The London School of Economics and Political Science

The Politics of Space: *Negotiating Tenure Security in a Nairobi Slum*

Sheila Wanjiru Kamunyori

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Abstract

Slum upgrading is a planning intervention where the state, in the process of upgrading an informal space, is seen as delivering tenure security to the residents in that space. This dissertation investigates the making legible of an informal space in Nairobi by analysing the processes and outcomes of a slum upgrading project and the consequent impact on tenure security. Using a qualitative, case study approach, I begin by analysing the production of the Korogocho slum and the practices that contributed to the production of the informal space. Next I examine two processes within the slum upgrading intervention aimed at making legible the space and the people, processes that are distinctively grounded in modernist planning: preparing a physical plan and conducting enumeration. I show how during these processes different rationalities, or ways of knowing, are continually meeting, contesting and negotiating, leading to hybridized outcomes. While the planning intervention has made some aspects of the space legible, it has reduced the legitimacy of some use claims on the space, particularly those of sole structure owners. Further, only certain subpopulations are made legible; long-term tenants, particularly those that are youth born in the settlement, are pushed further into illegibility and tenure insecurity. Within this analysis, I discuss how residents in the settlement propose how the two processes could have been implemented to lead to legibility that matched their ways of knowing. My findings illustrate that planning interventions that are predicated on technocratic solutions need to be balanced with an understanding of the everyday dynamics, or rationalities, of residents in informal spaces. I argue that tenure security needs to be conceptualised as the outcome of negotiated practices between actors taking place in a particular type of space rather than the outcome of planning practices used by the state to guarantee tenure security or used by urban residents to contest or fight for it. In addition, I argue that slum upgrading needs to move attention beyond tenure regularization to other components of tenure security, including those for the various categories of tenants in order to match their needs.

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Acronyms

CCN	City Council of Nairobi
CLT	Community Land Trust
GoK	Government of Kenya
GTZ	German Technical Cooperation Agency
ITWG	Inter-agency Technical Working Group
KENSUP	Kenya Slum Upgrading Project
KISIP	Kenya Informal Settlements Improvement Project
KSUP	Korogocho Slum Upgrading Programme
MINA	Minimum Interventions Guidelines
MLHUD	Ministry of Land, Housing and Urban Development
MoLG	Ministry of Local Government
RC	Residents' Committee
STDP	Small Towns Development Programme
WB	World Bank

FIGURE 1: MAP OF KOROGOCHO
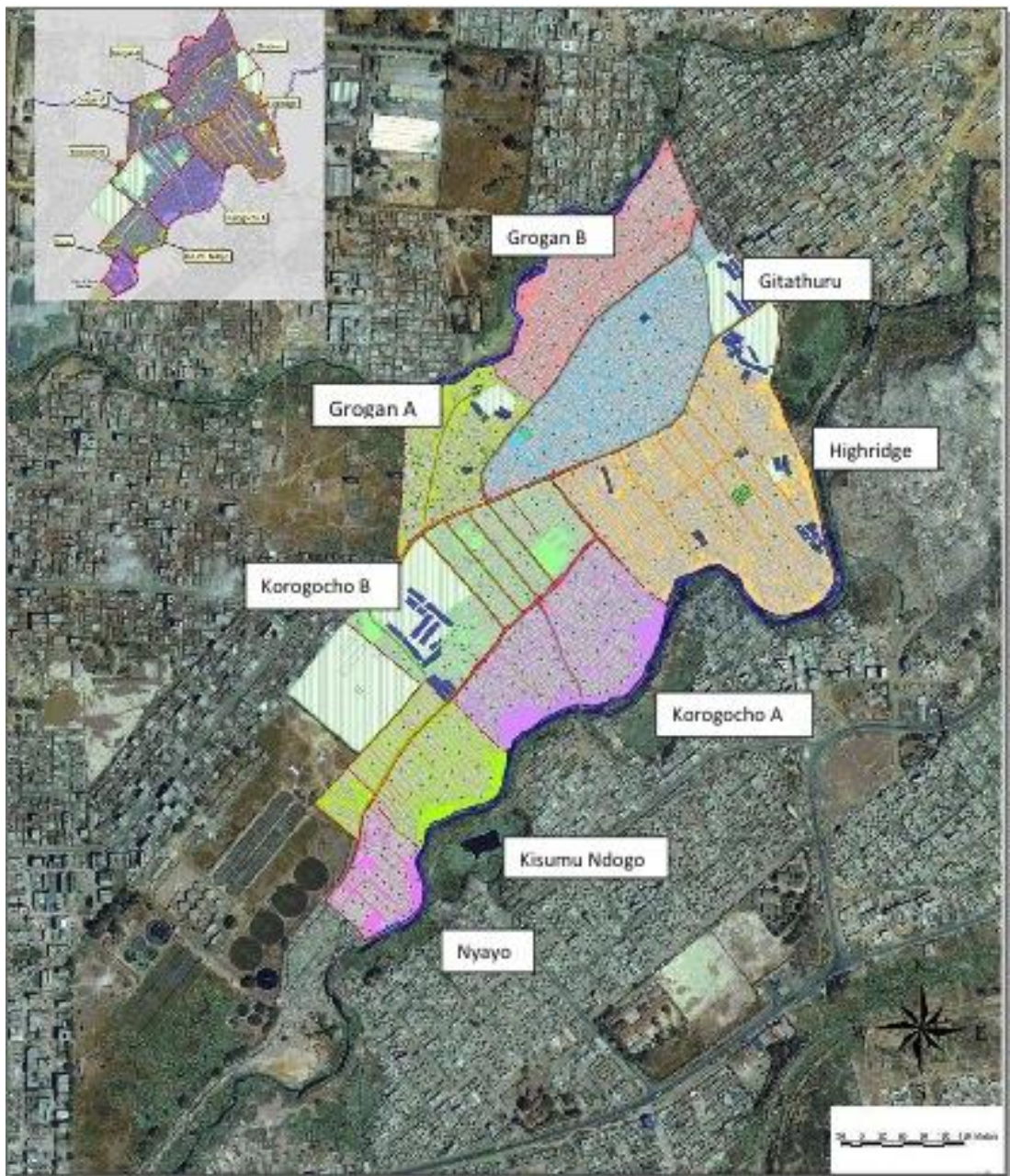
CHAPTER 1: INTRODUCTION

1.1. Tenure Security on the Global Mind

In the months leading up to October 2016, the halls of the UN-Habitat headquarters in Nairobi were abuzz with frenzied activity. Professionals, interns and student volunteers alike were focused on the job of finalizing the preparations for the Third United Nations Conference on Housing and Sustainable Urban Development to be held in Quito, Ecuador from 17-20 October 2016. More commonly known as Habitat III, this conference is the third in a series of conferences held every 20 years to facilitate a global dialogue on the state of urban housing in the face of urbanisation. When the first conference, Habitat I, convened in Vancouver in 1976, governments had just started to recognize the lack of accessible and adequate shelter as a major consequence of the rapid urbanisation taking place across the world. With the urbanisation in Latin America and Asia in the 1970s, a global awareness of the impact of urbanisation on the housing conditions of urban migrants grew. Similarly, rural-urban migration in Africa was gaining momentum and the cities were under pressure from the demand for low-cost housing. After this first Habitat conference, the General Assembly of the United Nations established the United Nations Commission on Human Settlements (UNCHS) whose mandate was to focus on the issue of adequate shelter in the face of urbanisation and provide research and policy guidance on addressing this particular consequence of urbanisation (UNCHS was upgraded to a UN agency in 2002 and is now UN-Habitat). The global search for solutions to the problem of delivery of adequate and accessible housing was on.

It was not until Habitat II, held 20 years later on June 3-14, 1996 in Istanbul, that security of tenure was articulated as a component of adequate shelter. Security of tenure was recognised as distinct from land tenure and defined as:

> the right of all individuals and groups to effective protection by the state against evictions, i.e. the permanent or temporary removal against their will of individuals, families and communities from the home and the land they occupy, without the provision of, and access to, appropriate form of legal or other protection. Security of tenure can be defined as an agreement or understanding between an individual or group to land and residential property, which is governed and regulated by a legal and administrative framework. (UNCHS, 1999)

Security of tenure was linked to urban poverty and its articulation raised as a key element essential to integrating the urban poor into the city. To support its focus, UNCHS launched a Global Campaign on Security of Tenure in 1999.

In the 20 years since Habitat II, and after 40 years of interventions from the international development community, trends show that as urbanisation continues, access to adequate shelter is declining. Between 2000 and 2010, the number of slum dwellers increased by six million every year (UN-Habitat, 2008). Today, one in three urban residents lives in a slum

(Acioly, 2007). The issue of inadequate housing is as real today as it was in 1976 when Habitat I was convened and the preparatory conversations and documents for Habitat III illustrate that security of tenure as a core component of adequate housing remains on the global agenda. Despite 40 years of attention to this policy agenda, the global conversation during Habitat III will be tackling the same issue of lack of accessible adequate shelter.

While providing tenure security has been a challenge across the globe, Nairobi is subject to a particular set of dynamics that has limited the delivery of tenure security to the urban poor; these dynamics have come to light through the various slum upgrading projects done over the years. First, the planning legislation and regulations used in the upgrading process are not suited to the 'planning in reverse' scenario presented by upgrading where settlement of people takes place before planning. Second, because settlement takes place prior to planning, slum upgrading interventions encounter power structures and actors already established in the informal settlement, some of which are particularly disruptive to the intended outcome of the intervention. The political economy of Nairobi slums is particularly complex due to the commercialization of informal housing where three interests have to be considered: tenants, structure owners and landowners. Structure owners in particular present a challenge as the high profit margins earned in rentals are a disincentive for them to support slum upgrading. Third, and a more global dynamic, is the predominance of neoliberal logic in the design of slum upgrading projects. Slums are seen as an outcome of land markets made dysfunctional due to overly-bureaucratic, expensive regulations that encourage urban residents to access land through informal means. The solution then, is to 'fix' the regulations that are causing the dysfunction. This technocratic logic focuses on a regulatory, or legalist, solution and thus limit the design options of slum upgrading projects. These three dynamics of slum-upgrading in Nairobi reduce the ability of the planning intervention to produce tenure security, and worse, the 'solution becomes the problem' (Pritchett & Woolcock, 2004) where slum upgrading results in adverse effects.

In this dissertation, I examine this policy dilemma by, first, analysing whether and how tenure security in a slum in Nairobi has been produced through informal means and the various actors involved. Second, I analyse whether and how the processes within a state-led slum upgrading project in this slum have resulted in tenure security for residents.

Outline of the Chapter
In the next section, I introduce my research by elaborating on the policy dilemma of informal urbanisation and the consequences for adequate and accessible housing. In this context, the overview of the current problem of inadequate shelter and the rising prevalence of slums is also provided.

In Section 1.3, I present the international development response to this policy dilemma by briefly discussing the evolution of planning interventions aimed at delivering tenure security.

In Section 1.4, I illustrate the complex terrain of delivering tenure security in Nairobi as learnt from implementation experience. To underscore the discussion, I present my own practitioner experience in implementing slum upgrading projects.

In Section 1.5, I introduce the gap in the literature on slum upgrading to which my dissertation will contribute. I propose that our current knowledge of implementing slum upgrading does not provide an adequate mechanism to deliver tenure security in Nairobi and unpacking exactly how slum upgrading unfolds in these settings remains a critical research agenda. I introduce my research question and describe the epistemological and methodological approach that I adopted to apply a planning lens to look at the specific applied problem – that of delivering tenure security to the urban poor in Nairobi.

In Section 1.6, I briefly outline the history of Nairobi's slum upgrading projects and then introduce the Korogocho Slum Upgrading Programme (KSUP), the project analysed in this dissertation..

In Section 1.7, I present a summary of my findings and outline the main arguments of this dissertation. I problematize the delivery of tenure security and propose that it should be conceptualised as an outcome of negotiated formal-informal practices rather than a planning intervention from above or below. On the outcome of tenure security, I problematize the legal definition of tenure security and propose a broader definition, one that encapsulates the understanding of how tenure security is perceived on the ground.

This last section also outlines the organization of the rest of this dissertation.

1.2. Whither Urban Housing?

1.2.1. Curious Urbanisation and Informality

The current predominant narrative of Africa's urbanisation is that the continent is rapidly urbanising. The growth of African's urban areas did not begin in earnest until the 1970s. The 1960s brought with it the independence of multiple African countries from their colonial rulers, and once in power independent African governments immediately lifted the ban of movement into urban areas. The initial influx of rural-urban migrants was high across the continent in the 1970s, and urbanisation rates peaked in the early 1980s at nearly 8%. International development statistics indicate that since the late 1980s, Sub-Saharan Africa has been urbanising at an annual average rate of 4.7% (UN-Habitat, 2002). In 2009, the urban population of Africa was almost 40% (395 million) of the total population of approximately one billion and by 2030 Africa's population is projected to become 50% urban

(UN-Habitat, 2010b). This is the urbanisation in Africa narrative that predominates the international development discourse - that Africa is urbanising rapidly.

Figure 1.1: Rate of Change in the Urban Population in Selected East African Countries

Country	Decade									
	1950-60	*1960-70*	*1970-80*	*1980-90*	*1990-00*	*2000-10*	*2010-20*	*2020-30*	*2030-40*	*2040-50*
Burundi	3.45	3.34	7.61	6.73	4.03	5.29	4.34	3.77	3.41	3.15
Ethiopia	5.37	5.39	3.94	5.03	4.60	3.63	3.57	3.56	3.25	2.74
Kenya	5.64	6.63	7.83	4.83	4.59	4.29	4.30	3.99	3.74	3.32
Rwanda	5.78	5.87	7.14	4.54	10.64*	5/83	4.45	4.20	4.01	3.62
Tanzania	6.83	7.04	9.34	5.71	4.56	4.39	4.79	4.64	4.34	3.91
Uganda	7.23	7.42	4.16	7.20*	4.00	5.49	5.61	5.08	4.56	4.02
East Africa	5.41	6.02	6.24	4.88	4.14	3.83	4.13	4.00	3.76	3.39

*conflict period.
Source: The State of African Cities 2010, UN-Habitat

This narrative, however, has come under scrutiny with the argument that urbanisation is not as fast as is generally stated, if it is happening at all. Here, a distinction is made between 'urban growth' which refers to an increase in absolute numbers of the urban population due to natural increase, and 'urbanisation' which is the rate of change of a country's population in urban areas (Pieterse & Parnell, 2014; Cohen, 2004). Using census data, Potts (2009) argues that "urbanization, as a demographic process whereby the urban share of a country's population, is increasing over time, is slow or stagnating" (2009, 254). She illustrates that while Africa's urban centres may indeed be growing, urbanisation may not be necessarily taking place. In some countries, such as in Zambia, Potts (2009) observed that some urban areas were actually de-urbanising in the 1990s as the population actually went down. Cohen (2004) warns that data used to make urban population predictions must be treated with caution as urban data is collected amidst certain challenges such as non-standard definitions of 'urban' across different countries, and sometimes changes within the same countries. He also points to the political tendencies to undercount urban areas. Thus, he warns, the assertion that Africa is rapidly urbanising may not be supported by empirical data.

The urbanisation dynamics in Kenya, however, has more layers. At one level, Potts (2009), while illustrating how urbanisation was not necessarily taking place in most African countries, mentions Kenya as one exception to her assertion. Indeed a comparison between Kenya's rate of natural increase and the urbanisation rate of 4.4% (World Bank, 2016) shows that the rate of change of population in urban areas is changing faster than the

country's population increase. Statistics from the multilateral agencies report that urbanisation in Kenya peaked in the 1980s, and is currently averaging about 4.3% (UN-Habitat, 2010). In 1960, only 7.4% of the population lived in urban areas, but by 2015, this had risen to 27%, slightly more than 14 million people (World Bank, 2016). According to international development statistics, by 2030 Kenya will have over 22 million urban dwellers, increasing to about 40 million (about half of the total population) by 2050 (World Bank, 2016). The narrative gets a bit complicated, however, as recent analysis has argued that Kenya is 'under-urbanised' (World Bank, 2016). This claim comes from a comparison between Kenya and other regions of the world – Latin America, the Middle East and East Asia specifically. The comparison illustrated that the GDP per capita is higher in Kenya at its current 27% urbanisation than it was for these regions when they were 27% urbanised (World Bank, 2016). Thus, while Kenya is one of the few Africa countries where urbanisation may indeed be taking place, it may also not be taking place fast enough.

Nevertheless, while the debate continues on whether Africa is urbanising or whether its urban areas are simply growing, there is consensus that the core issue for the continent is that urban areas have been neglected. Pieterse and Parnell (2014) bring this point out clearly by underscoring that urban areas are growing but are not receiving the attention needed to maintain their growing population. Potts (2009) also is clear that a growth rate of 3% or higher per annum for any city is a major planning challenge regardless of the source of growth, and this is clearly seen as the growing demand for housing and basic services such as water is not being met by the state (World Bank, 2016; UN-Habitat, 2010b). Urbanisation is taking place in countries with low per capita (Cohen, 2004) and worse, while still lower than rural poverty, urban poverty is increasing as the urban residents are increasing (Pieterse & Parnell, 2014). Africa's urban areas are not keeping pace with their growing population.

1.2.2. Meeting Kenya's Housing Needs?

Globally, one billion new houses are needed by 2025 to accommodate 50 million new urban dwellers per year (McKinsey Global Institute, 2014). With Kenya's continued urbanisation, the annual housing requirement in urban areas is expected to grow rapidly as well (see Figure 1.1). Conservative projections from 2010 show that the annual housing requirement that year was estimated at around 82,000 units in urban areas (60% of the total) and would rise to over 280,000 units by 2050, to meet all of the population growth and the quantitative housing requirements in urban areas (World Bank, 2011). However, this demand is not being met – in 2004, the annual national housing gap was estimated at 156,000 new units (Government of Kenya, 2004); in Nairobi alone, yet only 15,000 units were released into the market in 2013 (HassConsult, 2014).

Figure 1.2: Kenya Annual Housing Requirement 1950–2050
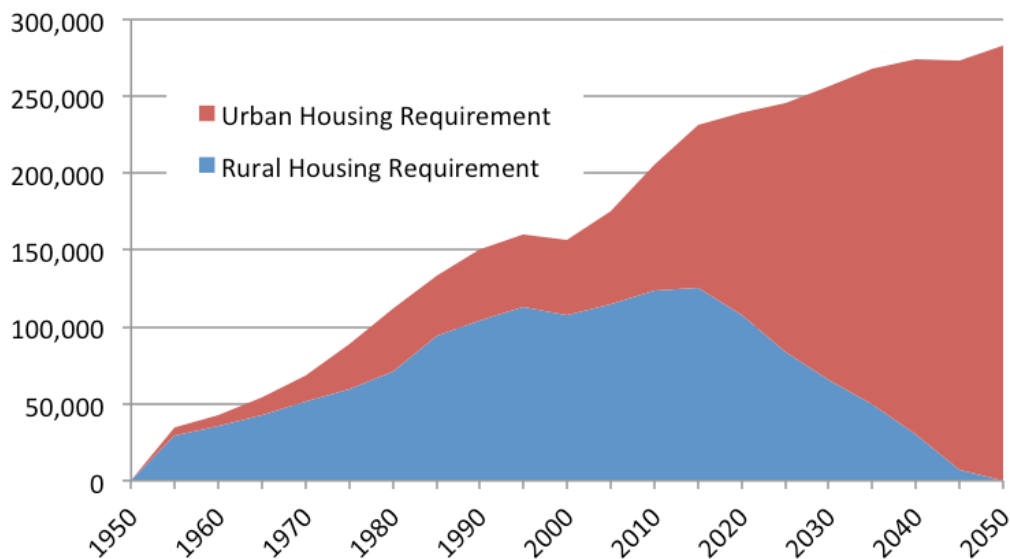
Source: World Bank (2011)

This dynamic of the delivery of formal supply of housing desperately trying to catch up with the demands of urbanisation will only get more urgent in Kenya for two reasons. First, legislation and general policy direction indicates that adequate and accessible housing will increasingly become a focus; the 2010 Constitution of Kenya includes the Bill of Rights, and in particular the right to adequate and affordable housing. Secondly, the implication of this gap on social inequality and exclusion is high. For example, in Nairobi, the increase in property prices in the formal market is widening the affordability gap. Property prices in 2013 were nearly three times higher than in 2000, creating fewer opportunities for low- and middle-income families (HassConsult, 2014). The Knight Frank Prime Global Cities Index ranked Nairobi as the highest priced city in Africa in 2014. The lowest-price house built by a formal developer cost KES 1,342,106 (US$15,300) in December 2012 and generally there is very little on the formal market for less than KES 4 million (US$43,956), especially in Nairobi (World Bank, 2016). The gap is also seen spatially with more than 80% of supply for upper-middle (48%) and high-income (35%) households, and only 2% for low income, despite the far greater need (Government of Kenya, 2012). Of the top four areas in Nairobi receiving construction permits, two were the wealthy neighbourhoods of Karen and Westlands, one was the industrial area, and the fourth was the central business district. Lower income neighbourhoods in Nairobi received few, if any permits (HassConsult, 2014). In short, not only have the formal mechanisms to deliver housing and basic services for the urban poor not kept pace with the rate of urbanisation, they are also unlikely to do so in the near future.

This inability of formal mechanisms to keep up has led to informal urbanisation where urban residents' everyday demands for employment, housing and basic services are being met outside the regulatory framework that is unable to keep up (Cohen, 2014). The predominant

explanation for informal urbanisation is that while economic growth and urbanisation are *expected* to go hand in hand (Ghani & Kanbur, 2013), this coupling is not happening in Africa. As such, urbanisation in Africa has not been accompanied by the expected growth in the urban economies (Rakodi, 2004; Baumgart & Kreibich, 2011; Cohen, 2014). Fox refers to this decoupling as "disjointed modernization" where "urban population growth outpaces urban economic and institutional development" (2014: 193). Kenya's urbanisation is further complicated by its informality.

One key implication of informal urbanisation is that the stages to provide for shelter are done in reverse. Urban planning in normative terms is a sequence of planning, servicing, building and occupation (Ward et al., 2002). However, informal urbanisation proceeds instead along an occupation-building-servicing-planning sequence (Fekade, 2000). Urban residents in search of low-income shelter find it through occupation where, through informal mechanisms, they access urban land upon which to build or access housing already built informally (Rakodi, 2004; Baumgart & Kreibich, 2011). Planning and provision of services lag behind the occupation. Thus, unlike in more advanced countries where urban planning is done ex-ante, in the informal context planning is done ex-poste (Acioly, 2007). This reverse sequence, which I label 'planning in reverse', is the predominant model of urban development in the developing world. While accessible (because it is affordable to them), this housing is of substandard quality with limited access to basic conditions, creating an 'adequacy' deficit.

The extent of inadequate informal housing is growing and international development responses that properly address the growth are urgent. In Sub-Saharan Africa, an estimated 70-75% of urban residents occupy informal housing (Millennium Development Goals Database, 2010) and in Kenya, nearly 61% of urban households live in inadequate housing (World Bank, 2016). Globally, 50% of the population is already living in informal settlements and this is expected to rise to 84% by 2050 (UN-Habitat, 2010b). Acioly (2007: 4) argues that "[i]t is our capacity to study and understand the logic of informal urbanisation that will lead to successful responses. Our ability to transform, re-invent and/or adjust its logic into government policies will determine the success of strategies to cope with the challenges of rapid of urbanisation and guide cities throughout the 21st century."

Habitat I was the first time the global community came together to study and understand informal urbanisation and its implications. The next section will discuss the responses of the international community since Habitat I.

1.3. Planning for Housing: The International Development Response

Defined as "managing change in the public domain within a given territory by linking knowledge to action" (Friedmann, 1987), planning emerged in the late nineteenth century in

response to the social ills in urban areas created due to the industrial revolution. The principal focus of planning, therefore, is on state "actions rather than decisions" (Friedmann, 1987: 4), also known collectively as planning interventions. Since the first United Nations Conference on Housing and Sustainable Urban Development (Habitat I) in 1976, the international development community has focused on planning interventions to increase the housing supply for low-income urban residents. These interventions aimed at supplying adequate formal housing began with programmes to support public sector provision of public housing (the early 1970s). With the swing of ideology that governments should not be providers of housing but rather enablers (Werlin,1999; Gulyani & Bassett, 2007), and the realization that public sector efforts were too slow to meet the rapidly increasing demand, interventions moved towards supporting self-help housing through sites-and-services schemes (the mid-1970s), and then to land tenure regularization (the 1980s) where the focus became providing squatters with land tenure.

The mid-1990s brought a period of reflection when policymakers realized that providing tenure security through tenure regularization faced serious complex challenges. In essence, the development community started thinking more broadly about ways to provide tenure security beyond land tenure regularization. During this period, Payne (2001) suggested that thinking by the international community in general, and the World Bank in particular, shifted and become more nuanced. He stated that "most policy analysts now no longer simply assume that formalization in a given context necessarily increases tenure security". Since then and beginning in the early 2000s, the focus has shifted towards a broader concept of security of tenure than just land tenure regularization (Durand-Lasserve & Royston, 2002). Slum upgrading, reintroduced from the mid-2000s, aims to deliver *de jure* tenure security through land tenure regularization and to increase perceptions of tenure security, *de facto* tenure security, through actions such as improving infrastructure to basic services (Gulyani & Bassett, 2008).

In parallel, the UN-led 'Cities Without Slums Initiative' was launched in 1999 and with it, the reintroduction of the usage of the term "slums". The term first appeared in Victorian London to refer to the squalid living conditions brought about by industrialization – overcrowding, lack of sanitation and crime-ridden being the main characteristics associated with the term. Adopted in the 20th century by the development community to refer to informal, poor quality housing, the term gradually faded from usage due to controversy over its vagueness and assumptions that slums and urban poverty were spatially synonymous in cities of the developing world. However, the UN Cities Without Slums launch revived the usage of the term (Gilbert, 2007; Fox 2014). Gilbert (2007) very aptly warns us of the dangers of the return of the word, arguing that it carries with it wholly negative connotations of both the place and the people living there, the 'slum-dwellers'. He also reminds us that slum is a relative term, used to refer to the lowest level of socio-economic housing, which is sub-

standard, but this, of course, depends on what is and is not considered acceptable by 'the standards'. Thus, the goal of 'cities without slums' is unachievable. Further, with its blanket connotations, its return threatens to undo all that that has been learnt about the heterogeneity in these settlements, the people who live in them, and nuances in urban poverty more broadly (Arabindoo, 2011). Arabindoo (2011: 638) adds that "as the conceptualisation of poverty continues to be dominated by the challenges of measuring it, slums have come to act as a stand-in for analysing and representing poverty." Huey and Kemple (2007) also assert that labels such as "slum", "ghetto", and "skid row", create preconceptions that determine the behaviour of the state and society towards the space.

While these arguments contend that the usage of the term slums blur the issue, the use the word can also be seen to bring exclusion/inclusion to the fore. Firstly, as Arabindoo (2011: 642) points out "slums have ironically become a key entity through which the latter [urban poor] negotiate their presence in the city." Slums as sites of negotiation for the urban poor resonates with Simone's notion of people as infrastructure, where in "the growing distance between how urban Africans actually live and normative trajectories of urbanisation and public life" (Simone, 2004: 428), the urban poor use what they have to generate new possibilities. Secondly, the operational definition of slums used in the Cities Without Slums campaign[1] underscores exclusion – specifically the exclusion from the social and economic infrastructure of the formal city.

While the stated development goal of slum upgrading is to address this exclusion of the urban poor by enabling their access to urban land, this approach has been criticised. The literature on slum upgrading is discussed more fully in the literature review (Chapter 2) but in brief, the critics assert that the international development community is focusing on a technical solution, which cannot be used to resolve social problems. The underlying technocratic logic of slum upgrading focuses on a regulatory, or legalist, solution. In this instance, as the World Bank perceives the problem as land markets that do not work because of overly bureaucratic, expensive regulations, thus encouraging urban residents to access land through informal means, the solution then, is to 'fix' the regulations that are causing the dysfunction. This logic was reenergized by de Soto whose book "The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else" (de Soto, 2000) insisted that the urban poor would be transformed if urban land was made accessible to them through land tenure regularization. Li (2007) has described the technical approach

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[1] The definition is: A slum household consists of one or a group of individuals living under the same roof in an urban area, lacking one or more of the following five amenities: durable housing (a permanent structure providing protection from extreme climatic conditions); sufficient living area (no more than three people sharing a room); access to improved water (water that is sufficient, affordable and can be obtained without extreme effort); access to improved sanitation facilities (a private toilet, or a public one shared with a reasonable number of people); and secure tenure (de facto or de jure secure tenure status and protection against forced eviction) (UN-Habitat, 2006).

generally adopted by the development community as 'rendering technical'[2] which she defines as seeking technical solutions which screen out the important political and social dynamics that need to be taken into account during interventions. Similarly, Ferguson (1990) coined the phrase 'the anti-politics machine' to refer to the overly technical nature of development solutions. In this instance, rendering technical screens out the socio-political dynamics, or the micro-politics, which reduces the ability of slum upgrading to achieve their stated goals.

