet included analysis of migration typologies on asset-bases and vulnerability.

Access to assets and vulnerability are also determined by household typologies based on motivations like life project objectives (Meertens 2000) and livelihoods versus business orientations (King 1996; Verrest 2007).

### *Meso and macro-level institutions and impact*

A central issue of debate has been to transcend the micro-level of households and include links and access modifying institutions at meso- and macro-level (Ellis 2000; North 1990; Szreter 2002). Institutions comprise formal rules and conventions and informal codes of behaviour, including laws, policies, property rights and markets. Recently the importance of including power and political rights at the structural level of institutions in the analysis is increasingly suggested (De Haan & Zoomers 2005).

Literature on urban governance, partnership and poverty in 10 cities in the South (Devas et al. 2001) and the urban livelihoods framework (Rakodi & Lloyd-Jones 2002) predominantly focuses on the institutional dimension of inclusive policies and laws. Social capital was mainly defined in terms of law and order, specifying the scope for city government action in creating social capital, by reducing crime and violence, and ensuring the protection of people and property (Rakodi 1999). Emphasis was laid on the link between



households, livelihoods and policy making (Beall & Kanji 1999) in order to facilitate responsiveness, voice and accountability, while the issue of influence at the decision-making level was not yet central to the debate. Devas (2002) summarizes theoretically possible governance actions which may enhance assets or increase vulnerability of the poor. Social Development Direct suggests that conventional models of community engagement (such as through area-wide organisations, community leaders or development committees) are not complementary to linking networks and may not reach the vulnerable groups of urban communities (Fraser, Thirkell & McKay 2003). Recent research in Ghana (Owusu 2007) on multiple modes of livelihood (MML) suggests the need to indigenize African urban planning, reflecting the different geographies within and between urban areas, the proliferation of home-based enterprises in middle- and professional-class neighbourhoods, the emergence of non-traditional household arrangements and the importance of urban agriculture in the changing livelihoods of African cities. Recent chronic poverty and deepening democracy literature stresses that poverty reduction does not simply require 'good' policy, but also the creation of the capacity of poorer people to influence – in addition to having space for voice - and hold accountable those who make policies (Green & Hulme 2007; Gaventa 2007).

Both DFID's and World Bank's approach to social capital - defined as the 'missing link' between the functioning of state and markets in development - can be characterised as politically and power neutral and under-socialised, focusing mainly on measurement and suggesting ready creation (Schuurman 2003; Harris 2002; Cleaver 2005). Attempts to include a separate factor of 'political capital' to avoid problems of using social capital as a catch-all concept (Baumann 2000) have failed to gain wider recognition. It was defined as 'the scope which individuals and/or groups have to exert influence on decision-making which affects them, decision-making being defined widely as both formal and informal and both de facto and de jure which affects them' (Devas 2002).

Recent more critical and explanatory research questions the contribution of social capital to poverty alleviation. It stresses the unlikelihood of ameliorating (chronic) poverty by social capital because of interlocking disadvantages and emphasizes the structural reproduction of exclusion of the poorest in social relationships, collective action and local institutions (Cleaver 2005). The three interlinked factors of agency (able-bodiedness; room for manoeuvre in social relationships; ability to represent interests, accessible at low cost) are often absent in poor peoples' lives. Beall (2001) and Long (2001) also reconceived embedded social resources, which are dynamic and negotiated, stressing both their supports and constraints for individual actions that may reproduce structural inequalities of class, caste, gender and generation.

Furthermore, 'linking' social capital can negatively impact associations in general and democratic governance in particular, if not accompanied by sufficient 'bonding' and 'bridging' social capital (Titeca & Vervisch 2008). Bebbington stresses that the livelihoods framework has been less effective up to now in exploring ways in which institutions and structures are embedded in broader relations of the political and cultural economy. These broader relations drive the ways in which assets are distributed in society, underpin the institutions that govern and give value to those asset distributions, and also the processes that drive them. They also give meaning to these distributions and processes that help produce ways of thinking (or more frequently *not* thinking) about particular distributions, processes and relationships so that they become accepted as *normal* (Bebbington 2006).

Cleaver and Bebbington both suggest a deeper consideration for socio-structural constraints impeding the exercise of agency by the poor – especially as movements increasingly emerge to address these underlying processes that structure asset distribution and fix certain ideas that make such asset distributions seem socially acceptable. Cleaver suggests the necessity of linking the social to the political and in addition a reorientation from social capital towards material and physical assets. This could be partly in line with opinions that view government regulation as necessary to reduce inequalities, while it could also partly set the pace for political negotiations in deliberation and debate.

## 6.2. Methodology

A household survey was conducted in one of the oldest and largest slums of Nairobi: Mathare Valley, selected because of the considerable population of the four major Kenyan tribes of Kikuyu, Luo, Luhya and Kamba within the metropolitan city. Its estimated population is between 150,000 and 250,000 residents (Ngau 1995; GoK 2001). The sample was equally divided over the seven neighbourhood villages of Mathare, with 'Kosovo' existing since 2001. From the total of 350 conducted surveys, only 334 were valid. Several surveys were cancelled due to security problems for the research assistants and biasing of results through conflicts over the Mathare 4A development programme. In addition, some were missing too much information to complete the analysis. The results were discussed in four focus groups: one for men, one for women and two mixed.

In order to assess the impacts of the access modifying household variables on assets and vulnerability, an asset-index and vulnerability-index were developed and a statistical variance analysis based on a GLM univariate procedure was

conducted (Figures 6.1 and 6.2).<sup>2</sup> The asset-index involves the quality and size of human, financial, productive, social, organisational and political assets. The vulnerability-index involves the three dimensions of resilience, diversification and regularity. Vulnerability refers to the ability of households, individuals and communities to bend and bounce back when confronted with adverse situations (Moser 1998). Resilience expresses the ease and rapidity of recovery. Diversification refers to reduction of risk through the quantitative spreading of access to assets and minimising the risk of missing any one asset. Regularity expresses the reduction of risk through the qualitative frequency or stability of access to assets. In order to aggregate the individual household scores for comparison between groups the possible scores on each indicator have been standardised between 0 (minimum score) and 1 (maximum score), giving each indicator the same weight in the composed asset and vulnerability dimension. The selection of indicators is based on literature on sub-Saharan African livelihoods and was further refined on the basis of input from focus group discussions and experts in the research location. Since urban livelihoods literature indicates human assets as most important assets in the urban context, they are weighed double in the total asset-index. The analysis of institutions is based on literature study and interviews, covering the period up to 2009.

### **6.3. The metropolitan city of Nairobi and livelihoods in informal settlements**

Nairobi has grown from a population of 350,000 in 1963 to 2.1 million in 1999 and an estimated 3.1 million in 2005, with an average yearly growth rate of 4.8 percent (CCN 2005; GoK 2001). The city's population is principally composed of migrants. The proportion of city-born residents is no more than 20 percent up to age 35 and less than 10 percent after age 50. Half of the migrants came to Nairobi between 17 and 23 years old (NurIP/Agwanda et al. 2004). Due to the high population growth the city lacks the capacity to deliver services and economic opportunities. The metropolitan city contributes around 50 percent of Kenya's GDP (UN-Habitat 2006). Economic growth in Kenya remained at 5 percent between 2004 and 2007 (KIPPRRA 2009). This especially depends on the informal sector characterised by a 'missing middle' of MSEs capable of employing people. The majority of people is however underemployed. The average unemployment rate in Nairobi is 21 percent, and 42 percent for youth aged between 15 and 24 (World Bank 2008). Nairobi is therefore characterised by a skewed income and expenditure distribution in favour of higher income groups. The top 10 percent of households commands 45 percent of the total income, while the bottom 10 percent commands 1.6 percent (SID 2004).

Figure 6.1: Asset-index.

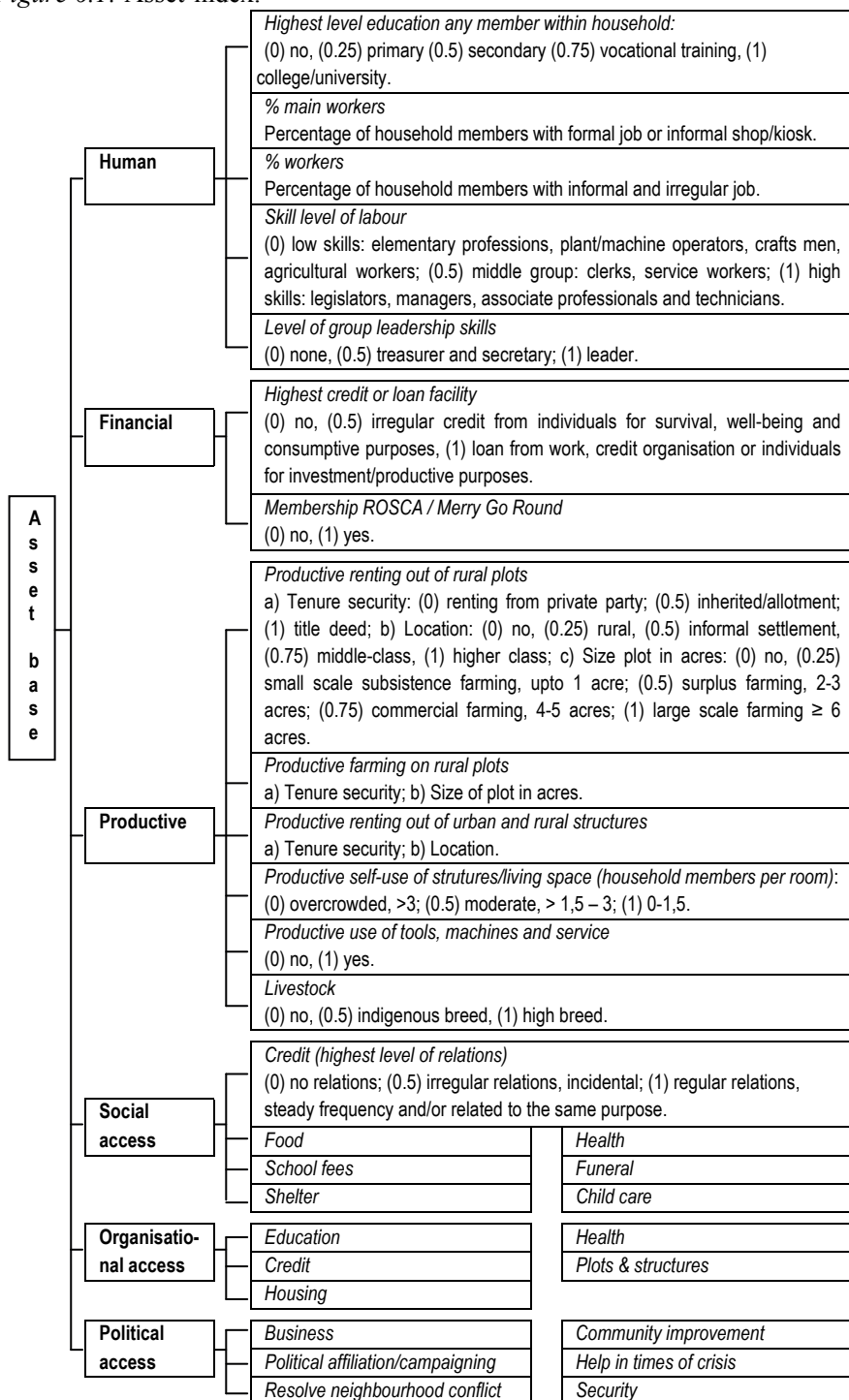
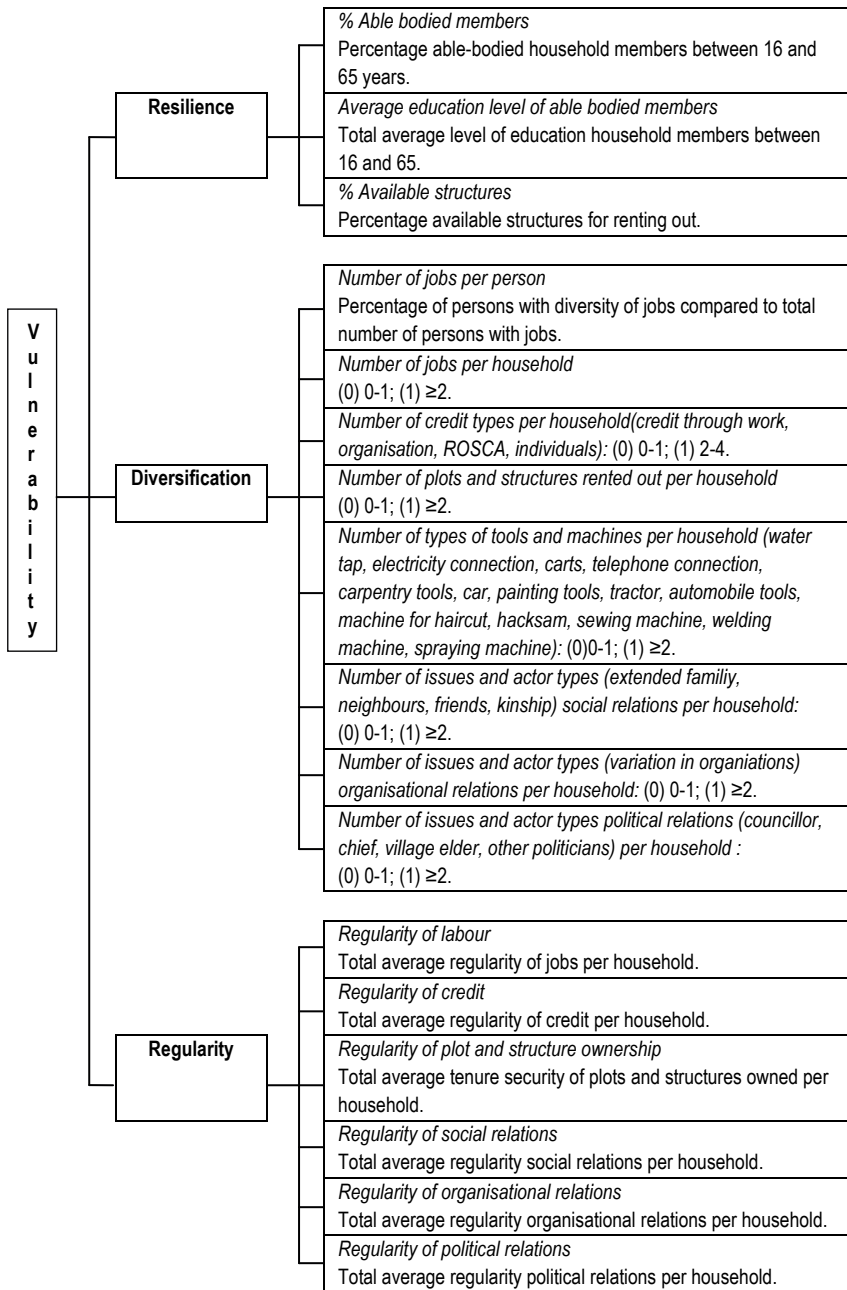


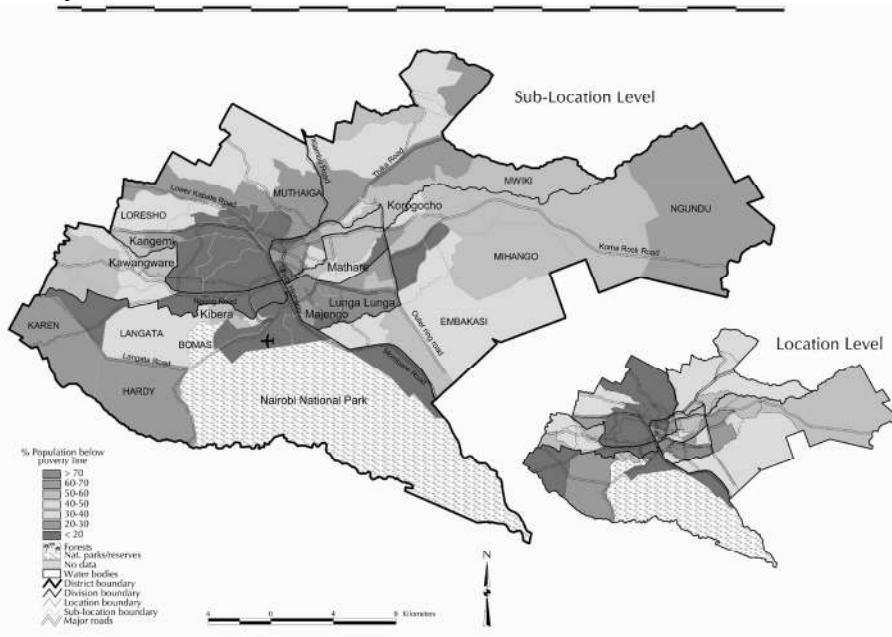
Figure 6.2: Vulnerability-index<sup>3</sup>



This skewed income distribution is reflected in the geographical distribution of the population: 55 percent of the residents live in informal settlements, which cover only 5.5 percent of the city's residential land (Alder 1995).<sup>4</sup> The population density ranges from between 358 and 2490 per square kilometre in high and middle-income areas to between 15,753 and 82,590 in low-income areas (GoK 2001). Map 6.3 shows the Nairobi Poverty Incidence map, indicating the percentage of people living below the poverty line at (sub)location level (GoK 2003). The slums are characterised by insecure low-quality high-price rented shelter through absentee landlords, lack of infrastructure and services, high crime rates, and drug and alcohol abuse. The majority of people are just trying to make a living and show remarkable resilience.

Spatial segregation originated in colonial times along racial lines, especially as a consequence of local people losing control over their land, in order to provide labour for settler farms and emerging urban centres (Kobia 1991; K' Akumu & Olima 2007). Migration was then largely male dominated and rural-urban (Macharia 2003). After independence and with increased migration, segregation by race became socio-economic residential segregation with differences in legal-tenure between formal and informal settlements (K' Akumu & Olima 2007). The migration system is essentially circular, whereby most migrants consider the city as a transitory place of residence (Beguy, Boucquier & Zulu 2009). Rural areas constitute both the primary source and destination of migration. Intra-urban migration is however also considerable, especially to and from other slums (Zulu et al. 2006). The poor in Nairobi's slums, however, move homes slightly less often than the non-poor (Gulyani 2006). Gender differences in migration to and from Nairobi have decreased. In-migration and out-migration rates of women are slightly higher than those of men, both around a quarter of the population. Women are more likely to migrate for family reasons and issues related to conflict and insecurity<sup>5</sup>, while men are more likely to move for economic reasons (Zulu et al. 2006). In-migration from other parts of Nairobi is especially related to lower costs of living. Overall, the population of Nairobi's slums in 2000 showed an overrepresentation of men between 15 and 49 (40 percent) compared to women (26-29 percent) and to the male population at national level (25 percent) (APHRC 2002).

Map 6.1: Nairobi poverty incidence: percent of population below the urban poverty line



Source: GoK (2003a).

#### 6.4. Demographic and household characteristics<sup>6</sup>

##### *Demographic and household characteristics and asset base*

Household characteristics of life-cycle, household-head and length of stay predominantly explain variation in scores of households on the total asset-index (Table 6.1). Together these variables explain 12 percent of variation, with life-cycle being the most dominant characteristic at 6 percent.<sup>7</sup>

Households in the expansion stage have lowest total asset bases, whereas situations slightly improve during consolidation, dispersion and transition stages of the life-cycle. These differences are explained by better access to: political relations with chiefs, councillors and village elders; human assets of leadership skills, percentage of workers, and skill level labour; organisational assets of relations on credit and to a slightly lesser extent on health and housing; and financial assets of both credit and ROSCAs. Households in consolidation and dispersion stages respectively rank second for political, financial and organisational assets and human, productive and social assets.

Table 6.1: Household scores on total and individual asset-index by various characteristics

		Asset-index		Human assets		Financial assets		Productive assets	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
		.20		.35		.32		.12	
<b>Life-cycle</b>	Expansion	.19	.06	.35	.04	.29	.03	.13	.02
	Consolidation	.22	***	.32	***	.41	***	.15	**
	Dispersion	.22		.41		.37		.19	
	Transition	.40		.63		.60		.15	
<b>Household Head</b>	2-parent	.20	.04	.37	.01	.31	.02	.13	.05
	FHH	.22	***	.34		.39	***	.12	***
	MHH	.16		.32		.24		.19	
<b>Length of stay</b>	1-3	.16	.02	.39	.01	.20	.02	.16	.01
	4-6	.19	**	.34		.30	**	.14	
	7-9	.22		.28		.38		.16	
	10+	.21		.36		.35		.13	
				Social assets		Organisational assets		Political assets	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
		.14		.13		.09			
<b>Life-cycle</b>	Expansion	.17	.01	.11	.03	.08	.09		
	Consolidation	.15		.17	***	.13	***		
	Dispersion	.16		.11		.07			
	Transition	.19		.35		.50			
<b>Household Head</b>	2-parent	.19	.05	.12	.06	.09	.05		
	FHH	.16	***	.19	***	.14	***		
	MHH	.12		.05		.03			
<b>Length of stay</b>	1-3	.16	.03	.03	.05	.04	.03		
	4-6	.19	***	.10	***	.07	***		
	7-9	.20		.13		.17			
	10+	.15		.16		.10			

\*\*\*=significant at 0.01 level; \*\*=significant at 0.05 level; \*=significant at 0.10 level;  $\mu$ =mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor.

Female-headed households have larger total asset-bases than two-parent and male-headed households. They have better access to organisational assets in health and education, to political assets of councillor and chief and to financial assets of ROSCAs. Female-headed households also have better access to social assets and formal credit compared to male-headed households. On the other hand, male-headed households do better in productive assets. They especially make more productive self-use of their living structures. To a lesser extent they are more engaged in productive farming, keeping livestock and productive use of tools and machines. Two-parent households have slightly better access to human assets than respectively female- and male-headed households, especially through highest education levels.



Households with a longer period of stay in the informal settlement of Mathare have larger total asset bases, especially through the building of relations. They have better access to organisational assets in health and education, to political assets of councillor and chief and to the social asset of credit from individuals. Their access to financial assets of ROSCAs and to a slightly lesser extent credit is also better (with the latter increasing up to 9 years of stay). The influence of length of stay on organisational assets only partly coincides with that of age-dependency. The influence on human assets shows similarities with age-dependency, with higher scores for households with shortest and longest periods of stay. Also the influence on productive assets shows similar conditions.

Ethnicity, spatial profile, size and previous residence have a non-significant impact on total asset bases, yet help to shape individual asset-indices. The limited impact of ethnicity is worth mentioning in the context of the 2007 Kenyan post-election crisis. It only explains variation in access to social, organisational, political and financial assets.<sup>8</sup> Household spatial profile merely explains variation in access to productive and social assets. Thereby multi-spatial households make more productive use of tools and machines, productive farming on plots, renting structures and have more social relations on school fees and childcare.<sup>9</sup> Previous residence explains variation in access to productive and organisational assets. Households residing in Mathare since birth and previously staying in another Mathare village have most access to organisational assets, especially in the field of housing.

#### *Demographic and household characteristics and vulnerability*

Vulnerability of households is most strongly related to life-cycle (Table 6.2), which determines 16 percent of variation. Variation in scores for life-cycle on household resilience and diversification are at another level than for all other household characteristics, while at a similar level to their highest scores on regularity. The other relevant household and demographic characteristics of household-head, size, length of stay and spatial profile together explain 13 percent of variation in vulnerability. Variation scores for household-head and length of stay are especially related to regularity, while for household size to diversification.

Non-vulnerability of households increases in the consolidation, dispersion and transition stages of the life-cycle. This is predominantly explained by the resilience of able-bodied household members, diversification and regularity of plots and structures rented out, and diversification of political relations. Remarkable is the relatively low variation in vulnerability through

Table 6.2: Household scores on total vulnerability-index by various characteristics

		Total non-vulnerability		Resilience		Diversification		Regularity	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
General mean		.27	Std D .13	.30	Std D .24	.20	Std D .13	.30	Std D .13
<b>Life-cycle</b>	Expansion	.24	.16	.25	.15	.18	.10	.28	.05
	Consolidation	.33	***	.35	***	.27	***	.36	***
	Dispersion	.36		.53		.23		.32	
	Transition	.42		.56		.34		.36	
<b>Ethnicity</b>	Kikuyu	.27	.02	.30	.02	.20	.04	.31	.03
	Luo	.28		.33		.20		.31	
	Kamba	.27		.32		.21		.29	
	Luhya	.26		.28		.21		.30	
	Other	.24		.27		.17		.28	
<b>Household Head</b>	2-parent	.29	.05	.34	.03	.23	.04	.32	.06
	FHH	.26	***	.25	***	.20	***	.33	***
	MHH	.22		.28		.15		.24	
<b>Size</b>	1-3	.25	.03	.28	.01	.17	.07	.29	.02
	4-6	.28	***	.31		.23	***	.32	
	7-9	.30		.31		.27		.32	
	10+	.29		.39		.17		.30	
<b>Household spatial profile</b>	Mono-spatial	.26	.01	.29	.01	.20	.00	.30	.00
	Multi-spatial	.30	*	.36		.22		.33	
<b>Length of stay</b>	1-3	.24	.02	.33	.01	.17	.02	.23	.05
	4-6	.24	**	.24	**	.18	**	.30	***
	7-9	.26		.20		.23		.35	
	10+	.28		.32		.21		.32	
<b>Previous residence</b>	Other Mathare	.27	.01	.30	.01	.22	.02	.31	.01
	Other slums	.29		.34		.20		.32	
	Nairobi Non-Slum	.28		.32		.23		.30	
	Rural areas	.26		.29		.19		.30	
	Other Urban Areas	.26		.32		.16		.29	
	Since birth	.22		.21		.19		.27	
		r2		r2		r2		r2	
<b>Assets</b>	Asset profile	.52	***	.13	***	.41	***	.61	***
	Human	.26	***	.34	***	.05	***	.05	***
	Financial	.25	***	.02	***	.29	***	.43	***
	Productive	.14	***	.14	***	.04	***	.04	***
	Social	.05	***	.00		.11	***	.10	***
	Organisational	.16	***	.01	**	.13	***	.35	***
	Political	.12	***	.01		.15	***	.21	***

\*\*\*=significant at 0.01 level; \*\*=significant at 0.05 level; \*=significant at 0.10 level;  $\mu$ =mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor; r2 (r-squared)=correlation coefficient.

diversification of jobs per household and to a larger extent per household member, partly resulting from the low skill level of labour. In regard to

diversification and regularity, consolidated households do slightly better than dispersed households.<sup>10</sup>

Two-parent households are least vulnerable, followed by female-headed and male-headed households. Variation in vulnerability is most related to regularity, especially of political, social and organisational relations. The slightly lower diversification scores are especially related to number of jobs per household and to a lesser extent per household member and diversity of political and organisational relations.

Female-headed households do relatively better than two-parent and male-headed households in regularity and diversity of political and organisational links and diversity of jobs per household member. Male headed households score higher than female headed households on diversity of jobs per household and the productive assets of structures, plots and tools, but not higher than two-parent households. They also do slightly better in regularity of jobs than female headed households and equal to two-parent households. Higher vulnerability scores for two-parent households are explained by household resilience, diversification and regularity. Male-headed households especially perform less well in diversification.

Non-vulnerability of households is positively related with household size up to 9 household members. Variation in vulnerability is predominantly through diversification of jobs, plots and structures and credit facilities per household. Variation in scores through diversity of social relations is equal to that of plots and structures, but displays an increase of mean scores up to 6 household members. Variation in vulnerability for household size through regularity is relatively low and mainly related to plots and structures.

Household vulnerability decreases with length of stay. It is related to regularity and to a lesser extent diversification, especially of organisational relations, political relations and structures and plots. Regularity and diversification of social relations is much less related to length of stay. The mean length of stay is 14.8 years, partly due to the early origin of Mathare.

Multi-spatial households are slightly less vulnerable than mono-spatial households. Remarkably, this is almost exclusively related to resilience through the percentage of able-bodied household members.

Previous residence does not make a significant impact on total vulnerability-indices of households, rather it only influences some individual vulnerability-indices of regularity and diversification.<sup>11</sup> The majority of slum households (85 percent) originate from rural areas and slightly more than one-third of

households in-migrated directly from the rural home (Table 6.3).<sup>12</sup> Direct in-migration from the rural areas does not significantly differ for household-head. Indirect in-migration (through non-slum areas, other slums and other Mathare villages) is respectively three and four times higher for two-parent and female headed households compared to male-headed households.

*Table 6.3: Previous residences and intended destinations of migrants by head of household (in percentage)*

	Other Mathare		Other Slums		Nairobi Non-Slum		Other Urban		Rural Areas		Other Country	
	PR	ID	PR	ID	PR	ID	PR	ID	PR	ID	PR	ID
<b>Total</b>	25	0	9	0.25	16	7	6	0.5	38	12	0	1.5
<b>Two-parent</b>	13	5	5	0.25	9	3.5	4.5	0.5	14	6	-	0.25
<b>FHH</b>	9	3	3	-	5	1.5	1	-	12	2.5	-	0.75
<b>MHH</b>	3	1	1	-	2	2	0.5	-	13	3.5	-	0.25

Almost a quarter of households intended to out-migrate in the near future, confirming outcomes of migration studies on other slums in Nairobi. Only 4 percent of households can be considered to move out of poverty through (intended) out-migration to non-slum destinations, especially for reasons of security, economic and/or job prospects, and housing. These are equally distributed for head of household. Other major reasons for out-migration were age/retirement (5 percent) to destinations in rural areas and other countries, security (3 percent) to other slum and rural area destinations, family reasons (3 percent) to other slum and non-slum destinations, and poor housing (2 percent) to other slum destinations. Lower costs of living was only indicated as reason by 1 percent of households, particularly to rural destinations.

Asset-portfolios explain 52 percent of variation in vulnerability. Human and financial assets each explain a quarter of the percentage of variation, respectively especially through resilience and through regularity and to a lesser extent diversification. Thus, it should be taken into account that, based on the literature, human assets are the most important assets in the urban context. Yet, the low explanation of variation scores through social assets (5 percent) confirms the need for a (partial) shift towards human and/or material resources.

## 6.5. Household ambitions

### *Frequency of household ambitions*

The most frequent household ambition is the running of a household micro-enterprise (HME), which is indicated for three-quarters of all households.

Frequency of other household ambitions ranges between 6 and 14 percent (Table 6.4).

Table 6.4: Frequency economic and educational household ambitions (in percentage within categories of household head and ethnicity)

	Total	Household head		
		Two-parent HH	Female HH	Male HH
Business oriented HME	6	8	5	6
Livelihoods oriented HME	68	80	68	70
Rent urban structures	9	10	8	7
Rent rural structures	2	3	2	0
Rent rural plots	4	4	4	6
Electricity/water tap	4	2	5	6
Other tools	6	9	1	10
One member regularly employed	14	15	11	14
Skill level labour middle/highest	2	3	0	3
University/college	5	8	3	3
Vocational training	36	47	30	20

	Total	Ethnicity			
		Kikuyu	Luo	Kamba	Luhya
Business oriented HME	6	8	9	2	7
Livelihoods oriented HME	68	76	72	66	79
Rent urban structures	9	11	12	7	6
Rent rural structures	2	2	3	2	1
Rent rural plots	4	4	3	4	6
Electricity/water tap	4	5	3	4	--
Other tools	6	4	5	11	10
One member regularly employed	14	8	19	18	15
Skill level labour middle/highest	2	1	2	4	3
University/college	5	8	5	2	3
Vocational training	36	32	47	39	36

N=334; N-Kikuyu=132; N-Luo=58; N-Kamba=56; N-Luhya=72; N-other=16; N-2-parent hh=157; N-female-headed hh=107; N-male-headed hh=70.

The major difference in frequency by household-head is that all ambitions are most evident for two-parent households, except for operating electricity/water taps. Male-headed compared to female-headed households especially have a higher frequency of owning other tools. The major differences by ethnicity are that Kamba households operate least business-oriented HMEs, Kikuyu and Luo households more often rent out urban structures, Kamba and Luhya households more often own other tools, all compared to households with other ethnic backgrounds. Furthermore, Kikuyu households have least frequency of one member regularly employed and vocational training, while highest of university/college educational level compared to households of other ethnicity.

Further differentiation of HME ambitions into categories of enterprise shows that more than half of main HMEs are in retail and food, and one-fifth both in

small manufacturing and services (Table 6.5). Female HME-operators are more concentrated in retail and food (especially selling food/vegetables and food preparation), while male HME-operators are also considerably present in small manufacturing and services (especially furniture making).

*Table 6.5: Categories of main HMEs, specified for female and male head*

Category of enterprise	Female main HME	Male main HME	Total main HME
Retail and food	61	45	53
Small manufacturing/production, construction & repair goods	12	29	21
Services	15	20	18
Service-bars, entertainment and brewing	10	2	5.5
Farming and livestock	1	0	1
Other	1	4	2.5
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Further differentiation of business-oriented HMEs into categories of enterprise shows that 43 percent operate in small manufacturing and production, 33 percent is in retail and food, 15 percent in services, and 10 percent in ‘other’.

Moreover, by differentiating between men and women in female-headed, male-headed and two-parent households running HMEs (Table 6.6), women and men in male-headed households operate almost twice as many HMEs in retail and food compared to men in two-parent households. Men in two-parent households run twice as many small manufacturing HMEs than the other household-heads. Striking is the fact that almost all HMEs in illegal brewing are operated by women, especially in female-headed households, indicating their vulnerability.

*Table 6.6: HMEs specified for female and male heads in single headed and two-parent households*

Category of enterprise	Female – FHH	Female – 2pHH	Male – MHH	Male- 2pHH
Retail and food	55	68	60	38
Small manufacturing/production/construction/repair	11	14	11	37
Services	16	14	24	18
Service-bars, entertainment and brewing	15	4	1.65	2
Farming and livestock	1.5	-	1.65	-
Other	1.5	1.5	1.65	5
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Frequency of ‘additional HMEs’ (second, third and fourth) shows a slightly different distribution over categories compared to main HMEs. All households, especially women and men in two-parent households, are considerably more involved in urban farming.<sup>13</sup>

Household ambitions and asset base

Households with the highest level of education also have the highest total asset stocks (Table 6.7). However, this is not translated into higher skill levels of labour and share of main workers, but rather leads to increased access to organisational assets and to a lesser extent financial assets. Households with the ambition of (vulnerable) business-oriented HME or renting structures and plots do better than households with other ambitions.

Looking at the major ambitions in greater detail, households with ambitions of university/college level of education, vulnerable business, renting urban structures, and operating electricity/water taps contribute to a larger total asset base (Table 6.8). Remarkably, households renting out the highest numbers of 5 or 6 urban structures have least total assets, indicating primary dependency on renting out structures. Households owning other tools do considerably better in human assets than those with an electricity/water connection, but do even slightly worse than those not owning tools and machines.<sup>14</sup> Households with primary and secondary education do better than households without, especially in human, financial and social assets.

Table 6.7: Household scores on asset-index by economic and educational ambitions

		Asset-index		Human Assets		Financial Assets		Productive Assets	
		μ	η <sup>2</sup>	μ	η <sup>2</sup>	μ	η <sup>2</sup>	μ	η <sup>2</sup>
<b>General mean</b>		.20	.12	.35	.21	.32	.35	.12	.11
<b>Vulnerable business-oriented HME</b>	Yes	.31	.06	.42	.01	.63	.05	.20	.02
	No	.19	***	.35	*	.30	***	.14	**
<b>Renting structures and plots</b>	Yes	.27	.06	.41	.01	.45	.02	.25	.14
	No	.19	***	.34	**	.30	***	.12	***
<b>Tools &amp; Machines</b>	Yes	.27	.04	.45	.02	.42	.01	.36	.37
	No	.19	***	.34	***	.31	*	.11	***
<b>Livelihoods oriented HME</b>	Yes	.21	.03	.36	.01	.35	.02	.14	.01
	No	.17	***	.32	**	.24	***	.12	
<b>At least one hh member regularly employed</b>	Yes	.22	.00	.51	.09	.29	.00	.16	.01
	No	.20		.33	***	.32		.14	
<b>Skill level labour</b>	Yes	.28	.01	.81	.10	.32	.00	.24	.02
	No	.20	**	.34	***	.32		.14	***
<b>Highest level of education</b>	Yes	.25	.13	.50	.33	.37	.02	.16	.01
	No	.17	***	.25	***	.28	**	.13	**

		Social Assets		Organisational Assets		Political Assets	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
<b>General mean</b>		.14	Std D	.13	Std D	.09	Std D
			.12		.20		.18
<b>Vulnerable business-oriented HME</b>	Yes	.17	.00	.25	.03	.20	.02
	No	.16		.12	***	.09	***
<b>Renting structures and plots</b>	Yes	.15	.00	.15	.00	.20	.06
	No	.17		.12		.08	***
<b>Tools &amp; Machines</b>	Yes	.17	.00	.11	.00	.12	.00
	No	.16		.13		.09	
<b>Livelihoods oriented HME</b>	Yes	.16	.00	.13	.00	.11	.03
	No	.18		.11		.04	***
<b>At least one hh member regularly employed</b>	Yes	.17	.00	.13	.00	.03	.02
	No	.16		.12		.10	***
<b>Skill level labour</b>	Yes	.18	.00	.11	.00	.00	.01
	No	.16		.13		.10	
<b>Highest level of education</b>	Yes	.18	.01	.18	.06	.10	.00
	No	.15	**	.09	***	.09	

\*\*\*=significant at 0.01 level; \*\*=significant at 0.05 level; \*=significant at 0.10 level;  $\mu$ =mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor.

Table 6.8: Household scores on asset-index by further differentiated ambitions

		Asset-index		Human Assets		Financial Assets		Productive Assets	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
<b>HMEs</b>									
Vulnerable business (N=21)		.31	.10	.42	.04	.63	.07	.20	.04
Not vulnerable livelihoods (N=59)		.23	***	.43	***	.39	***	.17	***
Vulnerable livelihoods (N=168)		.19		.33		.30		.13	
None (N=86)		.17		.32		.24		.12	
<b>Renting structures and plots</b>									
Renting urban structures	Yes	.29	.06	.40	.01	.50	.03	.27	.12
	No	.19	**	.35		.30	***	.13	***
Renting rural structures	Yes	.29	.01	.39	.00	.54	.01	.23	.01
	No	.20	**	.35		.32	*	.14	**
<b>Tools and machines</b>									
Electricity/water connection (N=12)		.30	.05	.32	.04	.63	.03	.40	.38
Other tools (N=22)		.25	***	.51	***	.31	***	.34	***
None (N=300)		.19		.34		.31		.11	
<b>Highest level of education</b>									
College/university (N=17)		.28	.15	.60	.43	.40	.03	.21	.02
Vocational training (N=121)		.24	***	.48	***	.37	*	.15	**
Secondary (N=47)		.20		.37		.35		.13	
Primary (N=100)		.16		.25		.27		.13	
None (N=49)		.14		.14		.25		.13	



	Social Assets		Organisational Assets		Political Assets		
	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	
<b>HMEs</b>							
Vulnerable business (N=21)	.17	.01	.25	.03	.19	.05	
Not vulnerable livelihoods (N=59)	.17		.10	***	.13	***	
Vulnerable livelihoods (N=168)	.16		.13		.09		
None (N=86)	.18		.11		.04		
<b>Renting structures and plots</b>							
Renting urban structures	Yes	.14	.01	.16	.00	.24	.29
Renting rural structures	No	.17		.12		.08	
Renting urban structures	Yes	.16	.00	.21	.00	.18	.29
Renting rural structures	No	.16		.12		.09	
<b>Tools and machines</b>							
Electricity/water connection (N=12)	.13	.01	.15	.00	.17	.01	
Other tools (N=22)	.19		.09		.09		
None (N=300)	.16		.13		.09		
<b>Highest level of education</b>							
College/university (N=17)	.17	.02	.29	.08	.03	.01	
Vocational training (N=121)	.18		.17	***	.11		
Secondary (N=47)	.17		.10		.09		
Primary (N=100)	.16		.08		.09		
None (N=49)	.13		.09		.10		

\*\*\*= significant at 0.01 level; \*\*= significant at 0.05 level; \*= significant at 0.10 level;  $\mu$ = mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor.

*Household ambitions and vulnerability*

Household ambitions also modify the level of (non-)vulnerability of households. Households with highest level of education and renting structures and plots contribute most to vulnerability reduction and are therefore less vulnerable compared to those without such ambitions and those with other ambitions (Table 6.9).<sup>15</sup> Households with the ambitions of operating business-oriented HMEs, owning tools and machines, and running livelihoods-oriented HMEs, show a notable reduction in vulnerability. Households with higher skill levels of labour are more resilient than those without these skills in elementary professions.

**6.6. Social, organisational and political relations**

*Frequency of relations*

More than three-quarters of households engage in social relations, slightly more than a quarter in organisational and political relations (Table 6.10). The

major difference by household-head is that all types of relations are least common for male-headed households, with less than half the frequency of organisational and political relations.

*Table 6.9:* Household scores on vulnerability-index by economic and educational ambitions

		Vulnerability-index		Resilience		Diversification		Regularity	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
<b>General mean</b>									
<b>Vulnerable business-oriented HME</b>	Yes	.41	.08	.45	.03	.34	.07	.43	.06
	No	.26	***	.29	***	.19	***	.29	***
<b>Renting structures and plots</b>	Yes	.40	.19	.51	.14	.32	.13	.38	.05
	No	.25	***	.26	***	.18	***	.29	***
<b>Tools &amp; machines</b>	Yes	.37	.07	.48	.07	.26	.02	.36	.02
	No	.26	***	.28	***	.20	***	.30	***
<b>Livelihoods oriented HME</b>	Yes	.29	.07	.32	.03	.23	.01	.31	.02
	No	.21	***	.23	***	.13	***	.27	***
<b>At least one hh member regularly employed</b>	Yes	.32	.02	.42	.04	.19	.00	.34	.01
	No	.26	***	.28	***	.20		.30	**
<b>Skill level labour</b>	Yes	.42	.03	.67	.05	.25	.00	.34	.00
	No	.26	***	.29	***	.20		.30	
<b>Highest level of education</b>	Yes	.34	.23	.46	.32	.23	.03	.34	.04
	No	.22	***	.19	***	.18	***	.28	***

\*\*\*= significant at 0.01 level; \*\*= significant at 0.05 level; \*= significant at 0.10 level;  $\mu$ = mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor.

*Table 6.10:* Frequency social, organisational and political relations (in percentage)

	Total	Household head			Ethnicity			
		Two-parent	Female HH	Male HH	Kikuyu	Luo	Kamba	Luhya
<b>Social relations</b>	84	89	89	66	74	90	96	90
<b>Organisational relations</b>	35	36	46	17	42	33	27	31
<b>Political relations</b>	28	27	40	10	34	21	21	25

N=334; N-Kikuyu=132; N-Luo=58; N-Kamba=56; N-Luhya=72; N-other=16; N-two-parent hh=157; N-female-headed hh=107; N-male-headed hh=70.

The major differences by ethnicity are least evident for social relations and most evident for organisational and political relations for Kikuyu households compared to households of other ethnic backgrounds.

Strong social relations are more apparent for the category of (extended) family, followed at a considerable distance by the categories of neighbours,

shopkeepers, and friends, and at a still further distance tribesmen, community groups, and churches (Table 6.11). The bonds of extended family play an important role in food, illness and funeral relations and to a lesser extent in relations to credit, shelter, child care and school fees. Frequency of remittances ranges from health and food relations for about one-fifth of households, to one-tenth and less for relations in shelter and school fees (Table 6.12). Regular (inter)national remittances in cash provide for school fees, food or shelter, and are for two-thirds received from nuclear rather than extended family. Irregular national remittances in cash, especially for food, are slightly more prevalent than regular remittances in cash. Irregular remittances in kind through food relations double the prevalence of irregular remittances in cash. The research findings confirm the crucial role shopkeepers play in short-term credit and/or delayed payment for day-to-day needs and survival.

*Table 6.11: Social relations*

	Food	Credit	School fees	Shelter	Illness	Funeral	Child care
<b>Extended family</b>	20.1	9.0	3.9	9.3	22.2	30.8	7.2
<b>Direct neighbours</b>	8.4	--	.6	.6	4.8	1.5	1.2
<b>Shopkeeper</b>	6.0	47.6	--	.3	--	--	--
<b>Friends</b>	6.0	--	--	2.4	.3	.3	.6
<b>Community group</b>	3.3	--	.9	2.1	1.2	1.2	2.4
<b>Tribesmen</b>	3.6	1.2	--	--	2.4	4.8	.3
<b>Church</b>	3.0	--	--	.6	.3	2.4	.6
<b>Other</b>	3.0	1.2	.9	.6	.3	.3	.3
<b>Total</b>	<b>53.3%</b>	<b>59.0%</b>	<b>6.3%</b>	<b>15.9%</b>	<b>68.6%</b>	<b>58.1%</b>	<b>12.6%</b>

*Table 6.12: Remittances*

		Health	Food	Rent/shelter	School fees
<b>Remittances in cash</b>	International/regular	--	0.3	-	0.6
	National/regular	--	--	1.2	2.7
	National/irregular	x	6.0	x	0.6
<b>Remittances in kind</b>	National/irregular	--	13.8	--	--
<b>Total</b>		<b>22.2</b>	<b>20.1</b>	<b>9.3</b>	<b>3.9</b>

Trust in social relations is often higher than in other types of relations through family ties, shared clan or ethnic background and/or friendship. The other side of the coin of trust along these lines is that village life and accessibility of services is often culturally repressed (by the vigilante Mungiki sect), individualism or ‘keeping to oneself’ is considerable (especially amongst Kikuyu and men), and bridges to other neighbourhoods and people with different ethnic backgrounds are limited. Furthermore, reciprocity provides security in times of need, though it is often considered a burden in the longer term. Reciprocity in relations with (extended) family differs according to type of remittances. Irregular remittances in cash through lending for food, rent and

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school fees are mostly refundable, and for medicine mostly donated with the expectation of reciprocity in bad times. Irregular remittances in kind for food are mostly considered reciprocal. Relations on illness and funerals are partly through benevolence funds. Cultural patterns spell out clearly the types of bonds that exist and at which stage immediate family attends to the patient, extended family donates the money for medicine in severe or critical cases, kinship or tribesmen donate the money for hospital bills, and a *harambee* is organised in case the bills are too high. As in the case when a family member falls ill, a familial death follows a similar pattern: the extended family provides financial support and emotional comfort, the tribesmen arrange the funeral proceedings, and a *harambee* is organised (often through the church) to finance the burial. Most households indicated that they do not attend weddings or that they no longer exist, as they are too expensive.

Both organisational and political relations primarily concern prerequisites for access to assets, not influencing social and political-economic constraints to improvement of the situation. Organisational links on credit and health show highest prevalence for one-fifth of households, followed by education for one-sixth of households, and housing for less than five percent. Health relations mainly refer to free medical services or treatment against a low fee. Links with NGOs predominantly concern credit and health (10 percent) and to a lesser extent education (5 percent). Links with Church Based Organisations are mainly on health and education (10 percent). Links with Savings and Credit Cooperatives Organisations (SACCOs) and associations are by nature focused on credit. Inclusion and exclusion in organisational relations are often closely linked with ethnic background and/or religious identity.

Relations with the City Council of Nairobi (CCN) are very limited. There are hardly any services available, except for the irregular collection of community collected waste and some (re)construction work in partnership with NGOs. The level of satisfaction with CCN performance in services was recently rated very poor to poor by external stakeholders (CCN, 2006). Relations with the city-wide governance network of Nairobi Informal Settlements Coordinating Committee (NISCC) and awareness of its existence were almost absent. Participation of (poor) citizens in invited spaces for participatory budgeting has also been limited (Hendriks, 2010).

Political links are slightly more prevalent with councillors than with chiefs and village elders (Table 6.13). Links on access to plots and structures are strongest, partly related to the distribution of structures in the new Mathare village 'Kosovo' in 2001. Help in times of calamity is second highest issue of political relating and almost equal for all politicians, except for other political leaders who are less near. Relations on access to business rank third and are

predominantly related to protection of illegal brewing proprietors against business closedown and arrest. Most households indicated the necessity to bribe in order to get something done or for political support during campaigning for elections. In general, trust in local politicians is very low, as mostly something is expected in return and clientelist relations are created.