In the next section, I touch briefly on the particular micro-politics of Nairobi as has been revealed through various slum upgrading projects, dynamics that have been pointed out as further complicating the delivery of tenure security to the urban poor.

1.4. The Micro-Politics of Slum Upgrading

Nairobi has had a long history of slum upgrading and through their implementation, the complexities of the socio-political dynamics have been revealed. In this section, I discuss these dynamics which have further complicated the delivery of tenure security to the urban poor. Section 1.4.1 examines the political economy of Nairobi's slums while Section 1.4.2 returns to the concept of 'planning in reverse' to illustrate the mismatch between planning tools intended for formal urbanisation and what is needed for slum upgrading.

1.4.1. The Political Economy of Nairobi's Slums

The political economy of Nairobi's slums is complex. As mentioned in the previous section, informal urbanisation necessitates reversal of planning sequence where settlements are occupied before they can be planned or serviced. Having occupants already on the land when planning and servicing, through slum upgrading arrives creates a complicated political economy. First, the structure of most settlements is such that there are *three* interest groups – tenants, structure owners and landowners. Tenants make up 92% of households in Nairobi's slums with only 8% owner-occupied (Gulyani & Talukdar, 2008). The 2011 Kenya National Housing Survey results indicate that 79.2% of renting households reside in urban areas. Similarly, a baseline survey of the 15 largest urban areas of Kenya showed that 86% of all urban residents rent and the number increases to 93% in informal areas (Table 1.3.). Thus, rental housing has become the affordable option for the majority of urban residents in Kenya. The landlords of these tenants do not own the land but are 'structure owners' – i.e. have built structures on the land and then rented them out to the urban poor. The actual land these structures are built on belongs to either the government or private owners.

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[2] Li (2007) defines "rendering technical" as seeking technical solutions which screen out the important political and social dynamics that need to be taken into account during interventions.

Table 1.3: Land tenure in 15 urban areas, 2013

Characteristic	All	*Location*		*HH poverty*		*Gender (Informal)*	
		Informal areas	Formal areas	Poor	Non-poor	Male-headed	Female-headed
Percent of households that:							
Total	100	100	100	100	100	100	100
Own the land only	0	0	0	0	0	0	0
Own structure only	2	1	2	2	2	1	3
Own land and structure	12	5	15	11	12	5	6
Rent	86	93	83	87	86	94	90
Squat	0	0	1	1	0	0	1
N	14,552	4,150	10,402	8,536	5,840	3,046	1,008
Percent of HHs that feel secure in ownership	87	81	87	84	89	80	80
N	2,710	381	2,329	1,730	935	264	107

Source: World Bank, 2013, a baseline survey of 15 urban areas in Kenya

The second aspect of the political economy of Nairobi's slums is the dominance of one type of structure owners in the settlements. In Nairobi's informal settlements, of the 8% of households that are owner-occupied, 60% rent out at least one room (Gulyani & Talukdar, 2008) while the remaining 92% absentee structure owners/landlords are generally understood to be politically well-placed, influential individuals who own a number of rentals (Syagga, 2001; Gulyani & Talukdar, 2008; Farvaque & McAuslan, 1992). The predominance of this landlord type causes difficulties for slum improvement efforts as the high earnings received by landlords provide further disincentive for slum upgrading (Dafe, 2009). Estimates using 2004 data suggest that the total annual (untaxed) rental income earned by these landlords is about US$29 million.[3] With such high earning capacity, these landlords are almost certain to resist changing the status quo in which they benefit immensely. As these landlords are influential politically, they also have the means to ensure that the status quo remains unchanged. Some attempts at slum upgrading have led to clashes and court cases (Kusienya, 2004; Dafe, 2009).

This political economy raises the question of who is getting the benefits of activities to enhance tenure security in Nairobi settlements. In this complex context, land tenure regularization and infrastructure investment in slum upgrading are more likely to benefit structure owners than tenants (Gulyani & Talukdar, 2008). Neither the structure owners nor the landowners want to cede ownership of their assets. In fact, while land may be redistributed in these projects, it is not being redistributed downwards to the intended beneficiaries; land titling in one sites-and-services project encouraged political interference and misappropriation of plots as higher income groups with connections attempted to obtain plots (Lee-Smith & Memon, 1988). In a housing slum upgrading project as well, there have

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[3] Gulyani and Talukdar (2008) estimate that slum tenants paid structure owners approximately US$31 million in 2004. As the absentee landlords make up 95% of the landlords, these estimates suggest that this latter group of landlords earned approximately US$29 million that year. Ten years later, the amount is likely to be significantly higher.

also been difficulties with the reassignment of flats to people other than the intended beneficiaries (Kusienya, 2004; Huchzermeyer, 2006; Dafe, 2009). Similarly, infrastructure investment is likely to benefit the landowners and structure owners who are likely to raise rents, sell the now-formalized property and/or act in other ways that result in displacing the poor, as happened at the sites-and-services project (Syagga et al., 2001). The sites and services schemes which provide infrastructure investment are generally considered unsuccessful; in addition to benefitting higher income groups, several of the original beneficiaries abandoned the project due to inability or reluctance to meet the cost-recovery requirement (Syagga et al., 2001). With all these dynamics, tenants are the most vulnerable interest group within the settlement political economy and remain trapped in this low-quality, high-cost dynamic,[4] particularly vulnerable to the whims of their landlords.

Attempts have been made to design projects with tenants in mind. The 1990s saw the first attempts at recognizing tenants as important actors in the arena; a slum upgrading project in Mathare, Nairobi was designed and implemented with redistribution in mind and multiple structure owners lost some of their structures which were redistributed to tenants. Similarly, the design of a community-led upgrading project in Huruma included tenants as beneficiaries with, again, structure owners forced to give up some of their structures to be redistributed to tenants. Since then, however, no other slum upgrading project has been able to do this. In fact, Pamoja Trust, the NGO that led the Huruma project, started engaging with Korogocho, the slum settlement in this research, in 2000 with the intention of supporting a similar kind of community-led project. However, as will be discussed in detail in Chapter Five, the enumeration process was fraught with tension and violence. Structure owners, aware of the outcome of the Huruma Project and Pamoja Trust's involvement and wishing to protect their lucrative business, resisted the intervention and in the end Pamoja Trust withdrew its engagement in Korogocho. While some scholars argue that the Mathare project was fairly successful, others point out that it became a centre of violent protests, especially by the structure owners. In addition, all beneficiaries became renters and were expected to make regular monthly rent payments; this resulted in increased rent defaulters when some tenants could not afford the new rent and former structure owners felt that they should not be required to pay rent (Kusienya, 2004; Alam et al. 2005). Dealing with structure owners has also been an issue across all the other slum upgrading projects.

1.4.2. Formal Planning Tools and Their Limitations
In the international development literature, providing tenure security remains focused on land tenure. Innovating within the land tenure systems is seen as a way to navigate contextual dynamics to provide tenure security. In evaluating how tenure regularization was implemented in three countries, Durand-Lasserve and Royston (2002) note that innovative

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[4] Gulyani and Talukdar (2008) conclude that the rents paid in these settlements are high in light of the poor quality and compared to settlements in similar contexts in other countries.

mechanisms were adopted to modify the planning tools that were available through the legislation. They suggest that "innovation lies not in new tools, but in the new uses to which existing tools can be put" (Durand-Lasserve & Royston, 2002: 250). While this observation and focus is important, providing tenure security that goes beyond land ownership is much less studied (Payne et al., 2015), but is just as important given the commercialized nature of slums in Nairobi. Payne et al. (2015) point to this gap and state that "[l]and property rights, other than land ownership associated with the range of policies, approaches and interventions reviewed have not been addressed adequately in the evidence" (Payne et al, 2015: iv). Underlying this observation is that "rights to use and occupy land exist independently of, but sometimes in parallel with, ownership" (2015: iv).

Innovation in land tenure in Kenya has been slow on the uptake and the planning tools used in slum upgrading have largely remained the same. In particular, while faced with this phenomenon of 'planning in reverse', they are designed for the normative sequencing of urban development. Relatedly, planners in Kenya also have to deal with rigid, out-dated, unrealistic legislation that still governs practice today. Land administration issues have also been a major stumbling block in implementing the slum upgrading projects in Nairobi: in the World Bank's Second Urban Project, the complex and expensive land acquisition process forced the implementers to abandon one of their project sites (Gulyani & Bassett, 2007; Ogero, 1997; Ogero et al., 1992). In general, the slow, overly complex and bureaucratic nature of Kenya's land administration process has stymied the land regularization process across a number of upgrading projects (Gulyani & Bassett, 2007).

Planning in reverse, particularly in the complicated political economy of Nairobi's slums, needs new tools. A key policymaker who chaired the Land Tenure and Upgrading Taskforce of the National Slum Upgrading Policy confirmed that they found their biggest challenge is 'tenure'. More specifically, "how do you resolve the highly commercialized nature of slums in Kenya?"[5] His remark got to the core issue – that slum housing in Kenya is a vibrant landlord-tenant market while slum upgrading as currently designed is an intervention best suited for settlements with majority owner-occupancy. Finding and implementing alternative forms of tenure security that are appropriate in this commercialized context was one of the Taskforce's main discussion points during the formulation of the policy. Experience has shown them that providing individual title deeds to urban slum dwellers has not had a successful history in Nairobi but they found they have precious few alternatives.

This intellectual gap is where I place my dissertation. Through my research, I will contribute to the question of whether and how slum upgrading in Nairobi, given its commercialized setting, can enhance tenure security. Before I move on to the next section to discuss how my research will approach this intellectual quandary, I finish this section by briefly reflecting

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[5] Elite interview, Nov 5, 2013

on my own first-hand practitioner experience working on slum upgrading to further illustrate the challenge of the current slum upgrading model in the face of complex micro-politics.

1.4.3. Experiencing the Gap: Practicing Slum Upgrading in Kenya

My experience working at the World Bank for five years has been an opportunity for me to live the research question. Working, since 2011, in the World Bank's Nairobi office leading the day-to-day support of the implementation of the World Bank-financed Kenya Informal Settlements Improvement Project (KISIP), I have directly engaged in the arena of informal settlements, tenure security and more particularly, land regularization and with the challenges brought about by the struggle to work with the socio-political dynamics on the ground even as these dynamics are screened out by technical solutions. KISIP is a 5-year, US$145 million project with the stated objective of improving the living conditions of slum dwellers using two main modes: regularizing the tenure of squatter settlements that have no land ownership disputes and providing investments in infrastructure, namely water and sanitation, improved roads, storm water drainage, footpaths and streetlights. When the project started, it was spread across two national ministries – the Ministry of Housing, whose mandate included the slum upgrading agenda, and the Ministry of Lands where the Department of Physical Planning was housed. The two are now merged under the Ministry of Land, Housing and Urban Development[6]. I have, over the past five years, had continual interaction with the bureaucrats in the government implementing the project, participated in conversations that try to resolve the bottlenecks in implementation, and directly observed the experiences of bureaucrats trying to plan backwards using formal rules and technocratic assumptions, in their attempts to find ways to resolve the dilemmas. This interaction included participating (as an observer) in the process of drafting the Land Tenure Regularization Guidelines which were eventually adopted by the Ministry of Lands in 2011. This World Bank experience has cemented my previous observations that policy interventions on paper are neat and clean with normative outcomes, yet at implementation planners struggle to meet the objectives of the project.

Seemingly intractable challenges popped up on a regular basis, and I began to notice and was increasingly intrigued by the fact that, somehow, implementation of the project continued. At this point, I took a break from academia to embed myself fully into this phenomenon through interactions with implementing bureaucrats, as well as NGOs agitating for tenure security, such as the local slum dwellers federation affiliated with the international Slum/ShackDwellers International, *Muungano wa Wanavijiji* (MWW)[7]. I got to understand the

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[6] In May 2016, after submission of my thesis, the two were again separated into two ministries: the Ministry of Lands and Physical Planning and the Ministry of Transport, Infrastructure, Housing and Urban Development.

[7] In April 2012, I conducted a qualitative-based assessment of whether and how ten years of funding provided to certain UK NGOs and their local counterparts in Kenya to support community-led slum upgrading had had an impact. Through this consultancy, I interviewed the leaders and members of the local slum dwellers federation affiliated with the international Slum/ShackDwellers International.

context and dynamics better but was still further intrigued at the ways in which planners and other bureaucrats in the frontline of implementation negotiated the implementation of the project. I found the need to understand more urgently how they did their job. It seems that while Li (2007) lamented that projects were rendered technical, I was observing something different; that perhaps the donors/international development community may screen out political and social dynamics but national-level implementation planners (who I call Southern planners in this dissertation) could not afford to. Instead, my observations resonated with arguments in the literature that bureaucrats, especially at the local level in African cities, construct *de facto* roles and practices to deal with their 'daily lived experience' (Haruna, 2001:53). Further, I also wanted to understand how the beneficiaries experienced and perceived the project. As a critical component of the political economy discussed above, I sought a deeper understanding of their experiences and perceptions as related to the delivery of tenure security.

1.5. Unpacking Slum Upgrading in Nairobi's Commercialized Context
1.5.1. The Research Question
Current approaches used thus far to enhance tenure security have limitations in the Nairobi context. Although great strides have been made in recent years in understanding the political economy of slum upgrading in Nairobi, there remains an open question as to whether and how slum upgrading provides tenure security, particularly in a commercialized setting and given the political economy dynamics discussed above.

My dissertation plays inside this intellectual gap. Key questions remain on whether or not the mainstream approaches provide tenure security to the intended beneficiaries. How is tenure security delivered given the mismatched planning tools? Who really captures the social and economic value of the slum upgrading projects? And what are the consequences of rendering these critical micro-politics dynamics technical? In addition, Payne's suggestion that "[t]he original assumptions have now become questions for empirical research" (2001: 12) raises two additional questions. Firstly, if formalization does not necessarily lead to tenure security, what does it lead to? Secondly, what processes or practices do increase tenure security? These five questions seek to understand the outcomes of current slum upgrading projects as well as investigate the actual processes in informal settings that enhance or reduce tenure security.

Combining these five questions, my central research question is:
> *What are the various processes and practices through which tenure security in an informal space is produced and sustained or contested and negated, who are the various actors and with what outcomes?*

Muungano wa Wanavijiji (MWW) encourages its members to form savings groups and to save collectively towards goals related to tenure security. In some urban areas, the goal would be buying land or housing.

In the next subsection, I describe the epistemological and methodological approach I adopt in my analysis of this important question.

1.5.2. From the "Antis" to Possibilism

In laying out the various ways that neoliberalism is used, Ferguson (2010) laments that the indiscriminate use of this term as a powerful all-encompassing entity", a "malevolent force that causes everything else to happen" ends up yielding "empty analysis" because all it does is say that all our problems are caused by neoliberalism." (Ferguson, 2010: 171). For this reason, much of the research often arrives at the often unsurprising conclusion of "neoliberalism is bad for poor and working people, therefore we must oppose it" (Ferguson, 2010: 166). If the intention is to understand things in order to change them, Ferguson challenges us to switch the question from "what are we against?" which creates the culture of "the antis", "largely defined by negation and disdain", to the question "what do we want?" (Ferguson, 2010: 166-167).

This kind of challenge resonates with Hirschman (1995) who challenged international development practitioners and researchers to adopt possibilism, an approach that refused to adopt the common international development practice of gloomy interpretations focused on generalizations to progress or universal sets of one-way sequences or prerequisites required before policy can be reformed (Hirschman, 1995; Tendler, 1999). Hirschman advocated an ideology-free, paradigm-free, and incremental approach towards learning from and implementing international development interventions. He encouraged us to leave these "straitjacket constructs" behind and to look for the uniqueness of a particular situation. Using this approach, one can then "perceive the whole range of the possible, to widen its perception, and even to sacrifice in the process, if necessary, the single-minded pursuit of the probable" (Hirschman, 1995: 134). Believing that change is possible in any setting, he argued that "identifying agents of change requires a propensity to search for hidden rationalities or interpretations of local settings which at first sight might be counter-intuitive" (Lepenies, 2008: 448). Thus, Hirschman would see planning in reverse as an inverted sequence that brings with it possibilities for learning about how to develop tenure security interventions differently.

I take a possibilist approach to my inquiry and use the strategy suggested by Ferguson to engage with real world policy implementation challenges within the current development framework. As there are no well-articulated, intellectually coherent alternatives to development,[8] he suggests analysing the processes and modes of reasoning associated

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[8] I borrow this phrase from Piore, who in his paper, *Second Thoughts: On Economics, Sociology, Neoliberalism, Polanyi's Double Movement and Intellectual Vacuums*, (Socio-Economic Review, Vol. 7 (1), pp. 161-175, 2009) states "we currently lack the well-articulated and intellectually coherent alternatives to the neoclassical vision of a market economy that had existed in the past". In this

with the current development framework which, in slum upgrading, include some neoliberal and modernist processes, to help identify where and how these processes and modes can be "peeled away from that agenda, and put to very different uses" (Ferguson, 2010: 182). By analysing the South African discourse around subsidies for housing, he shows how certain characteristic neoliberal 'moves' or 'motifs' can be used for quite different purposes to achieve developmental goals. Ferguson concludes that doing so is necessary even if it "inevitably puts us on the compromised and reformist terrain of the possible, rather than the seductive high ground of revolutionary ideals and utopian desires" (Ferguson, 2010: 181). This 'compromised' terrain, however, allows investigation into the assumptions underlying the current development framework and also contributes to developing more immediate and incremental development alternatives as broader alternatives to development are sought. Similarly, Payne (2014), in responding to the question of what planners can do within this neoliberal framework, says that planners can "ensure that markets are harnessed to meet the needs of society, not the other way round, as at present" (2014: 3).

To analyse the processes holistically I apply a spatial lens to my inquiry. Rather than analysing processes in isolation (for example, land tenure regularization), I take a step back and observe all the processes and practices taking place in the Korogocho space aimed at producing tenure security. This moves my inquiry away from the more general debate on whether or not land tenure regularization provides tenure security towards a more holistic inquiry to understand which processes *do* produce tenure security. Rejecting the modernist planning perspective that space is neutral, objective, and measureable (Davoudi, 2012), I adopt the perspective that space is subjective and relative, looking at, not the measurable elements within it, but the social and cultural processes taking place in that space and the everyday meanings assigned to these processes (Davoudi, 2012). While the primary concern of modernist planners is to create and maintain order in these spaces which, according to them, can be done through applying laws that apply universally, planning approaches that adopt this subjective concept of space focus on recognizing the social meaning of, and processes taking place in, these spaces and look for opportunities for planning interventions to improve the social conditions that may be inherent in this subjective interpretation of space. The distinctive epistemological characteristic of planning is that it applies a socio-spatial lens to the knowledge it draws from core disciplines (Davoudi, 2012) and as such, my inquiry incorporates a socio-spatial lens on my analysis where I draw from literature in urban studies, sociology and political science to structure my findings.

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paragraph, I am also making the distinction between "development alternatives" and 'alternatives to development" which McFarlane (2004) differentiates as "development alternatives are strategies which seek to change and refine development positions and offer different perspectives, while alternative development seeks to redefine development altogether" (2004: 198). The two are, of course, not necessarily mutually exclusive and may even complement each other.

These two heuristics derived from the international development planning literature form the lens through which I investigate tenure security for the urban poor. Focusing on 'moves' or processes keeps the analysis on the actions, the actors and the outcomes of specific processes, and using the spatial lens allows me to step back and observe all the processes and practices taking place in the Korogocho space.

I use the term slum throughout this dissertation deliberately to maintain the focus on exclusion. Exclusion and tenure insecurity are closely linked and tenure insecurity is acknowledged as a consequence of legal, political and economic exclusion mechanisms (Kumar, 2001; Payne & Durand-Lasserve, 2012). The Chair of the Taskforce to develop the National Slum Upgrading Policy underscored this point by stating in an interview that "the Kenyan slum is not about poverty but exclusion". As this dissertation is primarily an investigation of the experiences of residents of a slum in their continual concern for secure tenure and inclusion, the use of the term 'slum' seems more appropriate. In addition, from a practitioner standpoint I encounter the usage of both 'slums' and 'informal settlements' in my daily work. The strong negative associations of the word 'slum' make practitioners sit up and pay attention. In contrast, the definition of informal settlements does not focus so much on the exclusion from the social and economic infrastructure of the city but is more concerned with non-conformity to regulations. Using 'slums' maintains the focus on exclusion.

1.5.3. Why Nairobi: Context and History of Slum Upgrading

Nairobi is a particularly relevant site for research on providing tenure security within a commercialized context. First, the political economy issues related to slum upgrading in a commercialised setting discussed above are seen in stark relief in the city. In addition, in sharp contrast to the widely-held notion that slums provide low-quality, low-cost shelter to a population that cannot afford better standards, Gulyani and Talukdar (2008) find that Nairobi's slums provide low-quality but high-cost shelter. Many reports claim that Nairobi slums are the worst in Africa due to the very high population densities; UN-Habitat (2010) claims densities of up to 26,000/km^2 in some of the older slum settlements. This low-quality, high-cost equilibrium is static (Gulyani & Talukdar, 2008). Second, as the largest city in Kenya, Nairobi is the canary in the coalmine for the other urban areas in Kenya. It has an estimated population of 4.3 million (UN-Habitat, 2010), three times bigger than the next largest urban area, Mombasa (approximately 1 million), and has grown by 25% between 2005 and 2010. Additionally, while Nairobi may not be typical of cities in Kenya, its primacy makes it a typical capital city in Africa where most capital cities are primate, ranging from about three to five times larger than the second largest cities and, in some cases, up to nine times larger (for example, Bujumbura in Burundi and Addis Ababa in Ethiopia) (UN-Habitat, 2010b). Researchers describe Nairobi as a challenge (Falkingham et. al., 2012), some even suggesting that slums in Nairobi should not be considered as representative of slums in other parts of Kenya or Africa. On the other hand, some argue that it is because Nairobi is

such an anomaly that researchers should strive to understand it and its slums better (Gulyani & Bassett, 2010). It is in these cities that the challenges of urbanisation are felt deeply and where the battle for the delivery of tenure security will be won or lost.

Nairobi has more than 200 informal settlements (UN-Habitat, 2010b; SDI Inventory of Slums) and has a long history of slum upgrading programmes. While state-funded sites-and-services schemes were implemented in Kenya in the 1940s and the 1950s (Mayo & Gross, 1987), it was not until the 1970s when the sites-and-services approach gained global recognition due to the influential work by Turner and Fichter (1972) on self-help housing. Nairobi's sites-and-services schemes received financing from the World Bank and USAID. The World Bank's First, Second and Third Urban Projects were based in Nairobi, Kisumu and other towns, the most well-known being the 1970s Dandora Site and Services Scheme project in Nairobi where the objective was to create 6,000 serviced plots to benefit low-income households (Alam et al., 2005). The 1980s saw the Government of Kenya providing new low-income housing with the development of estates such as Ziwani and Pumwani in Nairobi. In the1990s, the Government of Kenya (GoK), the German government and the Catholic Archdiocese of Nairobi initiated a pilot project, Mathare 4A, in Mathare slum, Eastern Nairobi (Kusienya, 2004). The objective was to upgrade the living environment of the slum dwellers by improving their housing conditions, sanitation, accessibility and security of tenure. It was completed in about 5 years and 1,500 new rooms replaced temporary structures.

Also in the 1990s, the first community-led upgrading project, the Huruma Settlement Scheme in Eastern Nairobi, was initiated. The area was declared a Special Planning Area by the Nairobi City Council which allowed the building of units with measurements below the minimum planning standards and the use of cheaper materials than called for by statutory building codes (Alam et al., 2005). Community mobilization was through *'Muungano wa Wanavijiji'*, the local chapter of the international Slum/Shack Dwellers Federation supported by Pamoja Trust, then a newly-formed NGO established to support upgrading community-led initiatives.

In the early 2000s, state-led slum upgrading initiatives picked up. In this current phase of slum upgrading, Kenya has two government-funded slum upgrading programmes under implementation: (i) The Kenya Slum Upgrading Programme (KENSUP) launched in 2001 and (ii) The Kenya Informal Settlements Improvement Project (KISIP) started in 2011 and supported by the World Bank. KENSUP is a collaboration between UN-HABITAT and the Government of Kenya (GoK) and is funded by GoK and the UN-HABITAT/Cities Alliance. It aims to improve the lives of people living and working in slums and informal settlements in all urban areas of Kenya, using infrastructure as its entry point. KENSUP has pilot projects

in Nairobi, Mavoko, Mombasa and Kisumu, but the most well-known is in Soweto East Village in Kibera, Nairobi.

Launched in 2011, KISIP is a World Bank funded programme with the stated objective of improving the living conditions in selected settlements. KISIP uses two primary tools, land tenure regularization and infrastructure investment, to provide basic services. It has sites across 15 urban areas: Nairobi, Mombasa, Kisumu, Nakuru, Eldoret, Malindi, Naivasha, Kitui, Machakos, Thika, Nyeri, Garissa, Kericho, Kakamega, and Embu.

In the next section, I outline the case study, Korogocho and introduce its slum upgraeing project, its objectives, key actors and processes.

1.6. Introducing the Case Study: Korogocho and Its Slum Upgrading Project

My dissertation analyses Korogocho, a settlement in Eastern Nairobi about 11km from the city centre and usually reported as the fourth largest slum in Nairobi. I analyse Korogocho as a single case study in Nairobi across two time periods to provide insights into the ways in which tenure security is produced and sustained or negated. The first time period, 1977-1980, is at the height of the formation of Korogocho while the second, 2008-2014, is during the implementation of the Korogocho Slum Upgrading Project (KSUP). In both time periods I examine the extent to which the processes and practices within the Korogocho space were conducted with the intention of improving tenure security and analyse the consequent outcomes. Chapter 4 analyses the first time period while Chapters 5 and 6 analyse two processes within KSUP aimed at increasing tenure security of residents.

1.6.1. The Korogocho Slum Upgrading Project (KSUP)

The Korogocho Slum Upgrading Programme (KSUP) is a slum upgrading project begun in 2008 in Korogocho. According the project documents, the project seeks to improve the living conditions of the residents through an integrated and participatory approach aimed at providing security of tenure as well as preparing and implementing improvements to the physical, economic and social living conditions of the Korogocho communities. The initial project timeline was two years, from 2008-2010, but it was still on going in 2014 during my fieldwork.

Funding for the KSUP followed a new model and was developed out of a debt swap between the Italian government and Kenya. At the time, the idea of a debt for development swap was new, having come about in response to pressure within donor countries where citizens felt it was not right for developing countries to pay back debt acquired through government-to-government development loans to already rich countries. In this particular instance, the Catholic Church, as a powerful influence in Italy, played a huge role in pressuring the Italian government to pilot this alternative mode of debt repayment. In the

arrangement under the debt swap, the Government of Kenya would not repay the Italian Government the debt it owed but would instead spend that money on development projects that had been agreed with the donor. In this particular debt swap, the Italians were particularly interested in interventions in rural areas; however, one of the major influential Catholic groups in Italy, the Comboni Missionaries, had worked in Korogocho for over 20 years and pressured them to include Korogocho as one of the projects. As such, Korogocho is the only urban project in the six projects covered in this particular debt swap. This debt swap funded the initial two years of the project with no clear further commitment from the Italians; in this case about KES 210 million of the KES 400 million (EUR 44 million) of the debt amount was to be used in Korogocho. The remaining amount went to projects run by the Ministry of Health, Ministry of Education and Ministry of Water and Irrigation in rural areas. This debt for development initiative was institutionalised as the Kenya Italy Debt for Development Programme (KIDDP) and a project office was set up in Nairobi under the Italian bi-lateral agency, Italian Cooperation. A full-time programme manager, a Kenyan, was hired to support the day-to-day running of KSUP.

The project had six main objectives as summarized in Figure 1.3. Using Ferguson's terminology, the activities implemented under these objectives can be seen as the modernist moves involved in implementing this project.

Figure 1.3. Six main objectives of the KSUP

	Activity	Timeline	Reference in Thesis
1	To have a detailed appreciation of Korogocho – included the listening survey, the socio-economic survey and enumeration of Korogocho residents and numbering of physical structures.	Listening survey held June 23-24, 2008. Socio-economic survey held October-December 2009. Report finalized in 2010. Enumeration conducted over a number of months between April and August 2008.	Findings from the listening survey and the socio-economic survey are used throughout the thesis. The enumeration process is discussed in Chapter 5.
2	To prepare an advisory physical plan for Korogocho.	October 2011-February 2012.	The planning process is discussed in Chapter 6.
3	To build capacity of various actors/institutions – focusing on capacity building of the Residents' Committee to lead the community participation in the upgrading.	A series of workshops from June 2008-July 2009.	Not directly addressed in this thesis
4	To prepare a sustainable integrated plan for upgrading Korogocho.	October 2011-February 2012.	The planning process is discussed in Chapter 6.
5	To provide collective security of tenure to the residents of Korogocho	Ongoing at time of fieldwork.	The determination of the tenure model is discussed in Chapter 6.

6	To implement concrete improvement to assure visible impact – the main infrastructure improvement was tarmacking 3.68km of main roads with an additional 33.12 km of access roads planned.	Main roads completed in 2010. Construction of access roads was ongoing at time of fieldwork.	Not addressed in this thesis

1.6.2. Small Towns Development Project (STDP)

The design of the KSUP was heavily influenced by past experiences of the Ministry of Local Government in slums. In Kenya, the slum upgrading agenda has been approached from three different entry points that aligned with the status of the global approach at the project's initiation, i.e. providing housing, building capacity in urban management and regularizing tenure. For this reason, the ministry holding the mandate of slum upgrading has changed over the decades. As KSUP was following the STDP, which is built on the principle of strengthening urban management capacity to handle slums, the ministry in charge was the then Ministry of Local Government which was in charge of the 175 local authorities in Kenya. Of these, 108 were urban (3 city councils including Nairobi City Council), 43 municipal councils, and 62 town councils): the remaining 67 were rural county councils. [9]

The Small Towns Development Project (STDP) was a collaboration between the Government of Kenya through the former Ministry of Local Government (MoLG) and the Federal Government of Germany through GTZ, its international cooperation body. STDP ran from 1988-2002 and was based on the global thinking of the time that the best way to address slums was through better urban management. The programme's aim, therefore, was to strengthen urban management such that urban governments could take up the responsibility of upgrading slums. Thus, the objectives of the project focused on building the institutional capacities of the local authorities to enable them to undertake successful slum upgrading. At the national level, the STDP focused on strengthening the capacity of the Ministry of Local Government to be a stronger advisory body to the local authorities. The project focused on urban management strategies for slum upgrading and service delivery more generally. In particular, the project strengthened the capacity of the local authorities to plan, service, regularize and title informal areas. The project chose two settlements as their initial pilot projects: Mtaani-Kisumu Ndogo in Kilifi Town and Tanzania-Bondeni in Voi Town.

As part of experimentation within the project, GTZ decided to offer two alternative tenure models to the settlement residents: individual titling and the Community Land Trust (CLT) model. The CLT model was developed in the US, drawing on the principles of collective ownership seen in Africa and India. It was initially introduced to Kenya in 1991 through a

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[9] The local government system became defunct after the 2013 General Elections which introduced a new set of institutions under a devolution framework.

Ford Foundation study but did not have any uptake until the STDP was searching for innovative ways to provide tenure security in slum upgrading. Bassett and Jacobs (1997) explain that the impetus to experiment with the CLT in the STDP arose from the acknowledgement that the Western freehold tenure system and formal planning practices may not be appropriate in the African context. The CLT seemed somewhat more fitting as it embraced collective ownership, akin to the customary traditions of the commons. The CLT model seemed to be the best of both worlds because it "combined community ownership and control of land with individual ownership of improvements on the land" (Bassett & Jacobs, 2007: 217). While this collective ownership was disliked by some planners who saw it as providing the poor with "second class ownership" (Bassett & Jacobs, 1997: 220), the STDP project team felt it would reduce the temptation to sell and thus retain the intended beneficiaries of the project, while also preventing gentrification, an acknowledged negative consequence of the individual titling model.

The experiment with the CLT generated substantial interest as civil society and donors alike had been stymied by the 'windfall' effect of proving individual titles. Only one of the two pilot projects, Tanzania-Bondeni in Voi, chose the CLT model and it quickly became seen as an experiment in tenure innovation in Kenya that could assure tenure security to the intended beneficiaries more than individual titling could. Optimism was high and the Tanzania-Bondeni experiment was even selected as a Best Practice by UN-Habitat in 1996. The hunger for tenure innovation was keen and the CLT seemed to resolve a lot of the issues that challenged providing tenure security through individual tenure. However, as further discussed in Chapter 6, an evaluation of the experiment about fifteen years after the project inception (Bassett, 2005) indicates that in the long term, the outcomes of the experiment did not meet the optimistic expectations.

1.6.3. Minimum Interventions Guidelines (MINA Guidelines)

Based on their experience with the STDP, the Ministry of Local Government prepared the Minimum Interventions Guidelines (MINA Guidelines) which were completed in 2004. The Minimum Intervention Approach to upgrading of informal settlements is that development agencies do not necessarily inject massive funds to the community but instead assist with technical input and enabling the community to marshal its own resources to meet the cost of improving their living environment (Ministry of Local Government, 2004). It is based on three major principles and the details are provided here from the Guidelines document. The first principle is positively recognizing that these informal settlements play a critical role in providing shelter to meet a demand not met in the formal housing market, and acknowledging the actors, particularly the structure owners, who are part of this solution. The second principle is that the beneficiaries should be active financial participants in the project and they are expected to share with the government the costs associated with the tenure regularization and other aspects of the upgrading. The third principle is that the upgrading efforts led and implemented by the community and the local urban authority and

external support are only supplementary to the resources and efforts of the community. Strategies to meet these principles include an iterative approach to upgrading rather than a one-time transformation that could be supported only by massive injection of funds; thinking about land tenure options to create sustainable security of tenure, minimum demolition of structures and ensuring that all structure owners would be resettled either within the settlement or on alternative land.

The MINA Guidelines intended to reduce the negative consequences of upgrading such as the market displacement of poorer settlement residents (gentrification) and high turnover of the intended beneficiaries. However, as acknowledged in the Guidelines document, they are best implemented where most of the settlement residents are structure owners who do not own multiple structures (Ministry of Local Government, 2004).

1.6.4. The Institutions in the KSUP

One of the first tasks of the KSUP was to build the institutions necessary to implement the project. As the project would be implemented with and through existing institutions at the local and national levels, government agencies whose mandates were relevant to the project were identified to constitute the institutional structure. Two committees were set up, a Steering Committee and the Inter-Agency Technical Working Group (ITWG). The Steering Committee included representatives of the government agencies whose mandates were needed to implement the project (Figure 1.5). The Steering Committee is the final decision and policy–making body of the Programme and its objective is to "give guidance on the upgrading programme; to receive reports on the upgrading programme for approval; to make appropriate interventions to ensure that programme activities are on course and to monitor utilization of funds" (GOK:KIDDP:CP:2008:5).

Of the institutions in the Steering Committee, four agencies were engaged in the day-to-day implementation of the project and together comprised the Inter-Agency Technical Working Group (ITWG). The Ministry of Lands, UN-Habitat and Nairobi City Council were the implementing agencies who, due to their mandates, were each responsible for carrying out certain aspects of the project (Figure 1.4). The Ministry of Local Government (MOLG) was the executing agency and responsible for coordinating the implementing agencies and providing the technical support to the Steering Committee. Throughout this dissertation, I refer to the ITWG as the implementing team or the project team.

Figure 1.4: The Interagency Technical Working Group (ITWG)

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                    ┌─────────────────────┐
                    │    Interagency      │
                    │ Technical Working   │
                    │   Group (ITWG)      │
                    └─────────────────────┘
         ┌──────────────┬──────────┴─────────┬──────────────┐
┌──────────────┐ ┌──────────────┐ ┌──────────────┐ ┌──────────────┐
│Ministry of   │ │Ministry of   │ │Nairobi City  │ │UN-Habitat    │
│Local         │ │Lands         │ │Council       │ │(implementing │
│Government    │ │(implementing │ │(implementing │ │agency)       │
│(executing    │ │agency)       │ │agency)       │ │              │
│agency)       │ │              │ │              │ │              │
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                        │
                        ├────┌──────────────┐
                        │    │Department of │
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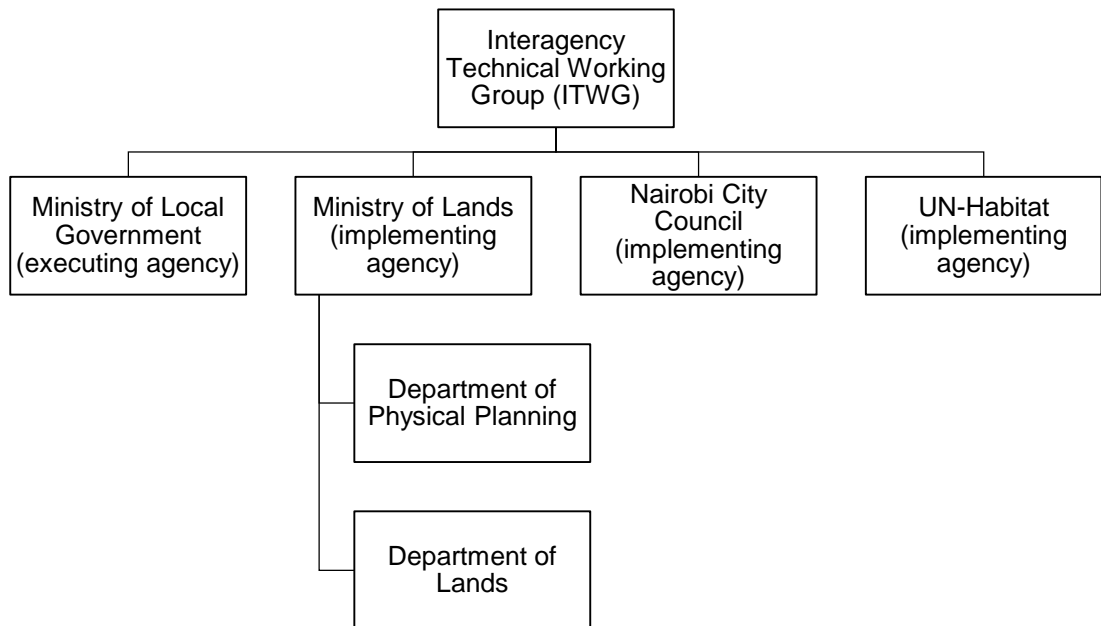
Source: Author based on KSUP project documents

In terms of the implementation, different agencies were in charge of the different activities under the six objectives (Figure 1.6).

Figure 1.5: The KSUP Steering Committee
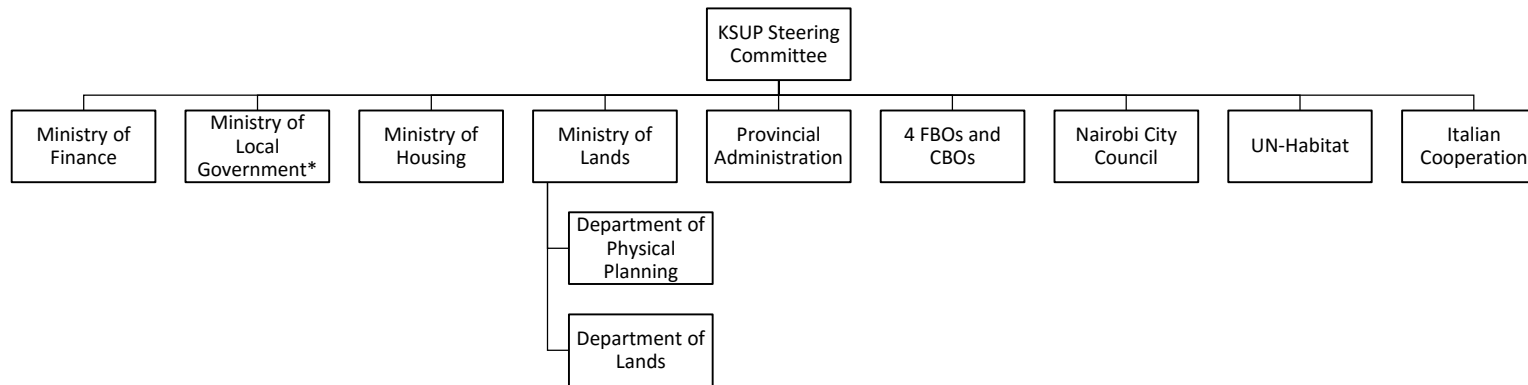
* In 2008, as part of a power-sharing agreement negotiated after the contested 2008 General Elections, Musalia Mudavadi was appointed the Minister of Local Government and the Deputy Prime Minister changing the name of the ministry to Office of the Deputy Prime Minister and Ministry of Local Government. The position of the Deputy Prime Minister became defunct following the 2013 General Elections and the name of the ministry returned to the Ministry of Local Government. The ministry, therefore, has had two names during the implementation of KSUP. For simplicity's sake I refer to it as the Ministry of Local Government throughout this dissertation.

Source: Author based on KSUP project documents

Figure 1.6: Responsibilities of the ITWG Agencies

	Activity	Lead Agency	Other critical agencies
1	To have a detailed appreciation of Korogocho.	UN-Habitat MOLG	
2	To prepare an Advisory Physical Plan for Korogocho.	Ministry of Lands (Department of Physical Planning)	Nairobi City Council (as the agency in charge of development control)
3	To build capacity of various actors/institutions.	UN-Habitat MOLG	
4	To prepare a sustainable integrated plan for upgrading Korogocho.	UN-Habitat	Nairobi City Council (as the agency in charge of development control)
5	To provide collective security of tenure to the residents of Korogocho.	Ministry of Lands (Department of Lands)	Nairobi City Council (local authorities worked with the Ministry to issue titles)
6	To implement concrete improvement to assure visible impact.	Nairobi City Council	

The four government agencies on the Steering Committee but not in the ITWG were important to the project for various reasons. The Ministry of Finance is a key actor in any development project funded by a donor as borrowing money towards national development purposes falls under their mandate. The Ministry of Housing is the lead agency in the KENSUP project and it was included to coordinate the experiences and activities of KENSUP with KSUP. Third, Italian Cooperation as the donor partner in this project wished to follow the implementation progress of the project. Thus, while they were not formally part of the ITWG, they had consistent representation at the ITWG meetings. Lastly, the inclusion of the Provincial Administration is striking. In general, the Provincial Administration is seen as a key actor in national security, As discussed further in Chapter 4, this institution was used during the 1990s as a mechanism to combat activities subversive to the incumbent single-party system, thus maintaining total control of the country. However, the inclusion of the Administration may indicate the recognition of the *de facto* planning of role of the Administration within the settlements, as discussed in detail in Chapter 4.

1.6.5. Participatory Planning in Action

As discussed in the literature review and consistent with modernist planning today, participatory planning is a key element of KSUP. In accordance with the MINA Guidelines, a Residents' Committee (RC) had to be established to represent the Korogocho community. A listening survey was carried out to 'appreciate the existing situation', in this case to better understand the existing socio-political dynamics and identify the key influential local leaders. The listening survey teased out the power dynamics through informal unstructured discussions with the residents. The survey was conducted on June 23-24, 2008 as an initial step to the project and a report was generated to record the findings. From this survey, a list

of opinion leaders was identified who were then brought together on 7 July, 2008 to create consensus on the composition of the Residents' Committee and how the members would be elected. The membership agreed was six elected members in the following proportion: two structure owner representatives, and one representative each from tenants, women, and youth. In addition, a local religious leader from both the Christian faith and the Muslim faith were included. Elections were held on 4 August, 2008. Once the RC was elected, a workshop was held 10 days after their elections, to build their capacity to lead the community through the upgrading process. Chapters Five and Six discuss the central role of the RC and its dynamics with the broader Korogocho community in more detail.

1.7. Structure of Dissertation and Main Arguments

This section provides the outline of the rest of the dissertation and summarises the findings discussed in each substantive chapter and the conclusion. All three substantive chapters touch on modernist or neoliberal moves within the context of the Korogocho informal space across two time periods: first, from 1977-1980, at the height of the formation of the settlement and later, from 2008-2014, during the Korogocho Slum Upgrading Project (KSUP). Each chapter shows how the moves played out, how they were hybridized as formal and informal actors appropriated them, and whether and how the outcome of tenure security was achieved in each time period. I bring out the politics within the Korogocho space that played a role in the outcomes of the slum upgrading project. I show what went wrong and how the power imbalances between structure owners and tenants were further entrenched. In the analysis and using the perceptions from the community, I signal the decision branches where I propose the processes and outcomes of tenure security could have been better met.

The main objective of the next chapter, the literature review, is to develop a conceptual and theoretical framework to analyse tenure security and its delivery. I examine how the definitions of informality and tenure security have changed over the years. I then move into a critical review of slum upgrading as a planning intervention to provide tenure security. I propose that retheorising the tenure security literature, by borrowing from literature in urban studies, can bring us closer to understanding both the processes to deliver tenure security and the outcome of tenure security. In particular, recent concepts of informality as well of the concept of space as subjective are useful towards this retheorising.

In Chapter Three, the methodology chapter, I discuss the methodological choices I made based on a review of the literature that analyses slum upgrading projects. The empirical core of this dissertation is a single rich case, the case of Korogocho, a slum settlement in Eastern Nairobi, about 11km from the city centre. Yin (2009) encourages the use of case studies to dig into the black box to understand the mechanisms behind the cause and effect of a certain phenomenon. Further, various planners have advocated that case study research design is best suited to 'unsettle' the assumptions and preconceptions of current planning

theory (Duminy et al., 2014; Watson, 2012; Flyvbjerg, 2006). My case is part of this Kuhnian accumulation of knowledge to better understand planning implementation in Southern cities, particularly the implementation to deliver tenure security.

In Chapter Four, I analyse the connection between the production of space and perceptions of tenure security. I introduce the case study settlement, Korogocho, and its nine villages and through examination of their histories (specifically their formations), I analyse the production of the Korogocho space and the practices that have contributed to this production. I illustrate how the production of the Korogocho space as an informal settlement is the result of actions by both formal and informal actors and is not an either/or phenomenon as macro- and micro-level explanations of the production of slums suggest. Further, different practices in the production of this space have led to varying perceptions of spaces by residents. I argue that these varying perceptions of space can also be seen as varying perceptions of tenure security.

In Chapter Five, I examine the impact of enumeration on certain subpopulations in Korogocho. I discuss how enumeration in Korogocho used two resident categories - structure owner and long-term tenant – to count the project beneficiaries but that these categories did not go far enough to make the beneficiary population fully legible[10] and I lay out a broader spectrum of the settlement residents. I analyse the political dynamics that led to the enumeration failing to properly capture the most vulnerable group, the tenants. I then examine the implications of excluding a critical section of the long-term tenant population, the youth, who became a hidden population within this project. I argue that categories used in enumeration limit effective legibility and by extension limit the ability of the project to increase tenure security for some intended beneficiaries.

In Chapter Six, I analyse the process and outcome of preparing the physical plan to make Korogocho legible, particularly how the implementing team encountered and negotiated within the two areas of micro-level politics of informal urbanisation discussed earlier in this introduction. I trace how the initial project design that assumed that collective tenure would be accepted by the community and that housing would be a priority was revised based on power-laden community participation. With individual titling determined as the agreed tenure option, I show how planners implemented a state of exception (allowing them to reduce plot sizes below the statutory minimum), to meet the demand of individual titles. The planning process increased legibility of the space but also led to a property-shelter conflation where formalizing of space was conflated with formalizing of household. This conflation constrained the ability of the project to increase tenure security to households. I argue that, while innovation in tenure regularization is seen as a way around these micro-politics, the

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[10] "Legibility, as Scott employs the term, includes standardization, simplification, codification, abstraction, and the valorization of procedures deemed to be scientific (that is objective, precise, and universally valid) at the expense of local knowledge" (Adas, 2000).

consequent focus on land tenure means that the core issue of providing shelter for Africa's urban poor is no longer directly addressed.

In Chapter Seven, I conclude by bringing together the findings and arguments from each chapter and discussing the implications for planning interventions for the delivery of tenure security.

CHAPTER 2: THEORETICAL FRAMEWORK

2.1. Introduction

In the previous chapter, I presented the attempts at providing tenure security for the urban poor in the face of the pervasive and persistent failure of formal delivery of accessible and adequate housing. The main objective of this chapter is to discuss how tenure security and slum upgrading as an intervention to deliver tenure security has been conceptualised, to point out the gaps and to propose how my dissertation will contribute to closing these gaps through a reconceptualisation of the tenure security discourse. I show the limited range of the international development planning literature in terms of grasping the complex macro and micro politics of slum upgrading programmes, specifically around tenure security. To fill the gap, I draw from the urban studies literature on informality and incorporate this discourse into the classic development planning literature on tenure regularisation and slum upgrading. Throughout the discussion, I work towards developing a framework to reconceptualise tenure security and the planning processes that are used to deliver it.

The chapter is organized as follows. In the next section, I begin with a review of the difference concepts of tenure security. I follow in Section 2.3 with a critical review of slum upgrading as a planning practice to provide tenure security. Here, I review the debates around *de jure* and *de facto* tenure security. In Section 2.4, I present the gap in the tenure security literature to which I contribute. Here, I problematise slum upgrading and illustrate how the slum upgrading screens out the socio-political processes thus limiting its impact on tenure security. In Section 2.5, I propose that the literature on tenure security can draw on literature from urban studies in order to bring these socio-political processes into focus. I draw on two concepts from urban studies - informality as formal-informal negotiation and the social conception of space – and illustrate how tenure security can be recast in a way that moves the concept beyond the current planning discourse.

In the next section, I examine the perspectives in the literature on the formation of slums and their growth as a consequence of the urban poor turning to informal delivery mechanisms for housing which is accessible, if not adequate. I place this discussion in the context of accessible housing as a form of tenure security.

2.2. What is Tenure Security?
2.2.1. Informal Housing as Tenure Security
While the vast majority of the tenure security literature focuses on land as the basis for this security, a lesser researched but still acknowledged basis for tenure security is shelter. The policy dialogue on the broader implications of tenure security places tenure security as part of a larger social concern: accessible and adequate housing. As mentioned in the introduction, the UN-Habitat definition of tenure security considers security of tenure as one

element of accessible and adequate housing (UNCHS, 1999). Similarly, the Committee on Economic, Social and Cultural Rights includes "legal security of tenure" as one element of the human right to adequate housing (Davy & Pellissery, 2013) stating that the right to housing should be seen as the "right to live somewhere in security, peace and dignity" (quoted in Davy & Pellissery, 2013). As such, the emergence and growth of slums is the manifestation of the search for tenure security through accessible - if not adequate housing – where the urban poor have turned to informal mechanisms to deliver housing that they can afford.

Informal housing, and informality more broadly, were not supposed to persist. A concept introduced by Keith Hart in 1972, informality was assumed to be a residual product of the transformation from a traditional to a modern economy. It described that part of the economy that was not captured by 'modern' economic measures (Dovey, 2012). The traditional economic activity was considered "parallel and inconsequential to modernization" (Fernandez-Kelly & Shefner, 2006), and as societies modernized and the modern economic sector grew, the informal sector would become extinct. From this perspective the emergence and growth of slums was seen as the coping strategy of urban economies to deal with the rapid rural-urban migration caused by the growth of the modern economy. Stokes (1962) asserted that "slums do have a function in the development of the city" (Stokes, 1962: 187) which was to provide low-income housing for migrant labour that had not yet been absorbed into the modern economy and where the state did not have sufficient resources to keep up with the demand for housing. He argued that as modern economy grew, the housing market would eventually right itself and residents of slums would be absorbed into formal housing as the formal housing supply grew. Slums of hope were "self-eliminating if the society has the time to wait" (Stokes, 1962: 194). The rate at which the slums disappeared would depend upon the rate at which the migrant could get absorbed into the urban economy (Stokes, 1962) Thus, a strong inverse relationship was assumed between the growth of the economy and the growth of slums.

As informality and the growth of slums continue unabated even as economies are 'modernizing', two predominant perspectives on the phenomena have been developed. One perspective, the legalists, see slums as manifestations of market failures due to regulatory obstacles caused by the overly bureaucratic processes in land markets that are stymying the growth of formal low-income housing. In the interaction between entrepreneurs and the formal regulatory environment, over-regulation has forced enterprising minds to choose to sink below the state's purview in order to circumvent the suffocating regulatory environment (de Soto, 2000). The other perspective, the structuralists, see the growth of informal activities, either in the economy or in land and housing, as a product of capitalist social, political and historical processes (Portes et al., 1989). One major historical process in Africa's history is the colonial legacy where the colonialists triggered urban migration but did

not set up the institutions to manage it (Fox, 2014). A second historical process is the anti-urbanization bias that was high in the 1980s and halted investment in urban areas leading to urbanization without investment (Fox, 2014). In addition, political processes such as opportunistic political and economic entrepreneurs who see the lucrative nature of "slum business" (Dafe, 2009) have led to the persistence of slums. Slums grow and thrive due to patron-client relationships with these entrepreneurs actively involved in the production of informality (Fox, 2014). As many of these entrepreneurs are politically connected, the political class has little incentive to curb this thriving business.

While the solutions to resolving slums differ across these different perspectives, all agree that state action is a part of the solution. The response of many states during the initial phase was to do nothing except focus on growing their modern economies. More recently, structuralists argue that government regulation has a role to play in alleviating the capitalist-induced conditions that give rise to slums. The state needs to pay attention to the structural issues in society that are causing slums, such as inequitable land distribution and structural poverty (Gilbert & Gugler, 1992). On the other hand, legalists argue that streamlining government regulation is the solution to reducing the bureaucratic inefficiencies of the urban land and housing market. From this perspective, the correct state action is to reduce the over-regulation that is causing the market failures. Both sides see the state as the actor that needs to effect change, in this case to reduce the barriers to accessible and adequate housing.

In the absence of state action, the actions by urban residents to produce low-income housing for themselves is a 'bottom-up' approach to planning where citizens effect change through their actions. Using the social mobilization planning approach that sees planning from below as the force behind any change in the public realm (Friedmann, 1987), the formation of slums is a form of planning from below employed by the urban poor to achieve some form of tenure security through accessible housing. Researchers with a pessimistic lens despair at the hopeless, helpless, downward spiralling planning strategies employed by the urban poor (Davis, 2006). Those more optimistic, while also despairing at the inability of the state to meet its obligation, exhort the ability of residents to respond within that vacuum by developing their own micro-level strategies that help them meet their own shelter needs (Hardoy & Satterthwaite, 2014; Simone, 2004; Pieterse, 2011). At the least, this bottom-up planning approach has been critical in providing accessible housing.

The planning action by urban residents is also seen as a form of resistance. One school of thought sees this production of informal housing as an indication of exit. Informal actors often chose exit and evasion as their political strategy – a politics of disengagement that is 'quiet' and 'atomised' in response to individual needs (Bayat, 2000). Simone (2004) makes sense of these actions through the concept of "people as infrastructure" where he argues

that these actions are "a platform providing for and reproducing life in the city" (Simone, 2004: 407). He suggests that people themselves, with their energy and activity, are what make the city in light of the erosion of formal institutions and the limited means available to the marginalized. Within this school of thought, informal actors are developing their own subaltern mechanisms to guarantee accessible shelter quietly. A second school of thought sees this production of informal housing as voice. The literature on the right to the city, based on Lefebvre (1991), illustrate how residents appropriate their right to accessible housing in the context of informal urbanization. The right to the city is twofold: first, urban residents have the right to participate in all decisions related to the production of their space and second, residents also have the right to appropriate – essentially to take on the space and make use of it as they need to. Appropriation includes "the right of inhabitants to physically access, occupy, and use urban space" (Purcell, 2002: 103). Similarly, Miraftab (2009) introduces insurgent planning as a counter-hegemonic strategy employed to resist neoliberal planning practices. Benjamin (2008) uses the term occupancy urbanism and Appadurai (2001) sees it as democracy from below. Thus, across these perspectives on informal housing production as voice, slums are depicted as sites of resistance where everyday practices resist hegemonic power.