Table 6.13: Issues of political links by type of politician

	Councillor	Chief	Village elder	Political leader	Total
Plots and structures	4.5	1.8	1.5	2.4	10.2
Help in times of calamity	2.1	2.4	2.4	-	6.9
Business	2.1	2.1	-	-	4.2
Security	0.3	1.2	2.1	0.3	3.9
Resolve neighbourhood conflict	1.8	0.9	3.0	0.6	3.6
Political affiliation	0.9	0.6	0.6	1.2	3.2
Community improvement	1.2	0.9	0.3	0.3	2.7
<b>Total</b>	<b>12.9%</b>	<b>9.9%</b>	<b>9.9%</b>	<b>4.8%</b>	<b>37.5%</b>

*Relations and asset base*

Households with social, organisational and political relations do respectively 9, 24 and 19 percent better than those without (Table 6.14). In terms of relative contributions to the livelihood components all relation types especially contribute to financial and human assets, with only households with social relations having slightly better access to human than financial assets. Households with organisational and political relations respectively also have better access to political and organisational assets, which is strongest for political relations. Households with organisational relations in addition do slightly better in access to social assets than households without these relations. Households with social relations on the other hand do still better in organisational relations and also do well in access to productive assets.<sup>16</sup>

Table 6.14: Household scores on asset-index by social, organisational and political relations

		Asset-index		Human Assets		Financial Assets		Productive Assets	
		μ	η <sup>2</sup>	μ	η <sup>2</sup>	μ	η <sup>2</sup>	μ	η <sup>2</sup>
<b>General mean</b>		.20	Std D	.35	Std D	.32	Std.D	.12	Std D
			.12		.21		.35		.11
<b>Organisational relations</b>	Yes	.27	.24	.39	.01	.44	.07	.13	.00
	No	.16	***	.33	**	.25	***	.14	
<b>Political relations</b>	Yes	.28	.19	.38	.01	.43	.04	.15	.01
	No	.17	***	.34		.28	***	.13	
<b>Social relations</b>	Yes	.21	.09	.36	.01	.34	.03	.15	.02
	No	.12	***	.32		.19	***	.10	***

		Social Assets		Organisational Assets		Political Assets	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
<b>General mean</b>		.14	Std D	.13	Std D	.09	Std D
			.12		.20		.18
<b>Organisational relations</b>	Yes	.18	.02	.36	.75	.14	.04
	No	.15	**	.00	***	.07	***
<b>Political relations</b>	Yes	.17	.00	.21	.07	.34	.73
	No	.16		.09	***	.00	***
<b>Social relations</b>	Yes	.20	.39	.14	.02	.10	.01
	No	.00	***	.07	***	.06	*

\*\*\*=significant at 0.01 level; \*\*=significant at 0.05 level; \*=significant at 0.10 level;  $\mu$ =mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor.

### Relations and vulnerability

Households with social, organisational and political relations are less vulnerable with respectively 6, 15 and 9 percent than those without (Table 6.15). For all types of relations this is especially related to regularity and to a lesser extent to diversification. Household resilience is almost equal for households with and without relations.

Table 6.15: Household scores on vulnerability index by social, organisational and political relations

		Vulnerability-index		Resilience		Diversification		Regularity	
		$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$	$\mu$	$\eta^2$
<b>General mean</b>		.27	Std.D	.30	Std.D	.20	Std.D	.30	Std.D.
			.13		.24		.13		.13
<b>Organisational relations</b>	Yes	.33	.15	.33	.01	.25	.08	.41	.37
	No	.23	***	.28	**	.17	*	.24	***
<b>Political relations</b>	Yes	.33	.09	.32	.00	.26	.08	.40	.21
	No	.24	***	.29		.18	***	.27	***
<b>Social relations</b>	Yes	.28	.06	.30	.00	.22	.09	.33	.14
	No	.20	***	.29		.11	***	.19	***

\*\*\*=significant at 0.01 level; \*\*=significant at 0.05 level; \*=significant at 0.10 level;  $\mu$ =mean score;  $\eta^2$  (eta squared) is the proportion of total variability attributable to a factor.

## 6.7. Institutions

International institutional contexts are accommodating as well as constraining access to human and financial assets. Human assets are affected through globalisation and international trade policies. Kenya's accelerated integration in the global economy and opening of markets to products from other countries

since the early 1990s had a major impact on industry and employment. Especially in manufacturing, increased outsourcing of labour has resulted in losses in earnings for less skilled workers, increased inequality between skilled and unskilled workers, and increased use of part-time and casual workers (Manda & Sen 2004).<sup>17</sup> Households directly affected by this economic restructuring face increased vulnerability in terms of losses in regularity and diversification. They also risk loss of resilience in terms of qualified able-bodiedness, through diminished opportunities for professional learning, knowledge exchange and upward mobility within the firm and through other firms along the value chain. This especially involves male-headed households and could imply a shift towards women gaining more responsibility for household income. Households that are indirectly affected face increased vulnerability in terms of de-diversification through more stiff competition in informal markets with dismissed or partly displaced workers with more up-to-date skills. Indirectly affected households especially concern the currently still better off two-parent households that mainly run HMEs in manufacturing. In how far negative effects for poor households in informal settlements are also compensated for by the outsourcing and sub-contracting of non-core and labour intensive work from large industrial companies to MSEs remains to be seen, as regularity and diversification are most probably not positively influenced.

International trade agreements such as the African Growth and Opportunity Act (AGOA) from 2000 onwards allowed duty-free imports to the US in apparel for sub-Saharan African countries. These trade agreements have offered increased opportunities for economic growth and employment, especially through Export Processing Zones (EPZs) and to a lesser extent Manufacturing Under Bond (MUB).<sup>18</sup> However, the agreements are also accompanied by high risks of international relocation of production and loss of employment, especially in the absence of adequate backward regional integration of the global commodity chain due to limited institutional capacities (Phelps, Stillwell & Wanjiru 2009).<sup>19</sup> Young single women aged 16 to 24 of female-headed households during the expansion stage, or part of a two-parent household during the consolidation stage, are potential employment candidates for low skilled work in EPZs. These positions offer mixed benefits, as next to job security and availability also wages are under constant pressure through stiff international price competition; although there is no final evidence of lower average wages in EPZs compared to outside. Resilience only slightly increases through labour-training and practical learning as skills are generally low-tech. Meanwhile some gain supervisory and managerial skills, such as technology transfer, knowledge spill-over and backward linkages. Harsh labour conditions, the disregard of workers' safety and labour rights (KHRC 2004), longer term health risks, and the double-shift (household and

productive tasks) all contribute to heightened worker vulnerability. With EPZs both the state and workers are opportunistically assuming longer term benefits, while realising the best available short term gains in the globalised context. Simultaneous strengthening of regional markets, such as through duty-free exports under the EAC Customs Protocol from 2010 onwards, might provide a more sustainable alternative. Financial assets, especially of the poor in informal settlements, have been heavily constrained by high inflation related to the international food crisis of 2008.

National institutional contexts are increasingly accommodating access to human, financial and organisational assets by the increasingly enabling regulatory frameworks for private sector development, business development and increased employment, organised under the national Economic Recovery Strategy for Wealth and Employment Creation (2003-2007) and the national development strategy Vision 2030. These regulatory frameworks increasingly recognise informal sector businesses and encourage employment and earnings for the working poor in the informal sector through subsidising credit for transition of informal into formal businesses (Pollin et al. 2007).<sup>20</sup> Rationalisation and simplification of national regulations for doing business, contributes to some relaxation of registration procedures. Micro-finance enabling regulatory frameworks since 2006 regulate licensing and supervision of any deposit-taking MFI. Simultaneously the Youth Employment Scheme & SME programme and Enterprise Development Funds for youth and women were initiated in 2006/7 to improve accessibility of enterprise skills and micro-finance. Support of micro-finance has however been supply-driven and disbursement of funds hampered; which leaves however beyond dispute that invited spaces for policy consultation increasingly include recently built informal sector associations, either directly or indirectly through private sector alliances. This strategy of more accommodating regulatory frameworks for (small and medium) businesses could potentially benefit poor households with business-oriented and livelihoods-oriented HMEs in the informal settlements of Nairobi. However, current skills and knowledge of the poor are still predominantly conventional and vocational skills with relatively low productivity and market-demand (see table 6.4). Male employment and skills are largely focused in: small scale trade, carpentry, masonry, metalwork and tailoring (see tables 6.5 and 6.6). Women are more focused on skills that are associated with sales and catering, hairdressing, tailoring and brewing. Furthermore, only few HME operators are trained in entrepreneurship (mostly business-oriented HMEs with credit through institutions). For these enabling regulatory frameworks to work for the poor from informal settlements, they need to be combined with product innovation, differentiation and training in relevant (technical, vocational and soft) skills and knowledge that are competitive in global and/or local markets. Current policies and institutions for



skills and knowledge are insufficient in this respect. The free primary and secondary education policies of 2003 and 2007 respectively, merely focus on foundational levels and development and employment in the longer term,<sup>21</sup> while accessibility and relevance of Technical Industrial and Vocational Entrepreneurship Training (TIVET) remains weak. Only if adapted, then also the currently low average employment rate of 1.6 persons inclusive of the owner in Nairobi's informal settlements (Gulyani 2006) can be expected to rise.

Metropolitan institutional contexts often still constrain the potential contributions of the accommodating national regulatory frameworks to human assets. These frameworks have been introduced largely in a supply driven way by national government and supporting international aid agencies. Single Business Permit benefits are often negated locally by emerging (local) taxes, user charges and continuation of uncalled licenses by local government. Street vending is severely restricted through the General Nuisance By-law, permitting arrests, fines and confiscation of goods on anyone suspected of causing general nuisance in public space; although hawkers' associations are increasingly included in policy consultations by private sector alliances and government. Urban agriculture and solid waste management, until the recent adoption of the new land policy by parliament (GoK 2009), lacked a regulatory framework and were restricted through Local Government Acts, Public Health Acts and Nairobi By-laws. Nairobi's highly commercialised unregulated housing market severely restricts access to productive assets of land and tenure for the poor, especially in the absence of adequate housing policies and limited accessibility of housing finance. The World Bank strategy of regulation of the metropolitan housing market through alternation of tenure mix to enhance owner-occupancy and infrastructure investment could potentially form a more strategic and sustainable alternative compared to the history of limited effects through isolated upgrading projects. However, it is also only likely to be successful when combined with interventions in skills and product innovation or in wage labour.<sup>22</sup> At present the World Bank's new analytical framework (Gulyani & Talukdar 2008) is moving too quickly from the 'slum development diamond' (welfare, employment, living conditions, education) to the 'living conditions diamond' (tenure, infrastructure, unit, neighbourhood), overlooking the necessity of simultaneous intervention regarding human assets for poor households in informal settlements. The underlying assumption of successful SMEs or employment in these businesses is unrealistic for the majority of poor households, given the current product portfolios, skills and employment rates of HMEs in informal settlements (see tables 6.4, 6.5 and 6.6). In addition, it is improbable that high numbers of poor households take the risk of credit against collateral in the absence of a relatively more secure base. Partial renting out of structures is not desirable, given the expected unintended rise of housing

market prices. Final points of consideration are the number of poor compared to non-poor households that in the final end will gain access to the negotiated land and the number of remaining compared to relocating poor households that will gain access to the related training in innovative skills and products and/or wage labour.

## **6.8. Conclusions and implications**

This research has addressed the question to what extent and under which conditions poor households in the informal settlements are able to move out of poverty, reduce vulnerability and gain influence and to what extent the recently created institutions for private sector development, business and employment suffice.

It shows that only four percent of households were able to move out of poverty through (intended) migration to non-slum areas for economic prospects. Only ten percent of households were classified as non-poor at the time of the research before creation of the current institutional context, especially through the household ambition of operating business-oriented household micro enterprises (HMEs). The notion that HMEs are mainly run by women is however not confirmed: half of main HMEs are run by men. Besides, the research indicates the value of further differentiation between women and men in two-parent households and inclusion of 'additional HMEs' besides main HMEs for more adequate analyses. The majority of households remain largely dependent on social, organisational and political relations. Their level of vulnerability differs through the household characteristics of life-cycle, household-head and length of stay. In the aftermath of the December 2007 post-election crisis, it is worth noting the limited determination of total asset bases and vulnerability through ethnicity. These findings confirm the need for a partial shift in policy from social capital to human and material assets in the SSA metropolitan context.

A shift towards human assets, however, is only purposeful when it is accompanied by institutions that are truly accommodating for the poor. The findings in this study indicate that the double weighing of human assets, which was based on the relative importance attributed to human capital in urban livelihoods literature, is not justified. This is especially related to the low skill-levels of the poor. Currently the possible role of HMEs is still constrained by the institutional context. Only in combination with relevant (technical, vocational and soft) skills, knowledge and product innovation, can increased access to credit and other services be worthwhile for the poor in informal settlements, while the same goes for the World Bank strategy of promoting

business through access to adequate tenure and infrastructure. In such a situation, the running of HMEs by the poor can grow from being the major strategy for vulnerability reduction to forming the major strategy for poverty reduction. Yet, the notion that not every person is or prefers to be a business person should be kept in mind.

A shift towards material assets is potentially worthwhile, though for households involved in this study was found mainly connected to vulnerability reduction. Households renting out a relatively higher number of structures have less total assets, indicating their dependency on renting out for survival.

Within the current increasingly micro- and small-enterprise and private sector accommodating institutional context, short-term gains are not expected for the poor in informal settlements. This touches upon the issue of whether to focus on economic growth or on poverty and inequality. Without explicating and negotiating the trade-in of the current low-skilled generation of the poor in informal settlements against future economic growth, there is a high risk that the poor are losing out both in the short and long term. This is especially relevant with regard to the currently proposed regulation of housing markets and upgrading, whereby some people will negotiate terms and others will finally end up not acquiring skills. Currently the poor from informal settlements have some limited influence through (isolated) negotiations of the slum dwellers federation over land related to upgrading programmes. The majority of the poor, however, have hardly any influence on decision-making, despite the growing number of ‘invited spaces’ for policy consultation and implementation, and the increased recognition and (direct or indirect) inclusion of informal sector associations.

## **6.9. Acknowledgements**

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## Notes

<sup>1</sup> Downward leveling norms prevent individual community members from aspiring mainstream goals, and especially emerges in communities where solidarity is based on a common adversity. In such instances success stories undermine group cohesion, because the latter is precisely grounded on the alleged impossibility of such occurrences (Portes 1998).

<sup>2</sup> The methodology allowing aggregation beyond the individual household was initially explored upon returning from fieldwork in 2002/3, while further developed within AMIDSt research institute (Baud, Shridharan & Pfeffer 2008; Verrest 2007).

<sup>3</sup> The categories of 'productive assets - plots and structures' and 'regularity of plot and structure ownership' partly overlap in the sense that the former consists of tenure security, size and/or location, while the latter consists of total average tenure security of plots and structures. This slightly influences the differences in outcomes on the asset -and vulnerability index in the subsequent sections and the values of the correlation coefficient ( $r_2$ ) for the determination of vulnerability-indices by asset-portfolios in table 6.2.

<sup>4</sup> Using a more stringent definition of slums and the metropolitan city's boundaries, CBS estimated the slum population in the 1999 national census at 30% or 0.64 million (0.81 million if corrected for population growth rate of 4.85% per year) (Gulyani 2006; Gulyani & Talukdar 2008; see also World Bank 2008).

<sup>5</sup> A recent study suggests an increasing proportion of women are migrating independently for economic reasons (Batten et al. 2009).

<sup>6</sup> Analysis of the correlation between livelihood components has not been included in chapter 6, due to restrictions to space in the originally published article on individually claimed spaces. For an overview of the correlation coefficients of aggregate livelihood outcomes, see appendix 1, table a.1.

<sup>7</sup> The basis for the findings on life-cycle is: 71% (expansion stage), 18% (consolidation stage), 9% (dispersion stage), and 2% (transition stage). The basis for the findings on household-head is: 47% (two-parent household), 32% (female-headed household), 21% (male-headed household). The basis for the findings on length of stay is: 14% (1-3 years), 18% (4-6 years), 8% (7-9 years), and 60% (10+ years); the latter can be further subdivided into 25% (10-19 years), 21% (20-29 years), 11% (30-29 years), and 3% (40+ years), yet impacts of these 10+ sub-categories hardly differ. The majority of households are in the expansion stage of the life-cycle, which reflects the demographic composition of the population in Nairobi. The figures on household-head confirm overrepresentation of men in Nairobi's slums, when attributing both male-headed households and two-parent households to the category of men. The relatively higher percentages for length of stay above 10 years can be partly explained by the fact that Mathare Valley is one of the oldest slums in Nairobi, existing at least since the 1950s.

<sup>8</sup> Kamba, Luhya and Luo households have better access to social assets than Kikuyu households, especially in illness, funerals, school fees, credit and food. Kikuyu households have the best access to organisational assets (especially in education and health) and political assets. Kikuyu households do best in access to ROSCAs. Luhya and Kamba households do slightly better in access to credit through work and NGOs than Kikuyu households.

<sup>9</sup> 9.3% of the households are multi-spatial households. Multi-spatial households are households where a part of the nuclear family is based in the rural: often the wife and a number of children.

<sup>10</sup> Diversification of structures and plots per household and political relations, the first with lower and the latter with higher variation scores for consolidated as compared to dispersed households. The major underlying explaining component of regularity is plots and structures, with increasing scores for age-dependency phases and a slight decrease in the transition phase.

<sup>11</sup> Regularity of jobs ( $\eta^2=.04^{***}$ ;  $\mu$  highest other urban areas); regularity of plots and structures ( $\eta^2=.03^{**}$ ;  $\mu$  highest other other slums); regularity of jobs ( $\eta^2=.03^*$ ;  $\mu$  highest other slums); regularity of organisational relations ( $\eta^2=.03^*$ ;  $\mu$  highest other Mathare, closely followed by Nairobi non-slum); diversification tools and machines ( $\eta^2=.03^*$ ;  $\mu$  highest Nairobi non-slum).

<sup>12</sup> Only few households (9 percent) originate from Mathare. More than a third of intra-Mathare migration was to Kosovo, while more than half was to other Mathare villages, except for Mathare I.

<sup>13</sup> 36% for women in two-parent households, 30% for men in two-parent households, 21% for female-headed households and 16% for male-headed households.

<sup>14</sup> Other tools owned by households are: carts (12), telephone connection (1), carpentry tools (5), car (1), painting tools (1), tractor (2), automobile tools (1), machine for haircut (1), hacksaw (2), sewing machine (2), welding machine (1), spraying machine (1).

<sup>15</sup> Similar to asset-index outcomes, especially households with the ambitions of university/college level of education, renting urban structures, vulnerable business, and operating electricity/water taps contribute to largest reduction of vulnerability.

<sup>16</sup> Correlation analysis shows small correlation between relational assets and human as well as financial assets. The only medium correlation is between organisational and financial assets, and is especially linked to support organisations in credit.

<sup>17</sup> Manufacturing industry in the 1990s saw a replacement of textile industries with imports of second-hand clothing and the establishment of second-hand motor vehicle refurbishment assemblies predominantly imported from Dubai (UNDP 2005). The impact on the export agriculture sector has been limited, as it already operated in a liberal environment for most of Kenya's post-independence history (Manda & Sen 2004).

<sup>18</sup> EPZs in Kenya originated in the 1990s and offer 10 year tax holidays, 25% tax reduction for the next 10 years, and VAT exemption. 80% of Kenyan EPZs is specialised in manufacturing apparel and textiles.

<sup>19</sup> As a result of falling international orders to Kenya in anticipation of the ending of the Multi-Fibre Agreement in 2005, one-third of EPZs was closed and employment went down by half. Between 2000 and 2003 the employment population in EPZs through AGOA rose from 10,000 to 34,000 workers (including almost 25,000 young women), and 40,000 workers in mid-2004. Export values rose from US\$ 30 million in 2000 to US\$ 222 million in 2004. Employment declined to 32,000 by the end of 2004 and 25,000 by June 2005. Production levels in the first half of 2005 remained comparable to those of a year earlier. The number of EPZs however dropped from 34 to 26. The average unit price dropped from US\$4.26 to 3.66 between 2004 and 2005, due to US buyers pressure (UNDP 2005; McCormick et al. 2006; Bird et al. 2007).

<sup>20</sup> Currently economic growth is mainly due to the informal sector, and employment in the informal sector is estimated at over 6 million people compared to formal sector wage employment at just under 2 million (GoK 2006). The informal sector in Kenya is however characterised by a 'missing middle' of small businesses. Furthermore, MSEs are mainly run by one person.

<sup>21</sup> Quality of free education is however still debated. Furthermore, the free education for all policies have also led to short-term vulnerability risks for poor urban households. Household resilience and diversification in expansion stages and especially consolidation stages are negatively influenced through less availability of able-bodied members and opportunities for engaging in multiple activities. The 'flexible channel of quality education' of non-formal schools might provide some relief in this respect. Poor households' vulnerability is unlikely to be reduced through lower educational expenses, as recurring costs for facilities and uniforms still remain.

<sup>22</sup> At first sight it seems unlikely for a regulated housing market to become reality in Nairobi soon. The supposedly up-scaled negotiated development approach over land in informal

settlements of the Muungano wa Wanavijiji grassroots federation/Pamoja Trust, already takes considerable time at relatively small-scale levels, let alone at the level of the city as a whole.

## 7. Collectively claimed spaces

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### **Abstract**

The current debate on urban land markets suggests that the social and economic impacts of land access are higher when land tenure is formalised and integrated in the formal economy. Research in sub-Saharan African cities suggests that informal systems can be a gradual and more equal alternative. This paper analyses the process, social and economic impacts of access to land and tenure by poor households moving from informal settlements to the peri-urban areas of Nairobi through studying six recent cases of land-buying cooperatives, trusts and societies, including one case in which the poor actually relocated. It indicates the viability of a ‘third way’ of hybrid land access through formal collective land purchase and informal land subdivision in sub-Saharan African metropolitan contexts. It demonstrates beneficial economic impacts of investments in housing improvements and renting rooms as alternatives to collateralised lending and how these can be further increased through process optimisation and inclusive (peri-)urban land governance.

**Keywords:** Land markets; land buying companies, cooperatives, and trusts; livelihoods; social and economic impacts; tenure security; poverty reduction, Kenya.

### **7.1. Introduction**

In the vast majority of sub-Saharan African cities, the urban poor as well as large segments of low- and middle-income groups do not have access to land provided by the public and formal private sector (Durand-Lasserve 2005). The failure of government urban land and housing policies and the inability of the formal private sector to provide land for housing the poor have strengthened the attractiveness of informal land markets (Durand-Lasserve 2005; Rakodi 2005). Land access through informal processes covers the wide range of situations from squatting to various forms of informal and illegal commercial land subdivision. Payne (2005) suggests that a twintrack approach can improve existing slums and reduce the need for future slums.

In Nairobi, the accelerated commodification and commercialisation of unauthorised housing since the mid-1970s has transformed squatting into renting practices and small-scale subsistence renting into large-scale commercial housing (Amis 1984, 1996). Natural internal population growth and increased private development are expected to further increase settlement densities. Upgrading often leads to renting and land sale by the poor. As a consequence, in the near future more of the poor are expected to seek the viable option of affordable land access through informal land delivery systems at the peripheries of the city.<sup>1</sup>

This paper analyses the process (from land purchase to settlement), social impacts and economic impacts of access to land and secure tenure by poor households moving from informal settlements to the peri-urban areas of Nairobi through studying six recent cases of collective land-buying cooperatives, trusts and societies, including one case in which the poor actually relocated.<sup>2</sup> It discusses the ways, conditions and contexts that could make this channel of access to land a viable 'third way' for the poor, including the very poorest.

First, the current international debate on formal and informal land delivery channels is discussed, with special attention paid to hybrid systems of collective formal land purchase and informal land subdivision. Second, the livelihood assets and vulnerabilities of the research communities are presented. Third, the process of access to land markets is discussed in terms of choice of location, delivery time from the start of savings until land acquisition and settlement, and the property rights allocated to the (future) owner in regard to the use of land and the housing unit. Fourth, the social impacts in terms of improved perceived tenure security, livelihood strategies (building strategies, income-generating strategies and access to basic services), gender equity and residential mobility are discussed. Fifth, the paper discusses economic impacts in terms of poverty reduction (wealth ranking, absolute and food poverty line),<sup>3</sup> investments in housing improvements, changing property values, costs of access and increased access to formal institutional credit and micro-credit. Sixth, the several ways by which the enabling structures and contexts of these hybrid channels could increase social and economic impacts are discussed. Finally, in the conclusion, the question of the wider applicability and viability of a possible 'third way' of land access through hybrid collective formal land purchase and informal land subdivision in Nairobi and other sub-Saharan African metropolitan cities is addressed.



## 7.2. The current debate: different channels of land tenure formalisation and their social and economic impacts

The current international debate on urban land markets suggests that households obtain better access when land tenure is formalised and informal land markets are integrated in the formal economy. The dominant approach, propagated by international financial agencies such as the World Bank and Regional Development Banks, focuses on *de jure* tenure formalisation through delivery of real individual property rights (freehold, registered leasehold) for the promotion of (international) private sector development. Formal land titling programmes are proposed in line with de Soto's claim for the role of property ownership and collateralised lending in development (de Soto 2000). A second approach focuses on *de jure* tenure formalisation through administrative recognition of occupancy (personal rights by occupation licences) and *de facto* recognition of occupancy (making increased informal land access secure and reducing poverty). This approach is currently promoted by UN-Habitat and UNDP. Their main aim is social and economic integration of slums and informal settlements.

The current debate increasingly revolves around the question of empirical evidence for the benefits and pitfalls of land formalisation (Benjaminsen 2006; Payne et al. 2007). Thereby the question is raised whether titling programmes are the most effective and appropriate means of realising the social and economic objectives claimed or whether these could also be realised by improving the way existing systems of tenure operate or adopting more gradual shifts from existing informal regimes to more formal systems (Benjaminsen 2006; Payne et al. 2007). Benjaminsen (2006) stresses the importance of examining whether there is a demand for formalisation, whose demand it is and for what kind of formalisation. Formalisation programmes challenging local culture (cultural practices, legal traditions and economic circumstances) seem unlikely to succeed (Benjaminsen 2006). Recently also a World Bank publication indicated that with undeveloped capital markets in most developing countries and a spectrum of ownership structures, titling can be a necessary condition to develop a fully functional housing market, but will not 'unlock' capital now locked up in dead assets as claimed by de Soto. It also may not necessarily result in increasing the assets of the poor (Buckley & Kalarickal 2006).

Recent research on the strengths and weaknesses of alternative land delivery mechanisms in sub-Saharan African cities, especially in regard to the poor, and on the social institutions and state–society relationships that underpin and regulate transactions and disputes over land, stresses the importance of government policies and regulations that support and facilitate informal

mechanisms of land access (Durand-Lasserve 2005; Durand-Lasserve & Selod 2007; Rakodi 2005/6a). The research recognises that the (reinterpreted) roots of these contemporary processes and mechanisms of urban land delivery lay in customary tenure systems in rural areas. At the same time it points out the reinforced modifications of social rules, especially in urban areas, by colonial and post-colonial urban policies and legislative reforms, rapid population growth, growing inequality and ethnic mixing (Kombe 2005; Kombe & Kreibich 2002; Rakodi 2006b; Rakodi & Leduka 2004). Furthermore, in line with social agency theory, it stresses that the conceptual framework of the formal/informal dichotomy does not adequately capture contemporary land delivery processes and that state and other social actors always mutually constitute the institutions underpinning land delivery processes by accommodation through compliance and conflict through non-compliance (Rakodi 2006b).

Current research questions the effectiveness of informal land delivery mechanisms in reaching the poorest segments of the urban population, as well as their longterm sustainability and accessibility, especially in the absence of appropriate public policies, such as adapted planning norms and standards (Durand-Lasserve 2005). Recent studies indicate that, in regard to the land delivery system of purchase through markets, mostly middle and middle-low income groups rather than the poor and very poorest have access to land through the channel of (commercial) land-buying companies (Durand-Lasserve 2005; Gatabaki-Kamau 2000; Rakodi 2005; Musyoka 2004). This does however not mean that hybrid land delivery systems of formal land purchase and informal subdivision of land are of no use to the poorest in urban areas and the metropolitan context. The present discussion needs to further integrate the question of effective land access by the poor and very poorest through these hybrid systems in the metropolitan context.

*Hybrid systems of collective formal land purchase through the market and informal land subdivision*

Kenya is characterised by a private market orientation towards land delivery (Rakodi 2006b). There is no significant customary land management as customary land is held in trust by the government (Durand-Lasserve 2005). A recent study argues that Kenya has been familiar with the concept of individual freehold titling from the time before independence and emphasises the conflicting political economic character of the development of Kenya's land delivery systems (Musyoka 2006/4). Musyoka summarises the political economic development of land tenure systems in Kenya, starting with the pre-colonial days characterised by family-based communal use rights to resources

for pastoralist groups and communal or clan use rights akin to private ownership for cultivators (see also Muriuki 1976; Rutten 1992; Sutton 1976). She then describes the time of European settlement from 1891, with the introduction of direct rule and the evolution of a dual system of land tenure and administration based on formal state rules governing the ownership and delivery of land (see also Kanyinga 2000). Finally, she discusses the time of settlement schemes towards the end of colonisation and the commencing of independence when registered freehold titling was introduced in African farming (Musyoka 2006). The related political economic developments and conflicts over land, which eventually also led to the emergence of hybrid systems of collective land purchase and informal land subdivision, started with the annexation of land for European settlement through imported laws by the colonial administration introducing a parallel individualised tenure system based on freehold or leasehold title. This goes together with the expropriation of indigenous occupants and their relegation to reserves with boundaries drawn along ethnic lines in areas considered unsuitable for European settlement, only allowing for customary tenure arrangements increasingly based on individual families rather than clan or kinship, enforced by chiefs appointed by the colonial administration (Bruce & Migot-Adholla 1994). In an attempt to resolve the overcrowding and increased pressure on land in 'native' reserves and to defuse the demand for redistribution of European-held land, individualisation of tenure and consolidation of fragmented holdings were introduced in the reserves, allowing increased agricultural production that would bring sufficient returns on the small plots and the emergence of a land market. Under the state of emergency between 1952 and 1960, increasingly unequal land redistribution was anticipated by the colonial authorities through the conversion of customary tenure rights into registered individual freehold of land through titling. This resulted in acquisition of land by the chiefs and those loyal to the colonial government and the wealthy, while excluding others from rights to their land, particularly those who could not participate in the adjudication process because of poverty or because they were in detention, and women, since land titles (and the right to dispose of land) were conferred on male heads of household only (Kanyinga 2000; Knox, 1998). To protect the 'white highlands' from encroachment by those rendered landless by the reforms in the reserves, settlement schemes, entailing the settlement of households on land that might, prior to colonialism, have been considered the territory of a different ethnic group, were introduced by the colonial government in 1961. After independence in 1963, the first post-colonial government continued to establish such schemes (Musyoka 2006). In practice about 40 percent of the former area of European mixed farms was subdivided for resettlement to less than 5 percent of the landless population, especially to ethnic groups that had been hardest hit by the original expropriation of

agricultural land and lived in the most overcrowded reserves, particularly Kikuyu (Ogot 1995; Republic of Kenya 1999).

Hybrid systems of collective land purchase and informal land subdivision originate from land distribution in the resettlement period just after independence, when President Kenyatta stressed that Kenyans could not expect to get land for free and the purchase of land from departing settler farmers was encouraged (Etherton 1972; Gatabaki-Kamau 2000; Gitau 2002; Musyoka 2004/6; Yahya 2002). These ‘land-buying groups’ formed by shareholders with varying income levels are believed to be a uniquely Kenyan phenomenon (Rakodi 2006b).

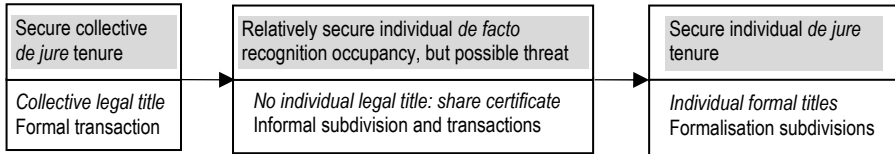
The hybrid systems can be subdivided into land-buying companies, land-buying cooperatives and land-buying trusts, societies, and associations (Obala and Kinyungu 2004). Land-buying companies and cooperatives are entities, registered under the Companies Act or the Cooperatives Act respectively, that buy (large) pieces of land for subdivision to members. They are a mode of gaining access to land, not a form of communal or cooperative ownership (Yahya 2002). They are formed by individuals coming together to pool their resources for purposes of buying land, which is subdivided later. Each member contributes shares to the total capital of the group according to financial ability and, upon purchase of the land, it is subdivided and allocated proportionally depending on the number of shares a shareholder owns. This flexibility allows people with relatively low incomes to become a member of such a group (Musyoka, 2004). Commercial land-buying companies are interested in subdividing and selling the land for purely commercial purposes rather than in occupying the land themselves for immediate use (Musyoka 2004).

Land-buying trusts, societies or associations are entities registered under the Trustees, Societies or Registered Land Act, and also formed by individuals coming together, often with or through the support of finance initiatives for low-income housing, to pool their savings for purposes of buying land and most of the time also housing. Land remains in the hands of the trust for a longer time, mostly until repayment of the mortgage for land and housing through rent, the land and/or house ownership can be transferred to the individual.

The advantages of informal systems, currently responding to new demands in free-market-oriented Kenya, are said to lie in their being less bureaucratic and more flexible, involving short delivery times, lower transaction costs, and the provision of enough tenure security to encourage investment in housing (Durand-Lasserre 2005). Figure 7.1 illustrates the sequence of land acquisition for households of landbuying companies, cooperatives and trusts. First, secure

collective tenure is acquired in a formal land transaction. Second, relatively secure individual tenure is acquired through informal plot subdivision and the issuing of *de facto* share certificates. Finally, share certificates may be converted into formal individual titles, in principle upon completion of the loan.

Figure 7.1: Collective and individual *de facto* and *de jure* tenure security



Source: author (based on Musyoka 2004/6: and Durand-Lasserre 2007).

### *Livelihoods and social and economic impacts of access to land*

The concept of livelihood offers the possibility of analysing the impacts of land access not only in sectoral terms of the need for land and shelter, but from the integrated perspective of poor households managing their asset portfolios in various ways to reduce vulnerability and enhance well-being. A livelihood can be defined as comprising ‘the capabilities, assets (including both material and social resources) and activities required for a means of living’ (Carney 1998). The core of the urban livelihoods approach is the concept of increasing security, in which security is defined as the ability to recover from shocks and stresses and to maintain and enhance capabilities and assets (Carney 1998; Rakodi 2002; Scoones 1998). Increased security is the result of the variety of assets that low-income households can access, the trade-offs between these assets, vulnerability to loss of assets, and resilience in coping with such loss. Recent research has stressed that in addition to its strong actor orientation, the livelihoods approach should incorporate the roles of enabling structures (De Haan & Zoomers 2003; Kaag et al. 2004) and enabling institutional, political and economic contexts (Devas 2002).

Literature relating to the social impact of gender equity realises that both statutory and customary tenure regimes discriminate strongly against women, especially through the non-recognition of inheritance rights. Although progress is reported in terms of rights for women, in practice serious legal, procedural and cultural barriers still have to be overcome in generations to come (Payne, Durand-Lasserre & Rakodi 2007).

Moser (1998) recognised the importance of habitat as a major asset for poor households through renting or running home-based economic enterprises.

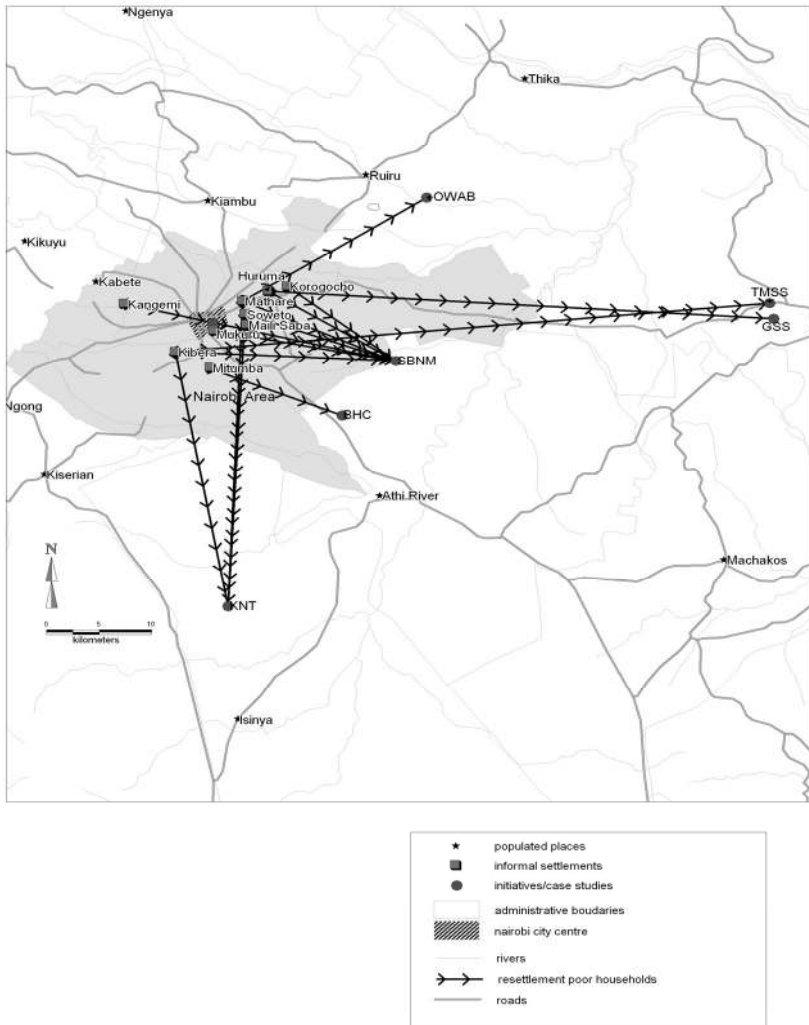
Recent literature on the economic impacts of land stresses the importance of formalisation or sufficient tenure security for investment in housing improvements, whereby titling is not the only way to get results and indeed can often be counterproductive because of the costs and time involved (Payne, Durand-Lasserve & Rakodi 2007). Another discussed economic impact is the claim, broadly supported in the literature, that titling increases property values by 25 percent on average. The other side of the coin shows that this is less attractive for buyers, could lead to future exclusion of the urban poor and to an increase of due speculation, drawing existing capital away from more productive ventures and contributing to intergenerational transfer of resources from future to present generations (Payne, Durand-Lasserve & Rakodi 2007; Mitchel 2006). With regard to the economic impact of access to (mortgage) credit through titling, considerations are raised concerning the form and duration of title and the preclusion of owners unable to meet all the official standards from accessing institutional credit (Payne, Durand-Lasserve & Rakodi 2007).

### **7.3. Case studies and context**

Nairobi is an interesting case because there have been quite a number of recent collective (hybrid) land access initiatives by the poor themselves in the context of land markets with high commodification, rapidly rising property values, high tenure insecurity, extreme politicisation of land access, very high densities and poor environmental conditions. A twin-track approach is spontaneously evolving. Selection of case studies was primarily made on the basis of four main types of (hybrid) collective land access in the peri-urban areas used by poor residents from informal settlements of Nairobi:

- self-financed land, housing and infrastructure, with or without loans on the commercial market;
- self-financed land through savings (in combination with loans from the affordable housing finance sector), housing and infrastructure financed through loans from the affordable housing finance sector or infrastructure through renting or land sale to middle-income households;
- self-financed land through savings (in combination with loans from the affordable housing finance sector), housing through incremental building, infrastructure self-financed or through micro-finance for low-income households; and
- self-financed land through savings (in combination with loans from the affordable housing finance sector), housing through loans from the affordable housing finance sector, infrastructure through grants.

Map 7.1: Locations of the six case studies in peri-urban Nairobi



Other selection criteria were differentiation in size (small/medium/large) and reason for moving (eviction/upgrading/other).

Map 7.1 shows the locations of the six case studies in the peri-urban areas of Nairobi. Arrows connect the location of the informal settlement(s) from which the poor residents moved with the newly acquired location. Distances from Nairobi city centre are indicated in Table 7.1.

In Nairobi no cases exist of the first strategy involving a considerable number of poor people. Individual land access through (commercial) land-buying companies is not affordable for the poor and very poorest.<sup>4</sup> Two cases of the second strategy exist in Nairobi: Kaputiei New Town (KNT) and Shangilia Baba Na Mama (SBNM).<sup>5</sup> SBNM eventually changed its strategy for infrastructure to renting/selling to middle-income households, as support from finance organisations for housing and infrastructure was (partly) unavailable. Two cases of the third strategy exist: Bellevue Housing Cooperative (BHC) and Original Wapenda Afya Bidii Women's Group (OWAB). Finally, two cases of the fourth strategy exist in Nairobi: Toi Market Savings Scheme (TMSS) and Ghetto Savings Scheme (GSS).<sup>6</sup>

Table 7.1 presents the main characteristics of the case studies in order of size of land, ranging from small (BHC, OWAB) to medium (GSS, TMSS) and large (KNT, SBNM). The size of individual plots ranges from 39 sq m (GSS) to 156 sq m (TMSS), depending on the number of subdivided plots on the land. The core identity of the initiatives is ethnic background, gender and profession.

*Table 7.1: Main characteristics of case study organisations (BHC, KNT, SBNM, TMSS, GSS, OWAB)*

	<b>BHC</b>	<b>OWAB</b>	<b>GSS</b>
<i>Strategy applied</i>	Self financed land, Incremental building	Granted land, Collective self financed construction or through loan	Self financed land, Incremental building Infrastructure grant
<i>Type of neo- customary system</i>	Cooperative	Cooperative (CBO until 2001)	Trust
<i>Location, Municipality, District</i>	Mlolongo/Shokimau Mavoko Machakos	Muigain Juja Thika	Donyo Sabuk/ Kमारock Mavoko Machakos
<i>Distance from Nairobi centre</i>	25 km	30 km	60 km
<i>Former residence</i>	Mitumba	Mathare	Ghetto-Huruma
<i>Number of members</i>	139 households	48 households	- 150 active members - 352 total members
<i>Number of acres</i>	5 acres	10 acres	40 acres
<i>Size plots in acres</i>	97,5 sq m (6.5 by 15m)	93 sq m (6,1 by 15,24m)	39 sq m
<i>Number of plots</i>	140 - 139 residential - 1 collective	51 - 48 residential - 3 collective	152 -150 residential - 2 collective
<i>Core identity</i>	Shared ethnicity: Kikuyu	Gender: Women Mixed ethnic background	Shared ethnicity: Kikuyu (97%). Few Luo, Luhya, Kamba



	TMSS	KNT	SBNM
<i>Strategy applied</i>	Self financed land; Low cost building, Infrastructure grant.	Self financed land; Mortgage housing and infrastructure through finance for low income	Self financed land; Mortgage housing; Infrastructure through houses for rich
<i>Type of neo- customary system</i>	Trust	Trust (low cost housing scheme of finance for low income initiative)	Trust (low cost housing scheme of poor themselves)
<i>Location, Municipality, District</i>	Donyo Sabuk/Komarock Mavoko Machakos	Kisaju Kaputei Kajiado	Mitaboni/Katani Mavoko Machakos
<i>Distance from Nairobi centre</i>	55 km	65 km	40 km
<i>Former residence</i>	Kibera	Mathare/Kibera/ Soweto	Mathare/Huruma, Korogocho/Kibera/ Kangemi/Mukuru/ Maili Saba
<i>Number of members</i>	550 borrowers	10,000 people	- 10,000 active members (paid fee)
<i>Number of acres</i>	80 acres	293 acres	600 acres (poor) 200 acres (middle class)
<i>Size plots in acres</i>	156 sq m (13 by 12m)	50 sq m	94 sq m (6.71 by 14,02m)
<i>Number of plots</i>	527 (plan 1) - 504 residential - 23 collective & commercial 378 (plan 2)	2,000 - residential	500 +
<i>Core identity</i>	Profession: traders	Still to be decided	Shared ethnicity: Kamba

#### 7.4. Livelihood assets and vulnerabilities of the case study communities

In this section the livelihood assets of the case study communities before moving from the informal settlements are analysed. In Nairobi 55 percent of the 2.4 million residents live in informal settlements which cover only 5.5 percent of the city's residential land (Matrix 1993). Much of the land they occupy is public property and the remainder is privately owned. Neighbourhoods within these high-density informal settlements are often inhabited by residents with a similar ethnic background.

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### *Social assets*

The residents of the case study communities organised themselves in land-buying cooperatives and trusts by ethnic background (BHC/Kikuyu, GSS/Kikuyu, SBNM/Kamba), gender (OWAB/women) and profession (TMSS/traders). Sometimes ethnic background as bonding principle is related to the location of the settlement or village involved (KNT/Mathare, Kibera, Soweto). Each land-buying cooperative or trust, except for SBNM, has relations with a local organisation providing housing finance support for low-income households (Pamoja Trust, NACHU, Jamii Bora). Most residents are also members of other civil society networks to strengthen their resilience. In BHC there are quite a number of multi-local households, such as those with male heads whose wives live in the rural areas, often accompanied by children of primary school age.

### *Physical assets*

Five of the case study communities had very low tenure security and their cases are the direct result of high vulnerability to evictions and demolition. BHC and SBNM originate from repeated demolition and evictions of their homes, GSS and TMSS from the creation of a strengthened negotiation basis through alternative land in anticipation of the possible threat of eviction related to disputes on land and upgrading. KNT emerged from the more general threat to secure tenure, the relocation of citizens between Mathare villages in 2002 and the inability of the poor to save because landlords always first raise the rents. OWAB originated from an internal dispute within Wapenda Afya.

As a consequence of the threat of eviction and lack of land ownership in the informal settlements, there is little space for housing development and the use of housing for productive purposes in home-based enterprises. In all cases, residents face very poor shelter quality (see Photos 7.1 and 7.2) (12 by 10 feet wattle and mud shacks in Ghetto; mobile tents and semi-permanent structures of polythene, paper, timber and corrugated iron sheets in Mitumba; mud, wood and corrugated iron sheet structures, sometimes combined with concrete floors, in Mathare; water and overflowing sewers running downhill through houses in the rainy season) and living conditions (high density, fire, insecurity, forced protection fees, crime, violence, illegal brewing).

*Photo 7.1:* Shelter quality: OWAB in Mathare, mud and wattle structure with cardboard on wall with cupboard and sofa as main assets



*Photo 7.2:* Shelter quality: GSS in Ghetto-Huruma, old iron sheets, polythene, wooden walls, mud floor



In general, access to basic services for the households involved is very low in all related informal settlements. Toilet facilities are lacking and the use of ‘flying toilets’<sup>7</sup>, open fields, improvised polythene and cardboard latrines, overcrowded toilet blocks and overflowing sewers is common. Water is accessed from contaminated water sources, water taps costing a relatively high price per gallon and through illegal water tapping from city council lines. Access to electricity is almost non-existent. Lighting is through candles and tin kerosene lamps and some households use illegal electricity tapping with a high risk of fire through short-circuiting. Garbage collection services are almost absent, with garbage lying around and residents sometimes organising irregular clean-ups. Access to education is often through informal primary schools in the slums or through a limited number of often overcrowded public schools in the surrounding areas. Access to first-line health services and clinics is often available at an affordable price through NGOs and church-based organisations. Access to second-line health services at Nairobi and Kenyatta Hospital is limited, although these lie within a distance of 10 to 15 kilometres, as almost no poor households have health insurance.