Despite the valour associated with the formation of slums as sites of redress and resistance, tenure security remains precarious in these spaces and the threat of evictions remains a constant source of insecurity. The threat of evictions increased substantially in the 1970s and 1980s when, anxious that the slums were not disappearing no matter how much the economy was growing, governments went into a razing period where massive evictions and demolitions to remove the slums became the norm. Multiple studies show the impact of these evictions and displacements on household poverty levels; evictions come at a high cost for squatters (Mitlin & Satterthwaite, 2013). Indeed, the increasing state-led demolitions and evictions of squatters across cities in the developing world in the 1970s and 1980s was the catalyst that galvanized the international development community into action that led to Habitat I (Satterthwaite & Mitlin, 2013). Both the extent of the evictions and the severe disruption onto squatter families created the momentum to address the policy dilemma that governments were not providing low-income housing yet were also demolishing the low-income housing that was produced through everyday strategies of the poor. It was estimated that in Venezuela, the government demolished in one year more low-income housing than it built (Werlin, 1999). Reducing the evictions, and increasing tenure security, became an imperative on the global agenda.

As discussed in the introduction, how to address this policy dilemma has gone through multiple iterations in the international development planning practice. The next section reviews the literature on the most recent iteration, slum upgrading, as a 'top-down' planning intervention intended to deliver tenure security.

2.2.2. State-led Tenure Security

State-led provision of tenure security has been examined in a number of ways in the international development planning literature. Initially, tenure security was equated with land ownership and therefore seen as an outcome of providing squatters with land titles; Doebele (1987) when discussing the value of tenure security uses "tenure security" and "land tenure" interchangeably. Similarly, in the late 1980s, the World Bank took tenure security and land titling as synonyms (Obeng-Odoom & Stilwell, 2013). This assumption is not surprising as the practices of providing tenure security had until then been a program for rural areas. In rural areas, land was the asset that provided the security. Thus, initial attempts at providing tenure security in the urban areas focused on regularizing land tenure as well, in effect, providing individual ownership to squatters through titling.

As understanding of tenure security deepened, researchers argued that secure tenure goes further than secure property rights and included perception, that is, whether or not residents felt secure regardless of whether they had a title (Durand-Lasserve & Royston, 2002; Gulyani & Bassett, 2007; Bromley, 2009; Kiddle, 2010; Payne & Durand-Lasserve, 2012). These proponents argue that much more important than having a title deed in hand is the perception of tenure security by residents. The concept of tenure security moved away from land titling only, or *de jure* tenure security, and expanded to include *de facto* tenure security which Gilbert (2002) defines as "occupants' perceptions of the probability of eviction and demolition". Proponents convincingly argue that fostering *de facto* secure tenure is important particularly in situations where providing *de jure* tenure security is not possible (Kiddle, 2010; Gulyani & Bassett, 2007). In a Report to the Special Rapporteur[1], Payne and Durand-Lasserve (2012) also states that the "actual level of tenure security provided is subject to perception of the stakeholders involved" (2012: 3). In fact, where *de facto* tenure security is high, the communities may have little interest in acquiring land titles especially if these titles come with extra costs (Gulyani & Bassett, 2007; Monkkonen 2012). International policy already reflect the acceptance of *de facto* tenure security as a critical complement to *de jure* in the current global context of informal urbanization (Kiddle, 2010).

With the acceptance of *de facto* tenure security, the literature explores the different variables that provide slum dwellers with this perception. Factors that have been put forward by researchers that contribute to perceptions of tenure security include duration of stay (Monkkonen 2012), tenancy mix of the settlement and its relation to collective action (Hooper & Ortolano, 2012; Hooper & Cadstedt, 2014), whether one is a tenant or an owner (Gulyani & Bassett, 2010), access to infrastructure and basic services (Gulyani & Talukdar, 2010; Reerink & Van Gelder, 2010; Patel, 2013), unit quality, and the neighbourhood

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[1] Research Paper prepared for the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, to inform her Study on Security of Tenure.

condition and location (Gulyani & Talukdar 2010; Reerink & Van Gelder, 2010), and the actions of political class that signal support.

Van Gelder (2010) develops the concept of tenure security further and argues that *de facto* tenure security is different to perception of tenure security. He describes *de facto* tenure security as the objective facts on the ground that indicate this form of tenure, thereby separating these facts from the perception of residents that they are secure. He sees the facts on the ground as, for example, the presence of working institutions that support property rights through effective enforcement and accessible legal institutions. Perceived tenure security, on the other hand, is a psychological variable that encapsulates whether the residents "think" and "feel" that the risk eviction is high (Van Gelder et al., 2009). In fact, he argues, both *de jure* and *de facto* tenure security have to be converted to perceived tenure security in order to see the expected behavioural change (e.g. housing improvements). Similarly, Gulyani and Bassett (2007) emphasise that both real and perceived risk of eviction need to be addressed in any intervention, agreeing with this additional nuance to *de facto* tenure security. Thus, this debate broadens the concept of tenure security beyond *de jure* tenure security to include both *de facto* and perception of tenure security.

This three-part concept, some have argued, is reductionist. Obeng Odoom and Stilwell (2013) argue that since tenure security has multiple meanings across different disciplines, these differences should generate debate on how to achieve and extend secure tenure. Instead, however, the international developing planning community has reduced the concept to one meaning only – that of land titling. This reductionist approach has stifled the debate on ways to enhance tenure security which may otherwise have been present had a more multi-dimensional concept was adopted.

The discussion in this section (Section 2.2.) shows how the concept of tenure security is varied and is still evolving. However, key elements have remained constant. A cornerstone of these concepts is that tenure security is delivered through top-down *formal* actions of the *formal* state or the bottom-up *informal* actions of *informal* residents. As will be presented in the second part of the chapter, this cornerstone has limited the ability of the international development planning literature to truly capture the complex actions and outcomes taking place in contexts where tenure security is sought. The next section begins the discussion on this limitation by reviewing the international development planning literature on the design of slum upgrading.

2.3. The Anti-Politics of Slum Upgrading

With its origins in modernist planning, slum upgrading as a solution to delivering tenure delivery focuses on a technical design. This high modernist approach to planning interventions was primarily technocratic in that it believed in the logic of rationality with its

firm belief in the infallibility of technical, non-contextual policy fixes (Goodin et al., 2006; DeLeon, 2006). James Scott in his analysis of the high modernist techno-rational worldview argues that as the state strives towards modernity, it makes an effort to make its governing landscape more legible to rational logic (Scott, 1998). Planning during the rise of industrialization reflected the state's desire to do just that - make its governed territory legible and produce massive broad-based transformation in society through broadly implementing policy fixes that they assumed were universally applicable and all that was needed to be applied to solve all social ills. With its origins in this school of thought, slum upgrading interventions are based on planning principles that believe in implementing change using scientific, value-free knowledge embedded in the state and its bureaucrats.

Currently, slum upgrading projects are designed to provide both *de jure* and *de facto* tenure security. The design incorporates primarily two tools towards this objective: land tenure regularization and infrastructure upgrading (Gulyani & Bassett, 2007). Land tenure regularization comprises all the processes that lead to titling such as surveying, demarcating, resolving disputes, registering the property, and cumulates in the provision of title deeds to individuals living on the land. Proponents of this approach to deliver tenure security argue that providing property rights bring economic and social benefits to lower-income groups (Deininger & Jin 2006; Monkkonen, 2012; Desai & Loftus, 2013). The rhetoric behind the economic benefits of land tenure regularization was spearheaded by de Soto (2000) who argued that those squatting on the land were living on dead capital and claimed that providing titles to the land on which they lived was a path that would increase their economic abilities. For example, with the asset formalized into a package that was legible to the market, the poor would be able to access credit. Governments, too, would derive economic benefits from land regularization as it would increase the potential for collecting property taxes from the squatters. This rationale was adopted by the development agencies, particularly the World Bank who is the largest financiers of these land regularization projects (Davy & Pellissery, 2013).

The social benefits for the land tenure regularization is best described by Doebele when he argued that secure tenure is essential for fulfilling the deep human need for having roots, which he describes as having some identification with a parcel or a home (Doebele, 1987). Titling signals that the government recognises the presence of the slum and the slum dweller, both of which were previously unseen by the state. Providing titles, the ultimate sign of urban citizenship (Akoth, 2011), indicates the government is providing legitimacy to those previously not seen as legitimate (Bromley, 2009). Thus the claim is that the asset not only provides an avenue out of poverty but also provides that feeling of belonging. The assumption is that having this security would lead residents to invest in housing and neighbourhood improvements (Gulyani & Bassett 2007; Van Gelder 2009). This outcome is very important in the predominant neo-liberal mindset of governments and the international

donors where the role of government has shifted from the provider of adequate housing to the enabler, and housing improvements are seen as a private sector responsibility.

The second tool, infrastructure upgrading, is used in slum upgrading to provide *de facto* tenure security. With the extension of infrastructure for basic services such as water and sanitation, residents are inclined to perceive such public investments in their settlements as indicators of permanency. The implementation of infrastructure investments sends a signal to the community that lowers their perception of the potential for eviction. Handzic (2010) underscores this point with his study of the World Bank-financed slum upgrading favela project where residents perceived that such heavy government investments indicated commitment to having residents remain on the land. The assumption is that this perception leads them to invest in improving their housing and settlement conditions regardless of whether they have *de jure* tenure security.

Much of the expected outcomes of land tenure regularization have not panned out and sometimes have led to adverse effects. Payne et al. (2009) argue that the causal link between property titles and access to formal credit has not been supported extensively by empirical research. Mukhija (2002) disputes the assumption that tenure regularization automatically leads to housing improvements/ consolidation. Using case studies in Columbia, Blanco (2012) shows that the current narrow notion of property rights is causing adverse effects such as the privatization of squatting and land entrepreneurism which are both practices that abuse informality and the poor to make money for wealthier individuals. Desai & Loftus (2013) argue that the current view of land as a purely financial asset has led to land speculation, and slum upgrading only reduces security of tenure as the land becomes more valuable as a financial asset. (Benjaminsen et al., 2009) also confirm that speculation is an outcome of formalization.

Similarly, *de facto* tenure and its implementation have some negative implications. A critical one pointed out by critics is that improving service provision is likely to lead to market-based displacements, or gentrification, where rising rents or land sale prices make the place unaffordable to the incumbent residents and they have to move out (Gulyani & Bassett, 2007; Durand-Lasserve & Royston, 2002; Payne, 2002). In essence, the residents lose their accessible housing, with tenants being the most vulnerable in these market-based evictions (Durand-Lasserve & Royston, 2002). In addition, the variables that led to *de facto* tenure security can change at any time. Using a case study from Papua New Guinea, Numbasa and Koczberski (2012) point out how, since security embedded in the informal market is dependent on direct social relations between the landowners and the squatters and these relations weakened at the next generation level, second-generation residents have ended up being more insecure than their parents. The weakened relations, together with other variables such as growing intolerance of squatters in the city centre, breaks down the status

quo, the unspoken agreement to maintain tenure security. For this reason, in Argentina and elsewhere, despite enjoying *de facto* security, residents were still hoping for legal recognition of their security (Reerink & Van Gelder, 2010; Monkkonen 2012).

Even as slum upgrading designs have gone through iterations to incorporate lessons learnt in order to improve the provision of *de jure* and *de facto* tenure security, a larger critique looms; the inability for slum upgrading to capture the macro and micro-politics. This limitation is inherent in the design of the intervention and is endogenous to the international development community who seek technical solutions to social and political problems where, in an effort to remain neutral within sovereign states, technical apolitical solutions are preferred (Li, 2007). In focusing on the technical aspects of slum upgrading, broader social and political processes are screened out making the technical approach to tenure security too narrow and isolated. Modernist planning more broadly has been severely critiqued over the decades for this reason. Using this tradition, planning applies "mechanical-style causal explanations" (Goodin et al., 2006: 6) such as correlations or comparative statics to predict and examine the cause-and-effect of various planning interventions. However, using scientific methods in planning has never solved the 'wicked problems' (Rittel & Webber, 1973) that social dilemmas are – complex, multi-dimensional problems that cannot be resolved. Critics claim that technocratic planners need to move away from using scientific methods to solve social problems and to adopt other types of knowledge, not just the technocratic knowledge embedded in the state. As Rittel and Webber (1973: 160) assert "the social professions were misled somewhere along the line into assuming they could be applied scientists--that they could solve problems in the ways scientists can solve their sorts of problems. The error has been a serious one" (1973: 160).

2.4. The Invisible Politics of Slum Upgrading
2.4.1. State Power and The Tyranny of Participation
Inherent in modernist planning, and hidden by modernist claims of neutrality, is state power. Planning practitioners and researchers are relatively ambivalent about power in planning (Friedmann, 1987), preferring to assume that if present this state power is benevolent. Admitting that power is a critical component of planning suggests that what planners normatively would like to claim is planning – neutral, apolitical actions aimed at objectively improving the social condition – is not what is actually happening. After all, planning is defined as using knowledge to direct action that manages change in the public domain, all for the good of society (Friedmann, 1987). A closer look at the definition, though, indicates that planning carries with it huge potential for control. As planning is articulated through the institutions of the state (Friedmann, 1987), it becomes an instrument used to implement state control of individuals. This perspective implies that planning is double-edged, about improving social conditions but doing so through social control, which Yiftacel (1998) refers to as the dark side of planning.

To counter these critiques, planning approaches that move the locus of both knowledge and power away from the state towards knowledge and power that is embedded in society have been introduced into slum upgrading projects. Participatory planning aimed to allow citizens to infuse technocratic knowledge with their own knowledge and to empower citizens to participate in planning decisions (Chambers, 1995). This approach is embedded in the "planning from below" school of thought where softer approaches to planning evolved from the high modernist one (Goodin et al., 2006), and planning evolved into more localized activities at community level drawing on the knowledge embedded there (Baiocchi, 2004; Fung & Wright, 2003; Forester, 1999). The rationality that underlies these planning approaches is that continuous, iterative discourse between state and society moves the knowledge and power into a neutral space and is the bedrock of good planning decisions.

Participatory planning has been critiqued through the years for not paying attention to the underlying unequal power relations that continue to exist. These uneven power dynamics hinder genuine deliberation in the participation platform and socially mobilised groups are rarely capable of holding responsible parties accountable (Kamete, 2012; Mitlin, 2004). Often the voices of the poor are left speaking to a void (Helmke & Levitsky, 2004). Consensus is often not achieved through a deliberative process, but more likely through group co-option and intimidation by a group through size or level of influence (Baccaro & Papadakis, 2009). At the decentralized levels of governance, closer proximity to the locus of decision-making makes it more likely for capture by local elite who are often indifferent to achieving outcomes that benefit the poor (Crook, 2003). Often politically marginalized groups have to seek intermediaries in order to access the state which creates easy environments for patronage and clientelism to exist (Devas, 2001). As De Herdt and Bastiaensen (2004) conclude, while participation is essential, this action in and of itself will not even out unequal power dynamics.

Participatory planning has also been critiqued as neo-liberal governance adopting a "socially concerned posture of social upliftment that politicizes decisions that government technocrats, policy makers and planners have traditionally claimed as mundane and technical" (Miraftab, 2004: 254). Others have recognized that participation mechanisms operates in institutional terrain that constraint their effectiveness (Baccaro & Papadakis, 2009; Cooke & Kothari, 2001; Smoke, 2001). Additionally, within the development community, the tension between incorporating the local level participatory planning ethos within an institutional framework whose workings (specifically the use of short-term foreign consultants) favour the rational policymaking approach has led to situations where participatory mechanisms have been implemented as the infallible, non-contextual panacea. Described as the 'tyranny of the method' (Cooke & Kothari, 2001), participatory methods can

and have been applied to the exclusion of other governance methods which may have more appropriate.

2.4.2. Tenure Regularization as Politics

The politics of tenure regularization can be seen at the macro and the micro level. At the macro-political level, researchers argue that land tenure regularization as nothing more than a neoliberal ideology with no evidence to back it up (Elyachar, 2005; Abbott, 2002; Gilbert 2008). Mitchell (2006) argues that regularization of land into property rights is not done because there has been evidence that it works for the poor in ways that are better than the informal property system. The arguments of de Soto, Mitchell argues, were taken up quickly and unquestionably by the development world, unexamined because they helped to further the neoliberal project. Bromley (2009) notes that the World Bank Report on World Development discusses 'challenges' to the policy prescription of land titling, giving the assumption that the prescription is correct. Instead of addressing the flaws in the policy prescription, policymakers move towards trying to address the challenges that come with implementing the prescription which, these critics claim, is fundamentally flawed. Further, with the recognition that multiple variables affect tenure security, this category argues that land titling to formalize legal rights is too narrow an intervention to resolve tenure security. Indeed, Bromley (2009) asserts that to truly address poverty, the government should focus on policies that generate jobs, not deliver titles. (Patel, 2013) claims that because other factors may seem more immediate to securing tenure than receiving a title, residents may undervalue the title deed itself.

At the micro-political level, critics argue that that property rights today are taken to be apolitical, but right from the inception of individual property rights, it was recognized that this was essentially a political process with competing actors and interests. Joireman (2011) reminds us, using Locke and Rousseau, that property rights and their enforcement is essentially a political process as it led to the creation of social classes and inequality. Marx et al. (2013) argue that a major weakness in the argument for tenure regularization is the assumption that having no formal titles means that there are no rights at all. On the contrary, property is about relationships that "involve different kinds of social actors, including individuals and collectivities" (Sikor & Lund, 2009). Imposing the Western-based ideology of the rights of the individual, with its emphasis on individualism, formal legal rights, and minimal market regulation (Abbott, 2002), has an impact on the pre-existing institutions. Implicitly recognizing that tenure systems existed before this Western-based intervention, Bromley (2008) asks "what arrogance is required to presume that titles will fix, rather than undermine, long-standing fundamental social and economic relations (2008: 26)."

When viewed in this broader social and political context, the difference between legality and legitimacy is brought to light. Razzaz (1993) lays out the difference between property claims

and property rights arguing that property rights are a subcategory of property claims and can conflict with the legal property rights. Similarly, Sikor and Lund (2009) make the distinction between property and access arguing that both relate to the ways that social actors can benefit from land, but that access is "broader and includes property". In this distinction, they argue that social actors do not need property rights for a resource in order to benefit from that resource. This highlights the distinction made by Bromley (2009) on the differences between possession/use of an asset and ownership of that asset. Thus, claims to the right to the use of land are not always based on legal backing, but their sources of legitimacy lie elsewhere such as religion, de facto use, and customary rights (Razzaz, 1993). While property rights is based on the assumption that the law is the "sole institution that encompasses all norms of justice and all mechanisms for promoting order and security, and preventing anarchy" (Razzaz, 1993: 341), other social institutions may play as big a role if not bigger in providing the framework for justice, order and security. Thus, property is "legitimized claims, in the sense that the state or some other form of politico-legal authority sanctions them" (Sikor & Lund, 2009: 4). Property may be legal but can only be legitimate if viewed as such by the social actors embedded in the property relations.

The link between legitimacy and institutions goes the other way as well where the public authority guaranteeing the property rights needs to have legitimacy for property rights to be effective. Sikor and Lund (2009) argue that "institutions do not embody intrinsic legitimacy; their legitimacy must be actively established" (2009: 6). Further, Lund (2006) states that that not only does an institution have to be legitimate to exercise authority but that "the actual exercise of authority also involves a specific claim to legitimacy" (2006: 693). Benjaminsen et al. (2009) show in their three-country study how in the process of implementing formalization, the rights themselves become subject to "negotiation, reinterpretation and redefinition" (2009: 34) if the public authority guaranteeing the rights has no legitimacy. In fact, in Niger the formalization policy introduced legal pluralism as the state was not able to implement the policy adequately and the previous property system continued to operate (Benjaminsen et al., 2009). Thus, the impact of formalization on tenure security will depend on whether the institution has the legitimacy needed.

Still on the important role of institutions, Trebilcock and Veel (2008) underscore that property rights works in relationship to other institutions. As a result, the success of property titles as a means to secure tenure depends on other institutions operating successfully. Having a title deed does not ensure tenure security unless the institutions for effective enforcement are well implemented (Deininger & Jin, 2006). Providing titles is a useless endeavour if it is not backed up by proper enforcement and a sound legal system (Bromley, 2009) and provides access to all title-holders, including the poor, to legal institutions should they need to protect the rights (Durand-Lasserve & Selod, 2009; Van Gelder, 2010). Also, some implementing institutions may be unable or unwilling to achieve regularization (Deininger & Feder, 2009;

Deininger & Jin, 2006; Monkkonen 2012) and a review of the governance environment will need careful analysis before any interventions to enhance property rights. In fact, Bromley (2009) goes further and states that given that in the Western system of legal and cultural institutional web titles are only a small part of the whole system, exporting this small piece of the whole system into another context and assuming it will work is naïve.

Land tenure regularization also has an impact on power relations. The (re)distribution of land is synonymous with the (re)distribution of power and changing land tenure relationships redefine relationships amongst individuals, groups and the state (Lund & Boone, 2013). Research shows that when property claims and property rights are not delinked, individualizing land ownership, through regularization, reduces the effectiveness of other claims to the land, which has the potential to leave poor people worse off than they previously were (Roy, 2005; Bromley, 2009; Deininger & Feder, 2009). Making the land legible to formal institutions negatively affects the informal use of the land, in particularly the use of the land to live. In a randomized study in Dar, Ayalew et al. (2011) shows how the individualized nature of land titles reduces the competing, overlapping claims, which have coexisted in the same geographic space, reducing the claims to just one. The singular claim is not necessarily the most legitimate in the eyes of the community but is usually the one that resonates most easily with the western tradition of titles. This reductionist impact also mean that those in power are able to manipulate formalization to their advantage by prioritizing their claim over those backed by the property system before formalization (Benjaminsen et al., 2009). Thus, regularization may lead to property accumulation and dispossession because it ignores the existing use claims (Porter et al., 2011).

Without taking into account all these broader social and political processes, researchers argue, regularization is "simplistic and undifferentiated" (Deininger & Feder, 2009) and does not take into account complex histories inherent in the contexts. Without this awareness, state-led land reforms encounter the existing socioeconomic and cultural matrices of land on the ground and remain limited. Property rights, as a means to deliver tenure security, needs to consider the social and political context (Joireman, 2011).

In summary, while participatory planning has been brought into slum upgrading to counter state power, the dark cloud of state control still hangs over slum upgrading. Together with the macro-level and micro-level politics discussed above, this power is screened out in slum upgrading interventions. Yet, the effectiveness of slum upgrading projects in delivering tenure security is dependant on addressing and incorporating these processes. In the next section, I propose how the complex politics can be brought into focus to contribute to the tenure security literature.

2.5. Bringing Politics Back In: Towards a Reconceptualisation of Tenure Security

Given this screening out of social and political processes in slum upgrading, the strides made in understanding the outcomes of slum upgrading have been limited. In this dissertation, I play in that intellectual vacuum by suggesting that our understanding can be deepened through reconceptualising the literature on tenure security. In this section, I present two conceptual shifts that provide the framework for this reconceptualising such that social and political processes can be seen: the shift of informality as a binary state (formal/informal) and one that is static towards informality as set of negotiated practices and the shift from seeing space as a physical, objective container to seeing it as a relational, subjective space.

2.5.1. Shifting the Formal-Informal Boundary

The continued predominance of technocratic planning in slum upgrading means that project designs are based on legalistic logic. Slum upgrading, based on "legalistic mechanisms of control and ordering" (Porter et al, 2011), embeds the legal-illegal dichotomy in its design which international development practitioners map onto a formal-informal dichotomy. Maintaining the binary has narrowed the thinking such that it is assumed that formality is seen as the only fix for informality (Porter et al, 2011: 119). Technocratic policy fixes, often described under the 'formalization' label, has become the widely accepted panacea to address informality. Formalization has been taken up by development experts particularly the World Bank and the interventions generally translate into regulatory actions. This rational policy fix, with its formal-informal dichotomy, has been the main means of trying to address informality.

Maintaining the binary means that any attempts at refining the concept of *de jure* tenure security is still within the "neo-liberal, legalistic and economics-based" interpretation (Patel, 2013: 272) and therefore still inadequate. Using *de jure* as the starting point of conceptualizing tenure security keeps the definition as 'top-down' and narrow (Patel, 2013), a one-sided understanding that does not include the understanding of those having the experience. Mahadevia (2010) further points out that using this conceptualization tenure security is largely defined at slum settlement level rather than at household level, suggesting that tenure security should incorporate a household-level, people-focused dimension. Based on an ethnographic study of informal upgrading project in Durban, Patel (2013) proposes the broader definition of tenure security as "the desire and ability to live in a particular space" which includes a broader range of variables that affect perception of tenure security and allows tenure security to be defined at household level. Thus, the concept needs to be expanded beyond the legal/illegal dichotomy and broaden to include what matters for the urban poor.

Maintaining the binary also means that informal spaces seem to be the exception to planning, lying outside its realm of control (Roy 2005). As such, planning is trying to "fix" informality that is outside of itself. However, many researchers have shown that informality is actually produced by the state (Meagher, 1995; Roy, 2005). Research has shown that expanding the state's rules and regulations can and often does result in the opposite effect, and actually exacerbates the growth and conditions of the informal economy (Meagher, 2010; Fernandez-Kelly & Shefner, 2006; Tendler, 2002). From these arguments, informality can no longer be understood as being separate from formality. Rather, as Mitchell (2007) similarly describes economics, the state and its planning apparatus helps to "manage the border" between formal and informal "by producing and validating rules and procedures that demarcate certain forms of life as informal or nonmarket." The state cannot claim to be an objective outsider as it is the state's actions and decisions that decide "who is in, who is out" and thus "creating the rules for exclusion" (Mitchell, 2007: 245).

The binary concept has been largely discredited, and informality literature has moved towards a more nuanced, messier, but more accurate "single twofold concept rather than two concepts in opposition" (Dovey, 2012). Moving away from the binary conceptualization to a twofold concept indicates that the formal and informal are interrelated and they interact with each other. The twofold concept has opened the door for thinking about how exactly the formal and the informal interact. Specific to the urban, informality has been proposed as a mode of urbanization where informality is one way that urbanization manifests (Roy, 2005). Underlying this manifestation is an "organizing logic, a system of norms that governs the process of urban transformation itself" (Roy 2005; AlSayyad & Roy 2004). This organizing logic gives rise to a set of practices that maintain the state of informality.

Most recently, the conceptualization of informality has been pushed even further with the proposal that informal is a negotiated value (Roy, 2011b; McFarlane, 2012). This conceptualization begins to investigate the value of informal, not as a descriptor of a state that is static, but as a value that can be negotiated. Thus, the state of informal/formal is being negotiated constantly (Roy & AlSayyad, 2004) and that this negotiation process to determine the value is based on an underlying logic or rationality. The same actions or processes can have different values of informal attributed to it depending on the outcome of a negotiation. Informality then becomes a practice/process of negotiating and determining a value, and this value is impermanent and can shift at any time depending on further negotiations (McFarlane, 2012). While this perspective does not mention who exactly is doing the negotiating, it is a particular turning point as rather than "viewing informality and formality as fixed categories, or as mutually exclusive, the two appear as lines of changing practice and movement, taking place not above or in advance of urban life, but within its unfolding" (McFarlane 2012: 191).

This theory of informality as formal-informal negotiation gives a new lens through which to reconceptualise planning in informal contexts. Rather than seeing planning as a formal action done by formal actors to formalize informal spaces, reconceptualising it as a formal-informal negotiation provides the room for planning to be examined with all its social and political dynamics. This transformation from "a design- to a social science-based discipline" (Davoudi & Penderbury, 2010: 622-3) is in line with a trend in planning that, while not new, has taken time to take root in international development. While planning still highly values scientific and technical knowledge with its hypotheses, theories and models, there is increased acceptance that these are oversimplifications of reality and the assumptions made in modelling are not reflective of what can or does happen in the real world (Friedmann, 1987). Following this trend, this newer school of planners approach the practice from the perspective that planning is socially rather than technically based.

Examining planning as formal-informal negotiations can be examined from the perspective of actors (who is doing the negotiating), the processes (how is the negotiating being done) and the outcomes (what is the outcome of the negotiation). One strand of the first perspective focuses on front-line state planners, or street-level bureaucrats, who engage daily in negotiating with informal actors. Faced with the complexities of regulating realities not taken into consideration in Weberian rules, they use discretion inherent in their roles to overcome the incongruences and make on-the-ground decisions amongst small-scale but implementable options when performing their regulatory duties (Lipsky, 1980). Planners in the South have learnt to circumvent the incongruity experienced when implementing technocratic-based planning actions (Duminy et al., 2014). For example, Coslovsky (2013) illustrates how after land use conflicts in Sao Paolo were resolved through negotiation between the bureaucrats and those violating the land use controls, rather than through forcing compliance, which had been tried but not worked. Benjamin (2004) developed the concept of porous bureaucracies to conceptualize the multiple access points into the bureaucracies that the poor use to access land in urban areas. Here, flexible interpretations of bureaucratic procedures are used to facilitate this access. Bureaucrats especially at the local level in African cities construct similar *de facto* practices to deal with the everyday lived experience (Haruna, 2001). This approach has been critiqued as lacking accountability as while discretion is inherently neither bad nor good in itself, it could be used to shroud detrimental bureaucratic action and to advance personal interests at the expense of the public interest (Evans & Harris, 2004). However, the incremental, iterative nature of deliberation at this level deals with practical matters and has been noted as having a better impact than policy level solutions (Skinner, 2000; Skinner, 2008; Cross, 1998; Tendler, 1997).