The majority of the residents of informal settlements have no jobs, or low-paid informal jobs that change frequently. It is difficult to state their income reliably. Household income is mainly spent on basic needs and saving money is very difficult. Furthermore, to open a formal bank account starting capital has to be deposited. Nonetheless, most residents have still managed to build up savings of Ksh 30 to 40 per day over about four years to acquire access to land. The cases of GSS and TMSS, saving groups of Muungano wa Wanavijiji, indicate that with the clear goal of land access in mind households manage their savings better than with the general aim of social security. In order to qualify for a housing loan at Jamii Bora, the poor need to first successfully complete three business loans.

### *Financial assets*

An alternative to savings is having access to credit, but the level of access to credit is low. The amounts offered are large and interest rates often too high for the poor. Many poor try to get access to short-term loans and small amounts of credit through neighbours and shopkeepers. Some micro-finance institutions offer credit services with more favourable conditions to the poor. To overcome the threat of trading off physical assets and human assets of education and health, which some BHC households faced when selling their plots, Jamii Bora chose an integrated approach and offered its members free life insurance and the option of health insurance for a payment of Ksh 30 per week or Ksh 1200 per year.

*Human assets*

The education level of residents of the case study communities often makes them dependent upon the informal sector and neighbourhood-related social networks for access to work. In general about 75 percent of the household members in informal settlements of Nairobi have educational qualifications ranging from never having attended school to having some secondary education, with men slightly better off than women (UN-Habitat/Mavoko Municipal Council 2005). In BHC 64 percent of residents have low levels of education up to some secondary education, while 27 percent of the original members acquired technical skills through vocational training. Others increase their assets through learning by doing and on the job.

In general about 75 to 85 percent of the residents of the informal settlements of Nairobi work on and off in the informal sector (UN-Habitat/Republic of Kenya 2004; Hendriks, 2010). In BHC 64 percent of the members worked in the informal sector when still living in Mitumba, 24 percent of them as self-employed, while respectively 9 percent and 18 percent worked in the public and private sectors. Members of OWAB are almost all self-employed (as tailors, salespersons, etc.). The majority within GSS work in the informal sector at casual jobs (hawkers) and as salespersons. Members of TMSS are self-employed private market stall owners and renters selling fruit, vegetables or clothes, facing risks of selling out of plots and in the process of negotiations on ownership around upgrading. The members of KNT all operate small-scale businesses.

With their skills, knowledge and experience in mind most poor households are often afraid and reluctant to relocate from a central location to the peri-urban areas. The (threat of) repeated evictions and demolitions, resulting in very low tenure security, often has to be very high before the poor are ready to move. This is also illustrated by the case of the women of OWAB, who have had access to peri-urban land since 2002, but still have not moved, partly because of the building costs involved, but mainly because of the lack of skills and physical conditions for farming, fear of loss of their informal jobs, and transport costs to Nairobi city. The starting phase of the case of BHC illustrates the vulnerability the poor face when changing settlement at a time of a lack of economic development in the settlement area and absence of access to casual informal jobs, markets and social networks. As factories sprang up in the area, some residents started to sell products to factory workers (providing cakes and food at lunchtime) and some started working in the factories. In the cases of TMSS and GSS, residents stated that they were willing to go through a transitional phase in which they reduce their vulnerability through working and living in both their present and future locations. It is hard to acquire new skills.

In the case of KNT people are able to work through construction work on the site.

## **7.5. Access to land markets**

### *Choice of location*

The main criteria used for selecting the location of land are availability and price. Although considerable time and effort are spent on land selection, mostly it is not based on a set of integrated livelihoods criteria. As a consequence the acquired land may be isolated or unsuited for productive use, may require relatively high transport costs, and may lack a prospective local market. BHC selected an isolated, rocky plot, unsuited for agriculture, lacking a local market, partly encroached upon by a neighbour and not too far from the highway. The plot was available at the time through the National Cooperative Housing Union, because another cooperative was unable to fulfil loan repayment for the land. The transformation of the surroundings into a major industrial and economically thriving area since the end of the 1990s happened by coincidence to BHC and was not anticipated in the selection and planning process. For OWAB the stable value of the fertile land as a capital base, rather than as a productive asset, played a major role. TMSS made a more precise selection and preferred a location next to the main road.

### *Delivery time*

Delivery time is divided into time until land acquisition and total time until settlement. Delivery time for land acquisition ranges from two to five years and on average takes up to three years (see Table 7.2). The period of land acquisition for GSS and TMSS seems relatively long, but this is mainly because people started saving for general security purposes, before changing to land tenure purposes. Delivery time for BHC and SBNM is partly influenced by the sense of urgency and the need for quick arrangements related to demolition and eviction. OWAB and KNT had relatively quick access to land within two years, but it took a long period of time to fulfil regulations. OWAB members claim that the authorities deliberately lost their title deed and they had to go through procedures twice. For KNT approval of design and planning through detailed plans took long.

Table 7.2: Delivery time up to land acquisition and up to settlement (BHC, KNT, SBNM, TMSS, GSS, OWAB)

	BHC	OWAB	SBNM	KNT	GSS	TMSS
Start savings	1994 Membership savings	1999 Land donated	1996 Membership savings	2000 Micro business loans + savings	2001 General savings	2001 General savings
Identification	1994	1999	1997	2002	2005	2005
Purchase	1996	2002	1997	2002 (253 acres) 2004 (40 acres)	May 2006	Oct 2005 (40 acres) Dec 2005 (40 acres)
<b>Delivery time until land acquisition</b>	<b>2,5 years</b>	<b>3 years</b>	<b>2 years</b>	<b>4 years</b>	<b>5 years</b>	<b>4 years</b>
Building	1997 Incremental building	2002 Social hall and pit latrines	2001 Borehole 2006 first tranche of units for rich	2002 Lay out plan 2004/6 Tiles and bricks	-	2006 Lay out plans
Settlement	1997	-	-	-	-	-
<b>Total delivery time until settlement</b>	<b>3 years</b>	<b>(8 years)</b>	<b>(12 years)</b>	<b>(7-8 years)</b>	<b>(7 years)</b>	<b>(6 years)</b>

Total delivery time until settlement ranges from three years to seven or eight years and in one case up to 12 years (see also Photo 7.3). BHC is the only initiative for which the total delivery time until settlement was completed at the time of the research. The delivery time after land acquisition is influenced by incremental building and informal subdivision (BHC), political/environmental disputes (KNT)<sup>8</sup>, availability of support organisations and size of initiative (SBNM), business approach to collective settling (TMSS), and changes in sense of urgency through time and generation gap (OWAB, SBNM).

### Property rights

All initiatives provided the residents with the basic rights to occupy, use, enjoy, restrict and inherit their land (see Table 7.3). BHC is the only initiative that chose incremental building and allows its members the rights to dispose, buy and develop/improve their plots. Most initiatives try to avoid the question of disposing of land, but in the future it will almost inevitably become an issue. BHC is also the only initiative at the moment allowing the right to sublet and fix rent. The members of the smaller initiatives (BHC, OWAB, GSS) have the right to run their businesses on their own plots. For members of the larger initiatives (SBNM, KNT, TMSS) this right is mostly limited to specifically allocated plots and requires payment. SBNM is the only initiative where share

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certificates actually served as collateral for access to micro-credit, although offered by SBNM itself and introduced as a way of limiting loan arrears.

*Photo 7.3: Idle land: (a) KNT, (b) SBNM*





Table 7.3: Property rights (BHC, KNT, SBNM, TMSS, GSS, OWAB)

	BHC	OWAB	SBNM	KNT	GSS	TMSS
Occupy/use/enjoy	X	X	X	X	X	X
Restrict	X	X	X	X	X	X
Inherit	X	X	X	X	X	X
Dispose, buy	X					
Develop/improve	X					
Cultivate/produce on own plot	X	X			X	
Cultivate/produce on allocated plot			X	X		X
Sublet	X					
Sublet and fix rent	X					
Access to (mortgage) micro-credit			X			
Access to (mortgage) institutional credit						

## 7.6. Social impacts

### *Perceived tenure security*

*KNT, SBNM, TMSS, GSS, OWAB.* All initiatives except BHC are still preparing to relocate. Tenure security for these initiatives is planned to be accomplished through the provision of share certificates.

*BHC.* The members of BHC relocated in 1997, but nobody has yet been issued with an individual formal title deed. Share certificates have been acquired for about 29 percent of the plots.<sup>9</sup> By May 2004, loans were cleared for half of the remaining plots<sup>9</sup>, and remained pending for 21 percent of the plots, with arrears predominantly below and some above Ksh 10,000. The owners who cleared their loans without acquiring a share certificate indicate that tenure security is felt through the collective block title deed, payment receipts, records in the cooperative logbook and trust. Most of them feel enough tenure security to avoid paying Ksh 1000 for a share certificate. It is remarkable that second owners are also not demanding share certificates for security. Tenure security is however increased through a formal written agreement between the original and the second owner against payment of Ksh 500, payment registration of a Ksh 6500 entry fee for second owners, the informal practice of land ownership transfer in the register witnessed by the cooperative committee, and trust resulting from membership of the social networks of the original owners.

### *Building strategies*

*KNT, SBNM, TMSS, GSS, OWAB.* Almost all initiatives opt for low-cost building to avoid new slum creation, encourage uniformity, and make use of economies of scale. KNT, SBNM and TMSS plan to increase affordability for the poor through using low-cost building materials and methods in accordance

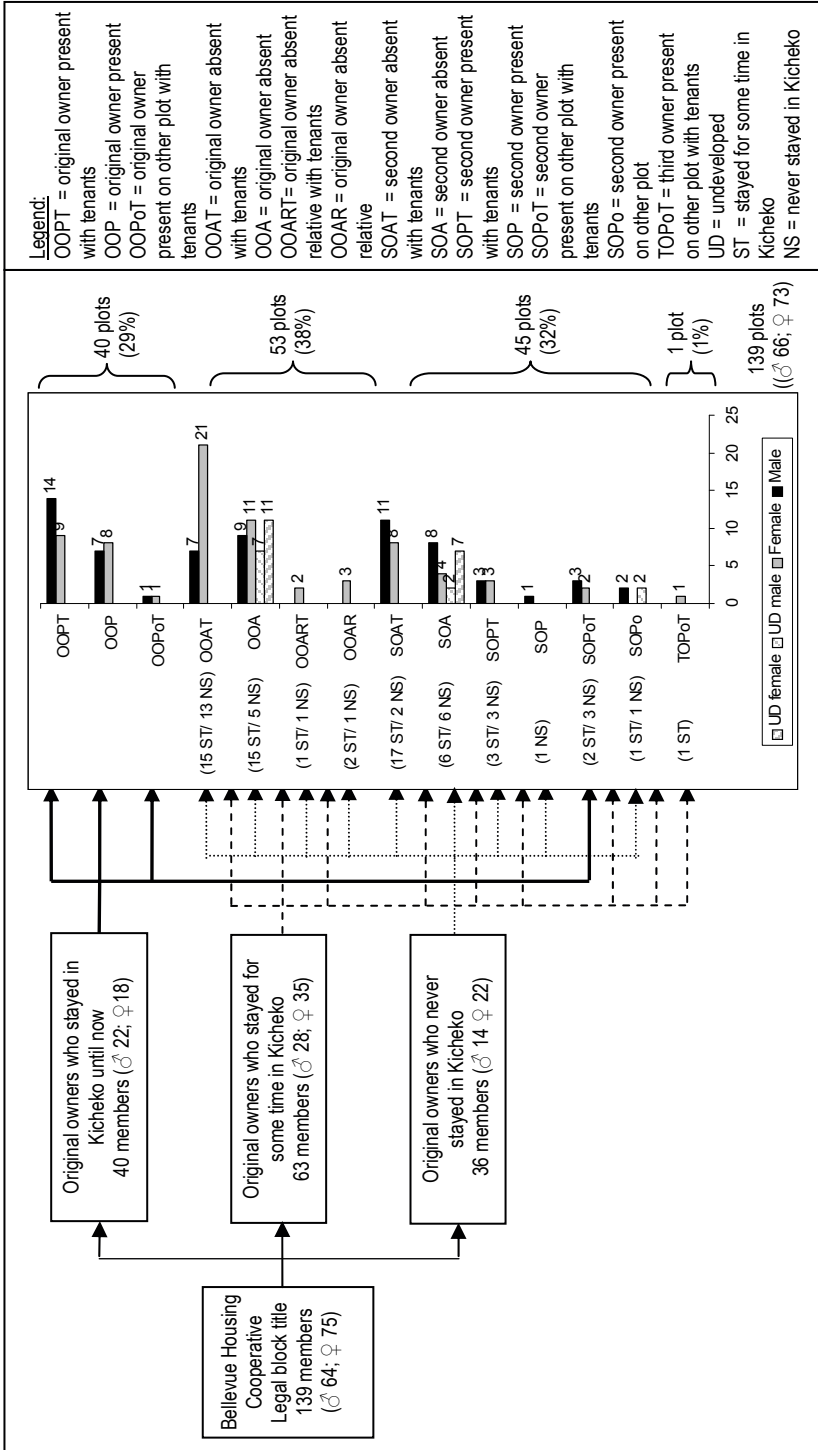
with the Building Code for Low Cost Housing. The smaller GSS and OWAB also opt for this, but still consider incremental building as an alternative option. The production of low-cost building materials also serves as an income-generating activity for members.

*BHC.* The case of BHC shows that even with the strategy of incremental building, which allows the poor to gradually build and develop their units at their own pace, it is still hard for the poor and very poorest to gain and maintain (sustainable) access to land and secure tenure (see Figure 7.2 and Photos 7.4, 7.5 and 7.6). 29 percent of the original owners still live on their original plots. These original owners accomplished sustainable access to land and secure tenure. The 40 plots are owned by 38 families, with two families each owning two plots from the start as husband and wife and being present on the other plot. Four extra plots are owned by these original owners as second owners present on the other plot, including two owned by the same family that owned two plots from the start. So, in total 44 plots are owned by people who have remained up to now in Kicheko village.

38 percent of the original owners are absent, that is not living in Kicheko village but still ‘owning’ the plot. These original absentee owners have access to land, but not to secure tenure in Kicheko village, although four achieved secure tenure for relatives. 30 plots are used for renting rooms to tenants, whereby 14 owners never stayed and 16 stayed for some time. 18 plots remained undeveloped, whereby 14 owners never stayed and four stayed for some time. One plot is developed but without renting rooms to tenants, and three plots are in use by a relative without tenants.<sup>10</sup>

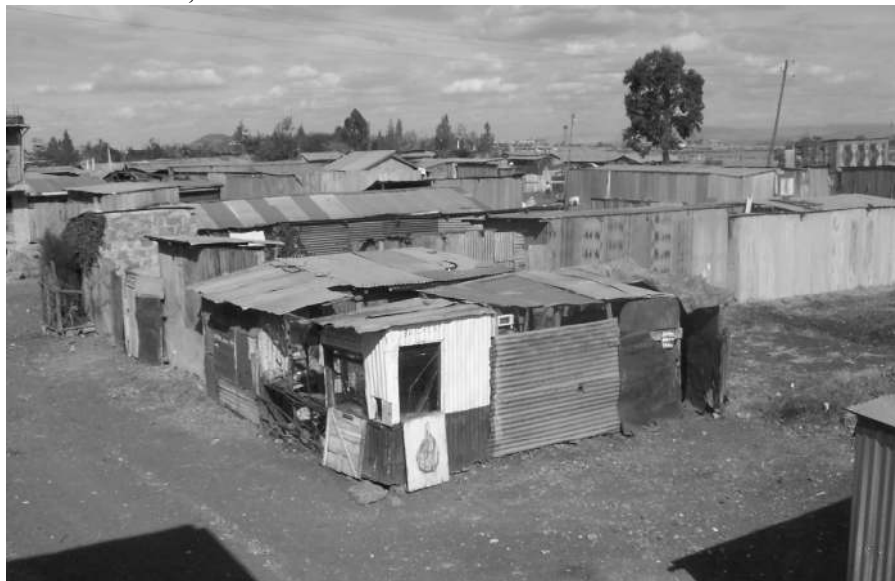
33 percent of plots have changed hands from original owner to second or third owner. The original owners of these plots do not have access to land or secure tenure in Kicheko village. 16 original owners of these plots never stayed in Kicheko village, whereby 11 plots remained undeveloped. 30 original owners of these plots stayed for some time in Kicheko village.

Figure 7.2: Security of land access and tenure BHC (March & November 2006)

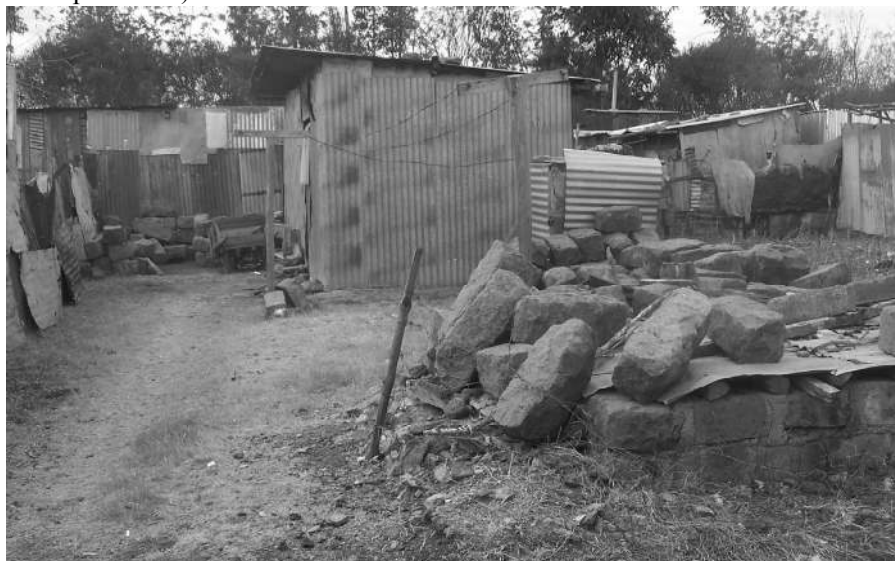


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*Photo 7.4: BHC, overview*



*Photo 7.5: BHC: original owner present (new iron sheet, mud floor and private stone pit latrine)*



*Photo 7.6: BHC: original owner present with tenants (two-storey stone house)*



*Income-generating strategies*

*KNT, SBNM, TMSS, GSS, OWAB.* Three of the initiatives are actively considering possible strategies of income generation and job creation at the new location. TMSS intends to use the strategy of renting and selling collective plots to outside businesses (a hotel for delegates attending conferences in Nairobi, and a petrol station) and creating a market area. Their strategic location next to the main road was deliberately chosen and six times more expensive than the nearby plot of GSS. The whole initiative is approached like a collective business investment. OWAB acquired land through a donation and sees horticulture as the most feasible strategy for income generation, as the red soil is very fertile and there are no other types of business around. It remains to be seen whether the plot is big enough for farming and for how long the already ageing female members of the community are still capable of farming. GSS considers small-scale farming as a viable option, for which the purchase of water boreholes and acquisition of an additional plot are preconditions.

*BHC.* A major income-generating strategy applied at BHC is renting rooms to tenants. As economic activity within the area grew rapidly and attracted many migrant workers by the end of the 1990s, this became a popular strategy applied by 40 percent of the original owners (see Table 7.4).

Of the original owners present, 63 percent rent out rooms, with on average four tenants per plot. Six of them combine this strategy with businesses on their plots, often targeting the internal market (vegetable kiosk, hotel, milk shop, charcoal, waste material, saloon). Most others have casual jobs or are self-employed (for example catering to employees of surrounding factories). A few owners keep some goats, chicken, sheep and a cow.

*Table 7.4: Number of owners with tenants and number of tenants per ownership type (BHC)*

Type of ownership	Tenants (relative)	No tenants (relative)	Average number of tenants per plot	Above average number of tenants
Original Owner Present	63% (25 plots)	37% (15 plots)	4,0 tenants	3x5; 1x6; 1x7; 1x8; 1x12
Original Absentee Owner	57% (30 plots)	43% (23 plots)	2,7 tenants	1x3; 4x4; 1x6; 1x7; 1x9
Second Owner Present	75% (12 plots) <sup>1</sup>	25% (3 plots) <sup>1</sup>	2,5 tenants	1x3; 1x7
Second Absentee Owner	61% (19 plots)	39% (12 plots)	6,1 tenants	1x7; 3x8; 7x9; 1x11
<b>Total</b>	<b>86 plots</b>	<b>53 plots</b>	<b>3,8 tenants</b>	

N=139

Of the original absentee owners, 57 percent rent out rooms to tenants, with on average 2.7 tenants per plot. 16 owners stayed for some time on their plots with or without tenants and afterwards moved and started renting out rooms. 14 owners never stayed on their plots and applied the strategy of renting out rooms from the beginning. Absentee second owners also rent out rooms intensively: 14 percent, with an average of six tenants per plot.

Of the 37 percent of original owners present without tenants, 13 were able to accomplish sustainable access to land and secure tenure through running a business, hawking, casual jobs and formal jobs. Some keep a few goats, chicken, ducks and sheep. The two remaining plots are used by original owners present on another plot, renting rooms to tenants elsewhere in Kicheko.

#### *Access to basic services*

*KNT, SBNM, TMSS, GSS. OWAB and BHC.* All initiatives provide major improvements in access to basic services for the poor at the sites in comparison to the situation in the informal settlements (Table 7.5 and Photos 7.7, 7.8, 7.9). This applies not only to technical quality, but also to the degree of formality.

Table 7.5: Access to basic services at former informal settlement and new location (BHC, KNT, SBNM, TMSS, GSS, OWAB)

Service	Informal settlements	Land Buying Cooperatives and Trusts
Toilets	'Flying toilet' and open field	Community pit latrines (BHC, OWAB)
	Over-flowing sewers	Private stone pit latrines (BHC)
	Improvised latrines	Self contained flush toilets and bathrooms in each housing unit (KNT, SBNM, TMSS)
	Overcrowded concrete toilet blocks against payment	Sanitary waste manager (KNT)
Water	Contaminated water sources	Water vendor and not water line (BHC)
	Water taps against payment	Tap water through boreholes (KNT, SBNM, TMSS, GSS, OWAB)
	'Illegal' water tapping from City Council	
Lighting	Candles	Kerosene and candles (BHC, OWAB, GSS)
	Tin kerosene lamps	Electricity (KNT, SBNM, TMSS)
	'Illegal' electricity tapping	
Waste	Community clean ups	Two weekly clean up and burning (BHC)
	Littering around	Collection services (KNT, SBNM, TMSS)
Education	Informal nursery and primary schools within	Nursery and primary schools on territory (KNT, TMSS)
	Formal primary schools on the borders	
Health	Many nearby clinics	Fewer nearby clinics (KNT, TMSS, GSS)
	Short distance to hospital	Longer distance to hospital

Photo 7.7: Mitumba: private old iron sheet, wood, polythene latrines, right next to Wilson Airport



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*Photo 7.8:* Mitumba: private old iron sheet, wood, polythene latrines, right next to Wilson Airport



*Photo 7.9:* BHC: private stone/new iron sheet pit latrine





*Gender equity*

*KNT, SBNM, TMSS, GSS, OWAB.* All initiatives intend to treat their members equally and strive for equal access for women and men. In OWAB almost all members are women above fifty, except for two men and five younger women who replaced members who died from AIDS.

*BHC.* The overall figures on land access at BHC suggest that women and men have almost equal access to land and that registered male and female plot ownership have remained almost equal over the years: 54 percent female ownership in 1997 and 53 percent in 2006 (see Figure 7.2). Looking in more detail at the real underlying dynamics, some significant gender differences in access and strategies of access to land and tenure security can however be observed. Although formally men and women were equally able to acquire individual access to plots registered in their own name, in practice women's access to land is still very much related to marital status. The majority of the female original owners present acquired access to land at the time of plot acquisition through marriage (see Table 7.6). The plot registered in the wife's name is often used for renting, while the couple live together on the husband's plot or while the wife lives in the rural area. Of the original owners present there are only two married couples with husband and wife living on their own separate plots.

*Table 7.6:* Marital status of female original owners present at the time of plot acquisition (BHC)

<b>Marital status</b>	<b>Frequency</b>	<b>Percentage</b>
Married	8	44.4
Widowed	5	27.7
Cohabiting	1	5.6
Separated	1	5.6
Never married	1	5.6
Not stated	2	11.1
<b>Total</b>	<b>18</b>	<b>100</b>

N=18

Women tend to prefer the livelihood strategies of absentee original owner renting rooms to tenants more than men, while men prefer the strategy of original owner present with tenants more than women (see Table 7.7). 54 percent more women than men chose the strategy of absentee original owner renting rooms to tenants, with on average 2.5 tenants for both men and women. A clear explanation for this difference in strategy is hard to provide on the basis of the limited number of absentee original owners traced. About half of the women and men involved chose the strategy from the beginning and never stayed in Kicheko. Factors influencing the choice of strategy are the small size

of the encroached plots for family life and the bad local economic and living circumstances in Kicheko at the start. About half of the absentee original owners involved, both male and female, moved to a better destination. 20 percent more men than women chose the strategy of original owner present renting rooms, with on average 3.5 tenants for men and 5 tenants for women, partly explained by the tendency of couples to live on the husband's plot.

*Table 7.7: Gender differences in strategies of access to land and secure tenure (BHC)*

Gender	Renting rooms to tenants				Transaction of plots		Development
	OOPT	OOAT	Never stayed	Stayed	Selling	Buying	UD
<i>Female</i>	40% (10 plots)	77% (23 plots)	71% (10 plots)	81% (13 plots)	56% (20 plots)	39% (18 plots)	61% (11 plots)
<i>Male</i>	60% (15 plots)	23% (7 plots)	29% (4 plots)	19% (3 plots)	44% (26 plots)	61% (28 plots)	39% (7 plots)
<i>Total</i>	100% (25 plots)	100% (30 plots)	100% (14 plots)	100% (16 plots)	100% (46 plots)	100% (46 plots)	100% (18 plots)
<i>Difference</i>	-/- 20% (5 plots)	+/+ 54% (16 plots)	+/+ 42% (6 plots)	+/+ 62% (10 plots)	+/+ 12% (6 plots)	-/- 22% (10 plots)	+/+ 22% (4 plots)

Men tend to be relatively more involved in plot transactions, while relatively more women are absentee original owners with undeveloped plots. In regard to transactions of plots, 12 percent more male than female original owners chose the strategy of selling their plots. The reasons did not vary between men and women (see 'Property values and reasons for selling', below). 22 percent more male than female second owners bought plots. This seems to confirm the idea that access to land in the Kenyan land market is harder for women. Finally, 22 percent more female than male absentee original owners remained with undeveloped plots, the majority from the beginning and two staying for some time and then relocating to better destinations.

### *Residential mobility*

*BHC.* At BHC residential mobility was analysed through the moves of absentee owners. 62 percent of absentee original owners were successful in moving to better destinations – in Nairobi, other Kenyan towns and especially upcountry in their rural homes (40 percent) – with tenure security, after staying for some time or never staying in Kicheko. The remaining 38 percent of plot owners went back to Mitumba and to less desirable destinations in other informal settlements. This was partly due to the bad economic situation and living conditions in the settlement area just after relocation and partly confirms the notion that the poor often return to locations near the city centre.

## **7.7. Economic impacts**

### *Poverty reduction*

*KNT, SBNM, TMSS, GSS, OWAB.* All five initiatives are expected to reach the poor and three are expected to reach the very poorest. OWAB reaches 48 very poorest and two non-poor households according to the criteria of wealth ranking, absolute poverty line and absence of basic needs.<sup>11</sup> KNT mainly reaches poor and non-poor households, as the expected monthly rent of Ksh 2500 for housing units and additional transport costs to Nairobi are unaffordable for the very poorest. SBNM reaches both very poorest and poor households by differentiating housing units in different poverty categories. TMSS caters for the poor as the traders are relatively better off. GSS caters for the very poorest.<sup>12</sup>

*BHC.* In BHC, at the time of plot acquisition, almost all 139 original owners moving from Mitumba could be categorised as very poorest, due to the absence of basic needs of shelter, food and clothes and not owning two or more wealth ranking assets. A few non-poor households entered as the plots needed to be divided, while 15 original owners never stayed and immediately went to more affluent destinations.

From 1997 to 2006 10 present original owners changed status from very poorest to poor based on the criteria of the food poverty line and absolute poverty line, due to a monthly income of at least Ksh 2500 gained by renting out five or more rooms at Ksh 500 per month (see Table 7.4). Of these 10 original owners, five households can be considered non-poor on the basis of wealth ranking.<sup>13</sup> Furthermore, 24 absentee original owners with on average 2.7 tenants are crossing the food poverty line by renting out rooms at Ksh 500 per month.<sup>14</sup>

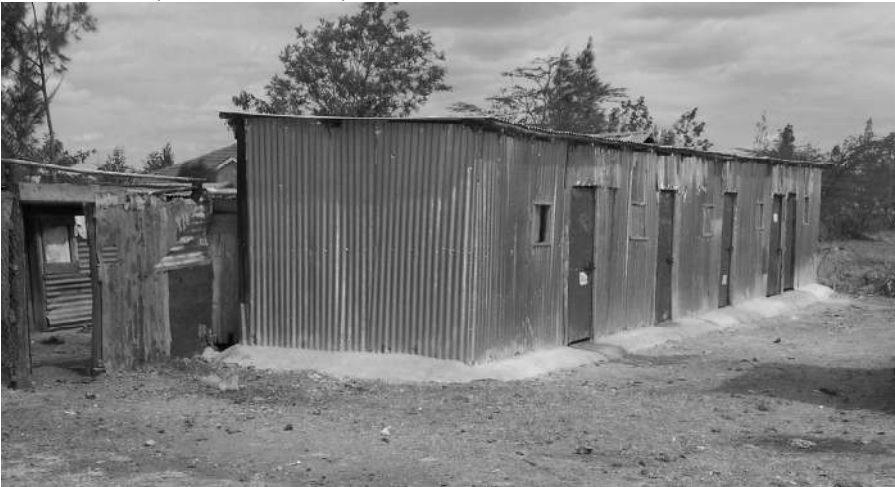
### *Investments in housing improvements*

*BHC.* 53 percent of the initial original owners at BHC perceived the block title deed, payment receipts and record keeping in the cooperative's logbook as enough tenure security to invest incrementally in developing their plots. They invested in the quality of their own structures, rental structures and private pit latrines (see Table 7.8 and Photos 7.10 and 7.11). 42 percent of the current original owners invested in improvements to stone houses and new iron sheet structures, with almost two thirds renting out rooms to tenants. The remaining 58 percent original owners accomplished a general improvement from old iron sheets, wooden, cardboard and polythene structures in Mitumba to combined

Photo 7.10: BHC: original owner present with tenants (March 2006)



Photo 7.11: BHC: new iron sheet, concrete floor, same owner present with extra tenants (November 2006)



new and old iron sheet and wooden structures, old iron sheet structures and old iron sheet and wood structures. Almost one third of the original owners invested considerably in construction of a private stone pit latrine (Ksh 30–40,000, as costs to dig the rocky soil are high), the majority of them renting out rooms to tenants. Furthermore, the change of living environment and the lower congestion are improvements for all original owners present. On the other hand, 22 percent of the plots remained undeveloped, 14 percent with absentee

original owners and eight percent with absentee second owners.

*Table 7.8: Investments in housing improvements (BHC)*

Ownership	Developed	Walls				
		Stone	New iron sheets	New & old iron sheets	Old iron sheets	Old iron sheets & wood
OOP	15	1	5	1	7	1
OOPT	25	1	7	9	7	1
OSOPoT	4	1	1	-	1	1
OSOPo						
OOA	2	-	1	-	1	-
OOAR	3	-	3	-	-	-
OOART	2	-	2	-	-	-
OOAT	28	1	10	2	12	3
<b>Subtotal</b>	<b>79</b>	<b>4</b>	<b>29</b>	<b>12</b>	<b>28</b>	<b>6</b>
SOP	1	-	-	1	-	-
SOPT	6	-	2	1	3	-
SOPo	-	-	-	-	-	-
SOPoT	1					
SOA	3		1	1	1	-
SOAT	19		12	2	3	2
TOPoT	1	-	1	-	-	-
<b>Subtotal</b>	<b>31</b>	<b>-</b>	<b>16</b>	<b>5</b>	<b>7</b>	<b>2</b>
<b>Total</b>	<b>110</b>	<b>4</b>	<b>45</b>	<b>17</b>	<b>35</b>	<b>8</b>

Ownership	Roof			Floor Cement	Toilet Private stone pit latrine	Undeveloped
	New iron sheets	New & old iron sheets	Old iron sheets			
OOP	1	3	11	6	4	-
OOPT	3	1	21		8	-
OSOPoT					2	-
OSOPo						
OOA	1	-	1		3	18
OOAR	1	-	2		1	
OOART	-	-	2			
OOAT	2	2	24		6	-
<b>Subtotal</b>	<b>9</b>	<b>6</b>	<b>63</b>	<b>6</b>	<b>24</b>	<b>18</b>
SOP	-	-	1	1	-	-
SOPT	1	1	4	2	1	-
SOPo	-	-	-	-	-	2
SOPoT					1	
SOA	-	1	2	1		9
SOAT	3	1	13	-	5	-
TOPoT	-	1	-	-		
<b>Subtotal</b>					<b>7</b>	<b>11</b>
<b>Total</b>					<b>31</b>	<b>29</b>

N= 139

*Property values and reasons for selling*

*BHC.* For quite a number of original owners at BHC access to land and secure tenure was still too expensive. Major reasons mentioned for selling their plots by 11 former original owners, with only one of them renting out rooms to tenants, involved a combination of factors: school fees; lack of work or no casual job nearby; hospital expenses; encroached land; security risk (theft, violence, rape); bad omen of son falling into flooded pit latrine. The repeated pressure of loan repayment notices by housing cooperative union NACHU, after completion of the loan period in 2002, 2003 and 2004, often settled the matter. Land values for the sold plots ranged from between Ksh 15,000 and 60,000 in 1999 up to between Ksh 115,000 and 150,000 in 2005.

*Access to mortgage, formal institutional credit and micro-credit*

*KNT, SBNM, TMSS, GSS, OWAB.* In the case of SBNM individual micro-credit loans with share certificates as collateral were introduced, mainly in order to reduce the repeated default in repayment of small business micro-credit loans that were issued earlier in order to further enable repayment of the housing loans.

*BHC.* Most of the original BHC members were not interested in formalisation through share certificates and individual land titles that could offer access to collateralised lending. Formal interest rates for credit were considered too high. Microcredit housing loans with favourable conditions, in which the members expressed their interest, were only to become available upon full completion of the collective land purchase loan. The involved costs for the documents were consequently not considered worthwhile and only 40 share certificates were issued. It is also remarkable that second owners are not interested in formal documents. The preferred strategy is renting out rooms to tenants and investing the collected rent in structures and additional plots.

## **7.8. Enabling structures and contexts**

The social and economic impacts of hybrid land delivery systems can be increased through strengthening the enabling structures and contexts. To incorporate all possible beneficial strategies, it is important to apply from the start an integrated livelihoods approach to land access, housing and income-generation and to take into consideration more selection criteria for land than price alone, such as location, medium- and long-term socio-economic growth and migration prospects. Given the long delivery time involved, delivery time

should also be included as a criterion. By carrying out a quick scan of strategic stakeholders' interests at various levels and of market opportunities, delivery time can be better estimated and interventions planned.

Exploitation of delivery time through efficient and profitable utilisation of the idle land, either collectively or individually, can contribute to the sustainability of land access for the poor and poverty reduction. The case studies indicate a period of idle land after access of between two and ten years. The case of BHC indicates the possibility of deliberately utilising the time gap between the moment of land purchase at affordable prices for the poor and the moment of favourable local socio-economic developments in the area.

Incorporation of a collective business approach to the initiative as a whole (TMSS), the property right to rent out rooms as a planned strategy (BHC) – also in the case of low-cost building initiatives through integration in the housing design, as the higher building and housing costs can be covered by higher rents to tenants – financing housing units, infrastructure and/or basic services through a market-oriented approach of partly selling or renting housing units to middle-income households for higher prices (SBNM), and realistic membership regulations on poverty levels and gender in case of land sale to new owners, taking into account the reality of rapid increases in property values, could contribute to the sustainable access of the poor and very poorest.

Positive impacts could also be increased through an extension of roles and capabilities of local initiatives, government and mediating support organisations in accommodating inclusive peri-urban land governance. Local initiatives and support organisations need to jointly claim stakeholder participation to enforce rules and mechanisms of social land management, instead of waiting for invitations from institutions and limited participation in projects. Local initiatives need to increase their level of strategic action in private land markets and profitable and efficient land utilisation during delivery time. Government, national and local, should start to facilitate as well as control the reduction of delivery time (reduction of dispute time, speeding up of application procedures, remedying the lack of support organisations) in line with the intentions towards squatters in the draft National Land Policy (Republic of Kenya and Kenya Land Alliance 2006). Mediating support organisations need to provide support for strategic land-buying processes (rapid surveys of economic opportunities, adequate stakeholder analysis); enable profitable and efficient utilisation of idle land during delivery time; conclude partnership contracts between the initiatives and private sector businesses; provide infrastructure grants; and facilitate knowledge exchange and learning between local hybrid/informal initiatives, local and international

support organisations. They probably also need to (re)address the moral question of whether they want to ‘play the game’ of private land markets and consider who carries the long-term responsibility for risks and benefits of strategic land investments.

Finally, in relation to the specific case study communities, faster ways forward are needed for the currently struggling initiatives of KNT (delay in court), BHC (partnership on solid waste collection and connection to electricity), SBNM (non-transparency; micro-finance support for low-cost building; utilisation of idle land), OWAB (efficient and profitable land utilisation), possibly through community–private sector or community–public sector partnerships.

## **7.9. Conclusions**

This study indicates the viability of a possible ‘third way’ of hybrid land access and secure tenure, distinct from those thought to be purely traditional or contemporary, through formal collective land purchase and informal land subdivision by the poor and very poorest in peri-urban areas of Nairobi and other sub-Saharan African metropolitan cities characterised by a context of high commodification, rapidly rising land values and high market pressures. A precondition for applicability in other contexts is at least some accommodation and tolerance regarding non-compliance with formal standards by the authorities and the legal rights, ease and relatively low costs of registration which are culturally and historically embedded in the Kenyan context.

The findings of this study indicate that, however difficult it might be, it is possible for the poor and very poorest households from informal settlements – mostly in partnership with finance institutions for low-income housing – to both continue to pay their rent (or in some cases not pay rent) and save or repay a loan to purchase land in peri-urban areas. This is especially true in cases where there is a clear and unambiguous vision of the purpose of saving. The costs of building in advance of relocation, which mostly include provision of infrastructure and basic services and the advantages of economies of scale, volume and uniformity, are often too high a burden and not affordable for the very poorest. The benefits from the acquired land are mostly delayed, micro-credit for housing loans is mainly available after collective repayment of land purchase loans, and the (future) property rights and housing design for habitat as asset are often limited. Contemporary approaches of infrastructure grants and integration of middle-income households to finance infrastructure and basic services try to overcome some of these limitations.



The research shows that with sufficient perceived tenure security and expected return on investment the poor and very poorest are able to invest in housing improvements, even without formal land title or share certificates. This also goes for new second owners. Access to land and tenure not only aims at secure shelter and housing at the location, but is part of the wider livelihood strategies of the poor. The contribution of access is not only in relation to the use value, but also to the exchange value. Alternatives to collateralised lending and micro-finance are found in renting out rooms to tenants, either as a present original owner or as an absentee original owner, and dealing with the collective plot as a business.

Process optimisations could protect poor and very poorest households involved in future initiatives from the hardships, distress sales and relatively high number of undeveloped plots and plot transactions resulting from loan repayment defaults that occurred at BHC, keep the number of original poor owners involved at a higher level and increase the positive social and economic impacts. Although residential mobility seems an inherent part of life in metropolitan cities, the findings indicate that selection of a location that at least guarantees income-generating possibilities in the longer term could contribute to increased sustainability. This can be through strategically anticipating longer-term economic development prospects for the area, for example by foreseeing the possibility of using the home as an asset by renting out rooms individually or collectively, and through adopting a collective business approach to the initiative as a whole. During delivery time up to the time of settlement – assuming a situation without evictions or demolition – the bare land could be strategically allocated for income-generating purposes by the initiative instead of lying idle, as is often currently the case. The findings also indicate that even with property sales and the rapid rise of property values in metropolitan peri-urban land markets, the poor are not fully excluded, as new owners are often not complete outsiders but members of joint social networks.

In order to further increase the positive social and economic impacts of this hybrid land delivery channel, this paper has suggested strategies to strengthen the enabling contexts. The challenge is to move beyond the current individual experiences and relative naivety and create space and influence for the poor in strategic land governance processes, outside as well as inside the boundaries of the metropolitan city. With the emergence of hybrid and other initiatives the issues of volume, uniformity and avoidance of new slum creation can no longer serve as a sufficient argument for exclusion of the poor, but become issues to be addressed and discussed in accommodating inclusive pro-poor peri-urban land governance. This requires the extension of the roles and capabilities of local initiatives, government organisations and mediating support organisations.

### **7.10. Acknowledgements**

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## Notes

<sup>1</sup> Within Nairobi, especially to the settlements of Embakasi, Mukuru (Kiamba 1999; Obala & Kinyungu 2004), and in peri-urban areas to towns such as Mavoko, Athi River, Kitengela and Juja.

<sup>2</sup> This was the Bellevue Housing Cooperative (BHC). In the case of BHC semi-structured interviews focusing on the social and economic impacts of land access were held with 56 original owners of the relevant group of 93 original owners who had moved from the informal settlements of Nairobi (14 present original owners, 20 present original owners with tenants, four original owners present on other plot, seven absentee original owners, and 10 absentee original owners with tenants; see also Fig. 6). The remaining original owners were very difficult to trace. The research also included interviews with 11 former original owners who had sold their plots and eight second owners. Furthermore, key informant interviews and meetings were held with the former chairman, secretary and members of the cooperative committee, using the cooperative's logbook, combined with frequent on-site observation. For all case study communities, key informant interviews and focus group sessions with members were held, as well as visits to the acquired new land and the current residential location. Key informant interviews were also held with personnel of the intermediary support organisations.

<sup>3</sup> The very poorest are defined here as those who lack basic needs such as clothes, food and shelter for themselves and their children (Narayan & Nyamwaya 1996; Musyoka 2004). The Welfare Monitoring Survey III (Republic of Kenya 1997) based its categorisation of the poor and non-poor by wealth ranking on ownership of selected assets such as radio, sewing machine, stove, fridge, television, vehicle, handcart and stereo, among others. If a household owned two or more of the following assets, it was considered non-poor: television, telephone (land line, not cellphone), large gas/electric cooker, vehicle, urban house (Republic of Kenya 1997). In Kenya, the absolute poverty line, which indicates a household's inability to meet its entire basic requirement (food and non-food), is estimated at Ksh 2648 per month per adult in urban areas and Ksh 1239 in rural areas. The food poverty line, i.e. the cost of consuming the recommended 2250 calories per day per adult, is estimated at Ksh 1254 in urban areas and Ksh 927 in rural areas (SID 2004; Kimalu et al. 2002; Nyoro 2002; Republic of Kenya 2001). Internationally a monthly cash income of Ksh 5000 translates to less than the often used benchmark of US \$1 per person per day. In other words, an average household (of four persons) in Nairobi with an income of less than Ksh 5000 per month is not only unable to meet its basic needs, but can barely put food on the table on a daily basis (Owuor 2006). Based on the above, households are defined here as very poorest when they earn less than Ksh 2648 per month and as poor when they earn between Ksh 2648 and Ksh 5000 per adult per month, while not owning two or more of the above mentioned assets.

<sup>4</sup> Commercial land-buying companies are often used by the non-poor in Nairobi, for example the Embakasi Ranching Company (Yahya 2002), Harambee Sacco in Greenfields (Taylor 2004), and the Githurai Land Buying Company (Gatabaki-Kamau 1989). There are also many LBCs formed through trade unions and teachers' associations.

<sup>5</sup> The case of Rahema Housing Cooperative from Ruai slums with 25 members was not selected, because of the involvement in a pilot project on dome construction for an information centre/businesses and the availability of two other small-sized examples.

<sup>6</sup> Pamoja Trust also supports 12 saving groups of the poor in the Mavoko area, but their members do not originate from Nairobi's informal settlements and have been relocated to make way for a planned industrial area.

<sup>7</sup> The term 'flying toilet' refers to the use of a tin or plastic bag for defecation, which is then thrown out of the window, into ditches and rivers, along the roadside or simply as far away as possible. For video description, see <http://www.tearsof africa.org/media/video/flyingtoilets>.

<sup>8</sup> Housing finance trust Jamii Bora arranged almost everything possible to prevent conflicts over interests with the local community that could negatively influence land access and delivery time (witnessed Memorandum of Understanding with the local community, 40 extra acres of land to fulfil administrative requirements) (Biamah 2004). The stakeholder analysis however still turned out to be too limited to the local and project level. Delivery time was heavily influenced through a major political dispute based on environmental arguments during the obligatory Environmental Impact Assessment (EIA), instigated by the threat to interests of the Kajiado area MP/ Minister of Education in terms of imbalanced political representation through the settlement of 10,000 slum dwellers. After rejection of the EIA by the National Environment Management Authority (NEMA 2005), and a successful appeal on conditions to the National Environmental Tribunal (Republic of Kenya 2005), eventually in 2007 the High Court approved settlement.

<sup>9</sup> A total of 40 share certificates were issued to 19 present original owners present, five absent original owners, four present second owners, five absent second owners, and seven not stated.

<sup>10</sup> BHC faces a dispute with its neighbour over encroachment of its boundaries since settlement in 1997, occupying half the surface area of 22 subdivided plots of 13 by 14 metres, partly to locate a water tank. Half of the owners are absentee original owners renting out rooms, as plots are considered too small for family purposes. Of the remaining plots only four are used for residential purposes.

<sup>11</sup> Only one household has access to multiple urban plots. The most valuable possessions of OWAB members are: (1) television (10 percent), radio (90 percent), mobile phone (46 percent); knitting machine (18 percent); (2) kitchenware; (3) sofa set and chairs.

<sup>12</sup> 69 percent (63 percent male, 73 percent female) of Huruma residents earn Ksh 1000 or less per month, 18 percent (27 percent male, 19 percent female) between Ksh 1001 and 4000, 5 percent (7 percent male, 3 percent female) between Ksh 4001 and 6000 and 2 percent (2 percent male, 1 percent female) above Ksh 6000 with an average of 3.1 persons per household (Pamoja Trust 2001).

<sup>13</sup> These are the multiple plot owners: one couple owning three plots, of which one has a stone house (built through support from a relative abroad), one couple owning five plots, two couples owning two plots and one couple owning two plots and cohabiting on another plot. Plot acquisition was either through buying plots or multiple ownership from the start.

<sup>14</sup> The most valuable possessions of the interviewed BHC households are: plot in Kicheko village (24 percent), charcoal brazier (20 percent), radio (18 percent), television (13 percent), rural land (9 percent), bicycle (4 percent), livestock (2 percent).

## 8. Invited spaces

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### Abstract

The current debate on governance networks and democracy shows a shift from a normative focus on participation and voice to political rights and influencing rules of the game. This paper analyses the effects on political rights, influence and service delivery of three major city-wide governance networks in Nairobi. These 'invited spaces' differ in governance network approach: NISCC (calculation/coordination); LASDAP Nairobi (calculation/conflict); CCNSF (culture/conflict). Culture/conflict based governance networks contribute considerably to expansion of political rights for middle-class citizens and private sector actors, although facing challenges over executive versus advisory roles. Calculation/conflict and calculation/coordination based governance networks contribute small additional spaces at process and implementation level for poor citizens. Spaces in all governance network types also reduced, due to transformation through time to the closed culture/coordination governance variant, with calculation/conflict based networks transforming to community democracy with hybridisation of relations. Calculation/conflict based networks in second instance contribute considerably to service delivery for economic development, primarily resulting from network external factors rather than vertical accountability claims. The research indicates that the challenge for sub-Saharan African metropolitan cities to both cater for quality of life for (poor) citizens and city and country wide economic development is best met through simultaneous governance network approaches of conflict and cooperation, with both strong culture based civic pressure strategies and negotiated development. International donors and support organisations should increasingly stay course building community structures and innovative, post-liberal citizen engagement mechanisms for influence and political rights independent of changes in governance network approach, support simultaneous conflict and cooperation strategies also beyond emergence and formation stages and increasingly offer real space and support to local solutions and innovations regarding co-governance and executive spaces rather than mainly blue-print solutions.

Key words: Governance networks; invited spaces; citizenship; civil society participation; representation, accountability; metagovernance; middle-class activism; Nairobi; Kenya.

## **8.1. Introduction**

Metropolitan cities in sub-Saharan Africa face the issue of becoming economic growth engines in a global network of cities and delivering adequate services and quality of life to its rapidly growing poor and middle-class citizenry through migration and birth with high levels of poverty (Bocquier 2008; Kessides 2006/7; Rakodi 2004). The challenge is to create adequate governance mechanisms that match the often contradicting interests in the rapid urbanisation processes in an equitable and responsible way. The transition of regimes from pre-colonial informal institutions of geographically specific communities towards formal state institutions, associated with the continent's colonial legacy based on a single set of rules, often resulted in strongly centralised, authoritarian and corrupt governments with limited local capacity, resources and power (Hyden 2006). Since the 1990s in many sub-Saharan African countries more decentralised, devolved and responsive participatory governance programs were introduced for enablement of the private sector and improved service delivery, often primarily driven by external influence related to changes in the international system following the end of the Cold War.

Recently, it is increasingly recognised that participation, citizenship and development is not only about inclusion and voice in projects, programs and policies, but also about politics, power and influence (Hyden, Court & Mease 2004; Gaventa 2007b). Citizen rights as 'users, voters and choosers' do not make a major difference in outcome without being supplemented by strategies to gain influence, power and legitimacy. The normative agenda of the 'deepening democracy' literature has to be struggled for in practice. Consequently, the debate on governance and democracy is extended from governance at the level of policy making and implementation to governance at the level of politics and decision-making (Hyden et al. 2004; Sorensen & Torfing 2007). The importance of the constitutive side of politics and governance, in addition to the distributive and allocative side, is increasingly emphasised. Defined at meta level, governance refers to 'the formation and stewardship of formal and informal rules that regulate the public realm, the arena in which state as well as economic and societal actors interact to make decisions' (Hyden et al. 2004).

This article aims to compare contributions of types of governance networks or ‘invited spaces’ to political rights, influence and service delivery for poor and middle-class citizens.<sup>1</sup> It discusses to whom contributions are made, how negotiation processes over contributions take place and which contributions are realised.

Governance networks are viewed as inherently dynamic with changing governance network approaches, which if better understood could contribute to a wider spectrum of intervention possibilities in unordered complex and chaotic contexts – characterised by the necessity to reinterpret not only the context but also the very identity of governance networks – as compared to ordered complicated or simple contexts (see also Snowden & Boone 2007). Nairobi is interesting as the selected ‘invited spaces’ contain aspects of the differentiated governance network approaches and transform through time. Furthermore, because of the sub-Saharan African context of a regime in transition from informal to formal institutions and a growing middle-class.

Section 2 presents the framework of governance network approaches, a short literature overview of process factors at stake and ways to assess effects regarding political rights, influence and service delivery. Section 3 describes the socio-economic, political and governance situation of Nairobi and introduces the three case studies. Section 4 describes emergence and mandates of the governance networks. Section 5 analyses transformation of governance networks through time, amongst others using the concepts of accountability and metagovernance. Section 6 discusses inclusion/exclusion and representation. Section 7 describes the contributions of the governance networks to political rights, influence and service delivery. Section 8, the conclusion, compares the contributions of the types of ‘invited spaces’ to political rights, influence and service delivery for poor and middle-class citizens in the sub-Saharan African metropolitan context.

## **8.2. Governance network approaches, political rights, influence and service delivery**

### *Approaches to governance networks and democracy*

The governance network and deepening democracy debates in the last two decades discussed post-liberal approaches to governance networks and direct democracy as necessary supplements to institutions of neo-liberal representative democracy (Gaventa 2006a; Sorensen & Torfing 2007).<sup>2</sup> Democracy is considered a concept constantly contested and under construction, with different forms in different settings and contexts, not as

standard recipe of a set of rules, standards and institutional designs (Gaventa 2006a). While in regard to developing countries the debate is currently shifting from creating spaces for direct democracy towards recognition of the necessity to gain political rights role, the debate in regard to western countries already before recognised the erosion of the democratic character of the political sphere by imposition of neo-liberal market forces through ‘governance-beyond-the-state’ (Swyngedouw 2005) and moved to identification of ways to increase democratic anchorage and legitimacy of governance networks (Sorensen & Torfing 2007).

Four major post-liberal approaches to governance networks and democracy can be differentiated, based on the conflict/coordination and calculation/culture dichotomies (Sorensen & Torfing 2007). Table 8.1 shows the framework of post-liberal approaches to governance networks and democracy, which will be used for analysis of the here discussed ‘invited spaces’. Calculation based approaches view governance networks as driven by self-interested individuals’ rational calculation of costs and benefits, while culture oriented approaches consider governance networks as shaped by rules, norms and values intrinsic to particular cultures and historical contexts. Conflict based approaches view conflicts and power struggles as constitutive and yet potentially destabilising features, while coordination oriented approaches view cooperation and stability as essential characteristics of governance networks. The framework describes the characteristic features in terms of actors, arenas of interaction, formation, criteria for network governance success and failure and underlying theoretical approaches to governance networks and post-liberal democracy.

Differentiation of these dimensions is considered important for several reasons. First, transitions of governance networks from one governance approach to another can be articulated. Second, the diversity in approaches and underlying perspectives can be clarified. Often mainly calculation quadrants are explicitly included in the analysis of governance networks. Differentiation between conflict and coordination in the calculation quadrant is often described as a sliding scale, but the difference in underlying perspectives is not clarified. Third, explicit inclusion of the culture/coordination quadrant is particularly relevant for sub-Saharan African contexts. It contains the traditional, pre-colonial governance form of community democracy. African trajectories to governance emphasize the collective social sense rather than formal institutions (Hyden 2006). Political participation is viewed as resting on the social nature of human beings instead of on the assumption of individualism or conflicting interests, with some exception for urban environments (Obi 2008; Ake 1993). Finally, inclusion of the culture/conflict quadrant means integrating governance approaches with an increasingly reflexive and facilitating state and relatively autonomous self-governing actors. This quadrant contains initial



explorations of the concepts of civic driven change and developmental democracy (Boyte 2008). These notions entail a shift to citizens as co-creating and reshaping future governance institutions in a bottom-up and demand-driven way.

*Processes of inclusion/exclusion, representation, accountability and metagovernance*

The post-liberal notions of the governance network process factors of participation, representation, accountability and metagovernance are primarily distinguished from the traditional (neo-) liberal notions in literature and often combine, transgress or ignore the underlying theoretical positions of the various governance network approaches. In the discussion of the process factors reference to the underlying positions will therefore only be made if feasible.

The determination of contributions through 'invited spaces' starts with analysing 'who is invited': which stakeholders and groups of people are included and excluded, for what reasons (ethnic, gender, culture, religion), by whom and how (Cornwall 2004). The issue of inclusion/exclusion also involves indirectly affected citizenry. Thereby it can be differentiated between post-liberal 'issue-based defined citizenry' (dynamic, overlapping, 'serial-people') and classical liberal-representative 'the-people defined citizenry' (static, geographic) (Warren 2008). In regard to issue-based citizenry, the politics of self governance and emergence of a new governance imaginary have been pointed out (Sorensen & Triantafillou 2007). Politicians and policy makers can trade-off opposition, protest, gridlock and imposed solutions with generating legitimacy 'locally'- issue by issue, policy by policy, constituency by constituency (Warren 2008). Furthermore, deliberative methods often put less emphasis on who participates than on deliberation itself. The key challenge regarding issue-defined territories is to avoid conceiving the relation between governance networks and a territorially defined citizenry in terms of a relation of representation (Fotel, Sorensen, & Torfing 2008). Recent citizenship literature increasingly emphasizes the possibility for the poor to opt out of participatory governance and try alternative, non-state related channels (Robins, Cornwall, & Lieres von 2008; Thompson 2007).

The literature has well indicated the importance of asking the additional question of representation or participation 'in whose name' (Lavalle, Acharya, & Houtzager 2005). Representation in a post-liberal context concerns the creation of legitimacy through complex interactive articulation of and identification with interests and preferences between represented

Table 8.1: Main characteristics of approaches to governance networks and post-liberal democracy

	Calculation
Conflict	<b>Calculation/conflict based governance networks (1)</b>
	<p><b>Actors</b> Interdependent but conflicting autonomous strategic rational actors each of whom has a rule and resource base of their own.</p> <p><b>Arena of interaction</b> Interorganisational mechanism for interest mediation through mutual resource dependencies (knowledge, innovative ideas, funding, formal authority), which facilitates negotiation, compromise and joint learning processes.</p> <p><b>Formation</b> -Strategic response to mutual resource dependencies counteracting institutional fragmentation. - Bottom-up –incrementally- but often recruited as vehicle for public policy making by public authorities.</p> <p><b>Governance network success and failure</b> -Criteria: Capacity for joint problem solving from an actor perspective through negotiated exchange of resources in a way acceptable to key stakeholders and not harming those not participating. -GNS: Inclusion of relevant and affected actors; resource pooling; provision of a common framework for negotiation and compromise formation. -GNF: Imbalanced solutions to crucial dilemma's between needs for cooperation/competition; openness/closure; governability/flexibility; accountability/efficiency.</p> <p><b>Underlying theoretical approach to governance networks</b> Interdependency theory.</p> <p><b>Underlying theoretical approaches to post-liberal democracy</b> -DNG: Competitive democracy. -DD: Civil society building/Democracy building.</p>
Coordination	<b>Calculation/coordination based governance networks (2)</b>
	<p><b>Actors</b> Relatively autonomous rational actors in increasingly functionally differentiated and autonomised social systems and sub-systems.</p> <p><b>Arena of interaction</b> Different negotiation games horizontally coordinated and held together by anticipated gains, joint action, and development of mutual trust and institutional rules.</p> <p><b>Formation</b> -Functional response to increasing complexity and diversification of modern society that undermine the ability to govern society efficiently through hierarchy and market. -Top-down or horizontal, through construction of game-like negotiations.</p> <p><b>Governance network success and failure</b> -Criteria: Capacity for problem solving through horizontal coordination across institutions, levels and actors from a systems perspective. -GNS: Balance between governance needs and capacities; balance between flexibility and stability. GNF: Lack of coordination; failure to balance needs with capacities; failure to balance flexibility with stability; all as a result of indifference or inappropriate actions.</p> <p><b>Underlying theoretical approach to governance networks</b> Governability theory.</p> <p><b>Underlying theoretical approaches to post-liberal democracy</b> DNG: Outcome democracy; Governance driven democracy. DD: Participation and participatory governance; Empowered participatory governance.</p>

Culture
<b>Culture/conflict based governance networks (3)</b>
<p><b>Actors</b>          Relatively autonomous actors acting on the basis of a collectively shared mentality consisting on contingently articulated forms of knowledge, calculations and technologies.</p> <p><b>Arena of interaction</b>          Arenas of 'free' actions mobilised and shaped by increasingly reflexive, facilitating state governing at a distance through common narratives, rules and norms.</p> <p><b>Formation</b>          -Political response to the failure of neo-liberalism to realise its goal of less state and more market.          - Top-down (and/or bottom-up influenced) facilitation and framing of local networks.</p> <p><b>Governance network success and failure</b>          -Criteria: Capacity to combine strategies of political empowerment and disempowerment of social actors and discursive storytelling.          -GNS: Making social and political actors capable to govern themselves and others in ways that ensure that each and every actor is governed without excessive use of force and resources.          -GNF: Absence of rules that can serve to define acceptable compromises for internal conflicts and to ensure stability.</p> <p><b>Underlying theoretical approach to governance networks</b>          Governmentality theory.</p> <p><b>Underlying theoretical approaches to post-liberal democracy</b>          -DN G: Agonistic/discursive democracy.          -Civic Driven Change: Developmental democracy.</p>
<b>Culture/coordination based governance networks (4)</b>
<p><b>Actors</b>          Relatively autonomous actors acting on the basis of situational interpretation of matching rules, norms and procedures and a contextual conception of their identity.</p> <p><b>Arena of interaction</b>          Relatively institutionalized arena of interaction held together through logic of appropriateness shaping common identities, perceptions, goals in socialisation/integration processes.</p> <p><b>Formation</b>          -Normative response to the twin problems of totalitarian over-integration and individualistic under-integration of social agency.          - Bottom-up.</p> <p><b>Governance network success and failure</b>          -Criteria: Capacity for problem solving through facilitating internal processes of institutional adaptiveness to solve relevant policy problems and exploit new opportunities.          -GNS: Facilitate intelligent adaptation through experience-based learning (incentives, aligning, motivations, weakening strict accountability regimes and high governance aspirations; improving patience, validity and reliability of accounts).          -GNF: 1) Lack of experimentation capacity; 2) cognitive closedness through preservation status quo; 3) network internal civil conflicts (on experiment assessment; strategy formulation institutional reforms).</p> <p><b>Underlying theoretical approach to governance networks</b>          Integration theory.</p> <p><b>Underlying theoretical approaches to post-liberal democracy</b>          DNG: Community democracy.          DD: Deliberative democracy.          African and Islamic trajectories to democracy.</p>

citizens/groups/organisations and their representative. Unlike the classical liberalrepresentative notion, legitimacy in direct democracy is no longer only created through undistorted and static reproduction of predefined interests and preferences of the membership (Sorensen & Torfing 2005). The most common congruency arguments found for assumed representation by local level associations in Sao Paulo were mediation, proximity and services. The least common were identity, electoral and membership. The dynamics of representation were found closely related to those of traditional political channels of representation (Lavalle et al. 2005). Key challenge regarding representation is to avoid too closely defined mandates for representatives and leave space for the possibility of developing and responding to new initiatives, while at the same time ensuring reflexivity of the representative and constant (re)creation of points of identification and actual support (Fotel et al. 2008).

Post-liberal approaches discuss the complementarity of ‘direct accountability’ mechanisms to citizens beyond ‘vertical accountability’ mechanisms of elections and ‘horizontal accountability’ mechanisms of reporting sideways by public officials and agencies within the state. Literature on ‘societal accountability’ argues for more political forms of societal participation such as mass mobilisation, media exposure, citizen report cards and the use of courts to improve government accountability (Peruzotti & Smulovitz 2006; Waisbord 2000; Cunill 2006; Przeworski 2006). Literature on ‘hybrid or diagonal accountability’ argues against insulation of state from society and emphasizes transgressing aspects, with societal actors participating directly in leadership and operations of state pro-accountability agencies (Goetz & Jenkins 2001) or in deliberation over design and operation of fundamental government services through empowered participatory governance (Fung & Wright 2003) or through direct participation of societal actors in the core functions of government, in the form of co-governance (Ackerman 2004; Baud & Nainan 2008). Besides, the possibility of accountability excesses in addition to accountability deficits is recently pointed out (Bovens 2006).

Metagovernance can be defined as ‘the regulation of selfregulation’ (Kooiman 1993) or the ‘recruitment of free, active and self-responsible actors (subjectification) while structuring the conditions for their interaction in order to ensure conformity with some generally defined objectives (subjection).’ (Sorensen & Torfing 2005). Democratic network governance literature distinguishes four types of metagovernance along the dichotomy of form and strength of intervention (see Table 8.2),<sup>3</sup> which are analysed in regard to formation and mobilisation, negotiations and production of outputs and outcomes of governance networks. Network design aims to influence scope, character, composition and institutional procedures. Network framing seeks to determine political goals, fiscal conditions, legal basis and discursive

storylines. Network management attempts to reduce tensions, resolve conflicts, empower particular actors, and lower transaction costs by providing different kinds of material inputs and resources. Network participation endeavours to influence the policy agenda, range of feasible options, decision-making premises and negotiated outputs and outcomes (Fotel et al. 2008). In the sub-Saharan African context the concept of metagovernance offers a way to analyse governing behaviour of (elected) politicians and its effects that goes beyond a rigid dismissal of patronage relations. Hands-off forms of network design and framing tend to favour broadly oriented politicians acting strategically to develop the public sector as a whole.<sup>4</sup> Hands-on forms of network participation and to a lesser extent network management open up a broader participation of politicians that might include more narrow minded, interest based, single-issue oriented politicians (Fotel et al. 2008; Sorensen & Torfing 2005). The key challenge for governance networks is to avoid both over-regulation and underregulation through a balance of hands-on and hands-off interventionist and less-interventionist strategies (Kooiman 1993). In sub-Saharan Africa, the relation between citizens and the state is often interpreted through the metaphor of an idealised extended family and its father, which provided the ideological underpinning of clientelism and neo-patrimonialism (Kelsall 2008; Schatzberg 2002). From colonial times onward, local leaders were increasingly seen as representative for their ethnic communities, while traditional face-to-face accountability of local officials to citizens was externalised and weakened through the introduction and backing of powerful central authorities, as they can increasingly afford unpopularity, corruption and lack of services (Schatzberg 2002).

*Table 8.2: Basic characteristics of metagovernance types*

	<b>Strong intervention</b>	<b>Limited intervention</b>
<b>Hands-off</b>	Network design	Network framing
<b>Hands-on</b>	Network participation	Network management

Source: Fotel/Sorensen/Torfing (2008).

### *Effects on political rights, influence and service delivery*

As citizen and civil society participation and voice are often found to not automatically imply increased influence of citizens, alternation of power and change of status quo, the importance of effects in terms of political rights and influence is increasingly emphasised (Hyden et al. 2004; Gaventa 2007a/b). Recently, in addition to forms and mandates for participation and accountability within invited and claimed spaces, there is a growing attention for the transformative character of and conditions for expansion of mandates and the creation of additional ‘negotiated spaces’. In India, negotiating rights

through ‘political spaces’ was found more effective for vulnerable low-income groups, whilst through ‘executive spaces’ for middle-class citizens (Baud & Nainan 2008). Linking with the political strategies of the growing middle-classes and their resident associations could also be a viable alternative (Chakrabarti 2008). Other suggested channels are ‘political capacity building’, like formation of or building links with political parties, running civil society leaders for office, building alternative political parties, monitoring existing ones, civic and political education (Gaventa 2006a). Mitlin (2004a) already indicated possibilities through offering authorities information they don’t have and gaining confidence and trust through joint operations.

### **8.3. The case of Nairobi metropolitan city**

#### *The social and economic situation of Nairobi*

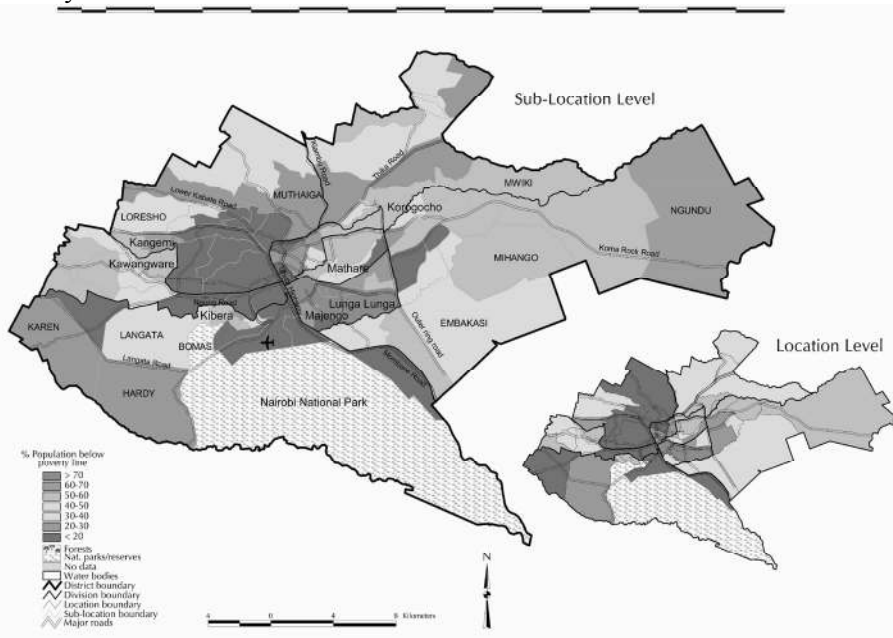
Nairobi, capital of Kenya and fourth largest city in Africa, has grown from a population of 350,000 in 1963 to 2.1 million in 1999 and an estimated 3.1 million in 2005, with a growth rate of 4.8 percent (CCN 2005; GoK 2001). The population consists of a variety of domestic and international ethnic groups, resulting from colonisation, post-independence migration and international migration from neighbouring countries.

Nairobi ranges third in the line of possible global cities in Sub-Saharan Africa based on corporate services indicators of the connectivity index, after Johannesburg and Cape Town (Taylor 2002). Scores on accounting, advertising and banking/finance are relatively high, low on insurance and law (Merwe 2004). The city contributes to 51 percent of Kenya’s GDP. It has a major Central Business District, secondary commercial centres, two industrial areas and export processing zones. It houses (regional) headquarters of several international companies and organisations (CCN 2005). Nairobi has a large tourism industry, both as tourist destination and as transport hub. It has since long been Kenya’s administrative centre. Current development trends depict a slow decay of industrial area due to collapsed infrastructure, high costs of utilities and opening of markets. The planning dilemma is ‘how to resuscitate such a sleeping giant to conform to the current shift to IT industry rather than heavy industry and compete as an international investment destination’ (CCN 2005).

Nairobi is characterised by a skewed income and expenditure distribution in favour of higher income groups. The top 10 percent of households commands 45 percent of the total income, while the bottom 10 percent commands 1.6 percent (SID 2004). The unemployment rate stands at 21 percent, for youth

aged between 15 and 24 at 42 percent (World Bank 2008a). This is reflected in the geographical distribution of the population: 55 percent of the residents live in informal settlements, which cover only 5.5 percent of the city's residential land (Alder 1995).<sup>5</sup> Map 8.1 shows the Nairobi Poverty Incidence map, indicating the percentage of people living below the poverty line at (sub)location level (GoK 2003a).<sup>6</sup> The population density ranges from between 358 and 2490 per km<sup>2</sup> in high and middle income areas to between 15,753 and 82,590 in low-income areas (GoK 2001). The male population aged between 15 and 49 in Nairobi slums (40 percent) is overrepresented compared to the female population (26–29 percent) and to the male population at national level (25 percent), which reflects the higher tendency for young men to migrate from rural to urban areas in search of work (APHRC 2002).

*Map 8.1:* Nairobi poverty incidence: percent of population below the urban poverty line



Source: GoK (2003a).

*Politics, governance and democracy in Nairobi*

CCN representative democracy since 1992 consists of 74 councillors (55 elected, 19 nominated).<sup>7</sup> Elections are held 5 yearly parallel to national elections. The mayor and deputy mayor are appointed by the Electoral College

of councillors for a period of 2 years. The mayor works with the councillors via a committee system, with chairpersons elected annually (Mitullah 2004).

The effectiveness and autonomy of CCN representative democracy is severely limited through the dominance of central government within the parallel local government structures of Kenya, originating from colonial times (Figure 8.1) (Wanjohi 2003; World Bank/DFID 2002).<sup>8</sup> Apart from post-independence adoption of election of councillors in 1963, major limitations are currently still in place (Odhiambo, Mitullah, & Akivaga 2005; Wanjohi 2003).<sup>9</sup> Establishment of the Ministry for Nairobi Metropolitan Development (MoNMD) in 2008 for implementing the Nairobi Metro 2030 vision further reduces CCN political autonomy. The recommendations of 18 independent probe committees since 1983 and establishment of the Nairobi Interim Oversight Board in 2003 to stem further financial decline and corruption are often also viewed as political interferences by councillors (GoK 2004a; Osiche 2008).

Figure 8.1: Parallel systems of government in Nairobi

	District system	Local Government System		Sector Systems		Parastatals
<b>Central Government</b>	Office of the President	Ministry of Local Government		Ministry of Nairobi Metropolitan Development	Sector Line Ministries	Parastatals
<b>Province</b>	Provincial Commissioner	Provincial Local Government Office	City Council of Nairobi – Mayor	Sector Provincial Office	Sector Provincial Offices	
<b>District</b>	District Commissioner /District Development Committee			District Sector Committee/ Office	District Sector Committee/ Offices	
<b>Division/ Constituency (8)</b>	Division Development Committee/ Officer	CCN Division Office		Sector Facility Level Committee	Sector Facility Level Committees	
<b>Location (29)</b>	Chief					
<b>Ward (55)</b>		(CCN Ward Office)	Councillor			
<b>Sublocation (8)</b>	Subchief					
	Nairobi Citizens	Nairobi Citizens	Nairobi Citizens	Nairobi Citizens	Nairobi Citizens	Nairobi Citizens

Source: author (adapted World Bank/DFID 2002; Wanjohi 2003; GoK 2008).



The performance of CCN representative democracy is further influenced by heavily politicised local practices (Mitullah, Mboga, Mundara, Cherono, Odipo, Agevi, et al. 2004; Mitullah 2004). Lack of resources make some political parties influence allocation of resources intended to enhance efficiency of council operations. Parallel local and national elections encourage patronage relations between national and local level politicians along party and ethnic lines. Local politicians often win elections on a ticket of national politicians, for which they expect political support in return in times of need. Appointment of the mayor through the Electoral College often exposes him to political intrigues related to electoral campaigns and makes maintaining political alliances more important than satisfying residents' interests.

CCN executive branches in recent years faced extensive World Bank supported (national) public sector reform programs, in line with the New Public Management discourse to improve service delivery and create a self-sustaining municipal revenue system.

### *Case studies*

Nairobi Informal Settlements Coordination Committee (NISCC) (1996–2002) is an Executive-Wing/Civil Society governance network with dominant aspects of calculation/coordination based participatory governance. It considered coordination of local and central government as a prerequisite to accomplish development and poverty reduction in Nairobi. It consisted of a Technical Advisory Committee (TAC), NISCC secretariat, thematic working groups and a forum of NGOs.

LASDAP Nairobi (2002-current) is a Political-Wing/Citizens governance network with dominant aspects of calculation/conflict based competitive democracy. It is part of the national Local Authorities Transfer Fund (LATF) mechanism which aims to improve service delivery, financial management and reduce outstanding debts of LAs through increased efficiency, responsiveness and accountability. LATF was launched in 1998, putting aside yearly 5 percent of the gross national income tax to supplement efforts and finance Kenya's LAs service delivery action plans. A LASDAP is a formulated three year rolling plan for which citizens are consulted yearly to identify and prioritise their services and facility development needs.

The City Council of Nairobi Stakeholder Forum (CCNSF) (2006-current) is an Executive-Wing/Private Sector-Residents Association governance network with dominant aspects of culture/conflict based agonistic democracy. It is part

of the sector wide Local Government Ministerial Stakeholder Forum (LGMSF) within the National Economic and Social Council (NESC) structure.

#### **8.4. Emergence and mandates of spaces**

##### *NISCC*

NISCC emerged itself as an expanded space in the calculation/coordination quadrant. It linked the civic claim for a 'Nairobi We Want' at the Nairobi City Convention of 1993 in the culture/conflict quadrant and the observed need for improved multi-level coordination by the 1991–1996 Nairobi Urban Slums Development Project (NUSDP) run by CCN Health Department and UNFPA funded in the calculation/coordination quadrant (see also Karuga 1993).

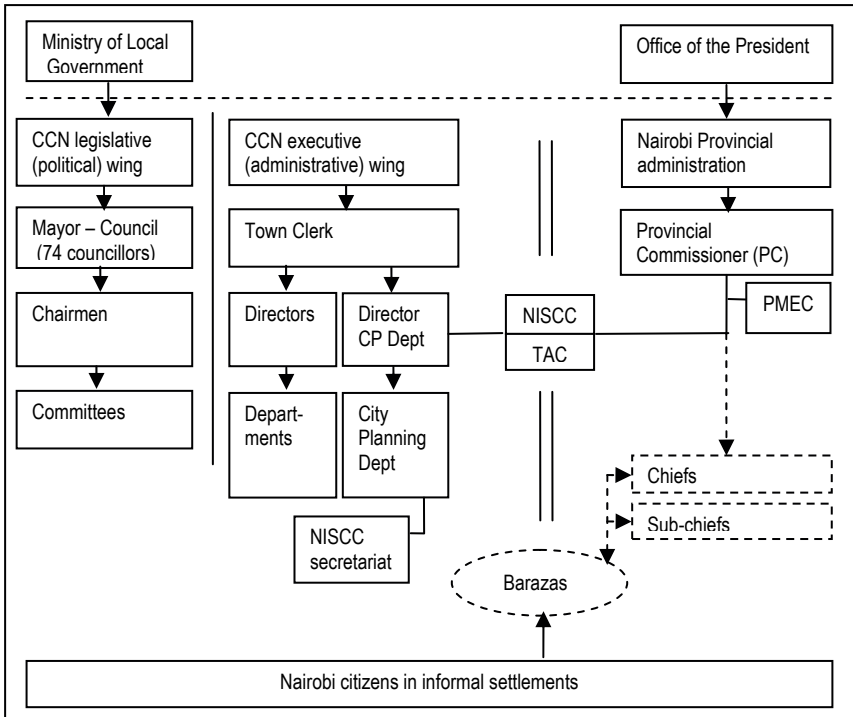
The city convention's coalition of NGOs, residents and donors allied with the new CCN majority of opposition councillors and some Nairobi opposition MPs after the first Kenyan multi-party elections in 1992, claimed recognition of informal settlements and a moratorium on demolitions and evictions. It was however not until the final NUSDP evaluation in 1996 that a way for governance innovations was found through the at the time heavy central government repression (see also Alder & Ogero 1998). The allocation of NISCC chairmanship to the Nairobi Provincial Commissioner (PC) was traded in for announcement of the moratorium and joint development strategy formulation for Nairobi's informal settlements. In addition it was agreed to position the NISCC Secretariat under CCN City Planning Department. The agreement was accorded as institutional embeddedness and coordination between municipal and central government level were considered prerequisites for effective resolution of land conflicts and other informal settlement related issues (see Table 8.3 for overview of actors).

The formal mandate of NISCC remained limited to the general outline of the coordination framework within the NISCC development strategy – including central and municipal government and communities – and the formation of TAC and NISCC Secretariat. It did not spell out in more detail the roles, responsibilities and resources of the involved stakeholders. Figure 8.2 shows CCN political and administrative wings and provincial administration with NISCC.

Table 8.3: Actors involved in the three governance networks

	<b>NISCC</b>	<b>LASDAP Nairobi</b>	<b>CCNSF</b>
<b>Local Government administration/politicians</b>	CCN (City Planning Department, Education Department, and other departments) Provincial administration (PC, Health and Education Departments)	CCN Councillors LASDAP Committee	CCN (Mayor, Town Clerk, Treasurer, Heads of Departments of Environment, Engineering, Planning, Social Services, Education, Health, Administration Legal) PC
<b>State government/politicians</b>	Ministry of Lands	MoLG (KLGPR)	MoLG/KLGPR
<b>Third organisations: Donor</b>	UNFPA DFID Kenya Urban Poverty Program KUPP (NUPPP and PAMNUP)	World Bank (KLGPR) DFID PROLOGS (National and Nairobi componentt) EU (KLGPR)	--
<b>Third organisations: Private sector</b>	Matrix Development Consultants	KPMG Duke University	KEPSA, Kenya Association of Manufacturers (KAM), Kenya National Chamber of Commerce & Industry (KNCCI), Kenya Tourism Federation(KTF), Micro Small and Medium Sized Enterprises (MSMEs), Association of Professional Societies of East Africa (APSEA), Nairobi Cenral Business District Association (NCBDA), United Business Association (UBA), Matatu Welfare Association (MWA), Kenya National Hawkers Association (KENAHA)
<b>Third Organisations: Residents Associatons and Civil Society</b>	--	WCDI KARA (contribution to formulation national level LASDAP guidelines 2005) Individual RA's	WCDI
<b>Thirds Organisations: CSOs, NGOs</b>	NUSDP (until 1996), Action Aid (until 2000), ITDG, Shelter Forum, Maji na Ufanisi (from 2000); Pamoja Trust (on Huruma upgrading PPP)	ITDG, Shelter Forum, Pamoja Trust ( in dormant monitoring Committee)	NGO Council

Figure 8.2: CCN political and administrative wings and Nairobi Provincial Administration with NISCC

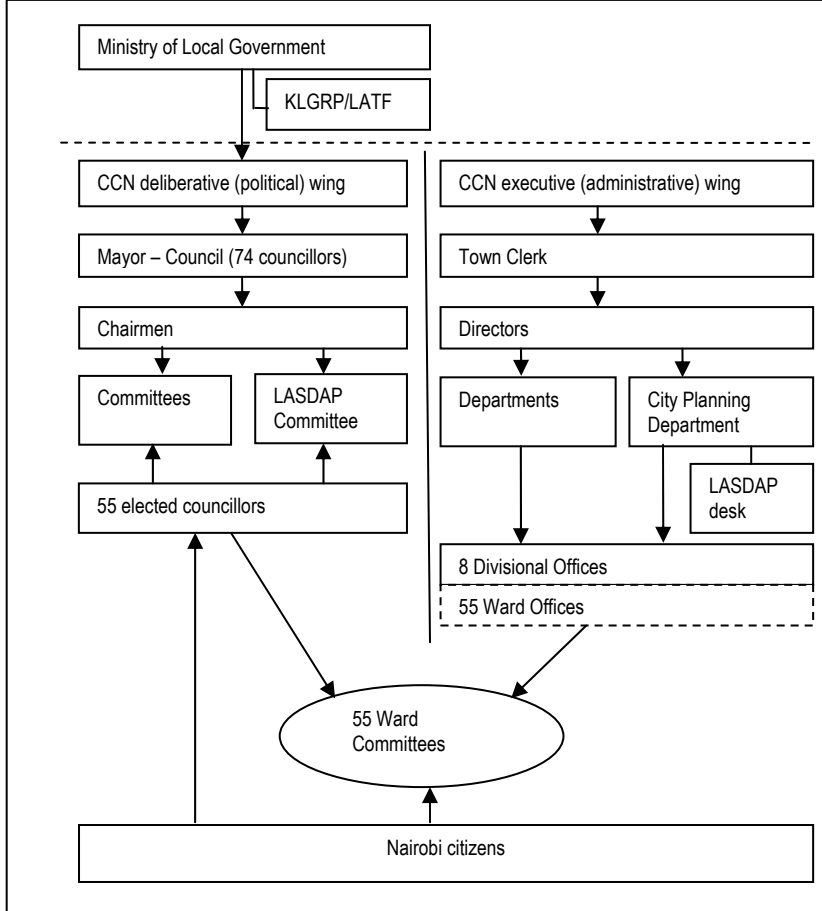


Source: author.

*LASDAP-NAIROBI*

The LATF/LASDAP mechanism created invited spaces at the local level for increased performance and accountability in the calculation/conflict quadrant. It originated as a top-down initiative of one of the major negotiated outcomes at national government level of the - World Bank supported - Kenya Local Government Reform Program (KLGRP) of the Ministry of Local Government (MoLG). Initiated in 1996, it sought a more comprehensive approach to decentralisation and responsive service delivery, through a variety of interrelated actions - including legal, institutional, technical and procedural reforms - at local and central level. Its true origins however go back to the negotiated space of the - GTZ supported - Kenya Urban Transport Infrastructure Project (KUTIP) in the culture/conflict quadrant just after the introduction of multi-party democracy in 1993, designed in a bottom-up way to get people and communities take charge of their own development (see also Wanjohi 2003).

Figure 8.3: CCN political and administrative wings with LASDAP Nairobi



Source: author.

The local government mandate through LATF/LASDAP consists of the allocation of funds for delivery of projects identified and prioritised by citizens in the fields of infrastructure, services and supportive activities. LAs by law are required to fulfil the following conditions before receiving monies allocated under LATF: i) funds must be used in accordance with priorities identified by the people themselves; ii) budgets must be made in a participatory way to capture these priorities through properly convened forums at ward level; iii) citizens must be given adequate information to monitor the use of funds once the process of implementation of prioritised projects starts; iv) funds must be accounted for in accordance with law. Failure to account properly may lead to withholding of next allocation or penalty of the local authority. Further criteria for participation are not specified, which in principle leaves space for local

practices. Figure 8.3 shows CCN political and administrative wings with LASDAP Nairobi.

### *CCNSF*

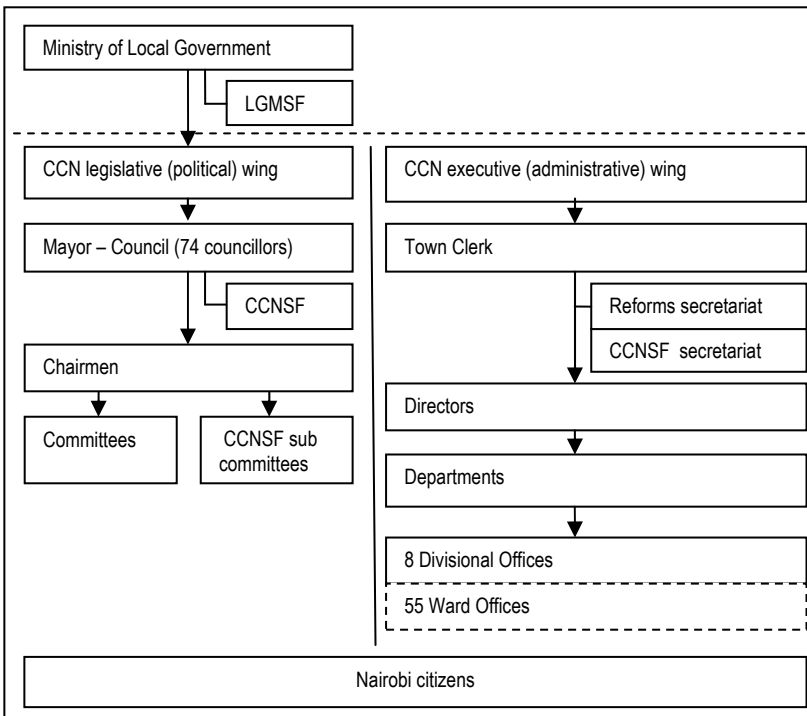
CCNSF emerged as a negotiated space in the calculation/coordination quadrant by linking the civic claim for full co-governance at Nairobi city level after publication of the Rweria extra-ordinary inspection report in the culture/conflict quadrant and the need for building local stakeholder forums within the LGMSF created in 2006 as part of NESC in the calculation/coordination quadrant.<sup>10</sup> CCNSF also builds on the preceding public-private partnership in the calculation/coordination quadrant introducing result-based management in the water sector as part of CCN public sector reforms, supported by World Bank.

The civic claim for full co-governance at city level through the joint resolution of Nairobi umbrella residents association We Can Do It (WCDI) in alliance with the Kenya Private Sector Alliance (KEPSA) in December 2004,<sup>11</sup> resulted from the culmination of long time and repeated non-delivery of services combined with increased revenue collection by CCN, the publication of the Rweria extra-ordinary inspection report on CCN - confirming high levels of corruption and qualifying CCN as incapable and in need of a complete overhaul (GoK 2004a) – and the general public spirit geared towards decentralisation. Before that time, RAs and especially Karen Langata RA and WCDI already had a history since mid/late 1990s in providing alternative services in their own upper middle-class estates (especially on security, garbage collection, tree planting, water supplies, roads improvement; see also Chitere & Ombati 2004), following through affirmative action (negotiations, letters, meetings with political leaders and officials, media exposure) and court cases against CCN (levying land rates and revenues over non-delivered services) and the Minister of Local Government (over non-functioning of CCN) in the culture/conflict quadrant.

The claim for full co-governance at city level and decentralisation was traded in by offering WCDI and KEPSA a position in CCNSF. In practice WCDI was firmer in its claim for full co-governance than KEPSA, amongst others through differences in underlying residents and business interests, parallel involvement and commitments of KEPSA in NESC and differences in observations to fully exploit the momentum. Towards the end of 2006 it was eventually agreed upon the hybrid/diagonal accountability mechanism of CCNSF as an advisory committee, with 7 municipal and 8 private sector members (GoK 2006c). This included the formation of sub-committees on the major debated issues: CCN

institutional framework, decentralisation, revenue mobilisation and stakeholders. Furthermore, the vice-chair position of CCNSF and the heading of the shared secretariat were assigned to KEPISA. The formal mandates of CCNSF are: i) coordinate stakeholders’ input in public policy – with stakeholders having a forum to deliberate and make recommendations on policy matters that affect their welfare and government enacting these policies into law; ii) make contributions towards public policy; iii) advocate implementation of stakeholders’ recommendations; and iv) participate in monitoring and evaluation of stakeholders’ recommendations (GoK 2006c). Figure 8.4 shows CCN political and administrative wings with CCNSF.

*Figure 8.4: CCN political and administrative wings with CCNSF*

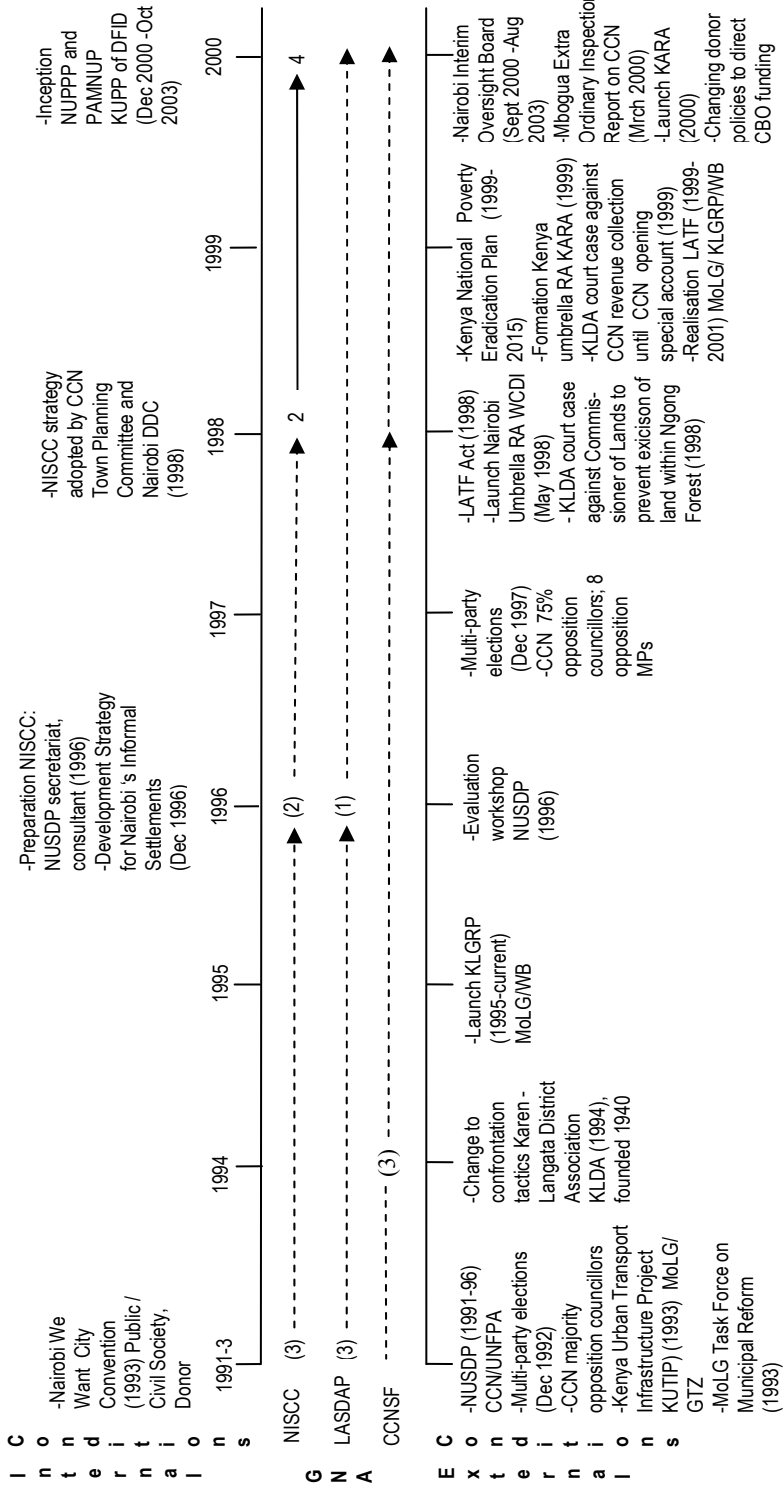


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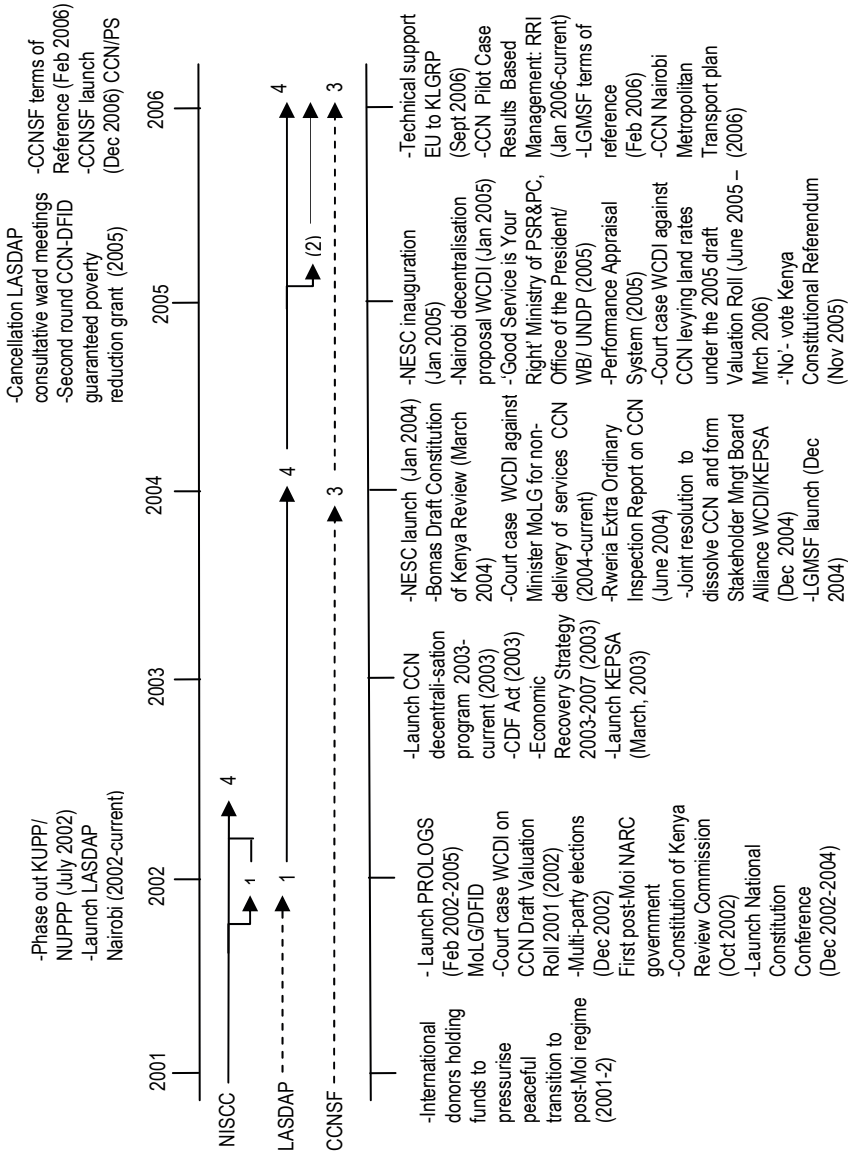
### 8.5. Transformation of governance networks

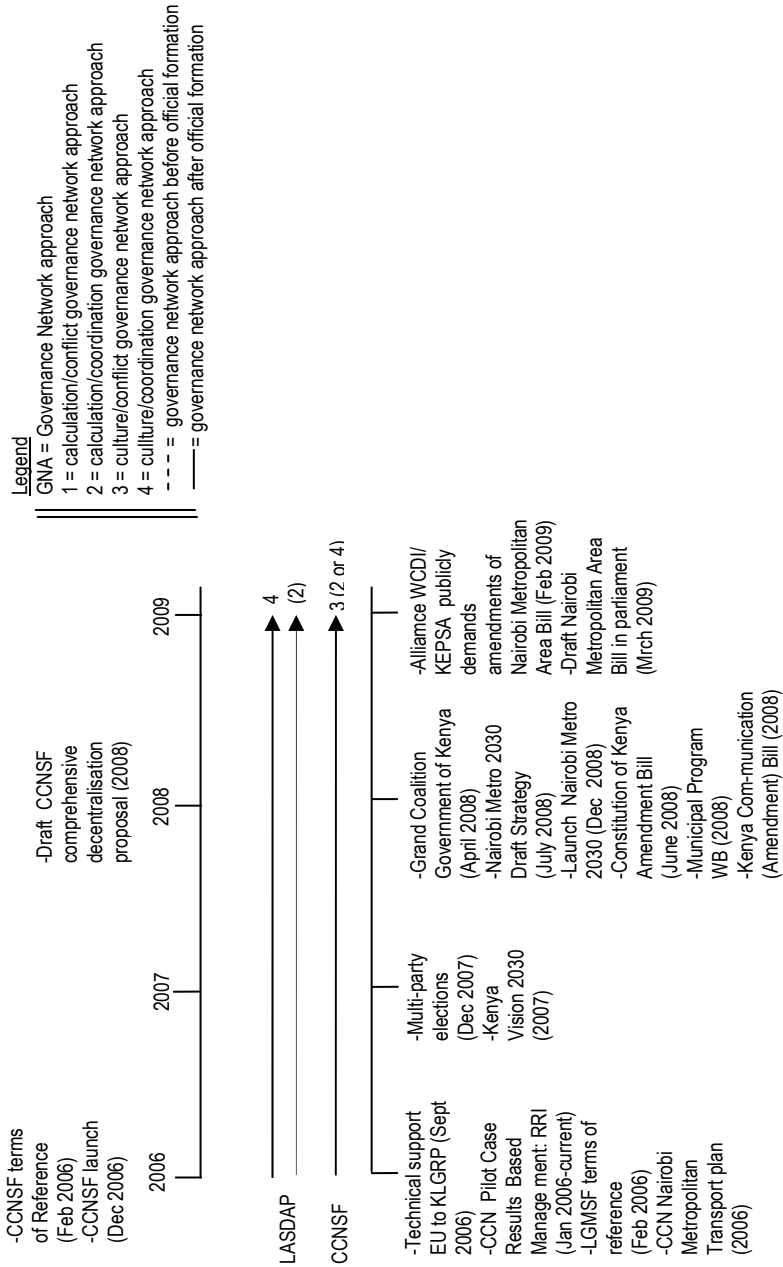
An overall overview of emergence and transformation of governance networks in the context of network internal and external conditions is presented in Figure 8.5.