Institutions also participate as actors in formal-informal negotiations. Here, the starting point is that "state and non-state institutions coexist and are sometimes intertwined in complex

ways" (Joireman, 2011: 15) and formal and informal institutions working in the same space are therefore analysed for the compatibility. Altrock (2012) suggests two groupings: complementary institutions where the informal institution is embedded in a context where there is no formal rules, and supplementary institutions which step in when the formal rules exist but are not working. Kreibich (2012) proposes his framework of social regulations versus statutory regulations, where the latter are the formal rules and the former entails local actors like community leaders monitoring and controlling the spatial order of the physical space in the interests of the settlement. They suggest that the "'right to the city' needs to be promoted through a fair balance between integration and reconciliation of statutory and informal institutions" (Kreibich, 2012: 149). Kuyucu (2014) argues that without the ambiguities that come with informality, private property would never have been established in a slum settlement in Turkey, suggesting a mutually reinforcing relationship between the formal institution of property rights and existing informal institutions.

The second perspective examines the processes or the *actions* behind the formal-informal negotiation to understand how the negotiation is being done. In analysing access to urban land in Kampala through a legal pluralist lens, Nkurunziza (2007, 2008) shows how actors in the informal land delivery process use formal rules and informal means to gain access. Formal actors such as planners and surveyors straddle the formal-informal divide by performing their technocratic tasks of measuring and demarcating plots to enable this informal access to land. Despite the formal action of planning or surveying, the plots remain informal as they do not meet minimum plot sizes or the landowner does not proceed to register the plot formally. However, tenure security is achieved through the performance of these formal processes. The landowners also use physical symbols of this formal process, such as beacons, to maintain their security. Similarly, Andersen et al. (2015) analyse how in the face of limited state control, Maputo has been shaped through informal planning processes that have been developed based on formal processes, such as plot demarcation, that may or may not include formal state actors. Roy (2009b) introduces the idea of states of exception where the state is able "to place itself outside the law in order to practice development" (2009b:81). She argues that this act of placing the planning practices outside of the law informalises the practices in themselves. She sees this as an idiom of planning, where the formal state uses informality to do its formal mandate. She concludes that this idiom of urbanization is double-edged as it allows the boundaries of development to expand but also makes it more difficult to govern the territory. While states of exceptions receive criticisms as tools of state power (Roy, 2005; Handzic, 2010; Desai and Loftus, 2013), studies show that these tools also allow governments to take into account the 'real city' as opposed to the 'legal city'. In a similar vein, Macedo (2008) argues that in Brazil local governments were forced to develop locally urban planning tools that were not supported by national legislation to deal with providing tenure security. Such tools included creating

Special Zones of Social Interest to lower planning and infrastructure standards. In this way, they developed new land tenure paradigms that focused on legitimacy rather than legality.

The third perspective examines the outcomes of the formal-informal negotiation. Studies have shown that informal tenure within settlements is a continuum from formal to informal and that one is more likely to find degrees of formality and degrees of legality (Van Gelder 2010). Vast amounts of empirical research support this finding by identifying the myriad of degrees of informality in different contexts and underscores that informality is indeed not homogenous (Razzaz, 1993; Payne, 1997; 2002; Fernandes & Varley, 1998; Gilbert & Varley, 2002). For example, in Argentina, categories of squatters, informal owners (those who said they owned the land but had no proof) and registered owners were identified (Van Gelder, 2009). Reerink and Van Gelder (2010) found three categories of land tenure – formal, semi-formal and informal. Also, documents that show some recognition by the government to some use of the land (Gulyani & Bassett, 2007) add to the blurring the dichotomy. Even economists who are primarily concerned with legalistic solutions have acknowledged that one is more likely to find degrees of informal tenure rather than the dichotomy (Durand-Lasserve and Selod, 2009). The categories are dynamic and movement from one to the other is fluid (Van Gelder 2009). With this progress, it has been acknowledged that formal/informal, legal/illegal dichotomy oversimplifies the situation on the ground.

Attempts have even been made in the literature to develop degrees of tenure security (as a contrast to the binary legal-illegal tenure security) that align with degrees of informal tenure. Payne's effort (Payne, 2002) is the most well known of these where he mapped out degrees of tenure security according to the type of settlement. With this mapping came the thinking that tenure security is a process, the gradual increase of *de facto* tenure security until *de jure* security (Van Gelder, 2010) is achieved. In some cases, this progression is already seen as in India where the poor move from informal to *de facto* to *de jure* tenure status (Mahadevia, 2010). In Bangkok, informal settlement residents aspire to progress from squatting to rental contracts to gain access to basic services (Savant-Mohit, 2004). This is in contrast to a sudden movement into *de jure*, such as what land tenure regularization does, which, it is argued would actually weaken the ability of the property rights institution to provide secure tenure (Monkkonen, 2012: 452). Sudden movements run the risk of forcing informality into an "adaptive state" (Dovey, 2012) where rather than moving from informal to formal, the informal moves elsewhere in the urban system. Also, Payne (2002) is clear that one of the risks of a sudden move in tenure can end up exposing vulnerable groups, such as tenants. In short, there is general agreement that progression towards titling is desirable, first building on what exists before moving progressively into *de jure* (Fernandes, 2000; Durand-Lasserve & Royston, 2002, Payne, 2002).

In summary, the informality literature provides the lens through which to reconceptualise planning and the delivery of tenure security. Viewing the delivery of tenure security as formal-informal interactions, rather top-down *formal* actions of the *formal* state or the bottom-up *informal* actions of *informal* residents, broadens the ability of the international development planning research to truly capture the complex actions and outcomes taking place in contexts where tenure security is sought. In the next section, I present the second conceptual shift that provides the framework for reconceptualising tenure security such that the politics can be seen.

2.5.2. What's in a Space? : Observing Formal-Informal Negotiations

Reconceptualising tenure security as an on-going negotiation between the formal and the informal raises the question of how the formal-informal actions can be observed and analysed. Again, advances in informality studies contribute to this intellectual dilemma. In critiquing the study of informality, Kudva (2009) declares that informality is usually depicted in terms of either work or housing which fragments our understanding of the phenomenon. She suggests that to achieve a less fractured understanding of informality, work and housing can be subsumed into a spatial analysis. Kudva (2009) bases her proposal on the theory of the production of space by Lefebvre (1991). Lefebvre (1991) investigates space not as something static and separate from the people and activities in it, but as something that is produced through the interaction of the space, the people and the activities. He argues that space should be seen as the site of on-going interactions of social relations and not just as a neutral container of these interactions. Kudva's proposal, then, is to analyse informal work and housing activities collectively using space as the site. The singular analysis presents an opportunity to merge the silo-ed understanding of informality across work and housing.

Lefebvre's thesis on the production of space is pivotal as it challenges the thinking that space is neutral, static and empty. Through the triad he uses to develop his thesis, he extends the technocratic planner's one-dimensional idea of space which he labels *representations of space* to include two more dimensions: the *spatial practices* which denotes the ways people generate, use, and perceive space; and *spaces of representation*, also called the lived space, which is a product of the physical space and the spatial practices within that space. Spaces of representation are imbued with local knowledge that is generated from the spatial practices and are also where people create and mould spaces to work for them. Conversely, social processes are also shaped by the physical space. It is worth noting that Lefebvre uses two alternative sets of words in developing his thesis on the production of space (Figure 3.1, and I use these terms interchangeably in this dissertation). Across the different sets, however, his central tenet remains that "(social) space is a (social) product" (1991: 30).

Figure 3.1. Lefebvre's Production of Space Thesis

Set 1	Set 2	Definition (1991)
Representational spaces/representations of space	Conceived space	Tied to the relations of production and to the 'order' which those relations impose, and hence to knowledge, to signs, to codes, and to 'frontal' relations
Spatial practices	Perceived space	Embraces production and reproduction, and the particular locations and spatial sets characteristic of every social formation. Spatial practice ensures continuity and some degree of cohesion in the social space and in each member of a given society's relationship to that space.
Spaces of representation	Lived space	Embodying complex symbolisms, sometimes coded, sometimes not, linked to the clandestine or underground side of social life, as also to art (which may come eventually to be defined as a code of space than a code of representational spaces)

Source: Author from translation of Lefebvre's work (1991)

Similarly, the concept of space has radically changed in the planning field over the last few decades from "a physical to a social conception of space" (Davoudi & Penderbury, 2010: 622-3). According to modernist planning, space is neutral, objective, and measureable and the primary concern of planners is to create and maintain order in these spaces, which can be done through applying laws that apply universally (Davoudi, 2012). With the intellectual broadening in planning, evolutions in planning thought that take a subjective interpretation of space have challenged the modernist approach to space (Davoudi, 2012). Here, space is considered as subjective and relative, not objective and neutral. What constitute the space are not the measurable and tangible elements within it but the social and cultural processes taking place in that space, and the everyday meanings assigned to these processes (Davoudi, 2012). Rather than trying to control the spaces, these newer planning approaches focus on recognizing the social meaning of, and processes taking place in, these spaces. Planners recognizes that planning is iterative and emphasis also needs to be on the everyday activities, how those activities shape the space, and what opportunities for action to improve the social conditions in that space exist within this activities.

Slum upgrading, as a product of modernist planning thought, has been criticized for its preoccupation with upgrading the physical space and built environment (Roy, 2005) at the expense of the lived space. By focusing on the physical space only, slum upgrading misses the full story behind that space, particularly those spatial practices that enhance tenure security. The fact that squatters are living on the land already, that the settlement exists, and that there are complex, embedded social institutions that run the settlement indicate that the space is a lived space with social relations. These spatial practices can only be seen if a

different conceptualization of space is adopted from purely physical, as slum upgrading is criticized, to a social conception of space.

Lefebvre's three dimensions of space and planning's social conception of space presents the spatial lens through which the formal-informal actions that affect tenure security come into focus. Slum upgrading with its top-down planning ideals is usually pitted against planning from below where citizens seek tenure security through their direct participation in providing their own shelter. In reality, when technocratic planners arrive in that space through the slum upgrading project, multiple formal-informal actions are taking place side by side towards the end goal of generating and protecting tenure security. For this reason, planning interventions such as slum upgrading have been described as zones of encounter and contestation between two conflicting rationalities; the formalistic rationality of planning and the everyday rationality of informality (Watson, 2003). Within these spaces, the conflicting rationalities meet, contest and negotiate. Thus, tenure security in slums is less likely to be an outcome of a bottom-up or top-down planning approach, but more the outcome of the 'muddling through' planning approach where actions are incremental, iterative and responsive to the reality on the ground (Lindblom, 1959).

2.6. Conclusion

Currently, the embeddedness of the static formal-informal binary in the international planning discourse remains (Porter et al, 2011) and it has been attributed as one of the reasons that upgrading interventions have not succeeded (Mahadevia, 2010). In the previous section, I have presented two conceptual shifts that I propose can be used to reconceptualise tenure security and its provision. First and foremost is the shift of informality as a binary state – formal/informal – and one that is static towards informality as set of negotiated practices. The second is a shift from seeing space as a physical, neutral container to a relational, subjective one where the everyday spatial practices to secure tenure are seen. Based on these two shifts, I recast delivering tenure security as a formal-informal negotiation that is taking place within a particular type of space.

As will be seen over the three empirical chapters, I use this theoretical framework to study my research question. I analyse the formal-informal negotiations that led to increased or reduced tenure security in the Korogocho informal space both within and outside the slum upgrading project. I examine *how* this negotiating is taking place, by *whom* and with *what* outcomes for tenure security. Understanding how the modernist processes interact and negotiate with the dynamics within the settlement – the power structures and existing institutions – will unpack the black box of tenure security and its delivery. Myers (2011) presents the issue precisely when he concludes "[w]e might need new terms for the apparently fading dichotomy of formal and informal, given how interwoven they are. Yet these terms are still so pervasive, and so much a part of shaping the discourse, that it is

hard to throw them away" (Myers, 2011: 103). My dissertation aims to contribute to accumulating knowledge such that our understanding of tenure security and its delivery can move beyond a binary conceptualization of formal/informal.

CHAPTER 3: METHODOLOGY

3.1. Introduction

In the previous chapter, I outlined the theoretical framework within which tenure security and its delivery will be analysed in this dissertation. I proposed that tenure security and its delivery could be understood as formal-informal practices that are constantly negotiating within an informal space and constantly negotiating the value 'informal'. In this chapter, I discuss exactly how I would be studying these practices and their outcomes. I discuss the methodological choices I made based on a review of the literature that analyses slum upgrading projects and on my research question:

> *What are the various processes and practices through which tenure security in an informal space is produced and sustained or contested and negated, who are the various actors, and what are the outcomes?*

Broadly, research on tenure security has been done using both quantitative and qualitative approaches. As slum upgrading approaches are designed with technocratic knowledge, as discussed in the literature review, the methods used to evaluate it are also technocratic in nature (see Deininger & Feder, 2009; Deininger & Jin, 2006). This kind of technocratic approach to understanding tenure security is done through examining of the outcome of the intervention, the causal effect. Cases are variable-based and from the beginning of the project, "cases are decomposed into variables, and almost the entire dialogue of ideas and evidence occurs through variables" (Ragin (1992) quoted in Flyvbjerg 2006: 20). Losing the holistic picture means that any variables not identified at the beginning of the study can remain unidentified throughout the study. Variables that are not taken into account when making conclusions about the causal mechanism behind a causal effect, either because the researcher is unaware that these additional variables are present or because the researcher does not think they are important, leads to misleading conclusions.

This limitation means that quantitative research cannot answer how a causal effect results from the variables, but can only go as far as answering the extent to which the variables have an impact (Bryman, 2004). As I was designing a project to understand to the causal mechanisms from which tenure security arises or declines, this approach was ill-suited for my inquiry. Secondly, researchers using this approach often have a hypothesis then set out to prove or disprove. I was doing something different to this, following the intepretivist's objective of understanding the details of how reality is socially constructed (Patton, 2014). In this way, qualitative research was better suited with its ontological stance is that reality is context-dependent and constructed through lived experience. To understand reality, the researcher must understand it from the point of view of those living it (Marvasti, 2004). Some researchers have done this in slum upgrading settings by adopting an ethnographic

approach. Patel (2013) and Ross (2010) conducted ethnography to understand the impact on slum upgrading on settlements in Durban and Cape Town respectively. Through anthropology's 'thick description', these researchers generate knowledge solely from in-depth understanding of the social construction of meaning (Mavasti, 2004). Similarly, in my research, I seek to uncover the subjective reality in Korogocho.

Thus, despite the predominance of the quantitative research approach, I opted to use a qualitative approach. Determining the appropriate methodology should be determined, not through disciplinary orthodoxy, but by identifying the research question (Flyvbjerg, 2006: 242). Rather than examining tenure security as a one-time application of a legal tool that produces this security, I propose to analyse it as the outcome of a collection of variables that are constantly in negotiation and contestation in slum upgrading. I took into account that, as Watson (2003) indicates, slum upgrading is one instance where the rationality of planning meets the rationality of informality. My research process was not linear nor did it start off with a hypothesis that I then set out to prove or disprove but was a process in investigating.

The central methodological challenge, then, was to trace the processes and practices that interact iteratively to collectively produce, sustain, negate or contest tenure security in an informal space. There were two aspects to this challenge. First, was to find ways to clarify what the outcome I was investigating would look like. While I had a good understanding of how to conceptualise the intended normative outcome (as discussed in the literature review), my research question was investigating the outcomes of processes intended to lead to tenure security, but not necessarily producing that intended outcome. Given Watson's (2003) argument, the actual outcome may not look like the normative outcome because of the meeting of conflicting rationalities. I turned to Markusen (1999) to understand how to approach this challenge. Markusen (1999) defines a fuzzy concept as "one which posits an entity, phenomenon or process which possesses two or more alternative meanings and thus cannot be reliably identified or applied by different readers or scholars" (Markusen, 1999: 870). To avoid fuzzy concepts, she advises that a researcher should "pin down the concept to a set of characteristics that could be unequivocally posited and would be understood the same way by all readers" (ibid). This concept can then be answered when the question "how do I know it when I see it?" is asked. Having this conceptual clarity enhances reliability and validity as another researcher can replicate his/her fieldwork and verify the validity of his/her conclusions. I made the decision to use the definition of tenure security that was broader than that legal definition used by development practitioners and expand it to the definition used at the first Habitat Conference, i.e. included shelter and not just tenure security as currently understood in the development literature.

I also had to clarify the processes that I would be analysing aimed at tenure security. For the time period when the slum upgrading was going on (2008-2014) I borrowed from Ferguson's

straightforward strategy to identify modernist moves. As discussed in the introduction chapter, Ferguson's strategy to analyse processes as modernist moves would contribute towards figuring out how already on-going processes can be appropriated towards better development outcomes. However, I was interested in capturing all the processes in the informal space, and I was not sure if any of the processes outside of slum upgrading project could adopt the modernist move characteristic. Thus, restricting my analysis to only those practices that were modernist in nature could lead to confounding variables if a key process was not identified. The social conception of space resolved this methodological challenge. Using Lefebvre's conception of space, all the practices in the Korogocho space - the political, the formal, the informal, the technocratic, the social - all are given the characteristic of a "spatial practice" aimed at producing and sustaining or negating and reducing tenure security.

These two considerations drew me towards using a case study approach as case study design is most appropriate when the phenomenon needs to be spatially and temporarily bounded. My research needed to observe all the practices and processes within a bounded phenomenon.

3.2. The Case Study as my Research Design

Gerring defines a case study as an "in-depth study of a single unit (a relatively bounded phenomenon) where the scholar's aim is to elucidate features of a larger class of similar phenomena" (Gerring, 2004: 341). Other definitions concur with this one (Abbott, 1992; Yin 2009; Ritchie & Spencer, 2003; Vennesson, 2008; Creswell, 2012) and collectively these definitions emphasise the following characteristics that make case studies distinct from other research designs: a phenomenon is studied as an instance of a larger class in order to understand the larger class; the phenomenon is bounded in time and space; the phenomenon is studied within its real-life context, the boundaries between the phenomenon and the context are blurry and understanding the context is as important as the phenomenon; and the phenomenon is studied from 'multiplicity of perspectives' (Ritchie & Spencer, 2003) to thoroughly and deeply examine the phenomenon and thus uses multiple sources of evidence.

Yin (2009) encourages the use of case studies to understand the mechanisms behind the cause and effect of a certain phenomenon. These questions dig into the black box of a cause-and-effect relationship to identify and explain mechanisms that cause the phenomenon. As Sanyal (1996) has very well stated, proponents of formalization practices like land tenure regularization have worked with the assumption that "if A creates B, then by changing B, one can change A". Instead, digging into the black box of A to understand the underlying dynamics allows the researcher to competently go further than simply

establishing the causal effect, and to explain the mechanisms of this causal relationship, i.e. the path through which the cause translates to the effect (Yin, 2009).

Both the in-depth and bounded characteristics of a case study remove the threat of not identifying important variables, firstly as the phenomenon and the context are studied together and secondly, the phenomenon is spatially and temporarily bounded. Variables hitherto unknown can be uncovered as delving deeply into a phenomenon means that the researcher has a better sense of all the variables behind the causal effect under study. Knowing that the phenomenon must be bounded in time and space, the researcher sets the boundaries to sufficiently hold the phenomenon together in time and space (Abbott, 1992; Vennesson, 2008; Creswell, 2012) and this bounded nature keeps the researcher studying the case as a holistically-investigated phenomenon. This depth and tightness makes internal validity, which is the extent to which the explanation for the causal mechanism can be trusted, strong. Thus, case studies provide the knowledge needed to understand the dynamics that shape and are shaped by informality.

3.3. Choosing a Single Case Research Design

When I started my research, I did not intend to focus on a single case and my original research design followed a multiple-case study design. According to Yin (2009), multiple-case studies are preferred due to the analytical benefits. For one, the researcher is able to replicate and use the same procedures for each case - if the findings from two independent cases converge then they are more powerful, the evidence is considered more compelling, the study more robust. For these reasons, I chose a multiple-case design, a four-case comparison of four slums in Nairobi that had undergone state-led slum upgrading projects. I designed a four case study derived from theoretical sampling. Theoretical sampling is a type of purposeful sampling where cases that are rich in information about the phenomenon in question information-rich cases are strategically and purposefully chosen. Patton explains theoretical sampling or theory-based sampling as "finding manifestations of a theoretical construct of interest so as to elaborate and examine the construct and its variation" (2001: 183). Patton (2014) outlines three design strategies that are used in qualitative inquiry: naturalistic approach, emergent/flexible design, purposeful sampling. Purposeful sampling selects cases that are rich in information about the phenomenon in question (Patton 2014), and stands in contrast to random sampling which ensures that the sample represents the whole population (Collier & Mahoney, 1996). As I was analysing whether and how tenure security is produced in informal spaces, my selection of cases began by identifying all slum settlements in Nairobi that were undergoing or had undergone state-led slum upgrading programs that included both tenure regularization and infrastructure investments. Through informal discussions, knowledge garnered through work and online research, I identified six settlements in Nairobi that had undergone state-led slum upgrading.

Early on in my fieldwork, my research design evolved from a multiple case study to a single-case study design for two reasons. First, despite being the third of the four cases that I visited to get acquainted, the richness and complexity of Korogocho drew me in from my first visit in June 2014. While the other three slums had gone through slum upgrading, questions around the delivery of tenure security through slum upgrading were in stark relief in Korogocho. Making the choice to go for depth or breadth, I opted to focus my study on exploring the dynamics in Korogocho.

Second, a visit to the second case study which was a slum going through slum upgrading under the World Bank project, KISIP (in which I work), brought to light the quandary of doing research in a space where I was a practitioner. About a week before I visited the site, demolitions of some structures adjacent to this slum had taken place. The leaders of the community felt that the questions I would be asking would be inappropriately timed and would raise tensions in the community. In addition, as the leaders felt that residents in the community were tired of being researched, they suggested that I conduct the interviews under the name of KISIP as residents already knew this project. Linking my questions to the project could have increased the anxiety of the settlement residents and increased the level of distrust in the community for the KISIP project which would have implications for project implementation. This would have been an issue for two of my four case studies which were under the KISIP project. At this point, I had already gotten deeply interested by Korogocho and its complexity and I readily dropped the idea of a multiple case study design to focus on deepening my engagement with Korogocho.

As Patton (2014) explains, at the core of good qualitative research is the willingness to evolve ones research design as the context demands, what he calls an emergent/flexible design. Gerring (2008) adds that "Things change. And it is the mark of a good researcher to keep her mind open to new evidence and new insights. Too often, methodological discussions give the misleading impression that hypotheses are clear and remain fixed over the course of the study's development. Nothing could be further from the truth" (Gerring, 2008: 677).

Thus, the empirical core of this dissertation is a single rich case, the case of Korogocho, a slum settlement in Eastern Nairobi, about 11km from the city centre. Focusing on Korogocho has its strengths. For one, single-case designs allow the researcher to focus his/her resources on one context which allows for even more in-depth understanding of a particular context (Yin, 2009). Further, I designed my research to be a within case analysis but across two time periods: first, from 1977-1980 at the height of the formation of the settlement and later, from 2008-2014, during the Korogocho Slum Upgrading Project (KSUP). As I progressed with my fieldwork, finding out more about my case, I became comfortable with my decision.

3.4. Developing my Research Strategy: Hidden in Plain Sight

In designing my research strategy, I realized that I had to treat the population as hidden for two reasons. First, settlement residents had been over-researched and the risk was that they had developed particular responses that were so used to being researched and interviewed that they had learnt the behaviour of how to circumvent engaging with the researcher. As I was preparing my fieldwork, a key informant warned me about it. Indeed, with my first week in the field, I already saw one research group going door-to-door with a survey questionnaire. The settlement has been over-researched and the residents are fatigued. The second reason I had to treat the population as hidden is a result of the enumeration process (further discussed in Chapter 5). Enumeration has been used as way to empower these marginalized populations as they are recorded, then are seen by the state. However, in the case of this particular settlement, enumeration has disempowered in two ways. For one, youth had been spread out across three categories. They have become an unseen population within the enumeration results. Second, tenants also 'disappear' because the political dynamics were such that landlords were telling the tenants to put their names down. There were also narratives of tenants being kicked out by the structure owner based on misunderstandings that the tenant would be allocated the plot on which they lived. Thus, I designed my research strategy as I would for a hidden population

3.4.1. Sampling strategy

As discussed above, I was not seeking representativeness but to uncover variables that may have an impact on tenure security. Thus, rather than working with known variables, I was looking to identify unknown attributes. Thus, no attempt was made to apply a standard questionnaire to seek representativeness in my sample due to the socio-political processes that I was examining. Another argument for my non-sampling is that even though we cannot say that the slum populations are a hidden population anymore given that they are also enumerated by the state today, certain aspects of living in informal spaces remain purposely hidden. Firstly, the (il)legal position of the participants and their experiences, often negative, of interacting with the state have made them very wary of any perceived authority. Their position may have them unwilling to provide any information to a stranger. The advantage of qualitative research over quantitative is that the former provides the face-to-face contact such that the researcher can spend time building relationships of trust with potential informants and through regularly visiting research sites.

A hidden population raises methodological issues for research. For one, researchers cannot identify the full variance of the group and the sampling frame is often incomplete. The logic of sampling is that if the researcher knows the full variance of the dependant variable in advance, s/he can choose a sample that the researcher can claim that the sample is representative of the population (Gobo, 2004) and the findings can be generalized. Without knowing the full variance of the population, findings may have a bias on the dependant

variable, known as selection bias, as sources of data may be skewed towards the strong prevalence of some variable(s). The outcome for researchers is the "complexification based on extreme cases" (Collier & Mahoney, 1996: 71) where, if generalized to a larger population, would over-emphasize the significance of the explanations. Having a representative sample of the larger population reduced the effect, a situation which due to the hidden nature of informal actors was not immediately accessible.

To reduce selection bias, I took up what Bauer and Gaskell (2000) describe as constructing a corpus. This system of selection had two strengths pertinent to my research inquiry. First, the corpus construction "typifies unknown attributes while statistical random sampling describes the distribution of already known attributes in the social space" (Bauer & Gaskell, 2000: 20). Secondly, the way that a corpus is constructed enables snowball sampling to be used in a structured fashion. Particularly when it emerged that the enumeration process had hidden subpopulations, I started to use alternative ways to identify interviewees, in particular the youth and the tenants. I sought out youth and tenants, through snowballing to identify whether they, more than other groups, were experiencing the program differently. Particularly in the early stages of my fieldwork, I would end the day by listening to the interview recordings to do the preliminary analysis to identify unknown attributes. My research assistant and I would discuss the week's emerging findings every Thursday after we returned from the site. This process is replication logic where "proceed stepwise: select, analyse and select again" (Gaskell, 2002: 31) until no additional variation can be detected. This "stepwise" approach overcomes the deficiency of not being able to conduct representative sampling (ibid).

The second aspect of my sampling strategy had to take into account the insecurity within the settlement. Korogocho is perceived as one of the most dangerous slums in Nairobi and for this reason all my contacts emphasized my need to get connected to residents who would act as my 'guide' and to some extent a security measure. As long as I was with a guide and kept to certain parts of the settlement, my security was enhanced. While this did not deter my interest in continuing with the research, it influenced three aspects of my research strategy. First, I had hired a research assistant to work with me in the settlement. Mark was an undergraduate urban planning student in a local university and had some experience in fieldwork. Having a research assistant was critical to my strategy to ensure that there was an additional set of eyes and perspectives and fieldnotes. While my Swahili speaking abilities are good, Mark is a near native Swahili speaker and his strong grasp of the language helped to translate some of the more difficult questions. However, I felt responsible for his safety within the settlement in addition to my own and occasionally would make decisions that erred on caution when I may not if I was on my own. Second, this element of responsibility for the safety of others added to my reluctance to implement a survey as I felt I could not jeopardise the safety of those who would have been my

enumerators. This decision was cemented when one interviewee mentioned in passing that in the month prior to our interview an enumerator had been stabbed and his phone stolen while going door-to-door. Using local residents as enumerators was an option; however, supervision would have been particularly difficult given my restricted movements in the settlement. In addition, as I have discussed in detail earlier, my question did not lend itself to a research design that involved a survey, and these additional considerations encouraged me to focus on in-depth interviewing.