Figure 8.5 a, b and c: Emergence and Transformation of Governance Networks in the context of Network Internal and External Conditions (1991-2009)









*NISCC*

Transformation of NISCC from the calculation/coordination to the culture/coordination quadrant took place gradually and almost unnoticed, through network internal and external factors.

Internally, NISCC almost continuously kept searching for the right form of governance within the calculation/coordination quadrant. The recurring debates concerned especially relations with communities and government (see also NISCC 2002). Central issue in relations with communities was the absence of effective citizen engagement, repeatedly legitimised through the argument of appropriateness of representation through NGOs and differences in capacities. This concerned the lack of spelled out roles for communities and citizens (coordination more central than participation; rules and norms on participation partly spelled out and only for NGOs), the lack of direct involvement of communities and citizens themselves in negotiations over NISCC's strategy and coordination framework as well as TAC's internal debates on effective citizen engagement. Central issue in relations with government concerned the effectiveness of embeddedness within government (chairmanship PC; positioning under CCN City Planning Department), which was increasingly viewed as limitation to the image and performance of the network. Metagovernance was mainly characterised by network design (hands-off/strong intervention) through the PC, with limited further commitment and leaving network management to TAC. Despite the growing unease with the situation, NISCC – more specifically TAC -was not seriously taking into consideration transition to other governance network quadrants. First, it was not ready and able to make a (partial) transition back to calculation/conflict quadrant. The political momentum of the early nineties had faded and real citizen backing was lacking because of the arisen practice of consultative participation through NGOs. Second, withdrawal of key international NGO stakeholders through policy changes and limited participation of NGOs led to serious consideration of moving towards a government internal network with increased participation of CCN departments, rather than other governance network approaches. Third, participation in the international research project on 'communication strategy for sustainable urban livelihoods' (Riley and Wakely 2003) focused primarily on communication, links and coordination at all levels in the city from the perspective of participatory governance in the calculation/coordination quadrant. Although in line with the recurring internal debates, it did not widen the scope to explore opportunities for increased performance through a (partial) transition into the culture/conflict or other quadrants. Also proposals for linking NISCC and LASDAP Nairobi by taking on the role of facilitation of consultative LASDAP meetings were mainly instigated from the participatory governance perspective and incompatibility of roles and necessity of direct

contact between representing agent and represented were soon realised, especially in case of non-delivery.

Externally, the increased freezing of funding towards 2002 in the context of international political pressure to regularly replace the former Moi-regime through multi-party elections and the changed international political priorities towards decentralisation and responsive service delivery mechanisms through nation-wide systemic interventions, negatively influenced performance of NISCC (see also Amis 2001). Towards the end of NISCC (2001) - just after eventual official inception of the DFID funded Kenyan Urban Poverty Programme – NISCC still anticipated the changed external context through a partial transition to the calculation/conflict quadrant by incorporating vertical accountability of nominated provincial administration local chiefs and sub-chiefs at community level. This partial copy of concepts of the upcoming LATF/LASDAP mechanism however lacked the crucial parallel indirect channel through representative democratic elections. After the long time non-engagement of settlement level, the organised ‘barazas’/public meetings by the nominated provincial administrators for information dissemination on NISCC’s strategy and the reformulated action plan were however not convincing to many citizens.

Eventually, both internal and external factors led to an implicit transition of NISCC to the internally closed variant of the culture/coordination quadrant, with increasing aspects of group think within TAC. Illustrated amongst others by the execution of the internal review report (NISCC 2002) and the external international research reports (Riley & Wakely 2003) through consultants involved in NISCC. The lack of financial and other support finally led member organisations to participate increasingly in other, more sector and implementation oriented, satellite like networks.

### *LASDAP-NAIROBI*

Transformation of the LASDAP Nairobi’s governance network approach from the calculation/conflict quadrant to the culture/coordination quadrant predominantly took place from 2004, with the introduction of the devolved Constituency Development Fund (CDF). Before that time, the first LASDAP Nairobi rounds only brought about identification and prioritisation of projects without delivery, partly due to repayment of outstanding financial debts and relatively high personnel costs of CCN – in some cases also related to corruption. As a consequence many citizens turned away from the newly created space as another non-delivering donor driven programme.

The political competitiveness between MPs and councillors over delivery through CDF versus LASDAP Nairobi in their overlapping constituencies and wards together with the tendency towards decentralisation within the national Constitution Review debate and the anticipating introduction of CCN ward offices, led to partial imitation of the more popular and better delivering CDF operations in the culture/coordination quadrant. This transformation to more traditional hybrid forms of governance increases characteristic features of closedness, lack of experience based learning and preservation of status quo. In many wards identification and prioritisation meetings are replaced by identification and pre-selection of LASDAP projects through a ward committee and a consultative meeting with ward citizens over prioritisation of three pre-selected alternatives. Councillors are often accused of patronage relations and bringing in their own people into prioritisation meetings. While themselves mostly also being subject to manipulation, rather than independent agents of citizens. Procurement and tendering of projects are politicized by councillors and senior officers. Ward transcending capital projects are most of the time identified, prioritised and selected by councillors amongst each other and then notified at ward level. Metagovernance is characterised by dominant network participation (hands-on, strong intervention), concentrating too much power in councillors' hands and not balanced by other metagovernance types.

From early 2005 onwards, in a few wards the governance network approach was transformed into more participatory forms in the calculation/coordination quadrant, especially due to increased citizen engagement in the aftermath of the heavy civic pressure at city level over the Rweria report. The building of bonds and deliberative structures at ward level over project implementation became more attractive, amongst others through societal accountability claims of court cases over misappropriation of funds and corruption, monitoring reports, citizen report cards, media exposure and direct claims to the town clerk or mayor. The cases of Korogocho Residents Association and Makadara Poverty Education and Good Governance Project are examples of this. The building of Korogocho Residents Association as an accountability mechanism separate from the LASDAP committee for monitoring implementation changed the balance in the relation between councillors and residents and can be characterised as predominantly cooperative in nature (Cifuentes 2008).

### *CCNSF*

Partial transition of CCNSF from the governance network approach in the calculation/coordination quadrant back to the culture/conflict quadrant has been a continuous option and threat during the formulation and negotiations regarding the CCN comprehensive decentralisation proposal. Transition

became more urgent early 2008, with the potential bypassing of CCN and emptying out of CCNSF through the announcement of establishment of the MoNMD for implementation of Vision 2030 to accelerate Nairobi's and Kenya's economic growth by the new Kenyan government (see also GoK 2008). Transition actualised early 2009 with non-inclusion of central issues of the adjusted CCNSF proposal to the new context in the draft Nairobi Metropolitan Area Bill. The unexpected passing of the controversial Kenya Communication (Amendment) Bill in parliament late 2008, eventually convinced the internally divided KEPSA of the necessity of anticipatory action. Early February 2009 the city lobby of WCDI and KEPSA publicly demands amendments of the draft bill in the media (Daily Nation 2009b) and threatens to further increase civic pressure through societal accountability mechanisms of a joint memorandum and a citizen-sms and media campaign. In addition, the pressure of the still pending court case of WCDI against MoLG is kept alive.

Already during the negotiations over establishment of CCNSF, World Bank behind the scenes indirectly tried to avoid further escalation of the conflict and a spontaneous deal over city governance in order to guarantee separation of powers. Examples are the public announcement of willingness to invest considerably in the city during the heat of the conflict, financial support to facilitation of multi-stakeholder forums by CCN involving citizens and stakeholders over the Metropolitan Strategy. The draft Nairobi Metropolitan Area Bill, to be tabled in parliament in March 2009, in line with this shows dominant centralised features within government hierarchy and limits the roles of stakeholders in boards from executive to advisory. It proposes the allocation of strong executive powers to the minister, rather than the performance of a networking function of institutions. MoNMD bypasses and parallels CCN and major roles and functions are transferred or duplicated. Earlier plans for governance of the metropolis through a business-oriented arm in addition to a political arm were cancelled. This business-oriented arm was supposed to be managed by the Nairobi Metropolitan Development Authority (NMDA) board and headed by a CEO in charge of coordinating private sector functions through a set of public-private partnerships. Besides, stakeholder boards of government, private sector and residents at lower governance levels and transfer of power, are rejected. Furthermore, built-in vertical accountability mechanisms for citizen voice are limited. Citizens are mainly consulted for responsiveness, through random sample surveys and opinion research, whereby the representation basis is not always clear. Finally, it is worth noting that the shift in final responsibility for city governance from CCN to MoNMD is accompanied by a shift in preference from linking with the more outspoken and conflictuous – non funded - umbrella RA WCDI to the more accommodating and national private sector related – Ford Foundation funded - umbrella RA KARA, amongst others illustrated by their prominent official role

at the presentation of Nairobi Metropolitan Vision 2030 and the recent establishment of a Nairobi branch for KARA in May 2009.

## **8.6. Inclusion/exclusion and representation**

### *Inclusion/exclusion*

#### *NISCC*

NISCC considered NGOs and some CBOs operating within informal settlements as representative for the interests and opinions of citizens. These organisations were consulted through quarterly NISCC meetings and participation in – often dormant - thematic multi-stakeholder working groups. Indirectly affected citizenry outside the informal settlements were not consulted through issue-based mechanisms on their interest, opinions and ideas, only indirectly through representative democracy.

#### *LASDAP-NAIROBI*

LASDAP Nairobi is characterised by direct participation of citizens and their organisations. The types of organisations included tend to partly shift through the years from community groups to neighbourhood/village committees and loose collectives of individual area residents (Tables 8.4 and 8.5). This can be partly explained by the increase of LASDAP committees at ward level with representing member organisations. Almost all participating organisations are primarily welfare and not rights-oriented. Inclusion of RAs is low. Middle-class RAs affiliated to WCDI tend to focus on structural governance changes at city level, rather than incidental project implementation. Participation of schools is low, indicating the use of alternative channels. Participation of members of political parties slightly increased.

Repeated or continued participation of organisations is low. The rate of participating initiatives per year versus all initiatives participating through the years ranges between 18 and 24 percent, except for 32 percent in 2003. Less than 10 percent of the initiatives involved in 2002, 2003 and 2005 still participate in 2006, of which less than 1 percent participated in all years. 21 percent of the initiatives participating in 2004 still participates in 2006. Some continuity was gained through committees at ward level since 2004.<sup>12</sup>

The average yearly number of participants in LASDAP Nairobi is limited, especially in comparison to the size of the Nairobi population (Table 8.6).<sup>13</sup> Average participation through the years is highest in middle-class and poor areas of Nairobi, lowest in upper and lower-upper class areas (Table 8.7). Indirectly affected citizenry is not directly consulted - regarding individual

ward, ward transcending and capital projects. They are however indirectly represented through councillors at the consensus meeting at city level and publicly informed through regular and legitimate CCN procedures.

*Table 8.4: Relative distribution participation per type of organisation LASDAP Nairobi (2002/3-2006/7)*

	2002/3	2003/4	2004/5	2005/6	2006/7	Average
Women group	8.8	11.8	6.8	11.5	1.6	8.1
Cultural group	3.3	0	2.5	1.2	2.1	1.8
Savings/credit group	3.3	3.5	2.5	2.0	3.2	2.9
Religious/spiritual group	4.7	3.5	5.5	12.8	6.9	6.7
Service delivery group <sup>14</sup>	10.9	10.1	8.6	3.5	4.8	7.6
Youth/sports group	8.8	14.6	12.3	9.3	13.2	11.6
General well-being group	25.9	25.3	28.0	16.3	24.3	24.0
Neighbourhood/village committee	11.3	13.2	13.6	16.7	17.5	14.5
Residents Association	2.2	2.1	3.0	1.2	3.2	2.3
NGO & City Wide CBO	6.2	2.8	1.8	2.3	1.1	2.8
Professional Association	4.7	3.1	5.0	4.7	5.8	4.7
Business	4.4	2.8	4.5	9.3	7.4	5.7
Political party	1.1	1.4	2.0	6.6	3.7	3.0
Education institution	1.8	3.5	1.3	1.6	4.8	2.6
Health institution	0.4	1.0	0.3	0.7	0	0.5
Other	2.2	1.3	2.3	0.3	0.5	1.2
<b>Total</b>	100%	100%	100%	100%	100%	100%
	N=274	N=288	N=397	N=257	N=189	

Source: CCN LASDAP registers (consulted 2003, 2004, 2006).

*Table 8.5: Relative participation residents on individual title LASDAP Nairobi (2002/3-2006/7) in relation to total number of participants*

	2002/3	2003/4	2004/5	2005/6	2006/7	Average
Individual residents	4 %	17%	10%	20%	28%	16%
	(N=635)	(N=750)	(N=1192)	(N=689)	(N=849)	(N=823)

Source: CCN LASDAP registers (consulted 2003, 2004, 2006).

*Table 8.6: Absolute and relative gender composition participants LASDAP Nairobi (2002/3-2006/7)*

	Male participants		Female participants		Totals participants	
	nr	%	nr	%	nr	%
<b>2002-2003</b>	436	69	199	31	635	100
<b>2003-2004</b>	572	76	179	24	750	100
<b>2004-2005</b>	870	73	322	27	1192	100
<b>2005-2006</b>	497	72	192	28	689	100
<b>2006-2007</b>	708	83	141	17	849	100
<b>Average/year</b>	<b>617</b>	<b>75%</b>	<b>207</b>	<b>25%</b>	<b>824</b>	<b>100%</b>

Source: CCN LASDAP registers (consulted 2003, 2004, 2006).



Table 8.7: Relative average number of LASDAP Nairobi participants (2002/3-2006/7) according to the contribution of geographical area to the districts' poor

	2002/3	2003/4	2004/5	2005/6	2006/7	Average
Upper and lower upper class areas (0 - 0.4)	21	10	2	24	15	13
Middle class areas (0.4-0.8)	31	17	48	29	33	32
Lower middle class areas (0.8- 1.2)	31	25	23	14	25	23
Poor and very poor areas (1.2 - > 1.6)	17	48	27	33	27	32
Total	100% N=635	100% N=750	100% N=1192	100% N=689	100% N=849	100% N=823

Source: CCN LASDAP registers (consulted 2003, 2004, 2006). Classification geographical areas based on GoK (2003a) and World Bank (2006, based on GoK 2003/2001).

Table 8.8: Relative distribution ethnicity of participants LASDAP Nairobi (2002/3-2006/7)

	<u>Kikuyu</u>		<u>Luo</u>		<u>Luhya</u>		<u>Kamba</u>		<u>Somali</u>		<u>Kisii</u>		<u>Other</u> <sup>15</sup>		N
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
2002-2003	32	21	13	3	7	1	5	3	4	1	2	0	6	2	N=635
2003-2004	26	11	27	6	7	3	6	2	2	0	2	0	6	2	N=750
2004-2005	43	18	14	3	4	1	5	4	3	0	2	0	3	0	N=1192
2005-2006	37	19	17	3	5	1	4	3	3	1	2	0	4	1	N=689
2006-2007	48	12	19	2	5	0.5	4	1	3	0	1	0	4	0.5	N=849
Average per year	37%	16%	18%	3%	6%	1%	5%	3%	3%	0%	2%	0%	5%	1%	N=823

Source: CCN LASDAP registers (consulted 2003, 2004, 2006).

Furthermore, LASDAP Nairobi shows a sharp gender disparity: 75 respectively 25 percent male and female (Table 8.6). This exceeds the demographic figures of male overrepresentation both for Nairobi's informal settlements and Kenya. Neither the participation rate of women groups nor the inclusion of women representatives in LASDAP committees at ward level compensate for this. The disparity is also not compensated for by the gender composition of councillors: only 2 respectively 4 percent elected councillors and 32 respectively 24 percent nominated councillors by 2002 respectively 2007. CCN administrative staff reflects a more equal gender distribution.

## *Chapter 8*

The overall dominant ethnic background of included citizens is Kikuyu with more than half of the participants. They are followed almost halfway by Luo and on a still further distance by Kamba, Luhya and Somali participants (Table 8.8). Gender disparity is relatively lower for Kikuyu participants (37 versus 16 percent) than participants with other ethnic backgrounds. Geographic pockets of ethnic domination of LASDAP consultative meetings exceeding these overall figures are limited and incidental, also in the main slums.

### *CCNSF*

CCNSF is characterised by inclusion of private sector alliance KEPSA and middle-class umbrella RA WCDI and near exclusion of civil society organisations and the poor. Indirectly affected citizenry is not directly consulted over their interests and opinions regarding discussed policy proposals.

### *Representation*

#### *NISCC*

NISCC did not succeed incorporating communities effectively other than through implicitly assumed representation of citizens through NGOs, with citizens in informal settlements often unaware of its existence. The NGOs/CBOs involved in the wider NISCC forum were often primarily welfare oriented with major congruency arguments of mediation, services and proximity, while NGOs in TAC were more focused on negotiated development. Mandates of NGO representatives were often very loose and static with limited interactive articulation of and identification with interests, partly a reflection of donor dependency. The alternative strategy of vertical accountability and representation through chiefs and subchiefs at (sub)location level of the provincial administration –with initially mainly information sharing ‘barazas’ on the development strategy – could not be followed through due to phasing out of NUPPP.

#### *LASDAP-NAIROBI*

Representation through councillors within LASDAP Nairobi also shows severe limitations, both in case of one time consultative meetings and in case of two tier project identification and prioritisation through ward committees with representing organisations respectively consultative meetings. Councillors are mostly not independent representing agents of citizens and often themselves subject to manipulation. Especially in informal settlements this often goes together with politicisation, patronage relations and expectations of reciprocity. Ward committees offer increased possibilities for councillors to bring in their own people and preserve rather than challenge the status quo. Committees,

next to councillor and ward manager, irregularly consist of civil society, women, youth, church and business members. Representation of ward level organisations and associations by committee members is often weak, despite informal membership criteria (honesty, high integrity, literacy; 2 years term of office; eligibility for one additional term). Representation of citizens in the consensus meeting at city level is mostly weak, with the (elected) ward representatives per ward mainly playing a legitimising role and councillors interpreting their often one-sided determined mandates widely and negotiating and deciding over political interests amongst one another.

*CCNSF*

Regarding CCNSF, representation of constituting middle-class RAs by WCDI is delicate and discussed. The chairlady is often way ahead of the troops and more outspoken and confronting on issues and RAs are observing and welcoming the results while not always being prepared to go that far themselves (see Tables 8.9 and 8.10 for membership basis WCDI). National umbrella RA KARA– member of LGMSF, with a more accommodating style taken up in the slipstream of the confronting approach of WCDI and a slightly closer relation to private sector interests and consumers – displays a lack of transparency in representation and legitimacy of the articulated interests, while potentially legitimising non-inclusion of civil society representatives in LGMSF. It faces the risk of possible conflicts of interest and conceiving an issue-based defined citizenry in terms of a relation of representation, amongst others by combining representation of RAs based on the-people defined citizenry, with facilitation based on issue-based defined citizenry.

*Table 8.9: Overview Upper and Upper Middle Class Locations of Association members Nairobi umbrella RA WCDI*

<b>Constituency</b>	<b>Location</b>	<b>Number</b>
Westlands	Highridge	3
	Kitisuru	2
	Kyuna	1
	Loresho	2
	Muthaiga	2
	Lavington	3
	Westlands	8
	Kibagare	1
Langata	Karen/Langata	1
	Madaraka	1
	Gigiri	2
Makadara	Buruburu	1
Embakasi	Komarock	1
<b>Total</b>		<b>28</b>

Source: Registers WCDI (consulted February 2006).

*Table 8.10: Overview Upper and Upper Middle Class Locations, Ethnicity and Gender of Associate members Nairobi umbrella RA WCDI*

Area	Number	Ethnicity & gender					
		'Western'		Asian		African	
		M	F	M	F	M	F
GPO	31	2	1	24	1	3	-
City Square	12	6	-	-	-	6	-
Ronald Ngara St	1	-	-	1	-	-	-
Tom Mboya St	10	-	-	8	1	-	1
Enterprise Road	1	1	-	-	-	-	-
Karen	3	3	-	-	-	-	-
Ngara Road	6	-	-	5	-	1	-
Sarit Centre	5	-	-	4	-	1	-
Muthaiga	2	1	1	-	-	-	-
Esso Plaza	1	-	-	-	-	1	-
Village Market	2	1	1	-	-	-	-
Parklands	4	-	1	2	-	1	-
Westlands	7	2	3	2	-	-	-
Other	8	3	-	5	-	-	-
<b>Total</b>	<b>93</b>	<b>19</b>	<b>7</b>	<b>51</b>	<b>2</b>	<b>13</b>	<b>1</b>

Source: Registers WCDI (consulted February 2006).

## 8.7. Effects on political rights, influence and service delivery

### *Political rights and influence*

#### *NISCC*

NISCC produced limited expansion of spaces at implementation level for poor citizens through the Huruma upgrading Public-CSO partnership of CCN City Planning Department, NGOs Pamoja Trust and ITDG and Huruma residents. NISCC never reached the stage of truly coordinating implementation, partly due to central government repression of local politics - despite the majority of CCN political opposition councillors and the increase of Nairobi opposition MPs between 1992 and 2002 – and considering funding as precondition to fulfil its coordinating role.

#### *LASDAP-NAIROBI*

Within LASDAP Nairobi the strong civic pressure over the Rweria report at city level was picked-up in some wards and led to expanded spaces for all citizens at process level through integration of equal distribution of project implementation over all wards in order to trade-off the fear of councillors for the threat of violence. At implementation level expansion of spaces for poor citizens was mainly produced through the building of community structures with empowered participatory governance in a few individual wards - in the aftermath of the civic pressure over the Rweria report. Ward level transcending

expansion of spaces through collective action and bridging has not been taken up by citizens and their support organisations in informal settlements. The LASDAP mandate was also expanded through the introduction of the CCN/DFID guaranteed Nairobi LASDAP Poverty Reduction Grant, with answerability of CCN to the donor, specifically assigned to deliver services to the poor in informal settlements, but with no specification of additional participation criteria and only for a period of two years until DFID/PROLOGS phased out.

Collective action for realisation of process changes and/or inclusion of process components in the prioritisation consultations at ward and city level has however been absent - partly due to the non-implementation of LASDAP Nairobi during the first years. Also the vertical accountability mechanism of the monitoring committee, with responsibilities at process level, primarily focuses on implementation, outcome and effectiveness of CCN operations— for example through streamlining relations between officers and councillors.<sup>16</sup> Finally, there is a lack of bottom-up partnerships and alliances between councillors and citizens and others to create additional rules of the game at city level or adapt LASDAP norms and rules at MoLG - whether or not through alliances with other LAs and ALGAK. Although Action Aid organised some national level campaigns on devolved funds. MoLG consultations of LAs on LASDAP are mainly top-down and procedural.

Spaces at local level were also not expanded or partly protected through the national level horizontal accountability mechanisms of answerability and enforceability. Answerability through LATF/LASDAP guidelines includes norms and rules on citizen involvement, but is limited to lists of participating community organisations, publication of resources and invitation of public and consultative meetings held at ward level, though additional space for local practices is left open. Enforceability within LATF/LASDAP primarily concerns penalties for failures to meet deadlines on presentation and submission of annual estimates and provision of false and inaccurate returns, misleading information with regard to annual estimates and performance related budgets.

#### *CCNSF*

CCNSF potentially expanded political rights through the comprehensive proposal on the four major issues of negotiation included in the terms of reference: decentralisation to boroughs, CCN institutional structure, revenue mobilisation and stakeholders.

Accomplishment of full co-governance at city level remains however a major challenge. Establishment of executive boards at all levels of city governance

rather than an advisory board at city level is at risk with the establishment of MoNMD and part of negotiations over the draft Nairobi Metropolitan Area Bill. Another gained political right through related middle-class activism of WCDI is the prohibition of levying land rates and revenues under the Draft Valuation Roll 2005.<sup>17</sup>

### *Service delivery*

#### *NISCC*

NISCC's main impact was the moratorium on demolitions and evictions, repeated several times because of frequent change of office by the PC. This contributed to overall reduced vulnerability in shelter and housing of poor citizens in informal settlements. The expanded space of the Public-CSO partnership contributed to access to land and shelter for poor residents in Huruma.

#### *LASDAP-NAIROBI*

LASDAP Nairobi showed a lack of performance in the first three years. By 2005 only 18 percent of the total cumulative approved budget was spent (see Table 8.11). This can partly be explained by repayment of CCN outstanding debts, pension schemes and salary costs due to extensive staff. Clearing of debts by local government within 5 years was however originally part of the LATF/LASDAP objectives.<sup>18</sup> Performance was also negatively influenced by CCN internal politics and corruption practices, sometimes related to patronage relations (GoK 2004a).

*Table 8.11: LASDAP Nairobi approved budget, expenditure and percentage spent FY 2002-5 and FY 2002/8 per constituency in millions of Ksh*

Constituency	Approved budget FY 2002/5	Expenditure to date FY 2002/5	% Spent FY 2002/5	Approved budget FY 2002/8	Expenditure to date FY 2002/8	% Spent FY 2002/8
Embakasi	139,545	25,421	18	178,063	141,181	79
Dagoretti	79,600	21,469	27	104,900	81,725	78
Kasarani	89,050	18,051	20	133,000	110,617	83
Makadara	86,720	13,319	15	84,852	72,538	86
Kamukunji	74,554	12,115	16	80,023	63,707	80
Starehe	72,538	13,857	19	94,700	50,104	53
Westlands	71,000	7,558	11	82,782	56,716	69
Langata	61,500	10,367	17	72,600	56,336	78
<b>Total</b>	<b>674,507</b>	<b>122,157</b>	<b>18%</b>	<b>830,920</b>	<b>632,824</b>	<b>76%</b>

Source: CCN LASDAP registers (LASDAP registers consulted 2006 and 2009; rounded figures).

Performance improved considerably since 2005 up to an average of 76 percent of the total cumulative approved budget spent by the end of 2008 (see Table 8.12). The change in performance after 2005 was in first instance not the result of accountability claims for recurrent non-delivery by citizens. Rather it was the joint outcome of competition with more decisive, better delivering and more popular MPs of CDF, CCN ad hoc results based management pilots through the Ministry of Public Sector Reform and Performance Contracting - supported by WB and UNDP – and the indirect acceleration through civic pressure at city level after publication of the Rweria report towards the end of 2004. The recent positive overall LASDAP Nairobi performance figures must however not be overestimated. Results through RBM and RMA are often based on shallow, ad hoc, quick wins, rather than structural reforms and can serve as an overall legitimisation for effectiveness of the LASDAP approach.

They do not touch upon the ongoing processes underneath, for example the willingness of councillors to deliver but to others than the originally attested ones (see Osiche 2008). Besides, recently LASDAP Nairobi performance was again questioned and received a penalty of non-transfer of the first tranche of LATF 2009 finances of Ksh 1.7 billion because of CCN chief officers' failure to account for Ksh 1 billion LATF allocations for 2008 (Nation 2009a).

LASDAP expenditure per project type (Table 8.12) indicates that almost half of the budget is spent on roads, canals and bridges, followed on a considerable distance by schools, street lighting, motor vehicles, bursaries<sup>19</sup> and city-wide projects with between 11 and 6 percent. Roads and canals, city-wide projects and health centres often concern ward transcending capital projects.

LASDAP service delivery to the poor in informal settlements has increased since 2005, but remains limited. 12 percent of total LASDAP expenditure between 2002 and 2008 is spent on projects serving the poor in (locations near) slum areas (Tables 8.13 and 8.12). Service delivery through the above discussed expanded spaces in some wards is not significantly higher, indicating the primary significance of the decision of equal division of at least one project yearly over all wards in order to counteract the concrete security threat to councillors in wards. Delivery through Poverty Reduction Grant projects started in its second and last year, in the aftermath of publication of the Rweria report. Performance was in addition guaranteed by strict donor control and almost full time hands-on personal commitment of the DFID/PROLOGS Poverty Advisor, partly caused by the fear of DFID for negative publicity in the UK over ineffectiveness of aid.

The allocation of almost half the budget on roads and canals indicates a weak relation between participation and implementation. Besides, CCN signals an inherent paradox between identification of costly and time consuming small projects by communities and economic development oriented projects. This calls for innovations in participatory methods. For example through introduction of issue-based consultations of directly and indirectly affected citizenry for economic development projects. Ward level consultations could be held over smaller projects, with additional labelling of budgets and introduction of geographic poverty indicators.

*Table 8.12: LASDAP Nairobi expenditure for years 2002/3-2008/9 per project type in millions of Ksh*

<b>Project type</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>
	<b>2002/3</b>	<b>2003/4</b>	<b>2004/5</b>	<b>2005/6</b>	<b>2006/7</b>
<b>Resource envelope</b>	<b>199,237</b>	<b>200,542</b>	<b>225,625</b>	<b>223,000</b>	<b>267,447</b>
Roads and canals	0,309	15,862	8,388	104,195	191,422
Schools	0,483	6,481	3,703	6,670	21,955
Street lighting	-	0,699	0,699	10,318	12,959
Motor vehicles	-	4,199	-	44,547	-
Bursary <sup>20</sup>	-	-	12,452	26,440	24,902
City wide <sup>21</sup>	-	-	0,070	5,922	18,619
Social halls, markets & sports infrastructure	2,254	8,416	9,061	1,986	10,254
Health centres	-	8,492	4,438	1,916	9,054
LASDAP coordination, monitoring & organisation	4,737	3,133	5,714	4,958	5,325
Bus park	-	4,793	0,493	2,942	1,137
Water and sanitation	-	0,426	2,271	6,670	2,871
Bridges	-	3,051	0,093	2,248	4,630
<b>Total</b>	<b>7,783</b>	<b>55,552</b>	<b>47,382</b>	<b>218,812</b>	<b>303,128</b>

<b>Project type</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>	<b>%</b>
	<b>2007/8</b>	<b>2008/9</b>		
<b>Resource envelope</b>	<b>290,148</b>	<b>284,762</b>	<b>1,690,761</b>	<b>-</b>
Roads and canals	102,335	51,595	474,106	45
Schools	40,847	30,912	111,006	11
Street lighting	42,067	14,731	81,473	8
Motor vehicles	-	26,618	75,364	7
Bursary <sup>22</sup>	4,665	-	68,459	7
City wide <sup>23</sup>	33,752	9,001	67,364	6
Social halls, markets & sports infrastructure	5,825	13,211	51,007	5
Health centres	7,617	3,833	35,350	3
LASDAP coordination, monitoring & organisation	2,907	3,015	29,789	3
Bus park	9,417	8,512	27,295	2,5
Water and sanitation	5,698	2,696	20,631	2
Bridges	1,098	3,163	14,283	0,5
<b>Total</b>	<b>254,816</b>	<b>167,287</b>	<b>1,056,127</b>	<b>100%</b>

Source: CCN LASDAP registers (consulted January 2009; rounded figures).



Table 8.13: Cumulative LASDAP Nairobi expenditure in informal settlements (2002/3-2007/8) in millions of Ksh

Project type	Total allocated budget	Distribution expenditure specified per informal settlement				
		Mathare	Koro-gocho <sup>24</sup>	Viwan-dani	Soweto	Kibera
Rehabilitation roads	47,0	2,0	5,5	8,5	2,9	9,3
Bursaries (poor/orphan students)	17,9	0,9	3,0	0,8	-	4,1
City Council Schools	40,5	-	2,4*	4,2	-	3,8
Street lighting & high masts	21,6	4,9*	3,7	-	-	-
Health centres	25,3	-	-	0,8	-	-
Foot bridges & motorable bridge	10,8	1,3	-	0,3	-	1,0
Rehabilitation public toilets	6,4	-	-	-	-	-
Water & sanitation	5,6	-	-	-	3,6	-
Social halls	-	-	-	-	-	-
<b>Total</b>	<b>175,1</b>	<b>9,1</b>	<b>14,6</b>	<b>14,6</b>	<b>6,5</b>	<b>18,2</b>

Project type	Distribution expenditure specified per informal settlement				Total exp. to date	Relative share %
	Laini Saba	Sara Ngombe	Uhuru	Other		
Rehabilitation roads	3,5	2,4	8,0	-	42,1	34
Bursaries (poor/orphan students)	8,1	1,5	4,7	-	23,1	18
City Council Schools	-	-	-	10,4**	20,8	17
Street lighting & high masts	0,8	-	4,9	-	14,3	11
Health centres	-	-	-	10,8**	11,6	9
Foot bridges & motorable bridge	-	2,1	-	-	4,7	4
Rehabilitation public toilets	-	-	-	4,7*	4,7	4
Water & sanitation	-	-	-	0,7*	4,3	3
Social halls	-	-	-	-	-	0
<b>Total</b>	<b>12,4</b>	<b>6,0</b>	<b>17,6</b>	<b>26,6</b>	<b>125,6</b>	<b>100%</b>

Source: CCN LASDAP registers (31 November 2008; rounded figures). \* = DFID/CCN Poverty Reduction Grant projects in locations near slum areas.<sup>25</sup>

## **8.8. Conclusion**

This article discussed the contributions of different types of ‘invited spaces’ or governance network approaches to political rights, influence and service delivery for poor and middle-class citizens.

Culture/conflict based networks provide spaces at city level for middle-class citizens and private sector actors. Calculation/coordination based networks offer spaces at city level for NGOs representing poor citizens. Calculation/conflict based networks provide spaces at ward level for poor and middle-class citizens. Spaces for middle-class citizens potentially widen to the level of political rights through culture/conflict based networks, as they have various sources of effective societal accountability mechanisms to hold government to account both at city and national level. Spaces for poor citizens in calculation/conflict and calculation/coordination based networks only limitedly widen at implementation level, all facing difficulties in proper linking of citizens to the city level. Spaces for poor citizens at process level in calculation/conflict based networks limitedly widen, but mainly related to effective network external civic pressure of middle-class citizens at national and local level.

Spaces in all governance network approaches also reduced, due to transformation through time to the closed culture/coordination governance variant. Reduction of spaces in culture/conflict based networks is mainly through national level politics and long term donor agency perspectives and metagovernance of network design, potentially limiting rights to advisory rather than executive roles. Reduction of spaces in calculation/coordination based networks results from national government repression, imbalanced metagovernance of network design limited to formation and not extended beyond and lack of consideration of alternative governance network approaches. Reduction of spaces in calculation/conflict based networks is through hybridisation of relations and imbalanced metagovernance of dominant network participation in negotiations.

Improved service delivery for poor and middle-class citizens is only gained through invited spaces of calculation/conflict based networks. This primarily resulted from competition with politicians of other devolved funds, network external civic pressure at city level and national level and project based ad hoc public sector reform, rather than citizens’ claims through vertical accountability mechanisms.

The challenge for sub-Saharan African metropolitan cities is still to create development that both serves the quality of life of the majority of (poor)

citizens and economic development of the city as a whole and the wider country. This research clearly indicates that this two-sided aim is best achieved through governance networks with simultaneous strategies of conflict and cooperation, with strong civic pressure and negotiated development. This indicates the need to increasingly focus on innovative, post-liberal mechanisms of equitable citizen influence at city and national level rather than repeatedly starting to build inclusive structures for project implementation purposes at ward level, while not forgetting lessons of social capital theory to base linking on sufficient bonding and bridging social capital.

Poor citizens in addition could focus to gain influence through strategic alliances with RA/Private Sector stakeholders, strategic coalition building with elected politicians for additional city level and/or national rules of the game, civic pressure at city level and national level to enhance bottom-up-learning and include prioritisation of process innovations in devolved funds. Building political parties might still be one step too far in the current Kenyan political arena. Decentralisation to borough level might potentially widen spaces for new coalitions.

International donors and support organisations should increasingly stay course building community structures and citizen engagement mechanisms for influence and political rights independent of changes in governance network approach, support simultaneous conflict and cooperation strategies also beyond emergence and formation stages and increasingly offer real space and support to local solutions and innovations regarding co-governance and executive spaces rather than mainly blueprint solutions.

## **8.9. Acknowledgements**

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Notes

<sup>1</sup> The research was carried out through interviews with key stakeholders of the three governance networks between 2002 and 2009. Interviews with key stakeholders of NISCC were carried out in 2002 and 2004. Interviews with key stakeholders of LATF/LASDAP (local and national government, donors, CSOs) were held in 2002, 2004, 2006 and 2009. Interviews with 10 CCN councillors and the deputy town clerk were held in 2006. Key CCNSF and LGMSF stakeholders were interviewed in 2006, 2007 and 2009. Secondary data, documents and newspaper articles on all three governance networks were also studied.

<sup>2</sup> In regard to sub-Saharan Africa, the narrow liberal-democratic approach is often considered as weighty through the lack of experience with this type of democracy in the past, the lack of socio-economic conditions that underpinned its rise and sustainability in Western countries and the major role external actors played in the democratic transition (Hyden 2006). Besides, the often not properly functioning, multi-party elections are said to bring no real alternative choices for the people. The opposition often mirrors the same political class that captured political office at independence and has often neither an ideology for fundamental political change nor for the transformation of the state (Obi 2008; Walle Van De 2007). Furthermore, formal (democratic) institutions are often considered as unfair/biased, promoting inequality in comparison with informal institutions (Uslaner 2007).

<sup>3</sup> First generation governance network theory still directly related metagovernance types to individual governance network approaches based on the dimensions of perspective, form and efficiency. It especially distinguished metagovernance based on interdependency theory (descriptive, hands-on, low efficiency) from metagovernance based on governability theory, integration theory and governmentality theory (prescriptive, hands-off, high efficiency), with only governmentality theory also implying to a descriptive perspective (Sorensen & Torfing 2005).

<sup>4</sup> The New Public Management discourse almost exclusively focuses on hands-off metagovernance. It propagates a strict division of policy formulation and implementation in its effort to develop self-regulating public markets and self-governing agencies through design of competitive games. This often results in widespread distrust, mounting conflicts and lack of ownership – problems that can only be ameliorated through hands-on metagovernance (Fotel et al. 2008).

<sup>5</sup> Using a more stringent definition of slums and the metropolitan city's boundaries, CBS estimated the slum population in the 1999 national census at 30% or 0,64 million (0.81 million if corrected for population growth rate of 4.85% per year) (Gulyani & Talukdar 2008; see also World Bank 2008).

<sup>6</sup> In Kenya, the absolute poverty line, which indicates a household's inability to meet its entire basic requirement (food and non-food), is estimated at Ksh 2648 (Ksh 3174 if adjusted for inflation 1997–2004 based on Consumer Price Index) per month per adult in urban areas and Ksh 1239 in rural areas. Figure 1 shows the Nairobi poverty incidence map with a poverty incidence range at location level between 8 and 77% (2003) and at division level between 32 and 59% (2003) and 30–60% (2005) of the population living below the poverty line. Distribution at location level in following order: <20 (Nairobi West, Lavington, Kilimani, Parklands, Kenyatta/Golf C, Ngara, Mugumoini, Karen.), 20–30 (Highridge, Starehe, Langata, Umoja, Kariobangi S, Bahati, Kariokor), 30-40 (Githurai, Kahawa, Makadara, Roysambu, Embakasi), 40-50 (Kitisuru, Kayole, Kasarani, Eastleigh S, Riruta, Mukuru Kwa Njenga, Uthiru/Ruthimitu, Kamukunji, Mukuru Nyayo), 50-60 (Laini Saba, Waithaka, Dandora, Mathare, Kawangware, Ruai, Huruma, Sera Ngombe, Eastleigh N, Ruaraka, Pumwani, Kariobangi, Kibera, Njiru, Mutuini), 60-70 (Korogocho, Kangemi), >70 (Maringo, Viwandani, Makongeni) (GoK 2003/5; based on combined information Welfare Monitoring Survey III (GoK 1997) and the 1999 Kenya Population and Housing Census (GoK 2001).

<sup>7</sup> In anticipation of the 2007 elections the number of councillors was increased to 100: 75 elected, 25 nominated.

<sup>8</sup> In Kenya LA's were introduced by the colonial powers to control local populations, especially for purposes of extracting labour. Power was concentrated at the centre and replaced the indigenous councils of elders of communities by Local Native Councils with District Commissioners in 1928 and second tier Local Native Councils in 1946. The latter were changed in African District Councils in 1950, with the District Commissioner as chairman until 1959 and with strong influence on appointed chairmen afterwards (Mitullah 2004; Odhiambo et al. 2005; Wanjohi 2003).

<sup>9</sup> These limitations are: 1) Role of PC as central government appointed ex-officio councillor in county and municipal councils; 2) Power of political parties to nominate a maximum of one third of elected councillors, proportional to number of seats parties gain in civic elections, to be approved by ECK and ratified/appointed by Minister of Local Government; 3) Legal requirement to clear operations by Minister of Local Government; 4) Minister of Local Government has many prerogations and veto power; 5) Central appointment of council officers through the Public Service Commission, introduced in 1975 to strengthen local capacity, is increasingly used for political purposes (Wanjohi 2003).

<sup>10</sup> NESC is a national multi-stakeholder council created with the Economic Recovery Strategy for economic improvement in 2004, resulting from the PRSP process. The NESC council is chaired by the president of Kenya and brings together stakeholders/professionals from public sector, private sector and other expert stakeholder groups. LGMSF is one of the sector-based ministerial stakeholder forums under NESC. It is comprised of sub-committees working on Sector Reforms (LASDAP, Single Business Permit, Local Government Act Amendment Bill) and City Reforms (Nairobi, Mombasa, Kisumu, Nakuru).

<sup>11</sup> The joint resolution of WCDI and KEPSA demanded the minister of Local Government to dissolve CCN, to form a stakeholder board (comprising 5 representatives chosen by WCDI, 5 representatives chosen by the private sector and 5 representatives chosen by government) and empower this stakeholder board to manage the city (with authority to hire qualified city management officials and fire incompetent staff) (WCDI/KPSF 2004).

<sup>12</sup> The analysis of repeated participation is carried out at the level of initiatives not individuals, which might slightly influence the outcomes as individuals can register under other group names.

<sup>13</sup> Participation figures FY 2004–2005 (1192) seem related to the high public engagement in the Constitution Review process, including decentralisation. Figures FY 2005–2006 (689) are negatively influenced through cancellation of some ward level consultations due to the threat with violence against councillors related to the civic pressure in the aftermath of publication of the Rweria report.

<sup>14</sup> Service delivery groups include environment, garbage collection, security, CHW, Aids awareness and informal education.

<sup>15</sup> 2002-3: 36 male (14 Meru, Kalenjin, Maasai, Coast; 22 unspecified); 11 female (3 Kalenjin, Coast; 8 unspecified). 2003-4: 47 male (11 Meru, Kalenjin, Maasai, Coast; 36 unspecified). 11 female (2 Kalenjin, Coast; 9 unspecified); 2004-5: 40 male (20 Meru, Maasi, Kalenjin, Coast; 20 unspecified); 8 female 8 (4 Kalenjin, Coast; 4 unspecified). 2005-6: 28 male (8 Meru, Embu, Kalenjin, Indian; 20 unspecified); 6 female (1 Kalenjin; 5 (unspecified). 2006-7: 35 male (12 Meru, Embu, Kalenjin, Maasai, Coast; 23 unspecified); 6 female (6 unspecified).

<sup>16</sup> The generally dormant monitoring committee was initially composed of CCN executive staff and NGOs (ITDG, Pamoja Trust, Shelter Forum) at the time of DFID PROLOGS. From 2006 it was composed of the same NGO representatives and citizen representatives for Nairobi constituencies.

<sup>17</sup> The High Court of Kenya in March 2006 quashed CCN's decision to increase land rates by between 40 and 100% under its new 2005 Draft Valuation Roll. Nairobi rate payers continued paying as per 2004 rates (see also Karen/Langata District Association 2006).

<sup>18</sup> In December 2008 the Minister of Local Government announced that by June 2009 local governments would no longer be allowed to spend LATF allowances for payment of workers' salaries or clearing of debts, but only for development purposes (Daily Nation 2008).

<sup>19</sup> Bursaries were not accepted anymore as projects after 2005, as these were already catered for through other devolved funds and were prone to corruption practices.

<sup>20</sup> Bursaries were not accepted anymore as projects after 2005, as it was already catered for through other devolved funds and was prone to corruption practices.

<sup>21</sup> City wide projects by April 2008 consisted of purchase of (motor)vehicles (Ksh 48,746), construction of perimeter fence at city mortuary and rehabilitation of central bus station (Ksh 24,988).

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<sup>23</sup> City wide projects by April 2008 consisted of purchase of (motor)vehicles (Ksh 48,746), construction of perimeter fence at city mortuary and rehabilitation of central bus station (Ksh 24,988).

<sup>24</sup> Awarded in November 2006 for total amount of Ksh 8,3 million. 2 of the 3 high masts were erected and for 1 the foundation is casted (LASDAP report FY 2007/8). Earlier 8 million was allocated for bursaries, but 5 million was finally compensated by agreed allocation of 8,3 million for lighting by high masts.

<sup>25</sup> 8 out of 10 Poverty Reduction Grant projects were implemented, of which 1 was cancelled because of land dispute.

## 9. Conclusions

### 9.1. Introduction

The introduction to this study discussed the background of this study and indicated the importance of inclusive and responsive governance to deal with the two-sided challenge of sub-Saharan African metropolitan cities to create quality of life for the majority of its poor citizens and provide a context for urban and national economic development. The central question answered in this research is to what extent, under which conditions and in which ways claimed and invited spaces in Nairobi impact quality of life, influence and political rights. This question served as starting point for a detailed study on the negotiation processes and impacts accommodated and constrained by formal and/or informal institutions and structures at micro-, meso- and macro-level. This concluding chapter summarises the main research aims and findings, the theoretical implications, and the consequences for further research and policies.

The metropolitan city of Nairobi is an excellent context for analysing the actors, processes, impacts and contexts of claimed and invited spaces. Nairobi has a high level of political-economic complexity and dynamics and is a growing international nexus point where the conflict of economic growth versus quality of life is distinct. Its context of rapid integration in the global economy since the early 1990s, the contrasts between ‘neo-patrimonial’ African politics of patronage and clientelism and Western based neo-liberal governance models of private sector development, decentralisation and multi-stakeholder partnerships, as well as the considerable macro-economic growth between 2002 and 2007, makes it interesting for analysis of mutually co-existing top-down and bottom-up shaped spaces for the poor from the informal settlements of Nairobi.

The study analyses both processes and impact, moving beyond the in retrospect somewhat one-sided process-oriented approaches of the last decade. In addition, impact is not only analysed in terms of quality of life, but also in terms of influence and political rights, touching upon the important debate on inclusive governance. Furthermore, it takes structurally determining factors at micro-, meso- and macro-level into account, including contextual factors which form major underlying explanatory factors. Central domains in the study are (1) the individually claimed spaces of social, organisational and political relations of livelihood and household pathways, (2) the collectively claimed spaces in peri-urban access to land and tenure, and (3) the invited spaces of city-wide governance networks in metropolitan Nairobi.

In order to examine the conditions for spaces and processes to sustainably deliver better outcomes for the poor in terms of quality of life, influence and political rights, this study used a mix of scientific theories. Livelihoods theory offers a multi-dimensional and comprehensive view on poverty and possibilities for analysing processes and impacts of impoverishment. Social capital theory contributes ideas relevant to the analysis of bonding, bridging and linking capital of households, processes of reciprocity, enforceable trust and bounded solidarity, and the positive and negative consequences of social capital. Collective action and social movements theory offers concepts relevant to consumption and politically oriented action repertoires and processes. Chronic poverty literature criticises the relatively power neutral concepts of early social capital theory and livelihoods literature and stresses the structural character of poverty. Citizenship and deepening democracy literature and democratic network governance theory contribute to further conceptualising and differentiating collectively claimed and invited spaces and the interaction and negotiation processes within them. Citizenship literature, governance assessment literature, democratic network governance and multi-level governance literature, each contribute to the differentiation between notions of influence on implementation, processes, policies and political rights. Finally, literature on the mutuality of formal and informal social and political institutions contributes to completing the conceptualisation of the full scope of institutions at play, particularly in the sub-Saharan African context with prominent informal institutions.

A first outcome of this study is a comprehensive conceptual framework for the analysis of structural and contextual conditions at micro-, meso- and macro-level for sustainable impacts of spaces on quality of life, influence and political rights for the poor. Second, through linking democratic network governance theory and deepening democracy theory the research offers a framework for analysing transformation of inherently dynamic governance networks over time. It is based on differentiation of four governance network approaches along the coordination/conflict and calculation/culture dichotomies and includes the culture-based form of community democracy which is particularly relevant for sub-Saharan African contexts. Third, the research notes that in cases of linked (inter)national and local coalitions and campaigns, it is precisely the interplay between formal, top-down institutions and informal, bottom-up institutions that creates new opportunities for spaces of development. Fourth, the research indicates the viability of a 'third way' of hybrid access to land and tenure through formal collective land purchase and informal land subdivision, which is distinct from purely traditional and contemporary institutions and works for the poor in sub-Saharan African metropolitan contexts with rapid commodification, rising land values and high market prices. Fifth, the research includes economic variables in addition to



social variables for an assessment of the impacts of peri-urban land access of the poor.

## **9.2. Livelihoods of poor households in Nairobi's informal settlements**

The first research question explores the composition of the livelihoods and livelihood pathways of poor households and the influence of household characteristics, ambitions and relations in Nairobi's informal settlements. The livelihoods approach offers a multi-dimensional approach to poverty, capturing the complexity, diversity and dynamic character of poverty and deprivation. Previous studies on urban livelihoods are however limited (Moser 1998; Rakodi 2002), focus predominantly on individual assets rather than taking a comprehensive approach to livelihoods, and only to a small extent include structural household characteristics.

This study focuses on urban livelihoods, taking on a comprehensive approach to livelihoods and a full analysis of structural elements at micro-, meso- and macro-level. In order to catch these elements fully, the methodology of an asset- and vulnerability-index has been applied (cf. Verrest 2007; Baud et al. 2008). First, the quantification of data involved makes it possible to compare livelihood profiles between groups. Second, the asset-index represents the size and composition of human, financial, productive, social, organisational and political assets that households have at their disposal; and finally, the vulnerability-index indicates the capacity to 'bounce back' after shocks and stresses in urban life in terms of resilience, diversification and regularity.

Some studies have challenged the underlying assumption of equal and flexible trade-off between assets in livelihoods theory, and instead suggested differentiated weighing of assets as more realistic for the poor (De Haan & Zoomers 2005). Studies on urban livelihoods stressed the importance of labour as a livelihood activity for urban households (Rakodi 1999; Rakodi & Lloyd Jones 2002; Moser 1998). The size and acquisition of human assets and access to the labour market are considered crucial to urban households. Productive use of habitat through renting out rooms or operating household micro-enterprises (HMEs) are considered the most important activity after labour for urban people, both for productive and reproductive purposes (Moser 1998; Beall & Kanji 1999; Amis 1999). In addition, social relations are conceived of as essential to urban households in order to counter shocks and stress (Rakodi 2002).

The findings of this study confirm these general notions of agency-based urban livelihoods studies in terms of ranking of activities. Most urban households are

engaged in some kind of economic activity. The findings however challenge the primacy of human assets over other assets for the urban poor in terms of influence on vulnerability. Financial and human assets both rank high, even when applying double weighing of human assets based on the relative importance attributed to it in the literature. Without double weighing of human assets, financial assets rank highest and human assets rank almost equal to productive assets at almost half the level of financial assets. These findings on the one hand confirm the current call for increased emphasis on (institutions conditioning) human assets in the context of globalisation, in order to increase the effects of livelihood activities on vulnerability. On the other hand these findings also indicate the importance of simultaneously taking into account alternative (institutions and structures conditioning) assets, such as productive assets. Correlation analysis in addition challenges the assumption of mutual reinforcement of assets for the poor. It shows low correlation because of low levels and concentration of assets, indicating limited multiplier effects through diversification. Little correlation is found between financial as well as human assets and other assets, and also between political as well as organisational assets and productive assets. The only medium correlation found is between financial and organisational assets.

Household diversity is a key-element in the livelihoods approach (De Haan & Zoomers 2003; De Haan 2005/7). Household characteristics affect access to assets, livelihoods activities and vulnerability. In the African context differentiation between gender of the head of household (female or male) and composition of the household (nuclear or extended) is widely acknowledged. The influence of life-cycle stages has been widely acknowledged, though was recently reformulated into age-dependency structures of households to capture developments beyond nuclear households and overcome preoccupations that all households naturally go through all stages (Verrest 2007). Furthermore, concrete studies on the influence of ethnicity are limited, and multi-locality of households is increasingly assumed to contribute to decreases in vulnerability (Tacoli 1998/9, 2002; Fall 1998; Satterthwaite & Tacoli 2002; Bah et al. 2003).

The findings of this study show that the 'life-cycle' predominantly explains variation in vulnerability and asset bases of households. In the expansion stage vulnerability is at its highest and asset-bases are at their lowest, whereas situations slightly improve during the consolidation, dispersion and transition stages of the life-cycle. The structural factor of gender to a lesser extent determines vulnerability and asset bases of households. Two-parent households are least vulnerable. The effect of household ethnicity on vulnerability and asset bases of households is negligible, which is worth mentioning in the context of the December 2007 post-election crisis. In addition, the minimal difference in vulnerability between mono-local and multi-local households is

remarkable and challenges ideas in the literature. The other household characteristics, such as size, length of stay and previous residence, have a limited impact on total asset and vulnerability indices. Yet, these characteristics help to shape individual indices and play a role in understanding livelihoods and designing interventions.

In addition to household characteristics, household ambitions are increasingly considered as structural factors determining access to assets and vulnerability. Most of these studies focus on one type of ambition and its sub-components, while other studies discuss motivations like life project objectives (Meertens 2000). Some studies discuss subsistence or livelihoods orientation versus entrepreneurial or business orientation (King 1996; Verrest 2007). Other research takes into account the structural factors of collective cultural-historic repertoires of styles (enterprising, money, stingy and village people), challenging the relationship between access and individual decision-making (Nooteboom 2003).

This study compared multiple types of household ambitions and discovered the most frequent ambition was the running of a household micro-enterprise (HME), accounting for three quarters of all households. Other household ambitions include renting out structures and plots, operating tools and machines, and regular employment of at least one household member. Realisation of these ambitions varied between 6 and 14 percent. Further differentiation of HMEs into categories of enterprise shows that more than half of main HMEs are in retail and food, and almost a quarter in small manufacturing as well as services. In addition it shows that almost half of the business-oriented HMEs operate in small manufacturing and production, and slightly less in retail and food.

The literature suggests the dominance of women in operating HMEs, based on two arguments. First, women would prefer operating an HME, because it provides them with the best opportunities to fulfil their triple tasks of income generation, reproductive care and social and community activities (Afrane 2000; Gough et al. 2003). Second, the high participation of women in HMEs would not be due so much to a positive choice, but to the lack of viable alternatives (Bose 2000).

This study challenges the notion in the literature that HMEs are mainly run by women within sub-Saharan African metropolitan contexts. Men and women were found to equally operate main HMEs as well as business-oriented HMEs. In addition, differences in types of main HME especially show between men in two-parent households vis-à-vis male-headed and female-headed households and women in two-parent households. Finally, analysis of differences in types

of ‘additional HMEs’ operated shows considerably more involvement of especially women and men in two-parent households in urban farming and of female-headed households in small manufacturing of sewing and textile.

The frequency of household ambitions can also be analysed in terms of household characteristics. The major difference in frequency by household head is that all ambitions are most frequent for two-parent households, except for operating electricity/water taps. Male-headed households compared to female-headed households especially have a higher frequency of the ambition to own other tools. The major differences by ethnic background are that Kikuyu and Luo households more often operate business-oriented HMEs and more often rent out urban structures compared to Luhya and especially Kamba households. Luo, Kamba and Luhya households more often contain one member regularly employed and members with vocational training compared to Kikuyu households. Nevertheless, Kikuyu households have highest frequency of the educational level of university/college.

A number of livelihoods studies suggested differentiating between the notions of social capital and political capital, to overcome some of the problems of using social capital as a catch-all concept for explaining the importance of non-material factors in poverty. Political capital is considered as one of the key capital assets on which people draw to access assets and build their own livelihoods (Baumann 2000; Booth & Richard 1998). It is defined as ‘based on access to decision-making’ (Rakodi 1999) or as exerting influence on both formal and informal, *de facto* and *de jure*, decision-making (Devas 2002). Earlier notions of bonding-, bridging- and linking-capital, indicated the importance of including organisational relations.

This study differentiated social capital into social, organisational and political relations in order to clarify the contributions of these assets and the relations between these and other capital assets. More than three quarters of households are engaged in social relations. Slightly more than a quarter of households are engaged in organisational and political relations. Frequency of social relations is highest for the category of (extended) family, followed at a considerable distance by neighbours, shopkeepers, and friends, and at a still further distance by tribesmen, community groups, and churches. The bonds of extended family play an important role in food, illness and funeral relations and to a lesser extent in relations to credit, shelter, child care and school fees. Regular (inter)national remittances in cash provide for school fees, food or shelter. They are for two-thirds received from immediate family, although frequency is low. Irregular remittances in cash, especially for food, are slightly more frequent than regular remittances in cash. Irregular remittances in kind concerning food double the prevalence of irregular remittances in cash. Links

with politicians are most frequent with municipal councillors, slightly less prevalent with chiefs and village elders and least frequent with higher political leaders. These concern especially the issues of access to plots and structures and help in times of calamity, and to lesser extent access to business (especially protection of illegal brewing proprietors), security, and resolving neighbourhood conflict. Organisational links with the city council are limited and the council's performance was rated low. Organisational links with CSOs are most prevalent in credit and health, and to a lesser extent education.

The household characteristics of household-head and ethnicity also influence the frequency of social, organisational and political relations. Male-headed households engage least in all types of relations, while female-headed and two-parent households engage two times more in political and organisational relations than male-headed households. Households of Kikuyu ethnicity have highest frequency of organisational and political relations and the least in social relations as compared to households of other ethnic backgrounds.

Overall the livelihoods of the poor in the informal settlements of Nairobi can be characterised as vulnerable. Only ten percent of households in the sample from a low-income area are classified as non-poor through operating business-oriented household micro-enterprises. Only four percent of households are able to move out of poverty through migration to non-slum areas for economic prospects. The majority of households depend on their social relations and on operating livelihood-oriented HMEs. The remainder of this study analyses the different interfaces the poor can engage in to improve their quality of life, influence and political rights.

### **9.3. Processes of negotiation in claimed and invited spaces**

The second research question explores negotiation processes in claimed and invited spaces accommodated and constrained by formal and/or informal institutions. It discusses the relevant process factors at play within the different interfaces for engagement of citizens and their collectives.

#### *Individually claimed spaces*

Individually claimed spaces are first type of interface discussed in this study. These are the social, organisational and political relations through which households can secure or claim benefits (Portes 1998). Livelihoods theory and social capital theory indicate that processes within these relations are based on norms of reciprocity, trust deriving from social ties, and bounded solidarity

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(Moser 1998; Portes & Sensenbrenner 1993). Urban livelihoods theory considers social relations as an important asset for people to cushion themselves against adverse situations (Moser 1998; Rakodi 2002). The importance of social capital was shown through the example of remittances, offering a very concrete way to measure social capital. Portes and Sensenbrenner (1993) pointed out both positive and negative consequences of social capital. Positive consequences include norm observance, family support, and network mediated benefits. Negative consequences include restricted access to opportunities, restrictions on individual freedom, excessive claims and downward leveling norms.

This study confirms both opportunities and constraints through political, organisational and social relations. Political relations are characterised by low levels of trust through clientelist practices, the necessity to bribe, and expected support in return during political campaigns and elections. A common statement is 'we do not want to have to do anything with them'. Organisational relations are more cooperative, partly through trust along ethnic lines, although conflicts over (re)payment of credit and school fees are frequent, and clientelism exists. In social relations trust is often stronger through family ties, shared clan or ethnic background. Yet, these cultural ties often also involve negative phenomena such as cultural repression of village life, a lack of bridges to other neighbourhoods and people with different ethnic backgrounds, and withdrawal to individualism. Reciprocity provides security in times of need, though is often considered a burden in the longer term. Reciprocity in relations with (extended) family differs according to type of remittances. Irregular remittances in cash through lending for food, rent and school fees are mostly refundable, and for medicine mostly donated with the expectation of reciprocity in bad times. Irregular remittances in kind for food are mostly considered reciprocal. Cultural patterns spell out clearly the types of bonds that exist and at which stage in case of illness and familial death.

### *Collectively claimed spaces*

Collectively claimed spaces in peri-urban land and tenure are the second type of interfaces discussed in this study. The literature on land and tenure in sub-Saharan Africa discusses the adequacy of informal land delivery channels or *de jure* tenure formalisation through administrative recognition and *de facto* recognition of occupancy as viable and gradual alternatives to formal land delivery channels (Rakodi 2005; Durand-Lasserve 2005). It analyses the robustness of social institutions and state-society relations underpinning and regulating transactions and disputes in land and tenure for the poor in sub-Saharan African cities (Durand-Lasserve 2005; Durand-Lasserve & Selod

2007; Rakodi 2005/6a). The advantages of informal systems are considered being less bureaucratic and more flexible, involving short delivery times, lower transaction costs and the provision of enough tenure security through trust to encourage investment in housing (Durand-Lasserve 2005). Previous research questions the effectiveness of informal land delivery mechanisms in reaching the poorest segments of the urban population, as well as their long-term sustainability and accessibility, especially in the absence of appropriate public policies such as adaptive planning norms and standards (Durand-Lasserve 2005; Gatabaki-Kamau 2000; Rakodi 2005; Musyoka 2004).

This study indicates that, however difficult it might be, it is possible for poor and very poor households from informal settlements – mostly in partnership with finance institutions for low-income housing – to both continue to pay their rent and save or repay a loan to purchase land in peri-urban areas. This is especially true for initiatives with a clear vision on the purpose of saving. The costs of building prior to relocating may be affordable to the poor, but are too high a burden for the very poor. Building prior to relocation includes costs for provisions of infrastructure and basic services, as well as advantages of economies of scale, volume and uniformity. Alternative ways to cover these costs are limited, as the benefits from the acquired land are mostly delayed through long land delivery times (both up to land acquisition and settlement), and micro-credit for housing loans, which are mostly available after collective repayment of land purchase loans. In addition the (future) property rights and housing design for habitat as an asset are often limited. The study also shows that flexibility of land subdivision through informal institutions was perceived as offering enough tenure security in relatively recent settlements with comparatively high migration and increased densities through renting rooms. For original owners, sufficient tenure security was generally provided through the collective block title deed, payment receipts, records in the cooperative logbook and trust in elders/witnesses. For second owners, tenure was additionally secured by a formal written agreement between original and second owner, which is against payment, registration fee and witnessed land transfer by the cooperative committee. Share certificates were only perceived as necessary in a quarter of the cases. Generally, the costs for these certificates as well as formal titles were perceived as (too) high; and additionally, new owners are often still indirectly linked to the social networks of the original owners. Hence, the research does not (yet) confirm gradual formalisation.

Previous literature on land and tenure in Kenya indicated that the main types of land disputes concern land registration, land transfer, adverse land possession, succession and disputes between private persons and the state (Musyoka 2004). With regard to land buying companies, disputes mainly occur when there is a breach of the formal and/or informal agreement on which a land transaction is

based. The main types of disputes that were identified with regard to land buying companies in the medium-sized Kenyan towns, were between landlords over boundaries, and between sellers and buyers over dubious plot sales (completion of payment in installments) and dubious plot ownership (double/multiple sales). Other types of disputes were between kin over inheritance and between owners and the municipality over use (Musyoka 2004).

This study confirms the major dispute types identified for peri-urban land buying cooperatives, trusts and societies of the poor from informal settlements in sub-Saharan African metropolitan contexts. These are external disputes over encroachment of boundaries and with local government over land allocation or registration. Furthermore, the study identified additional types of external dispute. A remarkable sub-category of disputes was identified between private owner and the state, on the effects of settlement of large numbers of slum dwellers on the political support base of an area MP/Minister, which was however disguised as an environmental dispute over a wildlife migration corridor. Moreover, the study identified external disputes between private owner and local communities over impact on their livelihoods through collective settlement of slum dwellers in the area.

Previous literature on informal land delivery channels of land buying companies in medium-sized Kenyan towns found preference of dispute resolution through informal institutions (mainly *wazee wa mitaa* or village elders) by involved parties (Musyoka 2004). Perceived advantages of these dispute resolution channels are: lower costs; shorter period to process and resolve disputes; easy accessibility, local familiarity and trust; understanding of procedures; confidence in informal institutions; and less intimidation than in courts. A possible disadvantage is partiality. In addition, some prefer formal dispute resolution to legally enforce compliance with the decision (Musyoka 2004).

This study also confirms that dispute resolution with internal actors predominantly occurs through the informal institutions of elders and committee members. Trust in relations between members is based on shared ethnicity but also on shared profession and, for women, shared gender; meanwhile, the shared experience of demolitions and evictions also enhances cohesiveness. Internal disputes are mostly solved, though not all cases are fully free of partiality. The research further confirms initial attempts for informal dispute resolution or prevention of external conflicts, either through witnessed agreements of negotiations with neighbours or through a preventive legalised memorandum of understanding with the local community. If informal institutions failed, then dispute resolution shifted to formal state institutions of either Court, High Court or National Environmental Tribunal, which was



occasionally supported by the use of media. The research also confirms the disadvantages of formal dispute resolution of excessively long, costly and intimidating procedures. Resolution of the heavily politicised dispute between the State and Kapatiei New Town/Jamii Bora would have probably pended longer in court than the current four years, if not for the changes in political positions and upcoming deadline of the 2007 general elections.

*Invited spaces*

Invited spaces are the third type of interface discussed in this study. These spaces are legitimately provided by the government and are increasingly discussed in the debate on decentralisation and local governance. The bulk of the international development literature has focused on decentralisation and building the capacity to respond, whether or not through invited spaces. Citizenship literature, in addition, pointed out the importance of building the capacity on ‘both sides of the equation’ and focusing on the intersection between citizens and local governments (Gaventa 2001; Cornwall & Gaventa 2001b). This study especially focuses on the intersections between citizens and local government. The internal capacity of government as well as civil society are considered external factors influencing the processes and impacts of invited spaces.

Deepening democracy and development related governance literature generally distinguishes between conflict and coordination based governance network approaches. Based on democratic governance network theory (Sorensen & Torfing 2003/7), I have additionally differentiated between calculation and culture based governance network approaches. This leads to a dichotomy of governance networks along the calculation/culture and coordination/conflict axes (Table 9.1).

*Table 9.1: Approaches to governance networks and post-liberal democracy*

	<b>Calculation</b>	<b>Culture</b>
<b>Conflict</b>	Calculation/conflict based governance networks	Culture/conflict based governance networks
<b>Coordination</b>	Calculation/coordination based governance networks	Culture/coordination based governance networks

This differentiation of governance network approaches offers the opportunity to better conceptualise governance networks as inherently dynamic, reinterpreting not only the context but also the changes in the identity of governance networks – in line with Snowden’s recent conceptualisation of organisations (Snowden 2007). The differentiation of governance network

approaches has four advantages. First, transitions of governance networks from one governance network approach to another can be better articulated. Second, the diversity in approaches and underlying perspectives can be clarified. The literature up to now mainly includes calculation quadrants in the analysis of governance networks, while differentiation between conflict and coordination on the calculation axis is often described as a sliding scale; however, the difference in underlying perspectives is mostly not clarified. Third, explicit inclusion of the culture/coordination quadrant is particularly relevant for sub-Saharan African contexts. It contains the traditional, pre-colonial governance form of community democracy. Fourth, inclusion of the culture/conflict quadrant means including governance approaches with an increasingly reflexive and facilitating state and relatively autonomous self-governing actors. This conceptualisation acknowledges the current need to look beyond individual approaches (Gaventa 2006a; Sorensen & Torfing 2007), and at the same time acknowledges the need to recognise the underlying theoretical aspects (Sorensen & Torfing 2007).

The literature has indicated the importance of analysing the process factors of inclusion/exclusion, representation, accountability and metagovernance (Cornwall 2004; Lavalle et al. 2005; Sorensen & Torfing 2005/7). Table 9.2 analyses these process factors in the three invited spaces discussed in this study.

Table 9.2: Overview scores on process indicators invited spaces for poor citizens

	Calculation-coordination based governance networks (1996-2002)	Calculation-conflict based governance networks (2002-current)	Culture/conflict based governance networks (2006-current)
<b>Inclusion/exclusion</b>	+/-	+/-	-
<b>Representation</b>	-	-	-
<b>Accountability</b>			
-Direct	-	+/-	-
-Horizontal	-	+/-	+
-Societal	+/-	-	++
-Donor	+	+/-	x
<b>Metagovernance</b>	overregulation	underregulation	overregulation
-Formation and mobilisation stages	(network design)	(network design)	(network formation)
-Negotiation and production stages	(network management: emptied out)	(network participation: putting too much power in hands of councillor)	(network management: emptied out)

++ = strong positive contribution; + = positive contribution; - = negative contribution; +/- = both positive and negative contribution; x= no contribution.

Citizenship literature has well indicated the importance of analysing 'who is invited'. It discusses notions of which stakeholders and groups are included and excluded, the reasons for inclusion or exclusion (gender, ethnicity, culture, religion and class), by whom and how (Cornwall 2004). These notions can be further specified through the differentiation between directly and indirectly affected citizenry, suggested by democratic governance networks literature for purposes of analysis of legitimacy of governance network decisions. Moreover, further specification is possible through considering 'opting-out' as a strategic option for the poor rather than only as a sign of exclusion, which was suggested by recent citizenship literature, since the increased acknowledgement of the history of mixed results through participation in invited spaces (Robins, Cornwall & Von Lieres 2008; Thompson 2007).

This study found that inclusion and exclusion of types of actors through the years to a large degree reflect the time-bound preferred approaches to governance networks of mainstream development literature, indicating the donor-driven nature of invited spaces. Inclusion of the poor has been limited and hardly increased through the years. It is highest in the calculation/conflict based governance network of participatory budgeting. Yet, total and continued participation figures are low, and are characterised by sharp disparities in gender, ethnicity and culture and class. Three quarters of participants are men, while more than half of the participants are Kikuyu, followed almost halfway by Luo; however, spatial pockets of ethnic dominance are limited and incidental. Inclusion of indirectly affected citizenry and chances to create ex-ante negotiated development through it (with middle-class and private sector actors) were found limited in all governance network approaches. Finally, opting out as a deliberate collective strategy of the poor is not confirmed. Rather, non-participation was found to be due to negative experiences of citizens with donor-driven invited spaces, which serves as a warning for the risk of (normatively) misinterpreting non-participation as strategic opting out.

The literature has well indicated the importance of asking the additional question of participation 'in whose name' or representation (Lavalle et al. 2005). Representation in a post-liberal context concerns the creation of legitimacy through complex interactive articulation of and identification with interests and preferences between the represented and their representative. Unlike the classical liberal representative notion, legitimacy in direct democracy is no longer only created through undistorted and static reproduction of predefined interests and preferences of the membership (Sorensen & Torfing 2005). The dynamics of representation in Sao Paulo were found closely related to those of traditional political channels of representation (Lavalle et al. 2005).

The findings of this study show severe limitations in (territorial-based) representation of the poor in calculation/coordination and calculation/conflict based governance networks. Representation by CSOs as well as municipal councillors predominantly lacks sufficient reflexivity of the representatives and (re)creation of points of identification and actual support. The findings on the calculation/conflict based governance network of participatory budgeting confirm the notion of close relatedness to traditional or informal political channels of representation in the sub-Saharan African context. Representation of citizens at city level is weak, with (elected) ward representatives per individual ward mainly playing a legitimising role and councillors interpreting their often one-sided mandates widely and negotiating and deciding over political interests amongst one another. Issue or sector based representation of private sector and residents associations in the culture/conflict based governance network shows sufficient reflexivity of the representatives and recreation of points of identification and actual support. Representation of private sector associations is however strongly mixed with personal interests. Representation of the middle-class umbrella residents association is characterised by a large gap between the outspoken and confrontational approach of the representative and the less confrontational approach of the represented, who are nonetheless welcoming the results.

The literature on accountability and post-liberal democracy emphasises the need for ‘direct accountability’ mechanisms for citizens, complementing indirect ‘vertical accountability’ mechanisms of elections and ‘horizontal accountability’ mechanisms between state agencies. Literature on ‘societal accountability’ argues for more political forms of societal participation, such as mass mobilisation, media exposure, citizen report cards, and the use of courts (Peruzotti & Smulovitz 2006; Waisbord 2000; Cunill 2006; Przeworski 2006). Literature on ‘hybrid or diagonal accountability’ argues against insulating the state from society and emphasises cross-boundary aspects. Societal actors can participate in the leadership and operations of state pro-accountability agencies (Goetz & Jenkins 2001), or deliberate through empowered participatory governance about design and operation of fundamental government services (Fung & Wright 2003); moreover they can participate directly in the core functions of government, in the form of co-governance (Ackerman 2004; Baud & Nainan 2008). Recent literature additionally points out the possibility of accountability excesses, next to accountability deficits (Bovens 2006). It further indicates the politics of self governance and emergence of a new governance imaginary, whereby politicians and policy makers can trade-off opposition, protest, gridlock and imposed solutions by generating legitimacy ‘locally’- issue by issue, policy by policy, constituency by constituency (Sorensen & Triantafillou 2007; Warren 2008; Swyngedouw 2005).

The research findings show an increase in complementary accountability channels related to the governance network types through the years. The calculation/coordination based governance network in retrospect faced direct and horizontal accountability deficits, which it partly sought to compensate through strong answerability to the donor and direct participation of the donor in the governance network. Horizontal and direct accountability channels were increased in the calculation/conflict based governance network. Mutual reinforcement of the complementary accountability channels especially occurs through the interplay of horizontal and societal accountability mechanisms leading to the functioning of direct accountability mechanisms. On the one hand, there is still a deficit in accountability mechanisms, especially with regard to the poor in informal settlements. Local and national horizontal accountability mechanisms are either not functioning properly (monitoring committee at local level) or weak (financial rather than participatory criteria at national level). The direct and horizontal accountability mechanisms also needed back up of strong answerability to the donor to deliver to the poor. Competition between direct accountability mechanisms of devolved funds has activated outputs. On the other hand there is an excess of accountability and the notion that (poor) citizens are played out against one another is confirmed. There is a lack of coordination within and between channels of direct accountability. Integration and/or coordination of direct accountability mechanisms might increase options for accountability claims of citizens concerning strategic prioritisation rather than implementation. Alternatively additional societal accountability mechanisms engaging at local and national level could provide a viable strategic alternative. An example of this is the current 'People's Budget' (priority action in Nairobi and Kisumu peoples' settlements) by Nairobi's People Settlements Network (NPSN). The recently introduced more deliberative consultative methods through the newly erected Ministry of Nairobi Metropolitan Development confirm the notion of the risk of being played out issue by issue and the need to pay additional attention to who participates.

Democratic network governance literature in addition emphasises the importance of democratic legitimacy of governance networks (Fotel et al. 2008; Sorensen & Torfing 2005). The concept of metagovernance is used to move beyond the strict division of policy formulation and implementation, as propagated by the New Public Management discourse. Four types of metagovernance are distinguished: network design (hands-off, strong intervention), network framing (hands-off, limited intervention), network management (hands-on, limited intervention) and network participation (hands-on, strong intervention) (Fotel et al. 2008). Hands-off forms are considered to favour broadly oriented politicians acting strategically to develop the public sector as a whole. Hands-on forms open up a broader participation

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of politicians that might include more narrow minded, interest based, single-issue oriented politicians (Fotel et al. 2008; Sorensen & Torfing 2005). The key challenge for governance networks is to avoid both over-regulation and under-regulation through a balance of hands-on and hands-off interventionist and less-interventionist strategies (Kooiman 1993). Although the issue of democratic legitimacy is especially relevant in Western contexts, the notion of metagovernance was deemed relevant for assessing processes beyond rigid dismissal of patronage and clientelist relations in sub-Saharan African contexts.

This study found unbalanced metagovernance in all types of governance networks through the years. Calculation/coordination and culture/conflict based governance networks are characterised by overregulation through respectively network design and network framing by the national government in formation and mobilisation stages. These locally negotiated governance networks are traded-off spaces, leaving network management in negotiation and production of outputs and outcomes stages at the local level emptied out. This emptying out was respectively related to repression of the authoritarian regime and to wider national government interests. Calculation/conflict based governance networks are characterised by under regulation through network design by the national government in formation and mobilisation stages. Network participation in the negotiation and production stages is concentrating too much power in local politicians' hands, not balanced by the much called for additional national government hands-off regulations for participation. Increased legitimacy through democratic anchorage of governance networks through direct participation of politicians is therefore not confirmed in the sub-Saharan African metropolitan context. The notion of hands-on forms of metagovernance favouring narrow minded, interest based and single-issue politicians is confirmed. The notion that hands-off design is per se in the interest of the wider public sector, is not confirmed for sub-Saharan metropolitan contexts.

Overall, the study found that the poor have low trust in political relations and processes of inclusive governance in all types of spaces. The majority of the poor prefer to build social relations of trust built on shared (extended) family and ethnicity. Processes in all spaces are, however, characterised by reciprocity that is often experienced as a burden. Societal accountability remains one of the major ways to influence institutions, though is negatively influenced for the poor through bounded solidarity beyond the immediate and extended family, and through the lack of a resource base for negotiations. Yet, the recently initiated Nairobi People's Settlements Network, and the related deliberative societal accountability mechanism of The Peoples Budget, provide some hope in this respect.

#### 9.4. Impacts on quality of life, influence and political rights

The third research question deals with the impact of claimed and invited spaces underpinned by formal and/or informal institutions on quality of life, influence and political rights. In addition to the dominant discussions on processes in international development literature of the first half of the 2000s, this study also analyses impacts. Quality of life is operationalised as a social conception (Gasper 2009; Phillips 2006). It refers to both vulnerability reduction and delivery of services to the wider society. Influence and political rights are operationalised based on notions of citizenship (Goetz & Gaventa 2001) and institutions (Hyden 2004). Influence refers to the tangible impacts on allocative and distributive rules of the game or policies, processes and implementation of services, and political rights refers to the tangible impacts on constitutive rules of the game.

##### *Impacts on quality of life*

#### **Individually claimed spaces**

Social capital theory emphasises the importance of social capital for people to reduce risk and vulnerability and increase resilience to shocks (Narayan & Woolcock 2000; Moser 1998; Grootaert 2001). Mainstream social capital literature considered social capital as the ‘missing link’ for development (Grootaert 1998; Woolcock 1998). The latter has been heavily challenged as ideological in the neo-liberal and globalised context (Schuurman 2003; Harris 2002; Fine 2001). Authors have also indicated the importance to nuance the contributions of social capital by also discussing its negative implications (Portes & Landolt 1996; Portes 1998; Silvey & Elmhirst 2003; Coleman 1988) and social structural constraints (Beall 2001; Long 2001; Cleaver 2005; Bebbington 2006).

This study confirms the notion of social capital as predominantly contributing to vulnerability reduction, rather than as a ‘missing link’ for moving out of poverty. Yet, impacts of organisational relations, and to a lesser extent political and social relations, on asset-bases and vulnerability reduction are considerable. Impacts are nearing those of the household ambitions of renting urban structures and running business-oriented HMEs. In addition, the study confirms the relevance of differentiating between non-material resources in order to avoid a catch-all conceptualisation of social capital. The impact of organisational assets on vulnerability compared to other assets of the asset-portfolio almost equals that of productive and human assets (weighed once). The impact of political assets is still considerable, although ranking last but one

and accompanied by severe negative social capital, concluding that social assets have the least impact on vulnerability.

### **Collectively claimed spaces**

The current international debate on urban land markets suggests that the social and economic impacts of land access are higher when land tenure is formalised and integrated in the formal economy. Research on land and tenure therefore increasingly revolves around the question of empirical evidence for the benefits and pitfalls of land formalisation through titling (Benjaminsen 2006; Payne et al. 2007). Earlier research that suggested the adoption of alternative land delivery systems and more gradual shifts from existing informal regimes to more formal systems, questioned the effectiveness of informal land delivery mechanisms in reaching the poorest segments of the urban population in the sub-Saharan African context (Durand-Lasserve 2005). Studies on the land delivery system of purchase through markets indicate that mostly middle and middle-low income groups (rather than the poor and very poorest) have access to land through (commercial) land-buying companies (Durand-Lasserve 2005; Gatabaki-Kamau 2000; Rakodi 2005; Musyoka 2004). Some studies point out that gender equity in access is also for these informal channels constrained by marital status, despite the equally required financial contributions for men and women (Gitau 2001; Musyoka 2004).

This study shows that the mechanism of land buying cooperatives of collective access to land and individual subdivision of plots forms a viable ‘third way’ that works for the poor. The economic impacts are considerable and promising, especially when also taking into consideration the possibilities for optimising the process. 7 percent of the original owners were able to change status from very poor to poor. Half of them can be considered non-poor on the basis of wealth ranking. Moving out of poverty is related to multiple plot-ownership from the time of settlement and/or through the purchase of plots, and is accomplished only by two-parent households. Poverty reduction is not found based on access to collateralised lending and micro-finance through formal titling and/or the selling for windfall gains; rather it is related to incremental building strategies and (sub)letting rooms to tenants. Furthermore, investments in housing improvements are considerable and express sufficient tenure security and expected return on investments. Half of the original owners invested incrementally in developing their plots. Initiatives that do not allow incremental building and (sub)letting, are not accessible to the very poor. The study confirms limitations to social impacts on gender equity in women’s access through marital status. Social impacts on service delivery matching the wider scale of the problems also remain limited. The general notion of gradual



formalisation of titles for increased access to public infrastructure and services is however partly challenged by the improvements in sanitation through considerable investments in private stone pit latrines by one-third of the members, related to the property right and opportunity of using habitat for renting rooms.

This study indicates that gaining access to land and tenure not only aims at secure shelter and housing at the location, but is part of the wider livelihood strategies of the poor. The contribution of access is not only in relation to the use value, but also to the exchange value. Remarkable is that fifty percent more women than men chose the strategy of absentee original owner renting rooms to tenants. The positive figures for two thirds of absentee original owners on residential mobility are an indication of the positive impacts of these strategies for the poor. On the other hand residential mobility probably would have been lower in case of better income generating opportunities from the start and without encroachments of plots.

### **Invited spaces**

Citizenship and ‘deepening democracy’ literature until recently almost exclusively focused on processes of invited spaces, assuming positive impacts (Gaventa 2001; Cornwall & Gaventa 2001b). Thereby invited spaces were often interpreted as an opportunity to contribute both to tackling poverty and problems at higher scale levels. The bulk of studies on decentralisation and public sector reform in the context of the good governance agenda also assumed positive impact, while reacting to disappointments by (repeatedly) suggesting that increased capacity building would improve impacts (Kuhl 2009). With the increased recognition of the history of mixed results emerging in the middle of the 2000s (OECD 2004), the limitations of a pure process approach, without attention for contextual factors, became more widely acknowledged.

This study contributes to the debate by analysing both processes and (conditions for) impacts on quality of life through invited spaces. The overall findings of this study on invited spaces confirm the mixed results of the good governance agenda. The time period covered by these invited spaces almost equals the period of the good governance agenda and the study can therefore be interpreted as an assessment of the results of this agenda in Nairobi. The findings of the study do not confirm that the invited spaces of city-wide governance networks contribute to both vulnerability reduction and service delivery on a wider scale. In fact the findings show that impacts of invited spaces in terms of quality of life since the introduction of the good governance

agenda have been limited. The calculation/coordination based governance network especially contributes to vulnerability reduction of the poor. The calculation/conflict based governance network especially contributes to the service delivery for poor and middle class citizens, with almost half of the budget spent on roads and bridges, while only ten percent is spent on projects directly contributing to informal settlements. The culture/conflict based network does not directly contribute to vulnerability reduction and service delivery, as it focuses primarily on institutional changes as a necessary precondition for overall change in governance. At the same time these findings challenge the recent notion with regard to India that political spaces are more effective for vulnerable low-income groups (Baud & Nainan 2008), whilst executive spaces for middle-class citizenry. Rather it was found that the indirect impact on vulnerability reduction through executive spaces by the ban on demolitions outweighed the direct impacts of implementation of projects through political spaces. The differences for middle-class citizens are less pronounced.

*Impacts on influence and political rights*

**Individually claimed spaces**

The differentiation of social capital and political capital was proposed in order to overcome problems of using social capital as a catch-all concept. The concept of political capital allows for assessment of multiple channels of influence and is applicable to both individual households and collectives. Attempts to promote inclusion of the relationship between political capital and other capital assets in the sustainable livelihoods framework, failed to gain wider recognition and largely remained limited to discussion of analytical, conceptual and practical relationship issues (Rakodi 1999; Baumann 2000; Birner & Wittner 2000).

This study shows that individually claimed spaces, as expected, mainly contribute to ad-hoc influence at the implementation level. Both organisational and political links primarily concern prerequisites for gaining access to assets. These links do not contribute to gaining influence on social and political-economic structures that limit structural improvement of the situation. The study also shows that poor households indirectly gained potential influence at a policy-level through the channels of informal sector associations and alliances. This occurs especially through consultation of recently built national umbrella informal sector associations and/or their local branches over policies in recently formed invited spaces in the context of the comprehensive national framework for private sector development, economic growth and increased

employment. Poor households indirectly also potentially gain influence on the rules of the game through collective action concerning recognition and removal of concrete business hindering factors, and occasionally concerning violation of labour rights in Export Processing Zones.

### **Collectively claimed spaces**

Literature on conditions for impacts on influence and political rights of collective action and social movements in the sub-Saharan African context are limited. The majority of the research literature on collective action and social movements has been focused on describing goals, tactics and experiences of engagement with the state, rather than the formulation of conditions (GSDRC 2009; Bebbington 2009). Citizenship literature and social movement literature indicate the importance of issue-based spaces, which can serve as a base for gaining influence and political rights (Gaventa 2004; Habib & Opoku-Mensah 2009). Striving for practices of co-production by grassroots organisations and federations can be part of an explicit political strategy (Miltin 2008).

Collectively claimed spaces in peri-urban access to land and tenure contribute to some influence on implementation level and potential influence on processes/policies and political rights. The findings of this study do not (yet) confirm substantial impacts on influence and political rights through the collectively claimed spaces in peri-urban land tenure. Negotiations are often project related rather than project transcending. In the short term this can be interpreted as an opportunity to create spaces on which to build further spaces and claim inclusive (peri-urban) land governance in the near future. The experiences in regard to informal education could serve as a good practice here, as these informal schools which initially operated in isolation, growing incrementally by one class per year, formed the basis for collectively negotiated spaces and widening of political rights and influence, by linking to national and global campaigns. In the longer term, isolated spaces also contain the risk of a lack of shared learning and scaling-up and being played off against one another. One of these isolated negotiations (Kaputiei New Town) potentially widened political rights, when it won the appeal to the High Court at the National Environmental Tribunal on land access for the poor in the peri-urban metropolitan areas.

### **Invited spaces**

The literature with regard to impact of invited spaces on influence and political rights has also been limited so far. It has mainly focused on the importance of

voice through consultations and participatory inclusion of the poor and taking their realities into account by showing these realities, rather than assessing the impacts and formulating pre-conditions for impact on influence on policies and processes. One recent study with regard to Mumbai indicated that negotiating rights through ‘political spaces’ was more effective for vulnerable low-income groups, whilst through ‘executive spaces’ for middle-class citizens (Baud & Nainan 2008). Linking with the political strategies of the growing middle-classes and their resident associations is also suggested as a viable alternative (Chakrabarti 2008). Mitlin already indicated possibilities through offering authorities information they don’t have and gaining confidence and trust through joint operations (Mitlin 2004a).

This study indicates that the overall impacts of invited spaces on influence and political rights beyond formation have been limited. The findings confirm that negotiating political rights through executive spaces of culture/conflicts networks is potentially effective for middle-class citizens and private sector actors, although challenges remain for acquiring executive instead of advisory roles. On the other hand, none of the types of invited spaces provides impacts on political rights for vulnerable low-income groups. The most effective invited spaces for vulnerable and low income-groups have been executive spaces of calculation/coordination based governance networks providing influence on policies and implementation, mainly with regard to the banning of evictions and demolitions. The political spaces of culture/conflict governance networks only provide influence on implementation of projects, both for vulnerable low-income groups and middle-class citizens. Spaces for poor citizens in calculation/conflict and calculation/coordination based networks only slightly widen at implementation level, all facing difficulties in effectively linking citizens to the city level. Linking of low-income groups with political strategies of the middle-classes and their residents associations and private sector actors has been identified and involved physical threatening of councillors related to the middle-class civic pressure over co-governance of the city. This resulted in changes in process of equal distribution of projects over all wards. Gaining confidence and trust through joint operations led to some widening of spaces at implementation level, but not at the level of political rights. Although, the calculation/coordination based governance network originated itself as a widened space at the level of political rights.

Overall, the findings of this study show that impact of spaces on quality of life is either limited to or unbalanced in service delivery or vulnerability reduction (Table 9.3).<sup>1</sup> In addition, initial spaces contribute only to a small extent to the widening of spaces through influence and political rights which could correct this imbalance; on the other hand there is potential for improvements. At metropolitan level, a slight shift towards political rights can be confirmed,

although differing per issue (especially in the field of housing rights and evictions), and expressed in the increased involvement of grassroots levels.

Table 9.3: Overall comparison of impacts of individually claimed, collectively claimed and invited spaces on quality of life, influence and political rights

	Impacts on quality of life		
	Vulnerability reduction	Moving out of poverty	Service delivery
<b>Individually claimed spaces</b>			
Social relations	+	x	x
Organisational relations	+	x	x
Political relations	+	x	x
<b>Collectively claimed spaces</b>			
Peri-urban land and tenure	++	+	-
<b>Invited spaces (city-wide)</b>			
Calculation/coordination networks	++	x	x
Calculation/conflict networks	+/-	x	++
Culture/conflict networks	x	x	x
Culture/coordination networks	x	x	+
Impacts on influence and political rights			
	Implementation	Processes/policies	Political rights
<b>Individually claimed spaces</b>			
Social relations	+	x	x
Organisational relations	+	x	x
Political relations	+	x	x
<b>Collectively claimed spaces</b>			
Peri-urban land and tenure	+	+/-	+/-
<b>Invited spaces (city-wide governance networks)</b>			
Calculation/coordination networks	+	+	x
Calculation/conflict networks	+	+	x
Culture/conflict networks	+	+	++
Culture/coordination networks	+	x	x

++ = strong positive contribution; + = positive contribution; - = negative contribution; +/- = both positive and negative contribution; x= no contribution.

### 9.5. International, national and metropolitan institutional contexts

The fourth research question explores the influence of international, national and metropolitan institutional contexts on the emergence, processes and impacts of spaces in Nairobi. For each of the spaces the relevant institutional conditions under which these spaces can sustainably deliver to the poor from informal settlements are identified, contributing to potential action repertoires.

*Individually claimed spaces*

International institutional contexts are accommodating as well as constraining access to human assets and financial assets of the poor in informal settlements. Human assets are affected through globalisation and international trade agreements and barriers. Especially in manufacturing industry, increased outsourcing of labour leads to losses in earnings for less skilled workers, increased inequality between skilled and unskilled workers, and increased use of part-time and casual workers. It might however also provide future opportunities for MSEs to perform new functions and increased formal-informal business linkages in clusters. Export Processing Zones, especially in garment industry, offer opportunities for low skilled labour related to the African Growth and Opportunity Act, though considerably less since the end of the Multi Fiber Agreement and accompanied by bad labour conditions for mostly young female workers. Financial assets have been heavily constrained by high inflation related to the international food crisis of 2008.

National institutional contexts are increasingly accommodating access to human, financial and organisational assets. Human and financial assets are potentially facilitated by the increasingly enabling regulatory frameworks for private sector development, business development and increased employment, which is organised under the national Economic Recovery Strategy for Wealth and Employment Creation (2003-2007) as well as the national development strategy Vision 2030. Private sector and business promoting regulatory frameworks increasingly recognise informal sector businesses and encourage employment and earnings for the working poor in the informal sector through subsidising credit for transition of informal into formal businesses. Currently, the informal sector in Kenya is however characterised by a ‘missing middle’ of small businesses. Rationalisation and simplification of national regulations for doing business, contributes to some relaxation of registration procedures. Since 2006, micro-finance enabling regulatory frameworks regulate licensing and supervision of any deposit-taking MFI. Simultaneously, Enterprise Development Funds for youth and women have been initiated to improve accessibility of micro-finance and enterprise skills. Support of micro-finance has however been supply-driven rather than demand-driven, while disbursement of the funds hampered. Policies of free primary and secondary education have been implemented since 2003 and 2007 respectively. Comprehensive programmes for HIV/AIDS were also implemented, though have not yet led to a decrease in HIV/AIDS rates. Organisational assets are increasingly accommodated through the (direct and/or indirect) inclusion of recently built national informal sector associations and their local branches in invited spaces for policy consultation. For these enabling regulatory frameworks to work for the poor from informal settlements, current policies and institutions for skills and knowledge are insufficient. The free primary and

secondary education policies merely focus on foundational levels and development and employment in the longer term - although quality of free education is also still debated- , while accessibility and relevance of TIVET education and training remain weak.