Some interviews were held at the homes of the interviewees but most were held in a room I had organized with an NGO in the settlement. Thus, to aim for geographic variation within the villages in which I was focusing I would use a map during the interviews to ask interviewees where they lived. The map was hand-drawn so that there would be no structures on it and other interviewees could not identify who had come before them, but the map had enough familiar markers to get a good sense of whether or not I was receiving geographic variation. Photos of two of these maps from one of my fieldwork days are in Appendix 3. The limitation to this selection system and consequent over-selection of certain groups is that I do not come to any conclusions about distribution of opinions (George & Bennett, 2005). Representative sampling would be the only way to make these conclusions.

Another limitation of the selection system is that because it is possible that identifying varieties can be an on-going, iterative process, due to time and effort constraints, the "researcher will have to decide to study one or more different representations in detail" (Bauer & Gaskell, 2000: 34). In this thesis, I focused on only two varieties of representation across people – the petty subsistence structure owners within the larger category of structure owners and the youth within the larger category of long-term tenants (Chapter 5). However, I did notice other variations in both categories that would have been relevant to analyse further, for example, within the structure owner category, additional varieties included the elderly, orphans and women-headed households. All these variations could be argued to be important to understand for better delivery of tenure security. However, as George and Bennett point out, I had to make the choice to focus on just two.

Non-random sampling was important to my research question for a second reason. As I intended to understand the processes and practices that were intended to produce tenure security, process tracing was a major aspect of my analysis. More on how I went about process tracing is discussed in the section where I discuss my analysis. Here, I point out that non-random sampling is important to process tracing for two reasons. First, process tracing has to "identify the key political actors that have had most involvement with the processes of interest" (Tansey, 2007: 2). Thus, the sample used needs to incorporate the actors who were involved in the processes under investigation. Random sampling would risk excluding these important respondents. Thus, the selection approach more appropriate to

process tracing is non-random focusing on including the actors that were part of the processes under investigation (Tansey, 2007). As such, representativeness or "relationship between the sample and population become much less important" (Tansey, 2007: 14).

3.4.2. How I gained access

Due to my experience in the slum upgrading field in Kenya, I had little trouble with access. Through the World Bank, I had built up working relationships with the bureaucrats who were also part of the implementing team of KSUP. While we worked together on a project that is not related to slum upgrading, I had worked with them for two years before I chose Korogocho as my case study and I continued to work with them during my data collection and analysis phases. To gain access into the settlement was also not difficult. As mentioned previously, the settlement has been over-researched and there is a well-oiled system in place to take researchers through their research in the settlement. As such, there were the well-known contacts to begin with to whom I was connected by a professor at a local university. My first contact person, who was also a member of the Residents' Committee, introduced me to the settlement.

While this well-oiled system made access easy, it also meant that I would have to work harder to ensure that the data I collected went deeper than any carefully constructed picture that may have been provided through the research system. To this end, I identified two other types of entry points: firstly, two key informants who grew up in the settlement but had since moved away. In addition to providing crucial insider information from their now-outsider perspective, these contacts also connected me with residents who were outside this research system. Secondly, I worked with three NGOs, also not part of this research system, who were embedded in the settlement. All three NGOs were local and small, and were headed by residents or former residents of Korogocho. My contacts from two of the NGOs were people I knew from my earlier community-based work on slum upgrading – in these instances, they were open and willing to provide me with the necessary access. I had had no prior connection with the third NGO, which was youth-based, and initial contact with the contact person indicated some suspicion on his part. Trust was built quickly, however, during out first meeting especially once the contact person, a male, met Mark, who was also a male youth. They built a good rapport and Mark and this person continued to work together on another project after my fieldwork ended. Using these alternative entry points, I gained multiple access points and was able to construct a corpus from a broader universe of residents.

3.4.3. Data Collection and Analysis

I used three methods to collect data – in-depth interviews, observation and document /archival research – but focused on the interviews. In-depth, semi-structured interviews yield rich data about people's experiences and reveal how interviewees construct reality and think

about the situations. Gaskell (2000) emphasizes that understanding the life of the respondents through their opinions and perspectives is the fundamental purpose of interviewing. In the absence of observable situation, getting this construction is important, particularly from key informants who have long-term, institutional memory. While this is the biggest advantage to in-depth interviews, my focus on this method stems from both my research question which was seeking understand the perceptions of residents to tenure security and secondly, due to the well-oiled infrastructure constraint. The population is become so adept at 'being researched' that they have devised strategies to get what they can out of it while giving the researcher what they think the researcher wants. The decision to use in-depth interviewing and to abandon the more structured approach of a survey or a structured interview guide was to get beneath the canned answers and the lethargic participation. The reactions from the respondents indicated that they were more used to having the structured interviews: some initially were confused that there were no closed yes/no questions. One actually asked me if it was ok to respond open-endedly. To get them comfortable with this open-ended style of answering, I started each interview by asking them to tell me about their histories. Most interviewees settled in after the initial 5-10 minutes and some were even reluctant to leave after the 1-1.5 hours of discussion, evidence I took to mean that that they had enjoyed the conversation. It is through these strategies that I felt I got much richer, honest information than if I have followed a structured questionnaire in a survey or structure interview.

To maintain consistency across the interviews, I started out referring to a printed questionnaire to ask my questions. However, I noticed that holding a printed questionnaire tended to shorten the responses considerably of the interviewees as they went back to assuming that I was using a closed format. After a few interviews, I moved towards grouping my questions into four themes using the slum upgrading as the focal point. Before each interview, I would sketch out a mind map of these four themes and jot down short notes under each theme which ensured that each theme was adequately discussed. If the conversation naturally moved on to another theme, the mind map also helped to reflect on which themes I needed to go back to. A photo of one of the sketches of the mind map I used is in the Appendix 2.

I chose to record my interviews mainly to ensure reliability. A secondary reason for recording the interviews was to allow me to go back and listen at the end of every day (or every week towards the end of my fieldwork). I was aware that recording could limit the extent of the information that respondents shared with me but it felt it was more important to have recordings. I obtained consent to record orally from all those who participated in the interviews. I explained how the information collected would be used and I made it clear that participation was voluntary.

Elite interviews formed the second part of my interviews. Elite interviews were multiple with follow up sessions, some formal sessions but many were also informal as I engage with some of the KSUP implementing team as they also implement a World Bank-funded urban project. These interviews with the implementing team were open-ended elite interviews. Bauer and Gaskell (2000) state that interviews are one of the central forms of research to be used in applying the process tracing method. Tansey (2007) further argues that elite interviewing is highly relevant for process tracing approaches to case study research. Elite interviewing was therefore a key aspect of my research.

In total, I conducted about 50 in-depth interviews with Korogocho residents focusing on the three villages – Grogan A, KB and Kisumu Ndogo – which averaged between 1-1.5 hours each. About 60% of the interviewees (31 interviewees) were male, of which a little over half were the youth as a result of the direction of my inquiry into the youth of the settlement (see Chapter 5). Many of the remaining male interviewees were leaders of the settlement. I interviewed both leaders and non-leaders of the settlement, and all leaders were part of the Residents Committee constituted to lead the community in the implementation of KSUP. About half the interviewees were structure owners (and included Resident Committee members) and the other half where tenants. A socio-economic survey done before the KSUP reports little economic difference between the three villages and we found a similar pattern where, when we asked how much money was spent on food every day, the responses depended not on location of resident but on age (the younger ones spent less). In addition to these interviews, I spoke with about 10 key informants, some of them more than once. About half were former residents of the settlement. Finally I maintained iterative conversations with about eight bureaucrats (from within the Government of Kenya and from donor agencies) who were directly or indirectly part of the project. An anonymised interviewee list is in Appendix 1.

While my primary data collection strategy was interviewing, I also collected data from other sources to ensure that triangulation could be part of my analysis (discussed in the next subsection). I supplemented my interviews with text from project reports, project correspondence, newspaper articles, and government documents. Textual analysis is key to understanding the assumptions made at the time of policy and plan formulation (Weiss, 1998) and reviewing documents related to KSUP deepened my understanding of the premises underlying the project. Text is also a good way of reaching events that cannot be reached across space and time (Denzin & Lincoln, 2005) and much of my historical data came from old government documents. In particular, for Chapter 6, I focused on KSUP project documents that were made available to me by the KSUP implementing team. Archival data did not constitute a major part of my analysis. However, I did collect some and the data was critical to construct the early history of Korogocho. Archival data was collected from the National Archives based in Nairobi where I sourced mainly articles from a well-

regarded weekly magazine, The Weekly Review (now defunct), and old Nairobi City Council policy documents.

These data collection tools of qualitative research ensure that we can count on the explanation of the causal mechanism is being very solid in the particular context (Goodin et al., 2006). I built my analysis from many sources of evidence, most significantly from the findings of residents interviews, combined with archival research, informant interviews, limited field observation, and the extensive secondary literature on slum upgrading in Kenya. Analysis was primarily through process-tracing which is a critical aspect of the possibilist approach to understand the decision points that led to specific outcomes (possibilism is discussed in the introduction). I began by reviewing my transcripts to identify patterns. The analytical work was iterative, and I would write memos and keep notes. I started out with some pre-set codes base on my analytical framework but found that other more relevant codes emerged. I tried to work with a software package during coding but found that working on paper worked better. I made sure that I focused on themes that felt had reached saturation. Saturation is the point where adding new observations, or interviewees as in my case, does not add any new variation (Gaskell, 2002; Yin, 2009).

3.4.4 Triangulation
Triangulation formed a critical aspect of my research strategy. Triangulation is an important strategy in qualitative research to enhance the quality and rigour of the study's findings. Triangulation is defined as "agreement in the outcomes of more than one independent measurement procedure" (Fielding & Fielding, 2008: 553). Case studies are well suited for triangulation as, concurring with the definition of triangulation, a defining feature of case study is that a phenomenon is understood from a multiplicity of perspectives. The multiplicity of perspectives may come from multiple data collection methods or from multiple accounts collected using the same method from people with different perspectives on what is being observed (Ritchie & Spencer, 2002). Four types of triangulation exist: methodological triangulation where different methods are applied to the same subject, theoretical triangulation where the same issue looked at from different theoretical perspectives, data triangulation where multiple data sources are used, and investigator triangulation where multiple researchers are studying the same problem (Patton, 2014; Fielding & Fielding, 2008). My research focused on two types of triangulation: method triangulation and theory triangulation, which entails using literature from different fields to examine a phenomenon. As mentioned in the literature review chapter, planning is considered an interdisciplinary discipline, which already sets the stage for pulling in literature from other core disciplines during analysis.

3.5. Reflecting on my Positionality

Any ethnographically based researcher brings into the research space their 'self'. Reinharz (2011) discusses the importance of being aware of the aspects of this self and how these aspects and the meaning the researcher ascribes to them affect his/her research. In this way, qualitative researchers recognise the self as a critical tool in data collection and analysis (Patton, 2014). While some identities to which we subscribe have little impact, some will be significant as we bring them to the field.

By far the most influential identity that had an impact on my research was my professional role as a consultant in Kenya's slum upgrading space. Firstly, and as mentioned earlier in this chapter, I made a choice not to study two settlements that were under the KISIP (where I worked). Here, my identity as a World Bank consultant had a role to play in my choice of case studies. I had to make the choice between potentially disrupting the implementation of KISIP through my sensitive questions on land and tenure security and continuing on with my original four-case study design. I chose the former option both because I hesitated to bring my research self into conflict with my profession and also because I had already recognised the richness in Korogocho's dynamics.

Secondly, due to my work at the World Bank, I had had continual interaction with the bureaucrats in the government implementing KSUP since 2011. This professional connection most likely affected the quantity and quality of data that I received from them. On one hand, these relationships made it easier to have informal conversations that added to my understanding of the KSUP, informal conversations that were iterative in nature and built my understanding of the processes at work in Korogocho both inside and outside the slum upgrading project. It also may have helped that I was a Kenyan researcher, rather than a foreign student, as the comfort level may have been higher. In this sense, I was an insider – both because I was Kenyan and because I work within the same bureaucratic ethos as they do. At the same time, however, I was relatively new to the field and was unfamiliar with the workings of the bureaucracy and the international development thinking which allowed me to engage in analysing the processes with some distance. I also had had experience of slum upgrading from outside the Bank with the local federation of the Slum Dwellers International through consultancy work which provided a 'bottom-up' comparative perspective that helped to make the familiar strange.

During my time as a PhD student I took breaks from research to engage with the practice of slum upgrading. In those periods, I acquired the additional identity of a World Bank international development planner working as on slum upgrading. In essence, I became a member of the same group that my thesis was critiquing. It is possible that this may have created bias in how I analysed the data I collected. However, to the extent that there was bias towards reflecting in a positive light the actions of slum upgrading practitioners, the

source of bias would have come from an academic source and not from my World Bank identity. During my Master's program at the Department of Urban Studies and Planning (DUSP) at MIT, I studied under Professor Judith Tendler. Her book "Good Government in the Tropics" (Tendler, 1997) slams the development community for coming up with a plethora of examples of bad government in the tropics, but very few good ones and this was the ethos we adopted as her students. Rather than focus on the negative, she encouraged her students to closely examine the muddling through of bureaucrats and in this way tease out what practices were working in real-life complex terrain. Thus, any positive lens towards the actions of slum upgrading practitioners was more likely from my academic identity as a disciple of Tendler, and by extension, Hirschmann, than from my World Bank identity.

I had some concerns that I came across as an elite urban woman, and while I spoke Kiswahili, it was also clear that it was not the language I used daily. Differences in power, social status, ethnicity, gender (McCorkel & Myers, 2003) between the researched and the researcher brings challenges in any research setting as the researcher and the researched negotiate their interaction. Here is where working in an over-researched settlement brought with it its mix of advantages as residents had exposure to a wide array of researchers both local and foreign. They appeared used to people asking questions and conversely, I did not get any suspicious questions of who I was or what I was doing. My requests for permission to record my interviews were easily granted, except in one case. In addition, working with a research assistant who was a local university student balanced out the dynamics a little more. Having said this, I noted that sometimes interviewees, particularly the youth, addressed me using a term that reflected their awareness of a class difference. Hearing this term made me realise that even as they looked comfortable, it was possible that they still had reservations that would influence our discussions.

While I was slightly concerned about gender, any gender difference between myself and the interviewee did not feel like a hindrance. It was also an advantage that I had Mark, a male, as my research assistant such that gendered reactions would be reduced. Further, although we did not plan this, my research assistant, Mark, was from the Luo community while I am from the Kikuyu. As the following chapters will show, relations between these two ethnicities have been tense in the settlement. Having both of us present – one Luo, one Kikuyu - likely neutralized ethnic allegiances that may have been presumed.

3.6. Limitations

Critiques of the case study design, and of qualitative research more generally, emphasise two main weaknesses. Firstly, critics claim that, in comparison to quantitative research, it is difficult to achieve analytical rigour (Brady & Collier, 2008). Flyvbjerg, however, argues that the "case study has its own rigor, different to be sure, but no less strict than the rigor of quantitative methods" (2006: 235). His argument is that the rigour in case study research is derived from the ability of the researcher to get really close to the phenomenon allows the

researcher to test and verify findings more accurately. The second critique is that, in contrast to quantitative studies, qualitative findings cannot be generalized. The drawback of choosing a single case as I did for analysis is the problem of generalizing from the findings. However, this does not negate some general lessons that can be drawn on designing and implementing slum upgrading projects. The next three chapters begin the analysis and discussion on my findings.

CHAPTER 4: THE PRODUCTION OF THE KOROGOCHO SPACE

4.1. Introduction

The time period is the late 1970s. Rural-urban migration in Kenya has reached an all-time high of 8% and Nairobi has been the destination of the majority of migrants. Unable to find shelter that is available and accessible, the migrants turn to the informal mechanisms delivering shelter through the production of slums. In trying to contain the growth of these slums, Mayor Ngumba periodically orders Nairobi City clean-ups to rid the streets of the Central Business District (CBD) of these squatters, these sites of grime, crime and squalor (Davis, 2006) that clash with the modern Nairobi. This chapter goes back to that period to gain a deeper understanding of how the migrants went about their search for accessible shelter to increase their security of tenure in the city.

In this chapter, I draw on my fieldwork to introduce my case study settlement, Korogocho and its nine villages, and to show how tenure security, in the sense of accessible shelter for poor migrants, was produced and sustained across these villages. To structure my analysis, I bring together two bodies of literature: first, the literature from informal land markets which sees the production of tenure security as a set of informal practices, some with similar characteristics to formal planning practices, to produce affordable buildable land for shelter. Second, I use the informality literature that conceptualizes the production of space as a set of practices whose formal/informal value is negotiated such that rather than "viewing informality and formality as fixed categories, or as mutually exclusive, the two appear as lines of changing practice and movement, taking place not above or in advance of urban life, but within its unfolding" (McFarlane 2012: 191). Using Lefebvre's concept of space, I bring together these two sets of practices under one label – spatial practices. These spatial practices, therefore, have two characteristics: they are embedded in legally pluralist thinking about the production of tenure security and also in informality thinking about the production of space. I argue that the spatial practices that produce tenure security are the spatial practices in the production of informal space. My analysis, therefore, examines the connection between perceptions of tenure security and the production of space. The main intention here is to show how tenure security is produced and sustained by variables that go beyond the land-based, legally-backed conceptualization of tenure security.

The chapter is structured as follows. In the first three sections, I introduce the settlement Korogocho and compare and contrast the genesis of three of the nine villages in this settlement. Using data from in-depth interviews, observations in the settlement and archival research, I discuss the histories that led to the production of varied space. In the fourth section, I analyse additional variables that account for residents' perceptions of their space and show the extent to which the perceptions are affected by crime and ethnicity. The final section brings together these findings and discusses their implications for understanding the

production of slums and more broadly understanding the processes used to deliver tenure security.

4.2. Korogocho At First Glance

Korogocho (more commonly known as Koch) is situated in the eastern part of Nairobi, about 11.1 km north east of the Central Business District. When the settlement was formed in the late 1970s, it was on the outskirts of the city but due to Nairobi's rapid expansion, Koch as it is familiarly called, is now well within the city boundaries. Located on a ridge between the Gitathuru and Mathare Rivers (the latter a tributary of Nairobi River), Korogocho is reputed to be the fourth largest informal settlement in Nairobi, after Kibera, Mathare Valley, and Mukuru Kwa Njenga.[1]

The commonly told genesis of the settlement usually incorporates one or more of the following details: the nucleus of the settlement were pastoralists using the open land to graze their animals; the settlement begins with a old man who used to live there and who was nicknamed Korogocho as he used to collect rubbish (the name "Korogocho" means the one who collects rubbish in Kikuyu), and the settlement adopted the same name as it grew; the settlement grew in the 1970s when workers from a nearby quarry in need of accommodation built thatched houses in this location. These elements constitute the common narrative that is told. However, as I will illustrate in the next section, the history of the settlement is actually more nuanced.

Prior to 2008, which marked the beginning of the Korogocho Slum Upgrading Programme (KSUP), Korogocho was an example of what Yiftachel describes as grey spaces "positioned between the 'whiteness' of legality/approval/safety, and the 'blackness' of eviction/ destruction/death" (Yiftachel, 2009: 89). These grey spaces remain permanently suspended in limbo between integration and elimination. While on one hand, the Korogocho settlement was not recognized on any map of Nairobi, the space being depicted on the map as a sisal farm, on the other hand both government administration and government statistics recognized that the settlement existed. The Korogocho area is administratively classified as a location within Kasarani Division. As per the Provincial Administration, Korogocho Location has a chief and is further divided into three sub-locations and nine villages (the administrative unit below the sub-location):

- Gitathuru Sub-location (covering Ngomongo, Gitathuru, Grogan A and Grogan B villages)
- Korogocho Sub-location (covering Highridge and Korogocho B (or KB) villages)
- Nyayo Sub-location (covering Korogocho A (or KA), Kisumu Ndogo and Nyayo villages).

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[1] There are multiple population statistics for Korogocho, as with other slums in Nairobi, thus this ranking would depend on which statistics are used.

At the urban government level, the Nairobi City Development Ordinances and Zones recognizes Korogocho as part of Zone 7 of Nairobi together with three other mostly informal settlements: Mathare, Lower Huruma, and Kariobangi. Statistically, according to the 1999 Kenya Census data the population of the settlement which was taken as the whole administrative unit of Korogocho location was 61,294 (KSUP:STPDP:FIR, 2011). The concept paper of the KSUP project put the population higher, at between 100,000 to 120,000 people (Government of Kenya, 2008).

When I commenced my fieldwork, it became clear almost immediately in my conversations that Korogocho residents were categorising the nine villages using a consistent typology. Interviewees would mention Grogan A, Grogan B, and Gitathuri in one category, KB and Highridge in another and Kisumu Ndogo, Nyayo and Ngomongo in a third. KA was categorized either with KB or with Grogan depending on the topic being discussed and/or the section of the village that was being discussed. Recognising that there were some variables underlying this local categorization, I chose one village from each category (Grogan A, KB and Kisumu Ndogo) and began to examine what factors were leading to this grouping. Through interviews, observation and archival research, I investigated and unpacked this typology. In the next few sections, I present my analysis of the variables that led to the typology.

I begin with the genesis of the three villages as the first variable, which, as I discovered, has had a lasting impact on the villages today. I collected the histories through narratives of older people, those who were children at the beginning of the villages. The narratives explore the dynamics of 1977-1980 and demarcate these three years as the time when Korogocho rapidly grew into a settlement filled with rural-urban migrants drawn to Nairobi for economic opportunities. The order of the narratives follows what the narratives revealed as the chronological genesis of the three villages: Grogan people were the first to come to Korogocho, followed by KB with Kisumu Ndogo established in 1979/80.

4.3. The Genesis and Growth of Three Villages

4.3.1. Grogan A

Grogan A and B[2] were formed in 1977. The genesis of the Grogan villages lies with the relocation of squatters from the city centre to what is now Korogocho. The 1970s brought many squatters into the city centre from rural areas, the majority of them Kikuyu who had been displaced from their land due to colonial government policies. Having being alienated from farming due to these policies, the displaced moved to Nairobi in search of income-generating opportunities (Kago 2009) and some settled along what was then Grogan Road in the Central Business District (CBD) (now Kirinyaga Road).

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[2] Initially there was only one 'Grogan' which later divided into Grogan A and B.

That the squatters were living in a precarious, highly insecure situation is clear. Original residents interviewed described the daily routine of having to break down and hide their shelters from the City Council every morning before heading into the CBD: then, in the evening, they would set them up again. To be able to hide their belongings effectively and quickly every morning, the squatters had to keep their possessions to the bare minimum and use easily dismantlable material such as corrugated cardboard for their shelters. As explained by an interviewee: "Karatasi asubuhi ni kuzipanga vizuri, viti vizuri, wanaficha mahali wanaenda biashara zao kuuza town". (*The cardboard they would fold nicely in the morning, they hide them somewhere and go to their business of selling in town).*[3] Residents would hide their things in cars undergoing repairs on Kirinyaga Road. As one interviewee, whose husband was a child living on Grogan Road, described: "Wanakaa kama usiku, mchana hawako". (*They would appear overnight, in the morning they did not exist).*[4]

This tacit agreement that they disappear in the morning and remain unseen broke down when there was an upsurge in crime in the Nairobi Central Business District. At this point, the Mayor at that time decided to clean up the city to rid it of its criminal elements Thus the City Council had to admit that the squatters existed because it was believed in these spaces were the hiding places of the criminal elements. Interviewees describe the relocation as a 'cleaning up', or 'sweeping' of the CBD to 'remove the dirt'. However, the Mayor and other politicians felt some obligation to at least relocate the squatters. They were first moved to the Huruma area to await a promised allocation of plots, but this never materialized. They were then moved to their current location of Grogan, supposedly a temporary move until a more permanent space could be found for them. As reported in a newspaper at that time:

> This has been a year of rude shocks for the dwellers of Nairobi's Kirinyaga Road slums…At 2 a.m. on October 13, City Hall and the government sent bull-dozers and hundreds of city askaris and Kenya policemen rendering an estimate 10,000 people homeless. A few managed to run away with some of their belongings, but most of the property, including motor vehicles, were bulldozed into the Nairobi River. As the bull-dozers worked on, city council lorries stood by to transport the displaced families to a new site near Huruma. (The Weekly Review, 1977, p. 9-10)

Three elements of this relocation from Grogan Road to Korogocho have had an impact on the current perception of the space amongst today's residents of Korogocho. Firstly, the fact that the original residents were removed from the CBD to reduce crime has had an impact on the perception of this village by others in Koch. This perception was often given as one of the reasons for why crime continues to be high in this village – the people themselves came from bad roots:

> Walitolewa Grogan town na wengine huko yaani ndio town isafishwe.
> Isafishwe ndio wakora watolewe huko kutupwa pande hii wawache
> kuendelea na kusumbua town.