Metropolitan institutional contexts often still constrain the potential contributions of the accommodating national regulatory frameworks to human assets. These frameworks have been introduced largely in a supply driven way by national government and supporting international aid agencies. Single Business Permit benefits are often negated locally by emerging (local) taxes, user charges and continuation of uncalled licenses by local government. Street vending is severely restricted through the General Nuisance By-law, permitting arrests, fines and confiscation of goods on anyone suspected of causing general nuisance in public space. Urban agriculture and solid waste management until recently lacked a regulatory framework and were restricted through Local Government Acts, Public Health Acts and Bylaws. Nairobi's highly commercialised unregulated housing market severely restricts access to productive assets of land and tenure for the poor, especially in the absence of adequate housing policies and limited accessibility of housing finance. The World Bank recently proclaimed a strategy of regulation of the metropolitan housing market through alternation of tenure mix to enhance owner-occupancy and infrastructure investment, which could in turn form a more strategic and sustainable alternative compared to the history of relatively limited effects through isolated upgrading projects. At first sight it seems however unlikely for a regulated market to become reality. Furthermore, the suggested intervention is only likely to be successful for poor households in informal settlements when combined with interventions in skills and product innovation or wage labour. The underlying assumption in the World Bank's analytical framework of the 'Slum Development and Living Conditions Diamonds' of successful SMEs or employment in these types of businesses, is unrealistic for the majority of the poor given the current product portfolios, skills and employment rates of HMEs in informal settlements.

These (inter)national and metropolitan institutions can only work for the poor in informal settlements, when combined with simultaneous interventions in human assets through training in specialised (technical, vocational and soft) skills, knowledge and product innovation, which are competitive in increasingly global and regional markets. In the absence of such interventions, opportunities for the poor remain in negotiation strategies trading-in preference for economic growth and acceptance of a lost generation against concrete benefits for the next generation of poor.

## *Chapter 9*

### *Collectively claimed spaces*

The national and metropolitan institutional contexts largely restrict access to land and tenure for the poor. Housing policies mostly remained ‘paper policies’. Housing finance was largely left to (semi-) private organisations, keeping housing finance largely out of the reach of low-income populations. The public sector largely fails to accommodate the need for low-income housing. The Slum and Low-Cost Housing Infrastructure Development Fund, which was proposed in the draft housing policy of 2004, has never been capitalised. The only significant step has been the government’s programme for Integrated Land and Urban Sector, which denotes the upgrading of slums as one of its key components. The failure of private and public sector organisations to cater for low-income housing needs, leaves upgrading programmes largely dependent on international donors, like the Kenya Slum Upgrading Programme of the Government of Kenya and UN-Habitat. These were however very much limited in effects and scale. Formulation of accommodating policies alongside implementation of pilot cases has failed so far. Additionally, upgrading often goes together with selling out by the poor and planning of middle-income standards in advance. Collectively claimed spaces through land-buying (companies), cooperatives, societies and trusts are the almost only remaining alternative to insecure renting in Nairobi’s highly commercialised and unregulated housing market characterised by a ‘high-price low-quality’ trap in the slums. However, these mechanisms face a lack of enabling policies and governance at national and metropolitan level. In addition, there is a gap between these initiatives on the ground and the existing (inter)national and metropolitan coalitions that predominantly engage around issues of evictions, upgrading, negotiations over land, and housing policies in regard to informal settlements. They engage much less around issues of strategic access to peri-urban land and rights to inclusive peri-urban land governance that probably become increasingly important in the near future. Therefore, these mechanisms remain largely dependent upon their own collective and individual strategic options through private markets. Table 9.4 shows an overview of the main institutional opportunities and constraints for these collectively claimed spaces.

### *Invited spaces*

The national and metropolitan formal institutions underpinning the invited spaces of city-wide governance networks, emerged in the (inter)national context of introducing multi-party representative democracy and the debates over constitution review and decentralisation. All types of invited spaces are constrained by the limited ‘capacity to respond’ of local governments, as



*Table 9.4: Main institutional opportunities and constraints for collectively claimed spaces for the poor in peri-urban access to land and tenure*

Institutional contexts	Land buying cooperatives, trust and societies of the poor
<i>Emergence</i>	
International	<ul style="list-style-type: none"> <li>+ -</li> </ul>
National	<ul style="list-style-type: none"> <li>+ - Mechanisms of collective land access are accommodated by law originating from land distribution in the resettlement period just after independence.</li> <li>- Tolerance of non-compliance with formal standards.</li> <li>- Restrictive land and housing policies.</li> </ul>
Metropolitan	<ul style="list-style-type: none"> <li>+ - Saving schemes through ROSCAs - often in partnership with micro-finance organisations for poor.</li> <li>- Land in informal settlements can serve as negotiation base for access to peri-urban land and tenure.</li> <li>- Limited number of micro-finance organisations accessible for the poor.</li> <li>- Highly commercialised unregulated 'low- quality high-price' housing market.</li> </ul>
<i>Processes and performance</i>	
International	<ul style="list-style-type: none"> <li>+ - Recently (2007/9a+b) formulated Grassroots Mechanism (by UN Habitat, Hakijamii, Huairou Commission, COHRE, SDI, and GLTN participants), with detailed criteria for effective grassroots participation in large scale land tool development, scaling up community-led initiatives, capacity building in land administration and land management.</li> <li>- Gap in engagement of international coalitions on strategic access to peri-urban land and rights to inclusive peri-urban land governance that will probably become increasingly important in near future. International coalitions predominantly engage around issues of evictions, upgrading, (inner-city) negotiations over land, and housing policies with regard to informal settlements. Establishment of Nairobi metropolitan area might contribute to more strategic attention for (peri-) urban channels.</li> </ul>
National	<ul style="list-style-type: none"> <li>+ -</li> <li>- Lack of enabling policies and mechanisms of government.</li> <li>- Long, costly and intimidating formal dispute resolution procedures.</li> <li>- Gap in engagement of strong land and tenure coalitions regarding the specific peri-urban issues.</li> </ul>
Metropolitan	<ul style="list-style-type: none"> <li>+ -Strategic anticipation in the choice of location of the medium and long term socio-economic growth and migration prospects for the settlement area, including opportunities for renting out rooms, and running of initiative like a business venture.</li> <li>- Productive use of idle lying land during land delivery time upto settlement.</li> <li>- Long and costly land registration procedures.</li> <li>- Lack of enabling policies and mechanisms of both government and mediating support organisations in accommodating inclusive peri-urban land governance.</li> <li>- Gap in engagement strong coalition against evictions on issues of peri-urban access to land and tenure.</li> </ul>

central government maintains a political and administrative dominance over local government (transfer of functions, supervision over remaining functions, taking over financial sources of revenue, prefectural authority over council, and operational dominance in divisions and (sub) locations), costs and capacity of human resources, inefficient and ineffective bureaucracy and all- pervasive

heavy corruption and inappropriate bureaucratic controls. All types of invited spaces are also constrained by the limited ‘capacity to demand’ of civil society, related to the long time central government repression. Since the 1990s civil society again reached the point where it was at the eve of independence due to the shift to direct financing of the international aid agencies to civil society rather than government. Civil society primarily aimed at services, and only since the 1990s has taken up political and human rights, in the context of the parallel international funding over removal of the Moi regime.

Processes and performance in all invited spaces are largely constrained through national and/or local government. Opportunities for performance increased through the years, especially in the calculation/conflict based governance networks. These were however accompanied by adverse side effects, such as not delivering to the originally attested ones and lack of engagement in strategic prioritisation. Table 9.5 displays the main opportunities and constraints for invited spaces of city-wide governance networks.

*Table 9.5:* Main institutional opportunities and constraints for invited spaces of city-wide governance networks

Institutional contexts	Calculation/coordination based governance networks	Calculation/conflict based governance networks	Culture/conflict based governance networks
<i>Emergence</i>			
International	- Introduction of multi-party democracy	-International pressure for increased privatisation and responsive service delivery.	
National		-Internal government negotiations for national institutionalisation of claimed local spaces, related to the introduction of multi-party democracy, through introducing devolved funds.	<ul style="list-style-type: none"> <li>- Extra-ordinary inspection report on city-council.</li> <li>- Constitution review debate, including decentralisation.</li> <li>-Formation of nation-wide and sector-oriented framework of public-private partnerships under the umbrella of the National Economic and Social Council.</li> </ul>
Metropolitan	-Local alliance of international donors, civil society and new (majority of) local opposition politicians.		-Claim for executive co-governance of the metropolitan city by Residents Association and Private Sector alliance.

<i>Processes and performance</i>			
International	+		
	-	<ul style="list-style-type: none"> <li>-Increased freezing international funding and international political pressure to replace Moi regime through regular multi-party elections.</li> <li>-Changed international priorities towards nationwide decentralisation and responsive service delivery.</li> </ul>	<ul style="list-style-type: none"> <li>- International donors mainly supporting blueprint solutions, rather than offering real space to local solutions and innovations regarding executive spaces and co-governance.</li> </ul>
National	+		
	-	<ul style="list-style-type: none"> <li>-Ever increasing repression by authoritarian central government.</li> <li>-Network chairmanship by PC not a successful strategy to deal with repression.</li> </ul>	<ul style="list-style-type: none"> <li>- Strong network-external middle-class and private sector civic pressure over non-performance of city council and claim for executive co-governance of city.</li> <li>- Public sector reform programme of Ministry of Public Sector Reform and Performance Contracting.</li> <li>- Political dominance by central government</li> <li>- CSOs mainly services oriented rather than political rights oriented.</li> </ul>
Metropolitan	+		
	-	<ul style="list-style-type: none"> <li>- Local opposition also showing its true nature and desire for power.</li> </ul>	<ul style="list-style-type: none"> <li>- Embedding the network within NESC structure.</li> <li>- Creation of Ministry of Nairobi Metropolitan Development, challenging executive over advisory roles.</li> <li>- Competition with politicians of parallel devolved fund.</li> <li>- Strong network-external middle-class and private sector civic pressure over non-performance of city council and claim for executive co-governance of city.</li> <li>- Rapid Results Initiative (RRI) leading to improved service delivery, although often to others than the originally attested ones and not leading to structural change. Introduced as corollary for the under pressure unlocking of the World Bank funded multi-million US dollar Kenya Municipal Program.</li> <li>- Allocation of financial resources to debts clearances, salaries and pensions.</li> <li>- Corruption practices.</li> <li>- Lack of coordination between devolved funds.</li> </ul>

Overall, this study found that national institutions remain dominant. International institutions are both accommodating and constraining, though are largely mediated through national institutions. National institutions recently became more inclusive and accommodating in the area of private sector and business development (and through fiscal decentralisation), though still do not match the poor in Nairobi's informal settlements. National institutions in other areas have been either lacking or largely restrictive. Metropolitan institutions are either absent or negating the recently more accommodating national institutions.

### **9.6. Towards a framework to analyse institutional opportunities and constraints for sustainable impacts of spaces on quality of life, influence and political rights**

This study emanated from three developments in current international development literature and practice. The first is the increased recognition since the 2000s of the importance of claimed spaces and invited spaces for listening to the voices of the poor. The second is the increased recognition of the importance to analyse impacts in addition to processes of these spaces. The third is the recent increased recognition of the importance to analyse structural and institutional opportunities and constraints for sustainable delivery to the poor (Hyden 2004; Belbin 2009; Shepherd 2007), with a special emphasis on global contexts. Studies on the (conditions) for impacts on quality of life as well as influence and political rights through spaces have been limited so far. Recently studies on impacts of invited spaces of governance networks have been called for regarding European contexts (see special issue on 'collaborative challenges: new performance challenges', Public Management Review 2008). Moreover, studies on social and economic impacts of land have been called for recently (Payne et al. 2007). For individually claimed spaces, urban livelihoods mainly discussed impacts of human and social assets based on qualitative research instead of comprehensively analysing livelihoods impacts and both quantitatively and qualitatively, and only recently increasingly taking into account institutional contexts (De Haan 2007). This study contributes to the literature with findings on these three types of spaces for the metropolitan city of Nairobi. In the absence of a sufficiently enabling government, not one type of space can be said to be most effective; rather a combination of spaces is necessary that are effective for poor households. Enablement of collectively claimed spaces and the claiming of decision-making rights through collectively claimed spaces seems to be an additional option, currently taken up in development practice, despite the non-claiming culture in Africa.

At the outset of this research a comprehensive theoretical framework for analysing the relations between households, collective action and social movements and their organisational and institutional contexts in terms of impacts on quality of life, influence and political rights was lacking. The new institutionalist conception of institutions, that implicitly influenced conceptualisations of institutions in many research strands, optimistically assumed that institutions can be instrumentally designed and reformed and impacts were consequently mainly interpreted positively. This study formulates a comprehensive framework based on a balanced structural approach of both accommodating and constraining institutions and structures, analysing the impacts of multiple interfaces on quality of life, influence and political rights. The study combines urban livelihoods theory with collective action and social movements theory, to analyse the conditions for impacts on poverty. Besides it adds the notion of service delivery to assess conditions for sustainable impacts that match the scale and the scope of problems in the wider society. In doing so it takes on a social conception of quality of life and well-being, combining the approaches of poverty studies, community studies and societal quality of life constructs. This study in addition combines notions of citizenship literature and governance assessment literature to assess the conditions for impacts on influence and political rights. It encompasses the full scope of factors that are relevant for the poor in gaining influence, from more operational factors of implementation and processes to institutional factors of policies (allocative and distributive rules of the game) and political rights (constitutive rules of the game). National institutional contexts remain dominant in the sub-Saharan African country of Kenya. International institutional contexts do however play a role indirectly through international aid organisations and international civil society coalitions. Metropolitan contexts, in the absence of serious decentralisation efforts, are relatively weak and/or counteract increasingly accommodating inclusive national contexts. In order to be able to change national level institutions and increase sustainable impacts for the poor, simultaneous and mutually reinforcing interventions on all institutional levels are increasingly important.

## **9.7. Implications for research and policies**

### *Implications for research*

Further research into individually claimed spaces should consider increased exploration of the relations between global and regional institutions of international trade and the (regional) positioning in negotiations for preferential trade agreements and (inter)national value chains and (urban) poverty. This is (especially for Kenya) increasingly done in relation to the rural poor (Bird,

Kamau & Odhiambo 2004/7) and to a much lesser extent in relation to employment in manufacturing (Manda 2004) and the (urban) poor in MSEs in garment and textile (McCormick et al. 2002/6/7). This could include further research into the structural conditions for sustainable access and livelihood impacts through training in innovative skills and products for the poor from informal settlements compared to other groups. It could also include further research into conditions for sustainable livelihood impacts of EPZs for households from the informal settlements and other areas, complementing earlier research findings of the Kenya Human Rights Commission. Besides it could include further research into the conditions for effectively linking informal businesses from informal settlements to formal businesses and/or (inter)national value chains. Preparatory research for this study indicates interesting research opportunities for effectively linking informal sector MSEs in urban-waste-derived compost run by the poor from informal settlements to (inter)national value chains. Finally, further longitudinal research on intergenerational transmission of poverty should be considered in line with CPRC research (Bird 2007), which increasingly offers opportunities for eliminating long term structural conditions of exclusion and inequality.

Further research into collectively claimed spaces should increasingly consider conditions for emergence, processes and impacts (in terms of quality of life and political rights) of spaces of bottom-up co-production. On the one hand this means research into the accommodating and constraining conditions for complementary claiming/negotiating strategies of local, national and global civil society coalitions and movements. On the other hand this means research into the accommodating and constraining conditions of enabling governance at multiple levels, moving beyond merely emphasising the necessity and possible areas of enabling governance. Preparatory research for this study into claimed spaces that transformed into spaces of co-production in informal primary education indicates interesting research opportunities on both aspects. While quite a lot has been written about access and quality of non-formal education, these aspects have been researched much less. The preparatory research for this study into claimed and invited spaces in solid waste management, indicates interesting research opportunities on accommodating and constraining factors for multi-level coalition building and enabling governance, especially the difficulties in matching of the networks of the poor and the supply driven invited spaces of government and invited spaces or networks by NGOs. In regard to land, it is however also still necessary to further explore the strategic factors conditioning sustainable peri-urban access to land through hybrid mechanisms, in order to avoid the pitfalls of earlier experiences and further increase livelihood effects. Related to this, it would be interesting to further explore motivations of absentee owners and the reasons why more women than men choose for the strategy of renting out rooms without staying on the plot. In

addition, it is necessary to further explore the conditions for effective local coalition building in peri-urban access to land and linking with national and international coalitions as well as conditions for inclusive land governance. It would also be worthwhile to further explore the existence of similar mechanisms and check opportunities for international comparative research. In addition to research on peri-urban land access, it would be interesting to explore the impacts of collective negotiations of the poor over upgrading and how the resource base of occupation of land is used in collective negotiations, as currently the exact outcomes of negotiations and tangible impacts on the poor often remain opaque and vague.

Further research into invited spaces should on the one hand increasingly focus on conditions for these invited spaces to sustainably deliver for the poor, both in terms of quality of life and in terms of influence on the allocative and distributive rules of the game (policies) and constitutive rules of the game (political rights). This should also include the role and capacity of donor organisations as actors in the arenas of interaction in assessing what works for the poor and for development, and treat them as one of the actors in arenas of interaction rather than only as part of the international institutional context. Furthermore, research should increasingly analyse the whole constellation of invited spaces rather than isolated invited spaces in order to assess the impact on development of the poor rather than the effectiveness of the invited space itself. As for the issue of effective linking of citizens, which played a role in all city-wide governance networks, research should also increasingly consider looking into the conditions for societal accountability mechanisms, such as the people's budgets, through constellations of non-state actors, offering a better chance to move beyond individual invited spaces. Further research into invited spaces should on the other hand increasingly consider investigating the conditions for mutual accommodation of informal and formal political institutions in the sub-Saharan African context in order to sustainably work for the poor, like currently suggested by other projects, such as the 'African Power & Politics Programme' (Booth 2008/9; Kellsall 2008; Hyden 2008; Sardan 2008), and the GIGA project 'Informal Institutions Compared- Persistence and Change of Neo-Patrimonialism in various World Regions (Erdman & Engel 2007), and also by Chabal (2009). The proponents of a shift towards informal institutions, (partly) explain the failure of the development agenda by the diminishing opportunities for neo-patrimonial political practices to serve both informal demands of the clientele and formal demands of the international community for general development through the downsizing of international aid since the end of the cold war and resulting in predominance of the informal and degrading states (Chabal 2009). Rather than condemning the current tension between the norms of accountability, transparency and formal institutional rules and neo-patrimonial political practices, it is suggested to

acknowledge and build on informal politics and local measures of accountability. Development results in South- East Asia and Somaliland serve as good practices (Kellsall 2008).<sup>2</sup> The APPP recognizes itself the pitfall of not reinventing the wheel through precursors and parallels (Booth 2009). This especially concerns parallels with already implemented research into mutually accommodating and constraining character of social informal and formal institutions (Helmke & Levitsky 2006; Rakodi & Levuka 2004/6) or a call for a transition of research in this direction (Jütting 2007; Jütting & De Laiglesia 2009; Easterley 2006/8).<sup>3</sup> In addition, there are risks that through shifting to informal channels the attention for engagement might at first be limited to implementation levels again, while not treating the central power games and potential leverage factors. Finally, specific and more systematic research on conditions for ‘pockets of productivity’ in weak governance states remains valuable. An example of this is the recent study to the political factors conditioning ‘pockets’ of effective governance agencies in weak governance states (Leonard 2008).

### *Implications for policies*

Since the 1990s neo-liberal notions of private sector development and micro and small entrepreneurship for development have dominated the international development policies and practices. Economic growth was assumed to be achieved through an enabling business and financial sector environment. In Kenya the increasingly accommodating national regulatory frameworks for private sector development, micro-finance and MSEs since the Economic Recovery Strategy in 2003 and Vision 2030 in 2007, could potentially enable economic growth, transition of informal to formal businesses, increased tax revenues and employment. Growth of the Kenyan economy has been largely dependent on MSEs in recent years and on EPZs related to favourable international trade agreements. These were however accompanied by a raise of the working poor, worsening labour conditions in EPZs, and a growing international opinion for Africa to more realistically focus on regionalisation rather than globalisation of markets. The World Bank recently propagated regulation of the highly commercialised metropolitan housing market through integration of its titling approach and infrastructure-upgrading approach, which could potentially enable reduced rents and collateralised lending for investments and business development. Expectations of large scale regulation of the housing market seem however unrealistic given the vested political-economic interests in slums and the considerable time already involved in negotiations at relatively small scale.



The first policy recommendation is to increasingly support the strengthening of human assets through modern and competitive skills training and product innovation in order to materialise the benefits of the national regulatory frameworks for private sector and business development and metropolitan interventions in the structure of the housing market, for the poor in informal settlements. Without earmarked skills training and product innovation, the majority of the HMEs of the poor in informal settlements will not be able to compete in the increasingly globalised markets or transform from a livelihoods-oriented to a business-oriented micro-enterprise; furthermore their base for micro-finance will be too limited. In addition, without targeted programmes large shares of the poor risk losing their (rented) structures or are held to rent out rooms rather than invest in business development for optimal economic exploitation of the land. Poor households generally do not take the risk of credit against collateral in the absence of a relatively more secure base. Only with earmarked or targeted programmes can the mutual reinforcement of human, financial and productive assets of poor household be expected to increase.

The second policy recommendation is to focus on explication and negotiation of policy choices that largely trade-off the current low-skilled generation of the poor in informal settlements against future economic growth. At macro-level the return on investments and contributions to wider economic growth through earmarked training programmes for the poor from the informal settlements might be considered too low. This implies that there is a high risk that the poor are losing out both in the short and long term. Especially with regard to the currently proposed regulation of housing markets and upgrading, whereby some people will negotiate terms and others will finally turn out not to have the skills and lose out.

The third policy recommendation is an increased focus on structural food security in the slums and in greater Nairobi. A repeat of the necessity of food emergency relief in the slums since mid 2008 in the context of the international food crisis and high inflation needs to be avoided. As the majority of the poor in informal settlements largely depends on social capital for survival and only a small part of HME's is business-oriented, structural improvement of urban food security seems a viable strategy for survival and resilience, hence avoiding situations of despair and stigmatisation. The recent adoption of accommodating regulations for urban agriculture provides opportunities for increased activities in this area.

Policies on housing in Kenya have largely reflected World Bank principles through the years. Policies changed from sites and services approaches during the late 1970s, to 'paper policies' with little housing development by the state

and a focus on private sector housing finance under SAPs during the 1980s and 1990s, and to the neo-liberal policies of private sector enablement, economic growth and investment since 2002. The ‘paper policies’ served to meet the demands of donors and included terms like ‘tenure security’, ‘right to housing’, ‘social and environmental development’, ‘enabling standards’ and ‘access to credit’ in line with UN-Habitat policy positions. In 2000, and renewed in 2002, UN-Habitat and the Government of Kenya agreed to deal with the problem of slums through the Kenya National Slum Upgrading Programme (KENSUP), but mechanisms to replicate the programme at scale in Nairobi and Kenya were lacking. Issues of tenure security were largely locked in the land regularisation process of the Kenyan government supported by donors, although recently a new land policy has been approved by parliament. Hence, the large majority of the poor still live in ‘low-quality high-price’ rental houses in informal settlements. Upgrading through alternative partners in Nairobi often failed to treat the problems of the poor, while private sector housing-finance is often not affordable for the poor and very poor.

The fourth policy recommendation is to support hybrid peri-urban land access for the poor by way of cooperatives, trusts and societies, in addition to upgrading. This mechanism provides a potentially effective channel, which could be further increased. Despite the limited scale and scope and lack of contribution, it is one of the only channels available for the poor and very poor, besides renting in informal settlements and upgrading that often leads to selling out. This goes both for the informal processes in itself and gradual strategies towards formalisation. The conditions for success are the strategic long-term choice of location, and the right to sublet their property.

The fifth policy recommendation is to move beyond the current individual experiences and relative naivety, building peri-urban land coalitions, and linking them with local, national and international coalitions to influence strategic land governance processes. In the short term, isolation may protect initiatives and avoid risks; however, in the long-term, initiatives may potentially be played out against each other. With the emergence of hybrid and other initiatives, the issues of volume, uniformity and avoidance of new slum creation can no longer serve as a sufficient argument for exclusion of the poor, rather become issues to be addressed and discussed in accommodating inclusive pro-poor peri-urban land governance. The current local, national and international coalitions and campaigns mainly focus on housing rights and evictions, but need to be complemented with explicit advocacy for peri-urban land access issues and link to concrete peri-urban initiatives on the ground; even though at first sight this might seem to contradict with campaigns over inner-city access and to undermine the ‘resource base’ of strategically located urban land for negotiations by the poor. The recently initiated ‘grassroots

mechanism' of UN-Habitat/GLTN and partners, which focuses on good land governance through the realisation of gender equality and grassroots participation, can be seen as a first step in this direction.

The sixth policy recommendation is extension of the roles and capabilities of local initiatives, government organisations and mediating support organisations, in order to bring these approaches to scale while remaining affordable to the poor. Local initiatives and support organisations need to jointly claim stakeholder participation to enforce rules and mechanisms of social land management. Local initiatives need to increase their level of strategic action in private land markets and profitable and efficient land utilisation during delivery time. National and local government should start to facilitate as well as control the reduction of delivery time. Mediating support organisations need to provide support for strategic land buying processes, enable profitable and efficient utilisation of idle land during delivery time, conclude partnership contracts between initiatives and private sector businesses, provide infrastructure grants, and facilitate knowledge exchange and learning between local hybrid/informal initiatives, local and international support organisations. Additionally, they need to (re)address the moral question of whether they want to 'play the game' of private land markets and consider who carries the long-term responsibility for risks and benefits of strategic land investments.

In the last two decades, since the shift from economic instigated SAPs to political PRSPs, neo-liberal notions of (good) governance, democracy and an enabling state with decentralisation for private sector development and foreign investments have been at the core of the international development agenda for sub-Saharan Africa. Recently it has become increasingly clear that these dominant development agendas of the last two decades have not led to sufficient development and change (Booth 2009; Chabal 2009; Joseph 2008/9). The overall impact has been disappointing, given the breadth of resources applied, although there are different Africa's with different results (Joseph 2008/9). Despite the mixed record of results of the good governance agenda and decentralisation the bulk of development support still continues to aim on decentralisation and public sector reform with an ever-widening agenda (Kuhl 2009). Support to build the 'capacity to demand' has been marginal vis-à-vis 'the capacity to respond'. Rather there has been a (re)shift in international financial aid during the 2000s from civil society back to government channels. Currently there is an increased counter-movement of international civil society generally supporting civic driven claiming capacity of non-state actors. In Kenya the international policies contributed only to limited decentralisation, with the exception of the formation of devolved funds of fiscal decentralisation through government transfers. The current constitution review process in

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Kenya might still offer new possibilities for increased local invited spaces, besides the devolved funds. Support to build the ‘capacity to demand’ has remained limited both at the national and metropolitan level.

The seventh policy recommendation is that international agencies should increasingly offer real space for (negotiations over) local solutions and innovations regarding co-governance and executive spaces, rather than mainly blueprint solutions. International donors and support organisations should increasingly support simultaneous conflict and cooperation strategies, also beyond emergence and formation stages of invited spaces, which provide best chances for institutional change.

The eighth policy recommendation is that support organisations should increasingly stay course, building innovative community structures and post-liberal deliberative civic engagement mechanisms at metropolitan and national level for influence and political rights independent of changes in governance network approach, rather than repeatedly building inclusive structures for project implementation purposes at ward levels. The Nairobi People’s Settlements Network, which was initiated at World Human Rights Day in October 2005, and the related deliberative societal accountability mechanism of The People’s Budget, might in future provide a viable alternative and/or addition to earlier approaches of city-wide coordination and action. The key advantage is that the priorities of the poor in informal settlements are put on the political agenda comprehensively, rather than being scattered over and played out in multiple invited spaces of devolved funds. The risk is however that these uttered priorities remain voices unheard in the current national and metropolitan political arenas. Therefore, opportunities for negotiations and building of strategic alliances with middle-class residents associations and private sector businesses and alliances should also be increasingly supported, rather than only directly claiming to the metropolitan and national government. In addition, further widening of the Nairobi People’s Settlements Network’s connection at grassroots level might increase the strength of its base and further reduce risks of ‘donor-drivenness’. Moreover, there should be increased attention for demanding spaces for influence on the constitutive or political rules of the game, in addition to policies and implementation.

Finally, the ninth policy recommendation is that support organisations increasingly need to assess impacts in terms of influence on the constitutive rules of the game and in terms of quality of life for the poor and the wider society. Development practice in the last decade has increasingly embraced the notion of influence on rules of the game, though the difference between impact on allocative and distributive versus constitutive rules of the game remains often not clearly spelled out. Support conditions should increasingly include

serving both sides of the coin - as a moral factor in the case of invited spaces and as a critical success factor in the case of claimed space - strengthening the basis for negotiations and dialogue.

**Notes**

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<sup>1</sup> At the national level, there is currently a growing recognition by experts of the importance of equitable and economic development in policy formulation.

<sup>2</sup> Four steps are suggested in regard to international development aid: 1) recognise the ways in which the formal and informal influence the work of government, instead of pretending there is no such thing as the informal; 2) Invert the current way of formulating and implementing the good governance agenda: policy makers should be looking to operationalise the so-called informal and traditional constraints on the exercise of power – with a view to strengthening the state’s ability to govern for all; 3) Let African governments construct their own blue-prints, rather than work merely to show how they accept and will influence the donors’; 4) Let African governments devise – and publicise – the ways in which their commitment to accountability can, very concretely, contribute to improvements of the lives of the population.

<sup>3</sup> The APPP consists of 6/7 research streams: Business and politics; local governance and leadership; state bureaucracies; parliamentarians; local justice provision; formalising schooling.

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# Appendix

## Introduction

Analysis of the correlation between livelihood components has not been included in chapter 6, due to restrictions to space in the originally published article on individually claimed spaces. Therefore, it is still included in this appendix.

## Correlation of livelihood components

Correlation analysis of the livelihood components shows relatively low correlation, partly explained by the overall low asset-bases of poor households. Correlation between both financial assets and human assets and the other assets is small. The only medium correlation is between financial and organisational assets and is associated with support organisations in credit. The higher correlation scores between financial and political assets respectively human and productive assets are associated with households that have relations with village elders and the councillor respectively main workers/workers, living space, and tools and machines. The higher scores between political and organisational assets are associated with credit, health and education. The correlation analysis furthermore shows higher scores for political assets and productive urban structure and for highest level of education and organisational assets.<sup>1</sup>

*Table a.1: Correlation coefficients (R2) of aggregate livelihood outcomes*

	Human	Financial	Productive	Social	Organisational	Political
Human	1.000					
Financial	.159**	1.000				
Productive	.261**	.159**	1.000			
Social	.129*	.159**	.085	1.000		
Organisational	.148**	.334**	-.044	.137*	1.000	
Political	.116*	.244**	.083	.052	.286**	1.000

\*\*\*=significant at 0.01 level; \*\*=significant at 0.05 level; \*=significant at 0.10 level.

**Notes**

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<sup>1</sup> Correlation between political assets and productive asset components of able productive urban structures is .247\*\* and urban structures rented out 242\*\*; correlation between human assets component of highest level of education and organisational assets is .243\*\*.

## Summary

This study deals with urban livelihoods, institutions and inclusive governance in Nairobi, Kenya. The international development agenda since the 1990 Washington Consensus, mainly revolved around good governance, decentralisation and enablement of the private sector. In addition, the citizenship and deepening democracy debate mainly revolved around a rights based approach to development and processes of voice and influence through consultations over policies and implementation. In line with neo-institutionalism most research strands assumed that institutions could be instrumentally designed and reformed. Only in recent years there has been an increased recognition in the literature that processes of inclusion do not automatically lead to favourable impacts and are rather interpreted as normative and ideological.

This study aims to formulate conditions for contextualised and effective mechanisms of inclusive and responsive governance. This concerns the formulation of conditions with regard to 'invited spaces' which are offered by the government, and 'claimed spaces' which are created by the poor themselves. The study questions how increased contributions to poverty reduction and improvement of quality of life for Nairobi citizens can be realised in an equitable and responsible way, while contributing to (economic) development of the city and the country. To adequately address this two-sided objective (economic growth and poverty reduction) in the contemporary context, one must analyse both processes and impacts; moreover it is necessary to examine impacts in terms of quality of life as well as influence and political rights. The four specific research questions to answer the central question are:

1. Which livelihood pathways are created by households in informal settlements of Nairobi and what are the major access modifying factors which influence their levels of assets and vulnerability?
2. How do interaction and negotiation processes of actors within claimed and invited spaces take place and what is the extent of conflict and cooperation in these processes?
3. How effective are the claimed and invited spaces in increasing quality of life, influence and political rights and how can their effectiveness be increased?
4. What is the influence of international, national and metropolitan institutional contexts on these spaces, negotiation processes and impacts in Nairobi?

The theoretical framework of this study is based on a multiple scientific theories. Livelihoods theory offers a multi-dimensional and comprehensive

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view on poverty and possibilities for analysing processes and impacts of impoverishment. Social capital theory contributes ideas relevant to the analysis of bonding, bridging and linking capital of households, processes of reciprocity, enforceable trust and bounded solidarity, and the positive and negative consequences of social capital. Collective action and social movements theory offers concepts relevant to consumption and politically oriented action repertoires and processes. Chronic poverty literature criticises the relatively power neutral concepts of early social capital theory and livelihoods literature and stresses the structural character of poverty. Citizenship and deepening democracy literature and democratic network governance theory contribute to further conceptualising and differentiating collectively claimed and invited spaces and the interaction and negotiation processes within them. Citizenship literature, governance assessment literature, democratic network governance and multi-level governance literature, each contribute to the differentiation between notions of influence on implementation, processes, policies and political rights. Finally, literature on the mutuality of formal and informal social and political institutions contributes to completing the conceptualisation of the full scope of institutions at play, particularly in the sub-Saharan African context with prominent informal institutions.

The research was carried out in Nairobi, Kenya. The metropolitan city of Nairobi is an excellent context for analysing the actors, processes, impacts and contexts of claimed and invited spaces. Nairobi has a high level of political-economic complexity and dynamics and is a growing international nexus point where the conflict of economic growth versus quality of life is distinct. Its context of rapid integration in the global economy since the early 1990s, the contrasts between 'neo-patrimonial' African politics of patronage and clientelism and Western based neo-liberal governance models of private sector development, decentralisation and multi-stakeholder partnerships, as well as the considerable macro-economic growth between 2002 and 2007, makes it interesting for analysis of mutually co-existing top-down and bottom-up shaped spaces for the poor from the informal settlements of Nairobi.

The research differentiates between individually and collectively claimed spaces and invited spaces. For the study on individually claimed spaces, households from the informal settlement of Mathare Valley were selected. For the study on collectively claimed spaces the issue of access to peri-urban land and tenure was selected, after pre-selection of three issues by the slum residents themselves. For the study on invited spaces the mechanism of city-wide governance networks was selected.

The study used a combination of quantitative and qualitative research methods to answer the formulated research questions. For the research on the household pathways of the poor in informal settlements, the research methods of a household survey and focus groups were selected. For the research on negotiation processes in individually claimed spaces, data were collected through the household survey. For the research on negotiation processes in collectively claimed spaces, semi-structured interviews were held with the leaders of the selected housing initiatives, support organizations, government and key-experts, as well as focus groups with members of the collective initiatives. Negotiation processes in invited spaces were researched through key-informant and in-depth interviews with public private and civic stakeholders. The impacts for individually claimed spaces were measured through an asset- and vulnerability-index based on data from the household survey. For collectively claimed spaces impacts were measured through a second household survey among members of the one housing initiative that had already moved, interviews of leaders and members of the other housing initiatives involved in the research and leaders of support organisations on potential beneficiaries, poverty reduction and gaining influence and political rights. The impacts of the invited spaces were measured through interviews with key stakeholders and secondary data sources of public and private sector, civil society and donor organisations. The effects of international, national and metropolitan institutional contexts on spaces, processes and impacts, were explored on the basis of interviews and literature study.

The research data was collected during five fieldwork periods between 2002 and 2008. This allowed for a more historical and longitudinal approach to the research with regard to the study on invited spaces, observing spaces over a longer period of time and identifying underlying explanatory patterns. I pursued my Ph.D. research as an external candidate, next to my work as an advisor, programme leader and team leader with the Ministry of Social Affairs and Employment. The research builds on my earlier work with international NGOs and as self-employed on issues concerning Nairobi's slums.

This study starts with the analysis of the composition of the livelihoods and livelihood pathways of poor households and the effects of household characteristics, ambitions and relations in Nairobi's informal settlements. The livelihoods approach offers a multi-dimensional approach to poverty, capturing the complexity, diversity and dynamic character of poverty and deprivation. Previous studies on urban livelihoods are however limited focus predominantly on individual assets rather than taking a comprehensive approach to livelihoods, were mainly qualitative, and only to a small extent include structural household characteristics. This study focuses on urban livelihoods, taking on a comprehensive approach to livelihoods. In order to catch these

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elements fully, the methodology of an asset- and vulnerability-index has been applied, which allows for a certain degree of quantification and comparison of livelihood profiles between groups. The asset-index involves the quality and size of human, financial, productive, social, organisational and political assets. The vulnerability-index involves the quality and size of resilience, diversification and regularity.

The analysis of livelihood pathways of poor households in Nairobi's slums confirms the general notions of urban livelihoods studies of the primary importance of human and productive assets in terms of prioritisation of activities. Most urban households are engaged in some kind of economic activity. The findings, however, challenge the primacy of human assets over other assets for the urban poor in terms of influence on vulnerability. Financial and human assets both rank high, even when applying double weighing of human assets based on the relative importance attributed to it in the literature. Without double weighing of human assets, financial assets rank highest and human assets rank almost equal to productive assets at almost half the level of financial assets. These findings on the one hand confirm the current call for increased emphasis on (institutions conditioning) human assets in the context of globalisation, in order to increase the effects of livelihood activities on vulnerability. On the other hand these findings also indicate the importance of simultaneously taking into account alternative (institutions and structures conditioning) assets, such as productive assets.

The study shows that the 'life-cycle' predominantly explains variation in vulnerability and asset bases of households. In the expansion stage vulnerability is at its highest and asset-bases are at their lowest, whereas situations slightly improve during the consolidation, dispersion and transition stages of the life-cycle. The structural factor of gender to a lesser extent determines vulnerability and asset bases of households. Two-parent households are least vulnerable. The effect of household ethnicity on vulnerability and asset bases of households is negligible, which is worth mentioning in the context of the December 2007 post-election crisis. In addition, the minimal difference in vulnerability between mono-local and multi-local households is remarkable and challenges ideas in the literature. The other household characteristics, such as size, length of stay and previous residence, have a limited impact on total asset and vulnerability indices. Yet, these characteristics help to shape individual indices and play a role in understanding livelihoods and designing interventions.

This study compared multiple types of household ambitions and discovered the most frequent ambition was the running of a household micro-enterprise (HME), accounting for three quarters of all households. Other household



ambitions include renting out structures and plots, operating tools and machines, and regular employment of at least one household member. Realisation of these ambitions varied between 6 and 14 percent. The study challenges the notion in the literature that HMEs are mainly run by women within sub-Saharan African metropolitan contexts. Men and women were found to equally operate main HMEs as well as business-oriented HMEs. In addition, differences in types of main HME and additional HME especially show between men in two-parent households vis-à-vis male-headed and female-headed households and women in two-parent households.

This study differentiated social capital into social, organisational and political relations in order to clarify the contributions of these assets and the relations between these and other capital assets. More than three quarters of households are engaged in social relations. Slightly more than a quarter of households are engaged in organisational and political relations. Frequency of social relations is highest for the category of (extended) family, followed at a considerable distance by neighbours, shopkeepers, and friends. The bonds of extended family play an important role in food, illness and funeral relations and to a lesser extent in relations to credit, shelter, child care and school fees. Regular (inter)national remittances in cash provide for school fees, food or shelter. They are for two-thirds received from immediate family, although frequency is low. Irregular remittances in cash, especially for food, are slightly more frequent than regular remittances in cash. Irregular remittances in kind concerning food double the prevalence of irregular remittances in cash. Links with politicians are most frequent with municipal councillors, slightly less prevalent with chiefs and village elders and least frequent with higher political leaders. These concern especially the issues of access to plots and structures and help in times of calamity, and to lesser extent access to business, security, and resolving neighbourhood conflict. Organisational links with the city council are limited and the council's performance was rated low. Links with CSOs are most prevalent in credit and health, and to a lesser extent education.

The household characteristics of household-head and ethnicity also influence the frequency of social, organisational and political relations. Male-headed households engage least in all types of relations, while female-headed and two-parent households engage two times more in political and organisational relations than male-headed households. Households of Kikuyu ethnicity have highest frequency of organisational and political relations and the least in social relations as compared to households of other ethnic backgrounds.

Overall, the livelihoods of the poor in the informal settlements of Nairobi can be characterised as vulnerable. Only 10 percent of households in the sample from a low-income area are classified as non-poor through operating business-

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oriented household micro-enterprises. Only 4 percent of households are able to move out of poverty through migration to non-slum areas for economic prospects. The majority of households depend on their social relations and on operating livelihood-oriented HMEs.

The remainder of this study analyses the different interfaces (individually and collectively claimed spaces and invited spaces) the poor can engage in to improve their quality of life, influence and political rights.

The first step in the research of the interfaces concerns the analysis of negotiation processes. The research findings on negotiation processes in individually claimed spaces of social, organisational and political relations, confirm the notions in the literature of a critical and more balanced approach, which emphasise both opportunities and constraints. Political relations are characterised by low levels of trust through clientelist practices, the necessity to bribe, and expected support in return during political campaigns and elections. Organisational relations are more cooperative, partly through trust along ethnic lines, although conflicts over (re)payment of credit and school fees are frequent, and clientelism exists. In social relations trust is often stronger through family ties, shared clan or ethnic background. Yet, these cultural ties often also involve negative phenomena such as cultural repression of village life, a lack of bridges to other neighbourhoods and people with different ethnic backgrounds, and withdrawal to individualism. Reciprocity provides security in times of need, though is often considered a burden in the longer term.

The research findings on negotiation processes in collectively claimed spaces for access to peri-urban land and tenure indicate that, however difficult it might be, it is possible for poor and very poor households from informal settlements – mostly in partnership with finance institutions for low-income housing – to both continue to pay their rent and save or repay a loan to purchase land in peri-urban areas. The costs of building prior to relocating may be affordable to the poor, but are too high a burden for the very poor. Building prior to relocation includes costs for provisions of infrastructure and basic services, as well as advantages of economies of scale, volume and uniformity. Alternative ways to cover these costs are limited, as the benefits from the acquired land are mostly delayed through long land delivery times (both up to land acquisition and settlement), and micro-credit for housing loans, which are mostly available after collective repayment of land purchase loans. In addition the (future) property rights and housing design for habitat as an asset are often limited.

The study shows that flexibility of land subdivision through informal institutions was perceived as offering enough tenure security in relatively

recent settlements with comparatively high migration and increased densities through renting rooms. For original owners, sufficient tenure security was generally provided through the collective block title deed, payment receipts, records in the cooperative logbook and trust in elders/witnesses. For second owners, tenure was additionally secured by a formal written agreement between original and second owner, registration fee and witnessed land transfer by the cooperative committee. Share certificates were only perceived as necessary in a quarter of the cases. Generally, the costs for these certificates as well as formal titles were perceived as (too) high; and additionally, new owners are often still indirectly linked to the social networks of the original owners. Hence, the research does not (yet) confirm gradual tenure formalisation.

The study confirms the major dispute types identified for peri-urban land buying cooperatives, trusts and societies of the poor from informal settlements in sub-Saharan African metropolitan contexts. A remarkable sub-category of disputes was identified between private owner and the state, on the effects of settlement of large numbers of slum dwellers on the political support base of an area MP/Minister, which was however disguised as an environmental dispute over a wildlife migration corridor. The study also confirms that dispute resolution with internal actors predominantly occurs through the informal institutions of elders and committee members. However, there are fully free of partiality. The research further confirms initial attempts for informal dispute resolution or prevention of external conflicts, either through witnessed agreements of negotiations with neighbours or through a preventive legalised memorandum of understanding with the local community. If informal institutions failed, then dispute resolution shifted to formal state institutions of either Court, High Court or National Environmental Tribunal. The research also confirms the in the literature mentioned disadvantages of formal dispute resolution (excessively long, costly and intimidating procedures).

The research findings on negotiation processes in invited spaces of city-wide governance networks concern the process factors of inclusion/exclusion, representation, accountability and metagovernance for three consecutive governance networks in Nairobi (between 1993 and 2009). The study differentiates four main types of governance network approaches based on democratic network governance literature. Next to the in the literature common differentiation between conflict and coordination based governance networks, it is additionally differentiated between calculation and culture based governance networks. This leads to a dichotomy of governance networks along the calculation/culture and coordination/conflict axes. This differentiation of governance network approaches offers the opportunities to better conceptualise governance networks as inherently dynamic and better articulate

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transitions of governance networks from one governance network approach to another.

This study shows that inclusion and exclusion of types of actors through the years to a large degree reflect the time-bound preferred approaches to governance networks of mainstream development literature, indicating the donor-driven nature of invited spaces. Inclusion of the poor has been limited and hardly increased through the years. It is highest in the calculation/conflict based governance network of participatory budgeting. Yet, total and continued participation figures are low, and are characterised by sharp disparities in gender, ethnicity and culture and class. The research findings do not confirm the recently in citizenship literature popular notion of ‘opting out’ as a deliberate collective strategy of the poor. Rather, non-participation was found to be due to negative experiences of citizens with donor-driven invited spaces, which serves as a warning for the risk of (normatively) misinterpreting non-participation as strategic ‘opting out’.

The findings on the additional question of ‘participation in whose name’ show severe limitations in representation of the poor in calculation/coordination and calculation/conflict based governance networks. Representation by CSOs as well as municipal councillors predominantly lacks sufficient reflexivity of the representatives and (re)creation of points of identification and actual support. The findings on the calculation/conflict based governance network of participatory budgeting confirm the notion of close relatedness to traditional or informal political channels of representation in the sub-Saharan African context. Representation of citizens at city level is weak, with (elected) ward representatives per individual ward mainly playing a legitimising role and councillors interpreting their often one-sided mandates widely and negotiating and deciding over political interests amongst one another. Issue or sector based representation of private sector and residents associations in the culture/conflict based governance network shows sufficient reflexivity of the representatives and recreation of points of identification and actual support. Representation of private sector associations is however strongly mixed with personal interests. Representation of the middle-class umbrella residents association is characterised by a large gap between the outspoken and confrontational approach of the representative and the less confrontational approach of the represented, who are nonetheless welcoming the results

The research findings show an increase in complementary accountability channels related to the governance network types through the years. The calculation/coordination based governance network in retrospect faced direct and horizontal accountability deficits, which it partly sought to compensate through strong answerability to the donor and direct participation of the donor

in the governance network. Horizontal and direct accountability channels were increased in the calculation/conflict based governance network. Mutual reinforcement of the complementary accountability channels especially occurs through the interplay of horizontal and societal accountability mechanisms leading to the functioning of direct accountability mechanisms. On the one hand, there is still a deficit in accountability mechanisms, especially with regard to the poor in informal settlements. Local and national horizontal accountability mechanisms are either not functioning properly (monitoring committee at local level) or weak (financial rather than participatory criteria at national level). On the other hand there is an excess of accountability and the notion that (poor) citizens are played out against one another is confirmed. Integration and/or coordination of direct accountability mechanisms might increase options for accountability claims of citizens concerning strategic prioritisation rather than implementation. Alternatively additional societal accountability mechanisms engaging at local and national level could provide a viable strategic alternative. An example of this is the current 'People's Budget' by the Nairobi's People Settlements Network.

This study found unbalanced metagovernance in all types of governance networks through the years. Calculation/coordination and culture/conflict based governance networks are characterised by overregulation through respectively network design (hands-off; strong intervention) and network framing (hands-off; weak intervention) by the national government in formation and mobilisation stages. These locally negotiated governance networks are traded-off spaces, leaving network management in negotiation and production of outputs and outcomes stages at the local level emptied out. This emptying out was respectively related to repression of the authoritarian regime and to wider national government interests. Calculation/conflict based governance networks are characterised by under regulation through network design by the national government in formation and mobilisation stages. Network participation in the negotiation and production stages is concentrating too much power in local politicians' hands, not balanced by the much called for additional national government hands-off regulations for participation. Increased legitimacy through democratic anchorage of governance networks through direct participation of politicians is therefore not confirmed in the sub-Saharan African metropolitan context.

Overall, the study found that the poor have low trust in political relations and processes of inclusive governance in all types of spaces. The majority of the poor prefer to build social relations of trust built on shared (extended) family and ethnicity. Processes in all spaces are, however, characterised by reciprocity that is often experienced as a burden. Societal accountability remains one of the major ways to influence institutions, though is negatively influenced for the

## *Summary*

poor through bounded solidarity beyond the immediate and extended family, and through the lack of a resource base for negotiations. Yet, recently initiated deliberative societal accountability mechanisms provide some hope in this respect.

The first step in the research of the interfaces concerns the analysis of impacts in terms of quality of life, influence and political rights. Based on the literature quality of life is operationalised as a social conception. It refers to both vulnerability reduction and delivery of services to the wider society. Influence and political rights are operationalised based on notions of citizenship and institutions. Influence refers to the tangible impacts on allocative and distributive rules of the game or policies, processes and implementation of services, and political rights refers to the tangible impacts on constitutive rules of the game.

The study confirms the notion of social capital as predominantly contributing to vulnerability reduction, rather than as a 'missing link' for moving out of poverty. Yet, impacts of organisational relations, and to a lesser extent political and social relations, on asset-bases and vulnerability reduction are considerable. Impacts are nearing those of the household ambitions of renting urban structures and running business-oriented HMEs. In addition, the study confirms the relevance of differentiating between non-material resources in order to avoid a catch-all conceptualisation of social capital. The impact of organisational assets on vulnerability compared to other assets of the asset-portfolio almost equals that of productive and human assets (weighed once). The impact of political assets is still considerable, although ranking last but one and accompanied by severe negative social capital, concluding that social assets have the least impact on vulnerability.

The findings on collectively claimed spaces show that the mechanism of land buying cooperatives of collective access to land and individual subdivision of plots forms a viable 'third way' that works for the poor. However, gaining access to land and tenure is not only aimed at secure shelter and housing at the location, but is part of the wider livelihood strategies of the poor. The economic impacts are considerable and promising, especially when also taking into consideration the possibilities for optimising the process. 7 percent of the original owners were able to change status from very poor to poor. Half of them can be considered non-poor on the basis of wealth ranking. Moving out of poverty is related to multiple plot-ownership from the time of settlement and/or through the purchase of plots, and is accomplished only by two-parent households. Poverty reduction is not found based on access to collateralised lending and micro-finance through formal titling and/or the selling for windfall gains; rather it is related to incremental building strategies and (sub)letting

rooms to tenants. Furthermore, investments in housing improvements are considerable and express sufficient tenure security and expected return on investments. Half of the original owners invested incrementally in developing their plots. Initiatives that do not allow incremental building and (sub)letting, are not accessible to the very poor. The study confirms limitations to social impacts on gender equity in women's access through marital status.

The findings on invited spaces of city-wide governance networks confirm the mixed results of the good governance agenda. The time period covered by these invited spaces almost equals the period of the good governance agenda and the study can therefore be interpreted as an assessment of the results of this agenda in Nairobi. The impacts of invited spaces on quality of life have been limited. The calculation/coordination based governance network especially contributes to vulnerability reduction of the poor. The calculation/conflict based governance network especially contributes to the service delivery for poor and middle class citizens, with almost half of the budget spent on roads and bridges, while only ten percent is spent on projects directly contributing to informal settlements. The culture/conflict based network does not directly contribute to vulnerability reduction and service delivery, as it focuses primarily on institutional changes as a necessary pre-condition for overall change in governance.

The research findings show that initial spaces contribute only to a small extent to the widening of spaces through influence and political rights, which could correct the imbalance in contributions to quality of life.

The study shows that individually claimed spaces, as expected, mainly contribute to ad-hoc influence at the implementation level. Both organisational and political links primarily concern prerequisites for gaining access to assets. These links do not contribute to gaining influence on social and political-economic structures that limit structural improvement of the situation.

The research findings show that collectively claimed spaces in peri-urban access to land and tenure contribute to some influence on implementation level and potential influence on processes/policies and political rights. The findings of this study do not (yet) confirm substantial impacts on influence and political rights through the collectively claimed spaces in peri-urban land tenure. Negotiations are often project related rather than project transcending. In the short term this can be interpreted as an opportunity to create spaces on which to build further spaces and claim inclusive (peri-urban) land governance in the near future. In the longer term, isolated spaces also contain the risk of a lack of shared learning and scaling-up and being played off against one another. One of these isolated negotiations potentially widened political rights, when it won

## *Summary*

the appeal to the High Court at the National Environmental Tribunal on land access for the poor in the peri-urban metropolitan areas.

The study indicates that the overall impacts of invited spaces on influence and political rights beyond formation have been limited. The findings confirm that negotiating political rights through executive spaces of culture/conflicts networks is potentially effective for middle-class citizens and private sector actors, although challenges remain for acquiring executive instead of advisory roles. On the other hand, none of the types of invited spaces provides impacts on political rights for vulnerable low-income groups. The most effective invited spaces for vulnerable and low income-groups have been executive spaces of calculation/coordination based governance networks providing influence on policies and implementation, mainly with regard to the banning of evictions and demolitions. The political spaces of culture/conflict governance networks only provide influence on implementation of projects, both for vulnerable low-income groups and middle-class citizens. Spaces for poor citizens in calculation/conflict and calculation/coordination based networks only slightly widen at implementation level, all facing difficulties in effectively linking citizens to the city level. Linking of low-income groups with political strategies of the middle-classes and their residents associations and private sector actors has been identified and involved physical threatening of councillors related to the middle-class civic pressure over co-governance of the city. This resulted in changes in process of equal distribution of projects over all wards. Gaining confidence and trust through joint operations led to some widening of spaces at implementation level, but not at the level of political rights. Although, the calculation/coordination based governance network originated itself as a widened space at the level of political rights.

The third and last step in the research of the interfaces concerns the analysis of international, national and metropolitan institutional conditions under which these spaces can sustainably deliver to the poor from the informal settlements. This study shows that national institutions remain dominant. International institutions are both accommodating and constraining, though are largely mediated through national institutions. National institutions recently became more inclusive and accommodating in the area of private sector and business development and through fiscal decentralisation, though still do not match the poor in Nairobi's informal settlements. National institutions in other areas have been either lacking or largely restrictive. Metropolitan institutions are either absent or negating the recently more accommodating national institutions.

The main institutional conditions for sustainable impacts of individually claimed spaces for the poor from the informal settlements, in addition to the increasingly enabling regulatory frameworks for private sector development



and the potential realisation of metropolitan regulation of the housing market, are simultaneous interventions in human assets through training in globally competitive skills, knowledge and product innovation.

Important institutional conditions for more sustainable impacts of collectively claimed spaces are more enabling national and metropolitan policies and governance in order to overcome the currently largely restrictive or lacking regulations. Another important condition is the linking of peri-urban land buying initiatives and (inter)national and metropolitan coalitions. Currently coalitions are predominantly engaged around issues of evictions, slum upgrading, and negotiations over land and housing policies in regard to informal settlements.

The most important institutional conditions for sustainable impacts of invited spaces are the long term support of international donors and support organisations to building community structures and citizen engagement mechanisms for influence and political rights independent of changes in governance network approach, the simultaneous support of conflict and cooperation strategies also beyond emergence and formation stages of governance networks, and the increased offering of real space and support to local solutions and innovations regarding co-governance and executive spaces rather than mainly blueprint solutions. In this way the enormous constraints of central government political and administrative dominance over local government could be partly overcome. Thereby national and local contextual factors greatly influence the degree of success. Alternative strategies through informal political channels might also contribute.

Finally, this study contributed to the formulation of a new comprehensive framework based on a balanced structural approach for the analysis of both accommodating and constraining institutional and structural conditions for sustainable impacts of spaces on quality of life, influence and political rights for the poor. This has been accomplished through the integration of theoretical notions by a multi-disciplinary approach. This is consistent with similar recent attempts of integration of theoretical notions within several research orientations.



## NEDERLANDSE SAMENVATTING

Deze studie gaat over urbane bestaansverwerving, instituties en inclusief bestuur in Nairobi, Kenia. De internationale ontwikkelingsagenda draaide sinds de Washington Consensus van 1990 vooral om goed bestuur, decentralisatie en faciliteren van de particuliere sector. Daarnaast richtte het internationale debat over burgerschap en het verdiepen van democratie zich vooral op de rechtenbenadering en op processen van inspraak en invloed door consultaties over beleid en implementatie. Overeenkomstig gangbare neo-institutionele theorieën, veronderstelden de meeste benaderingen dat instituties instrumenteel ontworpen en hervormd kunnen worden. Daarbij werd het belang van institutionele beperkingen en macht meestal verwaarloosd. Heel recent is er meer erkenning in de literatuur dat processen van insluiting niet automatisch leiden tot gunstige effecten en in enkele gevallen worden deze processen geïnterpreteerd als normatief en ideologisch.

Deze studie richt zich op het formuleren van voorwaarden voor contextspecifieke en effectieve mechanismen van inclusief en responsief bestuur. Dit betreft de formulering van voorwaarden voor *invited spaces* die worden aangeboden door de overheid en *claimed spaces* die worden gecreëerd door de armen zelf. De centrale vraag van de studie is hoe betere bijdragen aan armoedebestrijding en verbetering van kwaliteit van leven voor de burgers van Nairobi gerealiseerd kunnen worden op een gelijkwaardige en verantwoordelijke wijze, die bijdragen aan (economische) ontwikkeling van de metropool en het land. Om deze tweezijdige doelstelling (economische groei en armoedebestrijding) adequaat te adresseren in de huidige context, dienen zowel processen als effecten geanalyseerd te worden. Tevens is het noodzakelijk effecten zowel te onderzoeken in termen van kwaliteit van leven als in termen van invloed en politieke rechten. De vier specifieke onderzoeksvragen om de centrale vraag te beantwoorden, zijn:

1. Welke manieren van bestaansverwerving worden gebruikt door arme huishoudens in de sloppenwijken van Nairobi en wat zijn de voornaamste factoren die de toegang tot hulpbronnen en mate van kwetsbaarheid beïnvloeden?
2. Hoe verlopen interactie- en onderhandelingsprocessen van actoren in *geclaimde* en *invited spaces* en wat is de mate van conflict en samenwerking daarbinnen?
3. Hoe effectief zijn de *geclaimde* en *invited spaces* in het verbeteren van de kwaliteit van leven, invloed en politieke rechten en hoe kan hun effectiviteit vergroot worden?
4. Wat is de invloed van internationale, nationale en grootstedelijke institutionele contexten op deze *spaces*, onderhandelingsprocessen en effecten in Nairobi?

Het theoretisch kader van deze studie is gebaseerd op verschillende wetenschappelijke theorieën. De benaderingen van bestaansverwerving bieden een multi-dimensionele en veelomvattende kijk op armoede en mogelijkheden voor het analyseren van processen en impact van verpaupering. De sociaal kapitaal theorie biedt relevante ideeën voor de analyse van ‘bonding’, ‘bridging’ en ‘linking’ kapitaal van huishoudens, processen van reciprociteit, vertrouwen en beperkte solidariteit, en de positieve en negatieve gevolgen van sociaal kapitaal. De collectieve actie en sociale bewegingen theorie biedt concepten die relevant zijn voor consumptie en politiek georiënteerde repertoires van actie en processen. De chronische armoede literatuur bekritiseert de relatief machtsneutrale concepten van de vroege theorie over sociaal kapitaal en van bestaansverwerving en benadrukt het structurele karakter van armoede. De theorieën van burgerschap, verdieping van democratie en democratische netwerk governance theorie dragen bij aan de nadere conceptualisatie en differentiatie van collectief *geclaimde spaces* en *invited spaces* op uitnodiging van de overheid en de interactie- en onderhandelingsprocessen daarbinnen. De literatuur over burgerschap, beoordeling van governance, democratische netwerk governance en multilevel governance dragen bij aan de differentiatie van de noties van invloed op implementatie, processen, beleid en politieke rechten. Tenslotte draagt de literatuur over de wederkerigheid van formele en informele sociale en politieke instituties bij aan het vervolmaken van de conceptualisatie van de volledige scope van instituties die van belang zijn, in het bijzonder in de context van sub-Sahara Afrika die door prominente informele instituties gekenmerkt wordt.

Het onderzoek is uitgevoerd in Nairobi, de hoofdstad van Kenia. Nairobi is interessant vanwege de grote mate van politiek-economische complexiteit en dynamiek en de positie als internationaal verbindingspunt met een waarneembaar conflict tussen economische groei en kwaliteit van leven. De context van snelle integratie in de globale economie sinds de vroege jaren negentig, de contrasten tussen neo-patrimoniale Afrikaanse politiek van patronage en cliëntelisme en Westerse neoliberal georiënteerde bestuurlijke modellen voor private sector ontwikkeling, decentralisatie en multi-stakeholder partnerships, alsmede de aanzienlijke macro-economische groei tussen 2002 en 2007, maken de metropool interessant voor de analyse van wederkerige en naast elkaar bestaande top-down en bottom-up *spaces* voor de armen van de sloppen in Nairobi.

Het onderzoek maakt een onderscheid tussen individueel en collectief *geclaimde spaces* en *invited spaces*. Voor de studie van individueel *geclaimde spaces* werden huishoudens in de sloppenwijk Mathare Valley geselecteerd. Voor de studie van collectief *geclaimde spaces* werd na voorselectie van drie kwesties door de sloppenwijkbewoners zelf de kwestie van toegang tot peri-

urbaan land en eigendomsrecht geselecteerd. Voor de studie van *invited spaces* werd het mechanisme van stad brede governance netwerken geselecteerd.

Voor de uitvoering van het onderzoek is gebruik gemaakt van een combinatie van kwantitatieve en kwalitatieve onderzoeksmethoden. Voor het onderzoek naar de bestaansverwerving van de armen in de sloppen van Mathare Valley werden een enquête onder 340 huishoudens gehouden en focus groepen georganiseerd. Voor het onderzoek naar onderhandelingsprocessen is voor de *individueel geclaimde spaces* gebruik gemaakt van de enquête. Voor de *collectief geclaimde spaces* is gebruik gemaakt van semi-gestructureerde interviews met leiders van collectieve land aanschaffende initiatieven, ondersteunende organisaties, overheid en deskundigen, alsmede focusgroepen met leden van de collective initiatieven. Voor de *invited spaces* is gebruik gemaakt van belangrijke deskundigen en diepte-interviews met publieke, private en civiele stakeholders. De effecten van de *spaces* zijn voor *individueel geclaimde spaces* gemeten middels een bronnen- en kwetsbaarheidindex die gebaseerd is op data van de enquête. Effecten van de *collectief geclaimde spaces* werden gemeten door een tweede enquête onder bewoners van een collectief land aanschaffend initiatief die reeds verhuisd waren, interviews en focus groepen met leiders en leden van de overige in het onderzoek betrokken collectieve land aanschaffende initiatieven en leiders van ondersteunende organisaties over potentiële begunstigen. Effecten van de *invited spaces* werden gemeten door diepte interviews met sleutelpersonen van belangrijke stakeholder groepen en secundaire bronnen van publieke, private, civiele en donor organisaties.

De onderzoeksdata voor deze studie zijn verzameld in vijf veldwerk periodes tussen 2002 en 2008. Dit bood de mogelijkheid voor een meer historische en longitudinale benadering van onderzoek voor de geselecteerde '*invited spaces*', het observeren van *spaces* over een langere tijdsperiode, en het identificeren van onderliggende verklarende patronen. Het onderzoek is door mij uitgevoerd als een externe doctoraal onderzoeker. Dit maakte het mogelijk te promoveren naast mijn werk als adviseur, programma manager en teamleider bij het ministerie van Sociale Zaken en Werkgelegenheid. Het onderzoek bouwt voort op mijn eerdere werk met internationale NGOs in de sloppen van Nairobi.

Deze studie begint met de analyse van de compositie van de bestaansverwerving trajecten en de effecten van huishoudkarakteristieken, ambities en relaties van arme huishoudens in de sloppen van Nairobi. De bestaansverwerving benadering betreft een multi-dimensionele benadering van armoede, die de complexiteit, diversiteit en dynamiek van armoede en ontbering vatten. Eerdere bestaansverwerving studies richtten zich vooral op individuele bronnen in plaats van een alomvattende analyse, waren vooral

kwalitatief en betroffen slechts in beperkte mate structurele huishoudkenmerken. Deze studie betreft een alomvattende benadering van bestaansverwerving. Daarbij wordt gebruik gemaakt van de methode van een bronnen- en kwetsbaarheids index die een zekere mate van kwantificering en vergelijking tussen groepen mogelijk maakt. De bronnenindex geeft de omvang en samenstelling van de menselijke, financiële, productieve, sociale, organisationele en politieke bronnen weer. De kwetsbaarheidindex drukt de omvang en samenstelling van de veerkracht, diversificatie en regelmaat van bronnen uit.

De analyse van de bestaansverwerving trajecten van arme huishoudens in de sloppen van Nairobi bevestigt de algemene ideeën binnen studies over urbane bestaansverwerving van het primaire belang van menselijke en productieve hulpbronnen in termen van het prioriteren van activiteiten. De meeste urbane huishoudens zijn betrokken bij een vorm van economische activiteit. De bevindingen betwisten echter het primaat van menselijke hulpbronnen in vergelijking met andere bronnen in termen van effecten op kwetsbaarheid. Financiële en menselijke hulpbronnen krijgen beiden hoge prioriteit, zelfs wanneer dubbele weging van menselijke bronnen wordt toegepast, die gebaseerd is op het relatieve belang dat er in de literatuur aan wordt toegekend. Indien geen dubbele weging aan menselijke bronnen wordt toebedeeld, scoren financiële bronnen het hoogste en scoren menselijke bronnen bijna gelijk aan productieve bronnen, op ongeveer de helft van het niveau van financiële bronnen. Aan de ene kant bevestigen deze bevindingen de huidige roep om meer nadruk op (instituties die van invloed zijn op) menselijke bronnen in de context van globalisering om de effecten van bestaansverwerving activiteiten op kwetsbaarheid te vergroten. Aan de andere kant geven de bevindingen ook het belang aan van alternatieve (instituties en structuren die van invloed zijn op) bronnen van bestaansverwerving, zoals productieve bronnen.

De studie toont dat de huishoudelijke levenscyclus het voornaamste verklarende kenmerk is voor verschillen in scores op de hulpbronnen- en kwetsbaarheidindex. Huishoudens in een situatie van expansie zijn het meest kwetsbaar en hebben de minste bronnen tot hun beschikking. Dit verbetert enigszins in situaties van consolidatie, uiteenvallen en transitie. De structurele factor van gender bepaalt in mindere mate de kwetsbaarheid en bronnen van huishoudens. Twee-ouder huishoudens zijn het minst kwetsbaar. De effecten van etniciteit op kwetsbaarheid en bronnen van huishoudens zijn te verwaarlozen, wat noemenswaardig is in de context van de crisis na de verkiezingen van december 2007. Verder is het minieme verschil in kwetsbaarheid tussen mono-lokale en multi-lokale huishoudens opmerkelijk en een uitdaging voor bestaande ideeën in de literatuur. De overige huishoudkarakteristieken, zoals omvang, duur van verblijf en vorige

verblijfplaats, zijn minder belangrijk voor de scores op de totale indices. Zij zijn wel relevant voor scores op individuele indicatoren en spelen een rol in het begrijpen van bestaansvererving en ontwerpen van interventies.

Deze studie vergelijkt diverse (economische en onderwijs gerelateerde) huishoudambities. De meest frequente ambitie is het opereren van een huishoud micro-bedrijf (*household micro-enterprise/HME*), door drie kwart van de huishoudens. Andere voornamelijk huishoudambities zijn het verhuren van woningen en percelen, opereren van gereedschap en machines, en regelmatige werkgelegenheid voor tenminste één lid van het huishouden. Realisatie van deze ambities varieert tussen de 6 en 14 procent. De studie betwist overigens de in de literatuur bestaande notie dat HMEs voornamelijk door vrouwen gerund worden voor de sub-Sahara Afrikaanse context. Mannen en vrouwen opereren in gelijke mate hoofdbedrijven evenals ondernemingsgerichte HMEs. Bovendien, verschillen in typen van hoofdbedrijven en additionele HMEs blijken vooral te bestaan tussen mannen in twee-ouder huishoudens versus mannelijke en vrouwelijke één-ouder huishoudens en vrouwen in twee-ouder huishoudens.

Deze studie onderscheidt sociaal kapitaal in sociale, organisationele en politieke relaties om de bijdragen van deze bronnen te vergelijken en relaties met andere bronnen te verhelderen. Meer dan drie kwart van de huishoudens onderhouden sociale relaties. Iets meer dan een kwart van de huishoudens onderhouden relaties met organisaties en politiek. De frequentie van sociale relaties is het hoogste voor de categorie (groot)familie, op aanzienlijk afstand gevolgd door burens, winkeliers en vrienden. De 'bonds' van grootfamilie spelen een belangrijke rol in relaties voor voedsel, ziekte en begrafenissen, en in mindere mate in relaties voor krediet, onderdak, kinderopvang en schoolgeld. Regelmatige (inter)nationale contante geldzendingen voorzien in schoolgeld, voedsel of onderdak. Deze worden voor drie kwart ontvangen van directe familie, alhoewel de frequentie laag is. Onregelmatige contante geldzendingen betreffen vooral voedsel en kennen een iets hogere frequentie dan de regelmatige contante geldzendingen. Onregelmatige zendingen in natura voor voedsel zijn twee keer zo frequent als onregelmatige contante geldzendingen. Relaties met politici zijn het meest frequent met gemeenteraadsleden, iets minder frequent met 'stamhoofden' (*chiefs*) en 'dorpsoudsten' (*village elders*), en het minst frequent met hogere politieke leiders. Deze betreffen vooral de kwesties van toegang tot percelen en woningen, hulp bij calamiteiten, en in mindere mate toegang tot bedrijven, veiligheid en het oplossen van wijkconflicten. Organisationele relaties met de gemeente zijn beperkt en het functioneren van de gemeente wordt laag gewaardeerd. Relaties met het maatschappelijk middenveld zijn het meest

frequent voor kredietverlening en gezondheid, en in mindere mate voor onderwijs.

De huishoudkarakteristieken van gezinshoofd en etniciteit beïnvloeden ook de frequentie van sociale, organisationele en politieke relaties. Mannelijke één-ouder huishoudens onderhouden de minste relaties in alle typen, terwijl vrouwelijke één-ouder huishoudens en twee-ouder huishoudens twee keer zoveel politieke en organisationele relaties onderhouden als mannelijke één-ouder huishoudens. Huishoudens van Kikuyu etniciteit hebben de hoogste frequentie van organisationele en politieke relaties en de laagste frequentie van sociale relaties vergeleken met huishoudens van andere etniciteit.

In het algemeen kan de bestaansvererving van de armen in de sloppen van Nairobi gekarakteriseerd worden als kwetsbaar. Slechts 10 procent van de huishoudens in de steekproef zijn geclassificeerd als niet-arm door het runnen van ondernemingsgerichte HMEs. Slechts 4 procent van de huishoudens zijn in staat om zich te verplaatsen uit de armoede door migratie naar niet-sloppenwijken voor economische vooruitzichten. De meerderheid van de huishoudens is afhankelijk van sociale relaties en het runnen van bestaansvererving gerichte HMEs.

De rest van de studie analyseert de verschillende interfaces (individueel en collectief *geclaimde spaces* en *invited spaces*) die de armen kunnen aangaan ter verbetering van hun kwaliteit van leven, invloed en politieke rechten.

De eerste stap in het onderzoek van de interfaces betreft de analyse van de onderhandelingsprocessen. De bevindingen betreffende de onderhandelingsprocessen in individueel *geclaimde spaces* van sociale, organisationele en politieke relaties bevestigen de noties in de literatuur van een kritische, meer evenwichtige benadering die zowel kansen als beperkingen benadrukt. Relaties met politieke leiders worden gekenmerkt door een gering vertrouwen, de noodzakelijkheid van smeergeld, en verwachte steun als tegenprestatie tijdens politieke campagnes en verkiezingen. Relaties met organisaties zijn meer coöperatief, gedeeltelijk door vertrouwen langs etnische lijnen, alhoewel conflicten over (terug)betaling van krediet en schoolgeld vaak voorkomen en cliëntelisme bestaat. In sociale relaties is vertrouwen vaak sterker door familiebanden, gedeelde clan of etnische achtergrond. Dit gaat echter vaak gepaard met culturele onderdrukking van buurtleven, een gebrek aan banden met andere buurten en mensen van verschillende etnische achtergronden, en het zich terugtrekken in individualisme. Reciprociteit voorziet in zekerheid in behoeftige tijden, maar wordt vaak als een last beschouwd op de langere termijn.



De onderzoeksbevindingen betreffende de onderhandelingsprocessen in collectief *geclaimde spaces* voor toegang tot peri-urbaan land en eigendomsrecht tonen dat het voor de arme en allerarmste huishoudens uit de sloppen in Nairobi mogelijk is – meestal in samenwerking met financiers van woningen voor lage inkomen huishoudens – om zowel door te gaan met het betalen van hun huur als te sparen of een lening af te betalen voor de aanschaf van land. Bouwkosten die aan vestiging elders voorafgaan kunnen betaalbaar zijn voor de armen, maar zijn een te grote last voor de allerarmsten. Bouwen voorafgaand aan hervestiging omvat kosten voor het voorzien in infrastructuur en basisdiensten, zowel als voordelen van economische schaal, volume en uniformiteit. Alternatieven voor het dekken van deze kosten zijn beperkt, omdat de baten van het verworven land meestal vertraagd worden door de langdurige levertijden van land en microkrediet voor woningbouwleningen vaak pas beschikbaar is na collectieve afbetaling van leningen voor de aankoop van grond. Bovendien zijn de toekomstige eigendomsrechten en de ontwerpen van woningen voor habitat als een bron van bestaansvererving vaak beperkt.

De studie toont dat flexibiliteit van land verkaveling door informele instituties ervaren wordt als voldoende (eigendom)rechtszekerheid biedend in relatief recente nederzettingen met vergelijkenderwijs hoge migratie en toegenomen bevolkingsdichtheid door het verhuren van kamers. Voor oorspronkelijke eigenaren werd hier in het algemeen in voorzien door de collectieve blok land titel, betalingsbewijzen, aantekeningen in het logboek van de coöperatie, en vertrouwen in oudsten/getuigen. Voor tweede eigenaren werden de (eigendom)rechten bovendien veilig gesteld door een formele schriftelijke overeenkomst tussen de oorspronkelijke en tweede eigenaar, inschrijvingsgeld en grondtransacties onder getuigenis van het bestuur van de coöperatie. Certificaten van aandelen voor individuele percelen werden slechts in een kwart van de gevallen als noodzakelijk beschouwd. Over het algemeen werden de kosten voor deze certificaten evenals voor formele land titels als (te) hoog beschouwd; bovendien zijn de nieuwe eigenaren vaak nog indirect gekoppeld via sociale netwerken aan de oorspronkelijke eigenaren. De theoretische notie van een geleidelijke formalisering van eigendom wordt door deze studie daarom (nog) niet bevestigd.

De studie bevestigt de in de literatuur over land opkoop bedrijven geïdentificeerde voornaamste interne en externe geschilsoorten voor peri-urbaan land aanschaffende coöperaties, stichtingen en verenigingen van de armen uit de sloppen in sub-Sahara Afrikaanse grootstedelijke contexten. Een opmerkelijke vorm van externe geschillen tussen private eigenaar en de staat betrof de effecten van vestiging van grote aantallen sloppenwijk bewoners op de omvang van het politieke draagvlak van een Keniaans parlementslid/minister, dat echter vermomd was als een milieu-conflict over

een migratie corridor tussen natuurparken. De studie bevestigt tevens dat oplossing van interne geschillen meestal plaatsvindt door de informele instituties van oudsten en bestuursleden. Deze zijn echter niet in alle gevallen vrij van partijdigheid. Het onderzoek bevestigt verder initiële pogingen tot informele conflictoplossing of -preventie van externe conflicten door getuigenverklaringen van onderhandelingen dan wel door gelegaliseerde memoranda van overeenstemming met de lokale gemeenschap. In het geval informele instituties falen, verschuift conflict oplossing naar de formele instituties van Gerechtshof, Hooggerechtshof, of Nationaal Milieu Tribunaal. De in de literatuur genoemde nadelen van formele conflictoplossing (excessief lange, dure en intimiderende procedures) worden door deze studie bevestigd.

De onderzoeksbevindingen betreffende de onderhandelingsprocessen in *invited spaces* van stad brede governance netwerken gaan over de proces factoren van insluiting/uitsluiting, representatie, accountability en metagovernance voor drie in de tijd opeenvolgende (van 1993 tot 2009) governance netwerken in Nairobi. De studie onderscheidt vier hoofdtypen van governance netwerk benaderingen op basis van de democratische netwerk governance literatuur. Naast het in de literatuur algemeen gangbare onderscheid tussen op conflict en coördinatie gebaseerde governance netwerken wordt het onderscheid tussen op calculatie en cultuur gebaseerde governance netwerken toegevoegd. Dit leidt tot een dichotomie van governance netwerken langs de calculatie/cultuur en coördinatie/conflict assen. Deze differentiatie van governance netwerk benaderingen biedt de mogelijkheid om governance netwerken als inherent dynamisch te conceptualiseren en transities van de ene naar de andere governance netwerk benadering nauwkeuriger te analyseren.

Deze studie laat zien dat insluiting en uitsluiting van typen actoren door de jaren heen in grote mate de tijdsgebonden voorkeur voor governance netwerk benaderingen uit de heersende stroming in de literatuur weerspiegelen, wat een indicatie is voor de donor-gestuurde aard van *invited spaces*. Insluiting van de armen is beperkt geweest en is nauwelijks toegenomen door de jaren heen. Insluiting is het hoogste in het calculatie/conflict gebaseerde governance netwerk van participatieve budgettering. Toch zijn ook hier de totale en opeenvolgende participatie cijfers laag en worden zij gekenmerkt door grote verschillen in gender, etniciteit, cultuur en klasse. De onderzoeksbevindingen bevestigen niet de recentelijk in de burgerschap literatuur populair geworden notie van 'opting out' als een bewuste strategie van de armen. Niet-deelnemen kan eerder worden toegeschreven aan de negatieve ervaringen van burgers met donor-gestuurde *invited spaces*. Dit kan als een waarschuwing dienen voor het risico van het (normatief) verkeerd interpreteren van non-participatie als strategische 'opting out'.

De bevindingen over de aanvullende vraag naar ‘participatie in wiens naam’ laten ernstige beperkingen zien in representatie van de armen in de calculatie/coördinatie en calculatie/conflict gebaseerde governance netwerken. Representatie door vertegenwoordigers van CSOs zowel als gemeenteraadsleden mist toereikende reflexiviteit en herschepping van punten van identificatie en daadwerkelijke ondersteuning. De bevindingen betreffende het calculatie/conflict gebaseerde governance netwerk van participatieve budgettering bevestigen de notie in de burgerschap literatuur van een nauwe gerelateerdheid van representatie met traditionele of informele politieke kanalen voor de sub-Sahara Afrikaanse context. Representatie van burgers op stadsniveau is zwak, waarbij per individueel stadsdistrict (gekozen) vertegenwoordigers vooral een legitimerende rol vervullen en gemeenteraadsleden hun vaak eenzijdige mandaten ruim interpreteren en onderling onderhandelen en beslissen over politieke belangen. Representatie op basis van kwesties of sector van private sector en ingezetenen associaties in het cultuur/conflict gebaseerde governance netwerk toont toereikende reflexiviteit van de vertegenwoordigers en herschepping van identificatiepunten en daadwerkelijke ondersteuning. In het geval van private sector associaties is representatie echter sterk vermengd met persoonlijke belangen. In het geval van de overkoepelende middenklasse ingezetenen associatie kent representatie een kloof tussen de uitgesproken en confronterende benadering van de vertegenwoordiger en de minder confronterende benadering van de vertegenwoordigden, die niettemin de resultaten verwelkomen.

De onderzoeksbevindingen tonen een toename van complementaire accountability mechanismen in relatie tot de governance netwerk typen door de jaren heen. Het calculatie/ coördinatie gebaseerde governance netwerk werd achteraf beschouwd geconfronteerd met een gebrek aan directe en horizontale accountability, welke het gedeeltelijk probeerde te componeren door sterke verantwoording aan de donor en directe participatie van de donor in het governance netwerk. Horizontale en directe accountability mechanismen namen toe in het calculation/conflict gebaseerde governance netwerk. Wederzijdse versterking van de complementaire accountability mechanismen vindt vooral plaats door de wisselwerking van horizontale en maatschappelijke accountability mechanismen, wat leidt tot het functioneren van directe accountability mechanismen. Aan de ene kant is er nog steeds een tekort aan accountability mechanismen, vooral met betrekking tot de armen in de sloppenwijken. Lokale en nationale horizontale accountability mechanismen functioneren ofwel niet naar behoren (monitoring committee op lokaal niveau) ofwel ze zijn zwak (financiële in plaats van participatieve criteria op nationaal niveau). Aan de andere kant is er een overdaad aan accountability mechanismen, en de notie in de literatuur dat (arme) burgers tegen elkaar worden uitgespeeld wordt bevestigd. Integratie en/of coördinatie van directe

accountability mechanismen kan de opties voor accountability claims van burgers voor strategische prioritering in plaats van implementatie doen toenemen. Verder kunnen aanvullende maatschappelijke accountability mechanismen die aangrijpen op lokaal en nationaal niveau voorzien in een levensvatbaar strategisch alternatief. Een voorbeeld hiervan is het huidige The People's Budget door het Nairobi People's Settlement Network.

Het onderzoek laat onevenwichtige metagovernance zien in alle typen van governance netwerken over de jaren. Calculatie/coördinatie en calculatie/conflict gebaseerde governance netwerken worden gekenmerkt door overregulatie door respectievelijk de metagovernance vormen van network design (hands-off; sterke interventie) en network framing (hands-off; beperkte interventie) door de nationale overheid in de formatie en mobilisatie fasen. Deze lokaal onderhandelde governance netwerken zijn verhandelde *spaces*, die netwerk management in onderhandelings en productie fasen op het lokale niveau uithollen. Dit uithollen hangt respectievelijk samen met de repressie van het vroegere autoritaire regime en met de bredere belangen van de nationale overheid. Calculatie/conflict gebaseerde governance netwerken worden gekenmerkt door onderregulatie door netwerk design (hands-off; sterke interventie) door de nationale overheid in de formatie en mobilisatie fasen. Netwerk participatie in de onderhandelings en productie fasen concentreert teveel macht in de handen van lokale politici, die niet in evenwicht gehouden wordt door de veel gevraagde aanvullende hands-off reguleringen van de nationale overheid voor participatie. Toename van legitimiteit door democratische verankering van governance netwerken middels directe participatie van politici wordt daarom niet bevestigd in de sub-Sahara Afrikaanse grootstedelijke context.

Over het geheel genomen tonen de onderzoeksbevindingen over onderhandelingsprocessen in alle typen van *spaces* dat de armen weinig vertrouwen hebben in politieke relaties en processen van inclusief bestuur. De meerderheid van de armen geeft er de voorkeur aan vertrouwensrelaties te bouwen op basis van gedeelde (groot)familie en etniciteit. Processen in alle *spaces* worden echter gekenmerkt door wederkerigheid, die vaak als een last wordt ervaren. Maatschappelijke accountability blijft één van de voornaamste manieren om instituties te beïnvloeden, maar wordt negatief beïnvloed voor de armen door begrensde solidariteit die niet verder reikt dan de (groot)familie en door het gebrek aan hulpbronnen als basis voor het voeren van onderhandelingen. Toch bieden de recent gestarte deliberatieve maatschappelijke accountability mechanismen enige hoop in dit opzicht.

De tweede stap in het onderzoek van de interfaces betreft de analyse van de effecten in termen van kwaliteit van leven respectievelijk invloed en politieke

rechten. Kwaliteit van leven is op basis van de literatuur geoperationaliseerd als een sociale conceptie. Het verwijst naar zowel vermindering van kwetsbaarheid als naar dienstverlening aan de bredere maatschappij. Invloed en politieke rechten zijn geoperationaliseerd op basis van noties van burgerschap en instituties. Invloed verwijst naar tastbare effecten op allocatieve en distributieve regels van het spel, beleid, processen en implementatie van diensten. Politieke rechten verwijzen naar de tastbare effecten op de constitutieve regels van het spel.

De onderzoeksbevindingen tonen dat de impact van *spaces* op de kwaliteit van leven beperkt is tot dan wel onevenwichtig verdeeld is tussen dienstverlening en vermindering van kwetsbaarheid. De bevindingen betreffende individueel *geclaimde spaces* bevestigen de notie dat sociaal kapitaal met name bijdraagt aan vermindering van kwetsbaarheid, in plaats van een 'gemiste link' te zijn voor het zich verplaatsen uit armoede. Niettemin zijn de effecten van organisationele relaties, en in mindere mate politieke en sociale relaties, op bronnen en kwetsbaarheid aanzienlijk. De effecten benaderen die van het verhuren van stedelijke woningen en het runnen van ondernemersgerichte HMEs. Bovendien bevestigt de studie de relevantie van differentiatie tussen niet-materiële bronnen. De impact van organisationele bronnen op kwetsbaarheid vergeleken met andere hulpbronnen van de bronnen-index is bijna gelijk aan die van productieve en menselijke bronnen (enkel gewogen). De impact van politieke bronnen is nog steeds aanzienlijk, alhoewel als voorlaatste gerangschikt en vergezeld van ernstig negatief sociaal kapitaal, terwijl sociale bronnen de minste impact hebben op kwetsbaarheid.

De bevindingen betreffende collectief *geclaimde spaces* tonen dat het mechanisme van land aanschaffende coöperaties door collectieve toegang tot peri-urbaan land en individuele verkaveling van percelen werkt voor de armen uit de sloppenwijken. Toegang tot land en eigendomsrecht is overigens niet alleen gericht is op veilig onderdak en woning op de locatie, maar maken deel uit van de bredere bestaansverwerving strategieën van de armen. De economische effecten zijn aanzienlijk en veelbelovend, zeker als de mogelijkheden van procesverbetering in ogenschouw worden genomen. 7 procent van de oorspronkelijke eigenaren waren in staat om te veranderen van status van allerarmste naar arm. De helft daarvan kan als niet-arm beschouwd worden op basis van 'rijkdom classificatie'. Het zich verplaatsen uit armoede hangt samen met eigenaarschap van meerdere percelen en/of de verkoop van percelen van twee-ouder huishoudens. Vermindering van armoede blijkt niet samen te hangen met onderpand leningen en micro-financiering op basis van formele land titels en/of de verkoop voor meevallers. Veeleer is het verbonden met strategieën van incrementeel bouwen en het (onder)verhuren van kamers aan huurders. Bovendien zijn investeringen in woning verbeteringen

aanzienlijk en een uitdrukking van toereikende zekerheid van eigendomsrecht en verwacht rendement op de investeringen. De helft van de oorspronkelijke eigenaren investeerde stapsgewijs in de ontwikkeling van hun percelen. Initiatieven die stapsgewijs bouwen en (onder)verhuren niet toestaan zijn niet toegankelijk voor de allerarmsten. De studie bevestigt de beperkingen voor sociale effecten op gender rechtvaardigheid voor de toegang van vrouwen door burgerlijke staat.

De bevindingen betreffende *invited spaces* van stad brede governance netwerken bevestigen de wisselende resultaten van de internationale agenda van goed bestuur. De tijdsperiode die gedekt wordt door deze *invited spaces* komt bijna overeen met de periode van de internationale agenda van goed bestuur en de studie kan daarom geïnterpreteerd worden als een beoordeling van de resultaten van deze agenda in Nairobi. De effecten van *invited spaces* op kwaliteit van leven zijn beperkt geweest. Het calculatie/coördinatie gebaseerde governance netwerk draagt vooral bij aan vermindering van kwetsbaarheid van de armen. Het calculatie/conflict gebaseerde governance netwerk draagt met name bij aan dienstverlening voor arme en middenklasse burgers, waarbij bijna de helft van het budget aan wegen en bruggen wordt besteed, terwijl slechts 10 procent besteed wordt aan projecten die direct een bijdrage leveren aan de sloppenwijken. Het cultuur/conflict gebaseerde governance netwerk draagt niet direct bij aan vermindering van kwetsbaarheid en betere dienstverlening, aangezien het primair gericht is op institutionele veranderingen als een noodzakelijke voorwaarde voor algehele verandering in het bestuur.

De onderzoeksbevindingen tonen dat de impact van aanvankelijke *spaces* op het uitbreiden van deze *spaces* voor verdere invloed en politieke rechten, die de onevenwichtigheid in bijdragen aan kwaliteit van leven zouden kunnen corrigeren, slechts beperkt is.

De studie toont dat individueel *geclaimde spaces*, zoals verwacht, vooral bijdragen aan ad-hoc invloed op het implementatie niveau. Zowel organisationele als politieke relaties betreffen primair voorwaarden voor toegang tot bronnen. Zij leveren geen bijdrage aan het verwerven van invloed op sociaal-politieke structuren voor structurele verbetering van de situatie.

De studie toont dat impact van collectief *geclaimde spaces* voor toegang tot peri-urbaan land en eigendomsrecht bijdragen aan enige invloed op implementatie niveau en potentiële invloed op processen/beleid en politieke rechten. Deze studie bevestigt (nog) niet substantiële effecten op invloed en politieke rechten. Onderhandelingen zijn vaak veeleer project gebonden, dan projectoverstijgend. Op korte termijn kan dit als een kans gezien worden om

*spaces* te creëren, op basis waarvan andere *spaces* en het claimen van inclusief (peri-urbaan) land bestuur in de nabije toekomst kunnen gebeuren. Op de langere termijn kunnen geïsoleerde *spaces* ook risico's inhouden van een gebrek aan gezamenlijk leren en opschaling, alsmede het tegen elkaar uitgespeeld worden. Eén van deze geïsoleerde onderhandelingen vergrootte in potentie de politieke rechten, toen het beroep tegen de uitspraak van de High Court bij het Nationaal Milieu Tribunaal, voor toegang tot land voor de armen in de peri-urbane grootstedelijke gebieden, werd gewonnen.

De studie toont dat overall de effecten van *invited spaces* op invloed en politieke rechten na formatie beperkt zijn geweest. De bevindingen bevestigen enerzijds dat het onderhandelen van politieke rechten middels bestuurlijke *spaces* van cultuur/conflict netwerken potentieel effectief is voor middenklasse en private sector actoren, alhoewel uitdagingen blijven bestaan voor het verwerven van bestuurlijke in plaats van adviserende rollen. Anderzijds voorzien geen van de typen van *invited spaces* in effecten op politieke rechten voor kwetsbare lage-inkomens groepen. De meest effectieve *invited spaces* voor deze groepen zijn de bestuurlijke *spaces* van calculatie/coördinatie gebaseerde governance netwerken die invloed verschaffen op beleid en implementatie, voornamelijk betreffende het uitbannen van huisuitzettingen en vernielingen. De politieke *spaces* van cultuur/conflict governance netwerken verschaffen alleen invloed op implementatie van projecten, zowel voor kwetsbare lage inkomens groepen als voor middenklasse burgers. *Spaces* voor arme burgers in calculatie/conflict en calculatie/coördinatie gebaseerde netwerken worden slechts enigszins uitgebreid op het implementatie niveau, en worden geconfronteerd met moeilijkheden in het effectief linken van burgers op stadsniveau. Linken van lage inkomens groepen met politieke strategieën van de middenklasse en hun ingezetenen associaties en private sector actoren is geïdentificeerd en betrof fysieke bedreiging van gemeenteraadsleden in het verlengde van de maatschappelijke druk van de middenklasse voor co-governance op stadsniveau. Dit leidde tot de procesverandering van gelijke verdeling van projecten over stadsdistricten. Het verwerven van zelfbewustheid en vertrouwen door gezamenlijke operaties leidde tot enige uitbreiding van *spaces* op het implementatie niveau, maar niet op het niveau van politieke rechten. Alhoewel het calculatie/coördinatie gebaseerde governance netwerk zelf ontstaan is als een uitgebreide *space* op het niveau van politieke rechten.

De derde en laatste stap in het onderzoek van de interfaces betreft de analyse van de internationale, nationale en grootstedelijke institutonele voorwaarden waaronder deze *spaces* duurzaam kunnen leveren aan de armen uit de sloppen. Deze studie toont dat nationale instituties dominant blijven. Internationale instituties zijn zowel accommoderend als beperkend, alhoewel in sterke mate bepaald door nationale instituties. Nationale instituties werden recentlijk meer

inclusief en accommoderend op het terrein van de private sector en ontwikkeling van het bedrijfsleven en door fiscale decentralisatie, alhoewel deze nog steeds niet passend zijn voor de armen uit de sloppenwijken in Nairobi. Nationale instituties op andere terreinen ontbreken of zijn grotendeels beperkend.

De voornaamste institutionele voorwaarden voor meer duurzame impacts van individueel *geclaimde spaces* voor de armen in de sloppenwijken, in aanvulling op de huidige accommoderende nationale regelgevingskaders voor bevordering van de private sector en de mogelijke doorvoering van grootstedelijke regulering van de woningmarkt, zijn aanvullende parallelle interventies in menselijke bronnen door training in internationaal concurrerende gespecialiseerde vaardigheden, kennis en productinnovatie.

Belangrijke institutionele voorwaarden voor meer duurzame impacts van collectief *geclaimde spaces* zijn meer faciliterend nationaal en grootstedelijk beleid en governance om de huidige grotendeels beperkende of ontbrekende regelingen te overwinnen. Daarnaast is een belangrijke voorwaarde de betere aansluiting van peri-urbaan land aanschaffende initiatieven en (inter)nationale en grootstedelijke coalities van groot belang. Momenteel zijn de coalities voornamelijk georganiseerd rond kwesties van uitzettingen, ‘slum upgrading’, en onderhandelingen over land en beleid betreffende de sloppenwijken.

De voornaamste institutionele voorwaarden voor duurzamere impacts van *invited spaces* zijn het langdurig steunen door donoren en ondersteunende organisaties van het bouwen van gemeenschapstructuren en burger betrokkenheid mechanismen onafhankelijk van veranderingen in governance netwerk benaderingen, het parallel steunen van conflict en samenwerkingstrategieën voorbij de initiatie en formatie fasen van netwerken, en het bieden van werkelijke ruimte en ondersteuning voor lokale oplossingen en innovaties betreffende co-governance en bestuurlijke *spaces* in plaats van alleen standaard oplossingen te steunen. Op deze wijze lijken de enorme beperkingen door de politieke en administratieve dominantie van de centrale overheid over de lokale overheid gedeeltelijk overwonnen te kunnen worden. Nationale en lokale contextuele factoren zijn daarbij doorslaggevend voor de mate van succes. Alternatieve strategieën via informele politieke kanalen kunnen eveneens een bijdrage leveren.

Ten slotte, deze studie levert een bijdrage aan de formulering van een nieuw omvattend raamwerk gebaseerd op een evenwichtige structurele benadering voor de analyse van zowel accommoderende als beperkende institutionele en structurele voorwaarden voor duurzame effecten van *spaces* op de kwaliteit van leven, invloed en politieke rechten van de armen. Dit is bewerkstellig



door integratie van theoretische noties middels een multi-disciplinaire benadering. Het sluit aan bij soortgelijke recente pogingen tot integratie van theoretische noties vanuit verschillende onderzoekstromingen.