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[3] K19-08/06/14
[4] K19-08/06/14

> *They were removed from Grogan in town so that the town could be
> cleaned. Cleaned such that thieves are removed and dumped here so
> that they stop disturbing those in the town. (Elderly male resident of KB)*[5]

Second, the relocation to Koch which was supposed to be a temporary measure ended up becoming permanent, precipitating the feeling that they had been forgotten and abandoned. The original intention of Mayor Ngumba was to relocate them to other more permanent settlements that were being built at that time to accommodate people with low incomes – especially Huruma and Mathare North. Interviewees said that they waited to hear from the City Council about their plot allocation in these other settlements. While it is not clear what happened regarding this allocation, the squatters found themselves in Grogan for longer than they had expected. Thus, both the original squatters and non-Grogan residents used the words 'wakamwagwa' (to be poured) or 'kutupwa' (to be dumped) when describing how the squatters were moved from Grogan Road to Korogocho; they were poured (as if down a drain) or dumped like rubbish and then forgotten. As a middle-aged female Grogan A resident who was a young child during the move from Grogan Road said: "Tukakaa hapa. Sasa bado tunaisha hapa tukingojea serikali itupatie makao" (*We stayed here. Till now we are living here as we wait for the government to give us a permanent home.*).[6]

Third, because the squatters believed their relocation to be temporary, they made a series of decisions based on that belief. They were told to build simple houses because they would be moved elsewhere. Therefore, the structures continued to be built from the same temporary material used on Grogan Road – plastics and corrugated cardboard – and in a haphazard manner, close to each other without thought for personal space or expansion: "Kumwagwa mtu alikuwa anatafuta mahali anaweza kujenga"[7] (*Everyone just found a place to build something small)* (Elderly female, resident of Grogan A, who was a young adult during this relocation). As time passed, and as they waited for their promised imminent relocation, the initial building and layout ossified. The result is a haphazard layout of the village, consisting primarily of very small structures that are tightly squeezed together. As one older female resident who was a young adult when relocated from Grogan Road, put it: "If we knew we were going to stay we'd have [built] big houses, even bigger than KA and KB, especially since we were the first ones here."[8]

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[5] K17-08/06/14
[6] K16-08/05/14
[7] K19-08/06/14
[8] K19-08/06/14

Figure 4.1. Layout of Grogan A
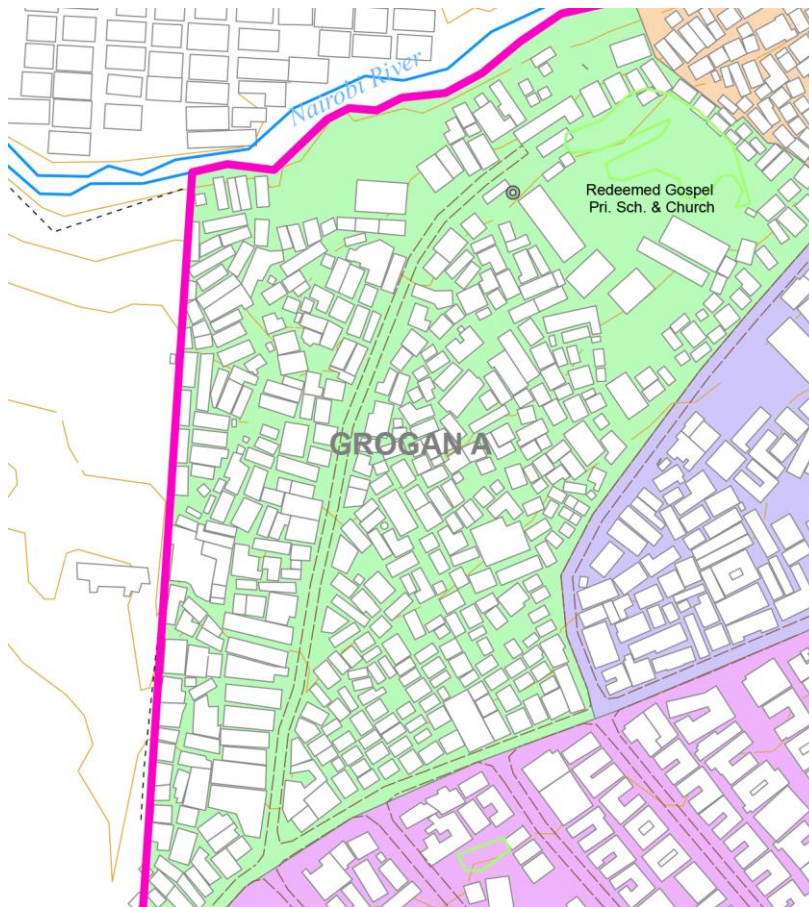
Source: Government of Kenya, 2009

4.3.2. Korogocho B

The genesis and growth of Korogocho B (KB) was much less fractious and uncertain.
Similar to Grogan, the squatters of KB were relocated to this space in 1977 by the
government, having been displaced from Highridge and Parklands (primarily formal Indian
neighbourhoods), and from Kariobangi, (next to Korogocho) where a market "Soko ya
Mawe" was to be built. In an attempt to ensure that the plots would benefit families, Mayor
Ngumba allocated the plots to women. Interviewees, some of whom were allottees, thought
that this was because he believed that women would not sell plots and leave their children in
trouble, unlike men who might sell the plots without regard to the consequences for their
families.[9] Thus, KB initially consisted of primarily female Kikuyu structure owners.[10]

Unlike Grogan, this relocation was done more methodically. Nairobi City Council was
responsible for moving the squatters from the different neighbourhoods and while it is not
clear how the squatters were transported, the words 'kumwaga' (poured) or 'kutupwa'
(dumped) were not part of the narrative at all. The sense from the narratives is that the

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[9] This dynamic of men selling plots and leaving their families in the lurch has been recognised more
broadly in policy research on land tenure in Africa (World Bank, 2010).
[10] K17-08/05/14; K21-08/11/14.

squatters knew they were going to be well looked after. From the outset, the City Council prepared a layout with equal-sized, numbered plots, and proceeded to measure and mark out the land. Roads were laid out but not tarmacked. Thus, the villages are neatly laid out in a grid pattern, similar to subdivisions in Latin American informal settlements. In this instance, Peter Kibinda, the planner at Nairobi City Council at the time, is credited with these subdivisions. He planned both KB and the squatter village of Highridge:[11]

> Ukiona kama hapa KB na Highridge, zimepimwa. Zilikuwa zimepimwa
> City Council kwa maana ndio walileta watu, walikuja wakapima nyumba
> vile inastahili na barabara ikajengwa.
> *(If you see here KB and Highridge, they have been measured. They were*
> *measured by the City Council because they are the ones who brought*
> *people. They came and measured structures the way it is meant to be*
> *and roads were built).* [12]

The process of plot allocation also contributed to this sense of permanency. On arrival at the Korogocho site, squatters were given a number on a piece of paper, an indicator that everyone who had a number would be allocated a plot. This mode of allocation, of household to plot, was used by the state to allocate housing during this period.[13] The narratives in Grogan in particular underscored how the fact that they did not get an opportunity to have this household to plot allocation left them feeling particularly vulnerable and unseen while waiting at their temporary locations (both in Huruma and when they moved to Grogan). They described waiting patiently for 'their number to be called'. Resonating with Scott (1998), it was in the giving of the number that the state 'saw and coded' the squatters and accorded rights to the use of the land.

Once the KB squatters were assigned plots, they were bound by strict regulations drawn from formal planning practice as how to construct their structures. The KB layout was precise. Plots measured 30x30ft and were back to back, while facing outwards towards a road. Each plot had 5ft at the back of the plot to build a toilet and bathroom. Thus, four plots have their toilets adjacent to each other, each with its own door, unlike Kisumu Ndogo and Grogan A where the toilets are not in-plot.

> Lakini zile zilipimwa na City Council wakitoa watu kule. Hizo zilikuwa
> zimepimwa vizuri kwa maana ilikuwa 30 by 30.
> Eeeh. Highridge na KB.
> *(But those ones were measured by the City Council as they got people*
> *from there. Those ones were measured nicely because they were 30x30.*
> *Yes, Highridge and KB.).[14]*

The structures in KB were also regulated and residents had to construct what is commonly known in Kenya as a Swahili-style structure (a U-shaped structure around a courtyard).[15]

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[11] K9-07/29/14; K36-08/18/14.
[12] K9-07/29/14.
[13] As will be discussed in Chapter Six, the decision by the KSUP implementing team not to allocate a household to a plot during the KSUP had a negative impact on tenure security.
[14] K10-07/29/14

Figure 4.2: Layout of Korogocho B
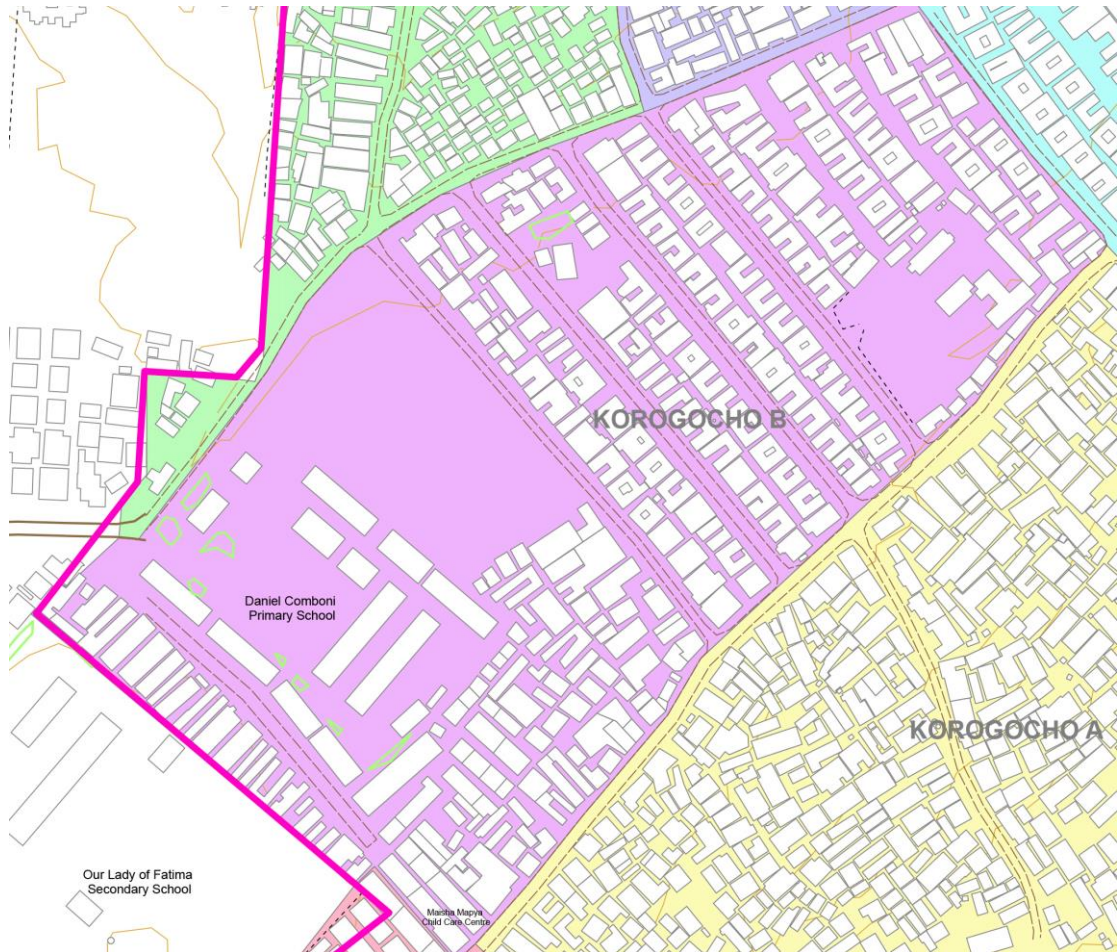
Source: Government of Kenya, 2009

In the literature on *de facto* tenure security, state action is one variable that contributes positively to the perception of tenure security by squatters. While Kudva (2009) has described this kind of one-time state action as a disruptive event as it interrupts the everyday struggles of the poor, in this case this 'disruption' is more likely to have increased the squatters' perceptions of tenure security. For the squatters who were on Grogan Road in particular, even with the uncertainty around their supposedly transitory space, they did not have to dismantle their shelters every morning and 'disappear'. Being moved from that unseen existence on Grogan Road to Korogocho was a signal from the state that they were providing more security than in their Grogan existence as, once in Korogocho, they did not have to disappear every morning. In addition to being harassed by the City Council about their shelter, they were also harassed by the City Council during the day in their income-generating informal vending activities. One resident, the wife of an original squatter who was not on Grogan Road but had heard about it through her husband's narratives of his life as a

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[15] It is unclear how this design has become part of the slum morphology in Nairobi or even why it is called 'Swahili' as the traditional Swahili housing construction does not follow this design. However, it is a common structure design in the informal settlements in Nairobi.

young boy, summarized it as an outsider as: "Life on Grogan Road was tough. City Council was on you both at home and at work".[16] With the relocation to Korogocho, one of their vulnerability points was reduced.

Discussions with residents of Grogan A showed that they felt that because the government had brought them here it would not remove them unless it would be moving them elsewhere. One interviewee, a resident of Grogan A, and the child of an original squatter was very firm: "We have a right to this land because we were brought here by the government." Even while expressing these sentiments, however, interviewees stated that it is the uncertainty about whether the government would evict them that has kept the housing semi-permanent as they could afford to build better houses:

> Unaona hawa watu, si ati hawajajiweza. Kuna labda watu wamejiweza hata bila hiyo loan. Atajenga nyumba ya mawe na hajapewa title aje? Tunajenga kwanza hiyo ya matope ama hiyo ya mbao au drum juu hujui ka hapo inakufaa ama government itakuja ikutoe. Unajua goverment...gava inaweza kuja iamue, sasa nyinyi mnashinda mkipiga kelele hapa na hapa hata sio kwenu[17].
> *You see these people, it's not because they are not able. There are possibly people who are able without a loan. How will he build a house of stone when he hasn't been given a title? We build first those of mud or of wood or of drums because we don't know whether it is preferable or if the government will come and remove you. You know the government can come and decide, now you have been making noise here and this place is not yours.*

4.3.3. Kisumu Ndogo

Kisumu Ndogo, the newest of the three villages discussed in this chapter, and second newest in the settlement after Nyayo, was established and grew in the late 1970s and early 1980s when both rural-urban migration and the urbanization rate of Nairobi was at its highest. With the relaxation of the colonial restrictions on African labour movement and the sharp increase in population, the influx of economic migrants was high. According to UN statistics, the urbanization rate for Nairobi reached a high of 7% before stabilizing at 4% in the late 1980s. The early 1980s is when Kisumu Ndogo grew most rapidly and densified (Lee-Smith, 1990).

The genesis and growth of Kisumu Ndogo is due to economic and political entrepreneurs who have contributed to the continuation of slums in Africa (Fox, 2014) by identifying a huge gap in Nairobi between the demand and supply for low-cost housing for rural-urban migrants. Local leadership stepped in to take advantage and plot subdivision was initiated, spearheaded by a committee of local elders led by Mzee Githua and Mama Ng'endo, two well-known influential local leaders (Kago, 2009). Mama Ng'endo was the most influential leader in KA. The team also comprised the chief in charge of the Korogocho area and his assistants as well as local political leaders. Lee-Smith (1990) described Kisumu Ndogo in

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[16] K19-08/06/14
[17] K52-08/25/14

1980 as "an example of a completely entrepreneur-built 'squatter' area…an entirely speculative village, built by entrepreneurs for rental from 1980" (Lee-Smith, 1990: 177).

The name Kisumu Ndogo is an indicator of the prevailing ethnic group in the village. In Kiswahili *ndogo* means small. *Kisumu* is the name of the largest town in Western Kenya, located in Nyanza Province on the shores of Lake Victoria. It is the biggest urban area in the heartland of the Luo ethnic group (about 500km north-west of Nairobi). Many urban areas across Kenya have an informal settlement or a neighbourhood within an informal settlement called Kisumu Ndogo and, as one interviewee said, this name is enough indication to a Luo economic rural-urban migrant that they will be welcome and comfortable in that space. As late as 1980, the village had been known as Githaa (Kago, 2009; Lee-Smith, 1990), but after an influx which changed the ethnic composition to a Luo majority, the name was changed to Kisumu Ndogo. When asked why they came to Kisumu Ndogo, interviewees from the village mentioned first, coming to Nairobi in search of work, then choosing Korogocho because of how cheap it was and finally choosing Kisumu Ndogo because relations or friends lived there.

The person credited for the *de facto* planning of Kisumu Ndogo is an elder called Mzee Githua[18] who had arrived in Korogocho in 1977. Githua, at least 90 years old at the time of my fieldwork, says he was called upon to assist as it was acknowledged that he had done a good job subdividing the local market into stalls of equal size.

Githua told me how he went about being the *de facto* planner and surveyor in two villages in Korogocho:

> Ikaenda kufika mpaka ya Kisumu Ndogo. Mahali nilianzia kupima na nguvu yangu. Haiya, hiyo ni KA. Mara ingine inaenda hivi, ingine inaenda hivi...ikionekana mahali, room nne eeh room mbili. Kutoka room mbili kufikia room kumi ilikuwa size yake hii.
> *It [the measuring of plots] went on to Kisumu Ndogo. That's where I really started to measure with all my strength. That is KA. Where, sometimes it goes this way, sometimes the other way. Sometimes there are four rooms, sometimes two. From two rooms to ten rooms that was the size you would find.[19]*

> Tukatoka hapo tukaenda Kisumu Ndogo. Tukaja 1979. Na me ndio nilikuwa nimepima pima sababu chief aliona me ndio nimejua zaidi. Nikapima hiyo maline yote nikielekeza chini.
> *We left there [planning KA] and we went to Kisumu Ndogo. We came in 1979. And I was the one who was measuring because the chief had seen that I was the one who knew how to do it best. I measured all those rows going downwards [towards the river].[20]*

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[18] K2-07/23/14; Korogocho Slum Upgrading Programme Listening Survey Report (June 2008); Final Korogocho Socio-economic Survey Report (June 2010); Lee-Smith (1990).
[19] K10-07/29/14
[20] K10-07/29/14

The layout in this village reflects the perceived demand for housing – single rooms to house single, transient men or women migrating to Nairobi in search of work. At the end of Githua's planning exercise, about 480 plots of 50ft x 20ft had been demarcated with 12ft left between the plots for access roads (Kago, 2009). Structures are long rectangular rows of single rooms, each room measuring 10ft x 10ft.[21] Each structure has two back-to-back rows of five rooms. Lee-Smith described the layout in 1980: "Houses in Githaa were very large, consisting of rows of mud-walled rooms with metal roofs" (Lee-Smith, 1990: 178). Unlike KB, and similar to Grogan A, there are no bathroom or toilet facilities in the structures. Instead, one toilet is placed between two structures for the residents of ten rooms to share. Lee-Smith reported "pit latrines were dug at the end of each row of dwellings in Githaa" (Lee-Smith, 1990: 178). Unlike Grogan A, however, the placement of the toilets is predictable due to the planned layout of the village.

Even as they were planning and laying out the space, the threat of demolition was high:[22]

> R1: Na siku hiyo ikionekana nyumba inakuja bomolewa, kwa kijiji ilikuwa shida sana. Haya tukaendelea. Mara unasikia watu ya kubomoa wanakuja. Hapa ilikuwa...hii ilikuwa siku mingi inabomolewa.
> *S: Na kina nani?*
> R1: Chief.
> R2: Hata City Council ndio walikuwa wanabomoa. Haya zaidi tena, ...lakini ulikuwa alikuwa akibomoa zaidi ni demolition officer wa City Council.
> *And in those days, if it seemed like the rooms were going to be demolished, in the village it was a big problem. But we continued. You would hear from time to time that the demolition people were coming. There were many days that they were demolished.*
> *S: By whom?*
> *R1: By the chief.*
> *R2: Even the City Council were demolishing. In fact, even more. …the one who demolished the most is the demolition officer of the City Council.*

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[21] 10ftx10ft was the standard size of rooms for African males that the colonial government built from 1954 when they recognised that the need for labour in the urban area would require them to relax the ban on Africans living within the city boundaries. This 10ftx10ft measurement is used more generally in the construction of structures in other slums in Nairobi, indicating that while initially a formal planning regulation, it has now become the norm in informal settings as well.

[22] This interview had two old men of the settlement as respondents. 'R1' is one respondent; R2 is the second respondent; 'S' is Sheila (myself).

Figure 4.3 Layout of Kisumu Ndogo
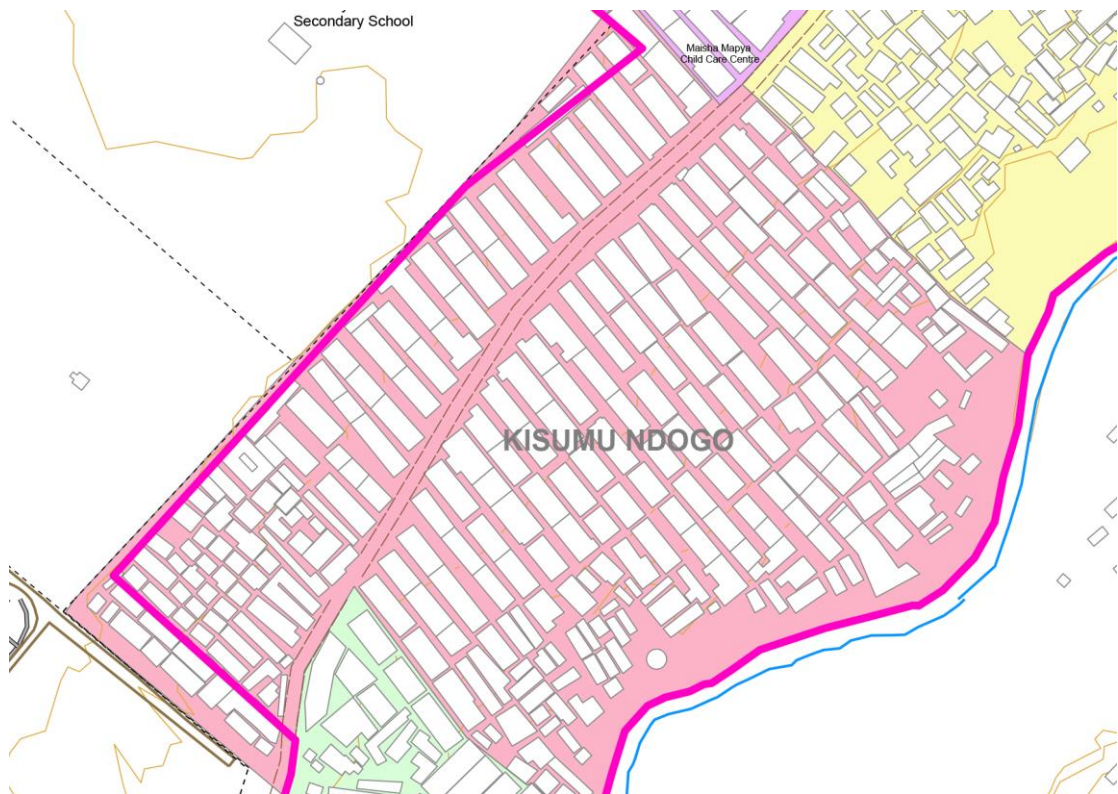
Source: Government of Kenya, 2009

Githua's claim about his planning prowess comes through quite clearly when looking at the Kisumu Ndogo structure size and spacing measurements. These two measurements are controlled by Nairobi's building regulations which stipulate the recommended spacing between buildings as 1.2m. Reports from the preparatory groundwork done to prepare for the planning process in the slum upgrading project record that generally the spacing in the villages "does not meet the building code requirements" (KSUP:STPDP:FIR, 2011: 54). The exception to this general violation is Kisumu Ndogo where the spacing between structures consistently meets the building code requirements and is maintained at between 1.5m and 2m (KSUP:STPDP:FIR, 2011: 54). At the opposite end of the spectrum, structures in Grogan B have as little as 0.1m between them, the smallest recorded spacing between structures, a report that was supported by narratives of interviewees.

Table 4.1: Comparing adherence to planning regulations across Grogan A, KB and Kisumu Ndogo

	Grogan A	Korogocho B (KB)	Kisumu Ndogo
Number of structures	393	259	250
Median structure size	Below 30m^2 (69% of structures)	Above 100m^2 (63% of structures)	100-200m^2 (50%). In addition, 33% are between 50-100m^2
Spacing between structures (in meters)*	Between 0.2 and 2.0m	Between 0.5 and 1.5m	Between 1.5 and 2.0m

Source: Author based on KSUP Enumeration Report (finalized July 2010).
* Grogan B has the smallest minimum spacing at 0.1m.

The next section examines the densification of Korogocho, and the growth of the settlement, through a different type of state action – that of the chief's *de facto* role as planner and surveyor.

4.4. The *De Facto* Practice of Planning

The descriptions in the previous section show the differing genesis and early growth of KB and Grogan A. Soon after the genesis of Korogocho, it quickly became known that it had available space. As such, while Grogan and KB started out in the way described above, any empty spaces in the villages, such as road reserves and open spaces intended for public use, were quickly appropriated to be sold to an interested structure owner. Here, the practices that are closely analysed in the literature on informal land markets became entrenched in Korogocho, including the informal buying and selling of plots, with the chief, as the primary actor, as the *de facto* planner.

Prior to Kenya's devolution process which was kicked off by the General Elections in March 2013, there were two local government administrations that worked in parallel. Through the Local Government Act Cap 269, local authorities were established and given responsibilities delegated from the Ministry of Local Government to manage local jurisdictions. Under this system, the country was divided into 175 local authorities (LAs) - 3 city councils (of which Nairobi is one), 65 town councils and 107 county councils (rural areas). Councillors at the ward level within the LAs were elected and these elected councillors then elected a mayor from amongst them. In parallel, the Provincial Administration, seen as an appendage of the State's control in the era of the single-party system, also governed spatial territories. The hierarchy of the Provincial Administration ran from the Provincial Commissioner at the top (reporting directly to the President) to the District Commissioner, District Officer, Chief, Assistant Chief and finally village elder, all appointed civil servants. Officially, the rationale for the Provincial Administration was that it was best equipped to manage the implementation of policy (Widner 1993); in fact, the Provincial Administration bureaucrats were the ears on the ground during the colonial administration and this mechanism continued into independent Kenya.

The presence of the chief, as well as other political leaders such as councillors and Members of Parliament, was felt keenly in the genesis and growth of Korogocho. However, as narrated in the interviews, and well-documented in the vast studies of informal settlements in Nairobi, it was the chiefs who were the primary actors in the growth of slums as sites for low-income housing (Syagga et al, 2001; Kusienya, 2004; Dafe, 2009) during the period of intense urbanization between the mid-1970s and 1990. As neither government nor the private sector could meet the demand for low-cost urban housing for the rural-urban migrants, the chiefs and other civil servants with access to public land used their powers embedded in the Chief's Act, 1998 to issue Temporary Occupation Licences (TOLs, which provided legal rights to temporary settlement on government land. TOL holders had limited rights to notice before eviction and access to the courts (Jaffer, 2000; Syagga et al, 2001; Joireman, 2011).

In negotiations with the chief for a piece of land, the starting point for any potential structure owner was the strong warning that they should not think that they owned the land and a reminder that it belonged to the government. Their status as only *de facto* landowners was emphasised to show the temporary and informal nature of the arrangement. As Ghertner (2010) illustrates in Delhi, once the position of illegality is cemented, any suggested transition to escape the illegal label becomes very enticing. Once permission was granted and a payment made to the chief (interviewees narrated the amount to have been about KES 300 at the height of the allocation in the late 1970s) the structure could be built. However, the structure had to meet the Nairobi City Council building code's definition of temporary, which meant mud, corrugated iron sheets and wattle. This requirement was twofold, firstly to circumvent legislation that stipulated that the construction of a permanent structure allowed the structure owner to claim ownership of the land, and secondly, to maintain as close as possible the rationale of the TOL. Structure owners were advised by the chief to paint the roofs of the structures black to create the appearance of poverty.[23] Further, structure owners had to (and by interview accounts, still have to) request permission from the chief to construct or repair the structures.

Similar to a formal planning environment, the chief would charge fees for all these permissions (Syagga et al, 2001). Thus, the chief took the lead as *de facto* planners of informal settlements. In this respect, the settlement was planned but under different principles. In theory, formal planning is based on the principle of social/public good while this *de facto* planning is based on a more individualistic principle, one motivated by rent-seeking and self-interest. This is the principle that has shaped the planning of Korogocho. Despite the amendment of The Chief Act in 1997 to limit their authority to crime prevention and the maintenance of order, the administration has continued to play the role of *de facto* planners

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[23] K32-08/13/14

and to allocate public land, and control the construction and maintenance of the structures. Further, chiefs are the go-to authority for any disputes in the settlement, from domestic cases to landlord-tenant and other property disputes (Joireman, 2011). There is a hierarchy of dispute resolution which starts with the village elders and, if unresolved, proceeds to the chief. Interviewees informed me that every structure has a number which is recorded in a book kept at the chief's office and that every sale transaction had to be overseen by the chief and the village elders. Fees are charged for all these services. To use a quote in COHRE, "there is nothing anyone can do in the informal settlements, from the repairing of one's house to the building of toilets, without the authority of the Provincial Administration, through the local Chiefs" (2006: 83).

Joireman (2011) describes these chiefs and other civil servants as bureaucratic entrepreneurs, defining them as "officials operating outside their legitimate area of responsibility" who use "both their positions with the state and the weakness of the state to promote their own interests or social norms, which are in conflict with law." She differentiates them from political entrepreneurs who also operate in the same informal space as "their motivation tends to be economic and/or social rather than political" and they "derive their power from the state" (Joireman, 2011: 56). In providing these services in exchange for payment, Joireman poses the question of whether or not to "view this type of service provision as corruption" (Joireman, 2011:73/4). While not responding with an outright no, she points to the dynamic where there is a demand for these services that is unmet except by these entrepreneurs. In a similar argument, but many years earlier, Prud'homme (1992) made an attempt to conceptualize typologies of these kinds of informal payments for services. Collectively describing them as "informal taxation" he defined them as "the mobilization of resources outside normal tax channels for the provision of public goods and services" (1992:1). Balancing this argument that rationalizes the work of bureaucratic entrepreneurs as supply meeting demand with the impact these informal, yet required, payments have on those lower on the socio-economic ladder (Joireman, 2011), this debate adds another dimension to the *de facto* planning role adopted by the chiefs and other legitimately recognized authority figures.

The chief derives his authority and power from being omnipresent and part of the everyday lives of the residents. Indicating that the chief is the only authority in the settlement, one interviewee said in response to a question on whether he had any formal tenancy documents: "You know, if you go to City Hall, you will find that the Korogocho area is sisal. So those things don't exist here. Here, we have the chief as our authority".[24] In addition to illustrating that the chief is perceived as the only administration and authority in this informal space, this narrative also points out the perception that the chief is also not considered formal, not part of the *serikali* or government. For example, a few interviewees would say

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[24] K28-08/12/14

that they perceived the slum upgrading as a signal that the *serikali* has finally remembered them. Yet, the chief was also present in their narratives as the authority that resolved disputes and acted as the legal witness to land transactions. Kurfurst (2012) makes a differentiation between "the state as abstract entity formulating the legal framework and the state in the form of practices as experienced in everyday encounters between citizens and local officials" (Kurfurst, 2012: 90). Despite the fact that chiefs are civil servants, interviewees would discuss the chief and the *serikali* as separate entities, the former as part of their everyday encounters and the latter as the abstract entity who determined the boundaries of formality.

In the discussion thus far, I have laid out some of the key variables that determine residents' perceptions of space which stemmed from the histories of the villages as well as the vibrant *de facto* planning practices that further expanded Korogocho. The histories of the villages of KB and Grogan A illustrate how state 'planning' action – the mass relocation and the City Council planning of KB – led to the production of the varying informal spaces. Kisumu Ndogo grew from entrepreneurs responding to migrant demand for housing and building tenement-style housing. I chose to examine these three villages as examples of the villages found in their categories which follow similar historical patterns. Thus to recap, the first category of villages (Grogan A, B and Gitathuru) follow the Grogan A pattern discussed above – they are unplanned and haphazard and squatters were relocated from slums on Grogan Road and Parklands (a middle-income neighbourhood) respectively, with no plot allocation once they were relocated to Korogocho. The second category consists of the more organized, planned villages. The villages cited in this category were Highridge and KB. Squatters were relocated to Highridge from a middle-income Asian neighbourhood of the same name due to property development. Once they arrived in Korogocho, the same Nairobi City Council planner who planned KB also planned Highridge and allocated plots to the squatters. The third category are also well laid-out but, rather than the individual Swahili-style structures, consist of long rows of single rooms built chiefly to cater for economic migrants, often single individuals coming to Nairobi and in need of cheap temporary housing. The villages in this category are Kisumu Ndogo, Nyayo and Ngomongo. Other than Ngomongo, the villages in each category also happen to be contiguous.

In the next section, I briefly discuss two other variables which I discovered were critical in how the residents perceived and interacted with their space: their perceptions of crime and insecurity, and ethnicity.

4.5. The Security That Matters

Crime and insecurity is high in Korogocho, which is perceived by outsiders as the most dangerous slum in Nairobi. In the late 1990s and 2000s, Korogocho was known as the home of the worst criminals, particularly violent car-hijackers, the crime most feared in Nairobi as

many car occupants were killed in the hijack. In fact, the demarcation of Korogocho as its own location (with the Provincial Administration spatial hierarchy) and the consequent placement of a chief by the state was in response to the surge of crime both in Korogocho and in Nairobi more broadly between 1998 and 2000. The Chief's office is currently located at the centre of the Korogocho settlement and there are three assistant chiefs, each in charge of a sub-location. The village elders are not civil servants but local residents appointed by the provincial administration to assist in governing the villages. A newspaper article from May 2006 illustrates the perception of Korogocho from outside the settlement:

> Korogocho is a place that sends shivers down the spine of many Nairobi residents, especially those who live in Eastlands. When I was there last, two years ago, we drove around the slum as if in an armed convoy, doors locked, windows closed, heads down. Little business was being carried out in the streets, which were deserted except for a few sour-faced characteristics. (Kithure, 2006, p. 27)

While my research focuses on perceptions of tenure security, I found another type of insecurity – due to crime – affected the everyday lives of Korogocho residents and shaped how the residents perceived the different villages. The KSUP Socio-economic Survey reports that 84% of the respondents reported petty theft and muggings as the most common type of crime, followed by burglary of either house or business premises at 11%.

Within Korogocho, however, perceptions of insecurity are more nuanced across different villages, each having varying reputations regarding crime and insecurity. Throughout the interviews, interviewees named Grogan B as the village with the highest level of insecurity, followed by Gitathuru and Grogan A. A World Bank-funded action research project conducted in 2011 draws similar conclusions and the crime heatmap in Figure 4.5 shows that crime is concentrated in the areas of Gitathuru, Grogan A and B, and is especially bad along the Community Lane and Kamunde Road intersection in Grogan B.[25]

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[25] Despite being on Google, these road names are not officially recognised and therefore will not be found on the maps above that show the physical morphology of the three villages as these are sourced from the government maps of the Korogocho project area.

Figure 4.4: Crime heatmap showing concentration in Gitathuru/Grogan A/Grogan B area
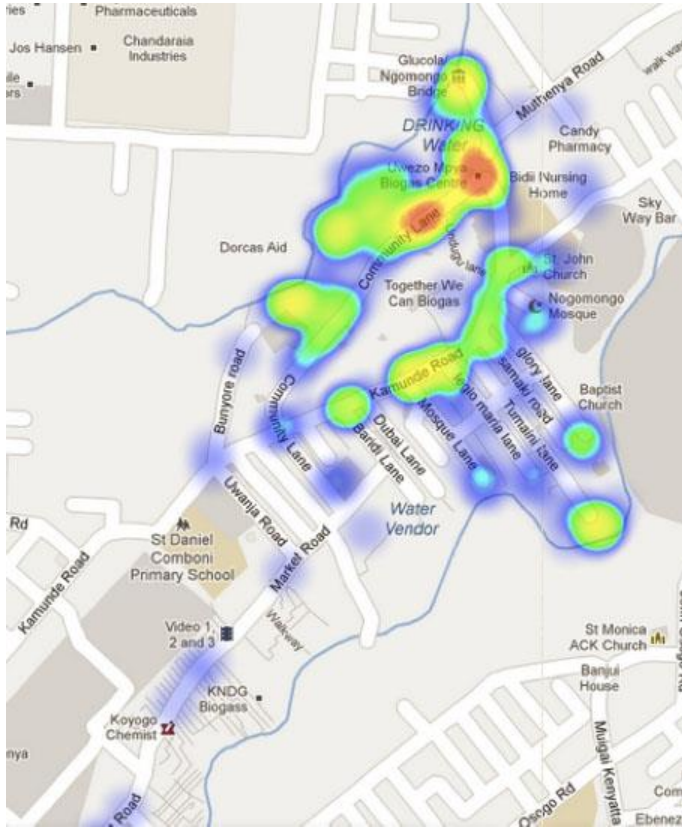
Source: World Bank (2013)

This variation across villages was explained in two ways. First, the variation in physical morphology: in Grogan A, B, and Githathuru, the haphazard layout of the villages created many *machuom* (small winding alleyways) that twisted and turned and provided favourable conditions for criminal activity. These narrow alleyways, lacking streetlights, meant that perpetrators had the upper hand and muggings were frequent. Some of these alleyways were as narrow as 0.2m (KSUP:FIPDP, 2012) making it difficult to give chase, and increased chances of escaping also meant that people were more inclined to engage in crime. The *machoum* also provided criminals with hiding places to wait for a victim while hidden from view. A quote from a newspaper article remarks that the Korogocho alleyways were "witness to only muggings, car-jackings and murders" (Kithure, 2006, p. 27).

In contrast, the straight rows of housing in KB and Kisumu Ndogo made it difficult to commit crimes using the element of surprise, as there were no nooks or crannies where perpetrators could hide before or after committing the crime. In fact, one of the benefits of the slum upgrading perceived by interviewees was reduced crime as all villages would be *nyoroshwa* or 'straightened out' like KB.[26] Residents in villages where the slum upgrading project had

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[26] In the slum upgrading project, the morphology across all the villages is being straightened out using the roads as the guide by demolishing part or all of any structure that is in the way of the road. The

constructed roads, thus eliminating the nooks and crannies, described the change in crime levels. An extract to indicate the typical and frequent comments on how the road construction has reduced the occurrence of crime because the alleyways had been eliminated is:

> Tumeona kukiwa kuzuri zaidi kupita vile kulikuwa mbeleni kwa maana, sasa ikijengwa hata wizi itaisha. Kwa maana hata ukipita hapa unaona barabara iko straight. Sasa mtu akisema ya kwamba anakunyang'anya, anashindwa na mahali atakunyang'anyia kwa maana watu ni wen(gi), ni wengi na wanakuona. Lakini mbeleni ilikuwa chochoro chochoro chochoro. Sasa mtu atakunyang'anya na anaingia kwenye chochoro na anapotea. Mtu anakudunga we kisu na anaingia kwa chochoro.
> (*We have seen that it has become very good, much more than how it was before because now, as the roads are constructed, even crime will end. Because even if you pass here, you will see the road is straight. So if someone thinks that they can mug you, they now cannot find a place to mug you because people are many, and many are seeing you [because the road is straight so anyone on the road can see far down the road]. But before, it was alleyways, alleyways, alleyways. When someone mugs you, they slip into the alleyway and they disappear. Someone knifes you and he slips into the alleyway.*)[27]

One female youth interviewee in Grogan A compared the frequency of muggings in her village now – about three muggings a week – to the period prior to the slum upgrading project – at least three muggings a day[28]. In the villages not yet upgraded, interviewees looked forward to the straightening of the alleyways for the security aspect. Referring to how the recent completion of one of the main roads had changed the insecurity and consequently increased the vibrant activity on the streets, one resident of KB commented:

> Kama sai ukiangalia kuna barabara poa kuna business ukipita unapata kuna duka inauza, wamama wameweka vibanda, kitambo hungeweza pata, kwa jiili ya insecurity, labda duka moja inafungwa kama six inafunguliwa late pia ni kwa sababu ya insecurity.
> (*Like now, if you look, there are really nice roads, there are businesses. If you pass, there are shops selling; women have put up kiosks. Before, you would not be able to find that because of the insecurity. Maybe, one shop that closes at six and also opens late because of insecurity).*[29]

The second reason that interviewees provided for variation in crime was the ethnic composition in each village. Contrasts were drawn between Luo-dominated and Kikuyu-dominated villages, with the claim that Luo villages were safer. Interviewees would say that villages with a predominantly Kikuyu presence, such as Grogan B, were insecure. Kikuyus were accused of not having enough control over their children and, in some instances, even encouraging them to steal. In contrast, the Luo had strong control mechanisms to control stealing, like the immediate punishment of *kuchomwa* where a tyre is put over the perpetrator's head and set on fire, essentially trapping him (or her) in a ring of fire. According to residents' perceptions, Kisumu Ndogo, Nyayo and Ngomongo should have been the safer

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implication, of course, is that the villages with a haphazard layout have and will continue to suffer more demolitions than those which had more organized layouts.

[27] K9-07/29/14
[28] K31-08/13/14
[29] K37-08/18/14

villages with Grogan A and B the most insecure. Kago (2009) argues that the opposite may be true; that a mixture of ethnicities in a neighbourhood results in reduced criminality, and while residents in Korogocho perceive villages to have majority ethnic populations, in reality the villages are largely mixed. In addition, the Socio-economic Survey reports that when respondents were asked "Do you feel safe in your village?" the response rate of "No" was 90% and higher across all the villages. Nevertheless, the perception is maintained.

Due to these perceptions of security, Kisumu Ndogo and KB are the most sought-after villages for housing. Interviewees reported that finding a vacancy in Kisumu Ndogo and KB was difficult[30], demand being high because of their relative perceived security. Having this kind of security means that businesses – selling late night food like chapatis, conducting mobile transfer payments (M-PESA), etc. - are open till midnight, one interviewee who resides in Kisumu Ndogo saying that one could even get M-PESA to open up later. Similarly, movement after dark was possible in KB. One male interviewee, in explaining the degree of insecurity in Korogocho commented that it was not safe to walk anywhere before 6am (approaching sunrise), but qualified his statement to say that it was not so bad in KB where the "only risky place" in the morning was the field – referring to the playing field of the Daniel Comboni Primary School which is within the KB boundaries (see KB map in Figure 4.2). An older tenant of Kisumu Ndogo described finding housing in Kisumu Ndogo as similar to finding gold: "Manyumba ni kama gold" (*Houses are like gold*).[31]

4.6. The Role of Ethnicity

That ethnicity is used as an organizing logic was evident from discussions in my interviews. Balaton-Chrimes (2011) explains that most Kenyans make a distinction between tribe (*kabila)* and tribalism (*ukabila*), "the latter being a source of tension and discrimination, the former being a legitimate source of pride in and attachment to one's identity and community" (2011: 216) and this tension was evident in Korogocho. In the socio-economic survey of the slum upgrading project, residents of Korogocho listed tribalism as a big problem. On the other hand, almost all interviewees introduced themselves to me by stating their name first and then their tribe and/or their place of origin outside Nairobi, showing their pride in belonging to a tribe. Ethnicity was also given as the reason why certain things happen in different villages, for example, the varied perceptions of insecurity due to crime as discussed in the previous section. Thus, while I did not question this variable deeply in my fieldwork nor do I analyse it in depth in this thesis, it is clear that tribe and tribalism are elements of the organizing logic of Korogocho residents.

In spite of this, I found little evidence that ethnicity played a role in the allocation of land parcels during the genesis and early growth of Korogocho. However, during that period, the

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[30] K20-08/06/14; K26-08/12/14.
[31] K20-08/06/14.

provincial administration was Kikuyu-dominated and Amis (1983) shows that in Kibera patronage allocation based on co-ethnicity did take place. In other informal settlements as well, the majority of landlords are Kikuyus, for instance in the Mathare Valley and Dagoretti (Chege, 1981: 79). However, Amis (1983) also argues that being politically connected was as important as ethnicity in Kibera in accessing land. In Korogocho and other settlements, while structure owners are predominantly Kikuyu, the Kikuyu are also equally prevalent as tenants as any other tribe. Dafe (2009) concludes that evidence that specific ethnic groups were favoured in the land allocation is scarce.

However, from the interviews, it appeared that ethnicity did play a role in determining where in Korogocho an in-migrant would choose to live. A long-term resident of Kisumu Ndogo, a Luo, explained that when he arrived in 1978, the residents of Kisumu Ndogo were primarily Kikuyu. He described how the ethnic composition changed as more and more Luos arrived in the village, drawn by relatives or other social ties from their homes and eventually they became the majority ethnic group, leading to its name change from Githaa to Kisumu Ndogo in 1980 (Lee-Smith, 1990).

Interviewees characterized villages by their ethnic composition, and perceived ethnic enclaves in certain villages. While at least six different tribes live in Korogocho, only three are used by residents to denote the enclaves: Kikuyu, Luo and Somali.[32] According to one key respondent account which is supported by interviewees' perceptions garnered through the discussions, the ethnic composition by village is:

KB: half Kikuyu and half Luhyia;

KA: mostly Kikuyu with some Luhya;

Grogan A: half Kikuyu and half Somali and Borani;

Grogan B and Gitathuru: mostly Kikuyu with some Kamba;

Highridge: mainly Somali;

Kisumu Ndogo, Ngomongo and Nyayo: mostly Luo with some Kikuyu.

From this characterization, the Kikuyu enclaves are perceived as Grogan A, Grogan B, and Gitathuru and, to a lesser extent, KA; the Luo enclaves as Kisumu Ndogo, Ngomongo and Nyayo; and Highridge as the Somali enclave. The other villages were perceived as mixed.

It is interesting to compare this perception of village ethnic composition with official statistics. The socio-economic survey done at the beginning of the slum upgrading project presents a slightly different picture.[33] It indicates that there are five major tribes residing in Korogocho: the Kikuyu people (51%) are the majority with the Luo (19%) in second place. The Luhya

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[32] The Somali are depicted as Garre in the socio-economic survey. Garre is a sub-clan of the Somali.
[33] As the next chapter will explain, Ngomongo was not included in the slum upgrading programme so statistics for this village were not collected in the socio-economic survey.

(10%) and Kamba (9%) take third and fourth positions respectively. While the Luhya appear to be evenly distributed across the villages, the Kamba seem to have their highest concentration in Korogocho B. Table 4.2. below shows the breakdown from the survey.

Table 4.2: Ethnic composition of Korogocho, by village

Respondent Tribe by village									
	TOTAL	Korogocho A	Korogocho B	Grogan A	Grogan B	Gitathuru	Kisumu Ndogo	Highridge	Nyayo
Base: Total Sample	**541**	**79**	**65**	**79**	**86**	**69**	**58**	**51**	**54**
	%	%	%	%	%	%	%	%	%
Kikuyu	51	66	58	51	76	55	17	31	30
Luo	19	5	5	6	6	13	66	24	46
Luhya	10	11	11	19	5	6	10	8	11
Kamba	9	6	20	6	10	6	5	4	9
Borana	4	1	2	6	0	13	2	6	0
Garre (Somali)	3	5	0	1	0	3	0	16	0
Other	5	4	5	10	3	4	0	12	4

Source: KSUP Socio-economic Survey, 2010

There are three interesting comparisons between the enclave perceptions of the interviewees and the official statistics. First, Highridge was characterized in interviews as a predominantly Somali village yet the data shows that only 16% of the residents are Somali (shown as Garre in the socio-economic survey); this is surprising given its strong perception as predominantly Somali. Second, the perception of the predominance of Luos in Kisumu Ndogo and Nyayo is supported by the official statistics. Third, the Kikuyu are more scattered across the eight villages than the residents' perceptions gathered through the fieldwork.

Thus, as a variable to explain the typology I found at the beginning of my fieldwork, ethnicity may have influenced the grouping of Kisumu Ndogo, Ngomongo and Nyayo into one category as they are the Luo-majority villages. This is supported by the fact that despite its clustering with Kisumu Ndogo and Nyayo, Ngomongo has two important characteristics that set it apart from these two villages. First, it is situated on private land and the owners have titles. Secondly, it does not follow the tenement-style structures that the other two villages do. Nevertheless, it is clustered with these two villages, possibly due to the combination of the ethnicity composition as well as, as will be shown in the next chapter, the fact that these three villages have the highest proportion of tenants. Beyond this, I found that ethnicity did not play a role in accounting for the typology.

Table 4.3 summarizes the variables that I discovered have created the typology.

Table 4.3: The variables in the typology

Village Category	Histories	Physical layout	Crime & Insecurity	Ethnicity
Grogan A and B, Gitathuru	One-time state action – squatters relocated with no plot allocation	Haphazard layout, congested with small structures	Perceived as most insecure villages	Perceived as Kikuyu enclaves
KB and Highridge	One-time state action – squatters relocated with plot allocation	Planned layout with controlled housing design (Swahili style)	Perceived as secure. Proximity to 'town' amenities.	Highridge perceived as Somali enclave; KB perceived as mixed
Kisumu Ndogo, Nyayo and Ngomongo	Entrepreneurs responding to migrant demand for housing and building tenement-style housing	Planned layout with long rows of single rooms	Perceived as secure. Rents are high	Perceived as mostly Luo

4.7. Muddying the Typology

Despite the three distinct categories, the picture is somewhat nuanced by specific distinctions within villages. First, while I have laid out the physical morphologies in three stark categories, the reality is that there is minimal variation in the physical layout within the villages. For example, Grogan A has a section that is semi-planned and resembles KB more than it does other parts of Grogan A. This is because of a devastating fire in 1982 that, due to the nature of the housing materials, spread fast and destroyed everything in its path. After the fire, a village elder leader decided to use the opportunity to plan the space. He agreed with the fire-affected residents that each would be allocated space for two rooms which they would be responsible for building. Thus about 200 structures in the middle of the village have this 2-room plan. Similarly, in the eastern section of KB, an area known as Paradise is unplanned. One of the leaders of KB emphasized that KB was not a slum, except for Paradise: "Now that is a real ka-slum"[34]. Its haphazardness is, in the minds of the leaders, what determines its definition as a slum as opposed to the clearly-defined layout of the rest of KB. This section developed at the edge of the planned section of KB as the *de facto* planners sought more space to sell to interested parties (after the original squatters were allocated). In fact, in the 1980s and 1990s, space that had been planned as access roads and/or public spaces were appropriated towards this end.[35] Prior to the slum upgrading project which removed the structures that had encroached on the open spaces, KB's layout was losing its orderliness.

Secondly, KA seemed to have a dual personality rather than fitting neatly into one category. On one hand, its layout is haphazard as its planning was refused at the time when it was

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[34] K21-08/11/14 "ka" is a prefix used to indicate that the object being referred to is smaller than the norm.
[35] K17-08/05/14; K21-08/11/14; K33-08/14/14

taking place in Githaa/Kisumu Ndogo. One interviewee said that "KA refused to have roads put in because they were just building structures, structures".[36] When making comparisons with KA, residents of KB seem to consider it the poor relation that missed the opportunity to be as well laid out as them. Despite its haphazard layout and majority Kikuyu population, apart from a section known as Drakos it is not perceived as being as insecure as the Grogans of Githathuru. The fact that it is right next to the chief's offices in KB and therefore close to the centre of power may be a redeeming quality that the Grogans and Gitathuru lack.

KB is also distinct in a number of ways, even when compared to the other village in its category, Highridge. For example, interviewees, both KB residents and non-residents, perceived KB as the centre of the settlement. That it is physically located in the middle of the settlement and between two major roads could be a factor in this perception. The offices of the Provincial Administration – the chief – and the Administration Police are situated in KB which, resonating with the theory of the political geography of power that the strength of states radiates from the centre outwards is another factor that contributes to this perception. In addition to the proximity to the power centre, other features such as a more organized layout, better housing and having social amenities (such as a community hall) that other villages lack, are also factors. One KB resident said proudly: "All [the] other villages ate their land so they have no social amenities".

Secondly, comments from interviewees – both residents and non-residents of KB – indicate that KB is perceived as the high-class area, the 'Runda'[37] of the settlement. Even prior to the upgrading, KB was the most expensive place to live. Compared to Kisumu Ndogo and Grogan B where most plots do not have in-plot toilets, KB does. One KB resident said "You can't compare KB to any other village. KB is an estate".[38] The "estate" is an aspiration in the minds of the residents. It refers to the formally planned and built housing estates which surround Korogocho. When talking about their aspirations, about moving upwards and onwards, interviewees would mention "estate" or its plural, "ma-estate", as a desirable place to live. Examples of the estates where they would want to move to were Kariobangi and Buruburu, both formal estates built for the lower middle-income bracket. Thus, to compare KB to an estate is making a bold statement about both the physical and social quality of living in that village.

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[36] K36-08/18/14
[37] Runda is one of the most high-class, expensive neighbourhoods in Nairobi, with wide plots and lush green acreage; it lies about 11 km west of the city centre. The monthly rent for a four-bedroom bungalow in 2015 was KES 250,000 (US$ 2,500) compared with the rent of a four-bedroom terraced house in a middle-income neighbourhood of KES 30,000 (US$300) or a two-bedroomed terraced house in a lower middle-income estate, like Buruburu, of KES 15,000 (US$150).
[38] K21-08/11/14

Rent is one indicator of how residents perceive their living space (Gulyani & Talukdar, 2010) and the differences in rents across the villages reflect these perceptions. The rents in KB are far higher than in the other villages. While the KSUP Socio-economic Survey indicates that in 2008 KB residents spent less on housing (KES 942) than those of Grogan A (KES 1,073) or Kisumu Ndogo (KES 1,054), data from my interviewees suggest that respondents in the survey were under-reporting. At the time of my fieldwork, data from my interviews indicated that the rent for one room in Kisumu Ndogo was between KES 600-1,500, and in KB was KES 1,200-2,500, compared to Grogan A where one could find a room for as little as KES 400, although the average was about KES 800-1,200. However, my data reflect the rents in 2014, after the road improvements from the slum upgrading project in 2008. My interviewees indicated that these improvements impacted rents by between KES 200-400, depending on the proximity of the structure to the road, and so they may not be a direct comparison to the data in the socio-economic survey. However, the consistency in the 'before and after' rent numbers in my interviews shows that the rents in KB and Kisumu Ndogo have consistently been higher than in Grogan A by at least KES 200-400.

Table 4.4. Rents across the three village categories

Villages in category (adjusted to include sections of villages)	Indicative rents of category (using rents in Grogan A, KB and Kisumu Ndogo) in KES	
	Socio-economic survey (average)	Data from my interviews (range)
Grogan A, Grogan B, Gitathuru (Paradise section of KB; Drakos in KA)	1,073	800-1,200
KB, Highridge	942	1,200-2,500
Kisumu Ndogo, Nyayo, Ngomongo	1,054	600-1,500

4.8. Conclusion

In this chapter, I introduced my case study, Korogocho, and showed how three moments in time between 1977 and the present are responsible for the perceptions of its residents of the space. First, state planning action in 1977 in the form of mass relocation of slum dwellers from the centre of Nairobi to its periphery through a one-time, episodic event led to the genesis of Grogan A and KB. This state action to relocate the squatters from Grogan Road and Highridge to Korogocho gave them higher *de facto* tenure security than their formerly precarious positions. The two villages differ, however, because while KB was laid out by the planner at Nairobi City Council, and plot allocation done against the number of households, no such action was taken for Grogan A. This divergence led to two types of morphologies: a haphazard, congested layout (Grogan A) and a regularized, reticulated layout (KB). These morphologies gave rise to differences across structure sizes with the first category having most of its structures at $29m^2$ and below while the latter category has much larger structures: over 60% of the structures in KB are over $100m^2$. These processes have led to the emergence of two types of structure owners: subsistence structure owners and petty-

bourgeois structure owners. KB residents feel a higher perception of tenure security as not only did the state move them there, but they were also assigned neatly laid out plots with regulated structures.

The second moment in time is best characterized by the literature on urban informal land markets. This literature is grounded in legal pluralism and focuses on the practices and actors that manage the informal land markets to deliver affordable buildable land for shelter. Its focus on the regulatory processes, their enforcement and their sources of legitimacy has contributed to a rich understanding of how informal land markets work and how informal tenure security is a product of these markets. Similarly, from the late 1970s and early 1980s, Korogocho has been a thriving informal land market. Kisumu Ndogo was established at this time. Informal actors, in this case village elders, appropriated formal planning standards and undertook measuring of plots to meet the City of Nairobi's planning standards as far as structure sizes and spaces between structures. Large-scale structure owners interested in rental income generated a tenement-style morphology where long rows of 10ftx10ft rooms met the demand from rural-urban migrants. Further, the chiefs, formal civil servants, took on the role of *de facto* planners and surveyors. Working in this capacity outside of their formal remit, they would assign *de facto* rights to the use of the space and in this way their actions drove the growth and development of Kisumu Ndogo and, more broadly, of Korogocho. The chiefs and elders led the 'social regularization' (Kombe & Kreibich, 2000) of the physical space in Korogocho.

The third moment in time consists of the everyday actions where residents use their own resources to negotiate their perception of space in the settlement. The episodic state action that led to the genesis of KB and Grogan A left its mark in the physical morphology that the residents negotiate to varying degrees across villages, particularly in keeping themselves safe. Ethnic enclaves are embedded in different parts of the settlement where residents choose to live within their social networks and ties.

These three moments in time are the boundaries within which Korogocho residents negotiate access to shelter and therefore are the spatial practices used to produce space. Residents negotiate their way across all three moments in their everyday interactions within their lived space. These three moments can be conceptualized as planning action: the first as top-down planning action from the state, where the squatters lack agency and are simply recipients of certain state action, while participation in the informal land market and the everyday practices refer to the planning from below school where the appropriation of space by the urban residents using the resources available to them is a means to claim their right to the use of space in urban areas, where all agency lies in the squatter. The outcomes of the combined planning actions in Korogocho explain the perceptions of residents about their space, the three-category typology that I first encountered in my fieldwork.

This analysis of the three moments in time and the resulting perceptions of space by the residents has implications for the literature on slums and slum upgrading. First, my analysis shows that the production of Korogocho was and is done through continual negotiation between past state action, the current dynamics of the informal land market and everyday practices to enhance safety and sense of belonging. As discussed in the literature review, the production of informal space is depicted as the result of either top-down actions from the state or bottom-up actions from society. Roy and AlSayyad's conceptualization of informality as a mode of urbanization and as negotiated practices (Roy & AlSayyad, 2004) encourages a different lens on this question, leading Porter et al (2011: 115) to ask "if informality is a mode of urbanisation, then what does it look like in its locally situated manifestations?" My analysis extends this dialogue by showing how informal space is produced neither solely by state action nor society action, but a combination of both. Further, in this production of space, my analysis shows that residents of Korogocho do not perceive their settlement as one homogenous informal space. Instead, the continual negotiation has resulted in variations in space across the settlement. Dovey (2012) indicates that informal settlements "might more aptly be described as a negotiated settlement between informal and formal forces (Dovey, 2012: 354). My analysis contributes to this thinking by showing how various actors and practices, formal and informal, negotiate and produce informal spaces. Through this analysis, therefore, I propose an alternative perspective on the production of slums.

Second, the analysis of the planning processes – the episodic and the *de facto* planning practices – test the boundaries of what we understand to be formal and informal actions. At first, these processes seem informal because they are not officially regulated by the state. However, bringing in Lefebvre's concept of space and the concept of informality as a mode of urbanization strips the static informal value from the actions. While the actors may be acting in an informal capacity, the practices themselves are appropriated from the formal practices of planning. In expanding Roy's conceptualization of informality as a set of practices, McFarlane (2012: 93) suggests that "the distinctions between formal and informal emerge in practice". Seen through this lens, whether the practice is formal or informal is negotiated at the point of implementation.

The planning practices seen in KB give this negotiation some context. In KB, the planner was a formal actor conducting his formal duties in planning by laying out the space. Yet, his actions would not be considered formally under his remit primarily because he was acting in a space that was outside the regulated Nairobi space. Thus, by planning the unregulated space of KB, he deregulates the space (as defined by Roy 2009a, 2009b, 2011) by stepping outside of the regulations to plan the village. While Roy argues that deregulation suspends the formal nature of space to allow elites to circumvent planning regulations to suit their personal interests, here deregulation suspends the informal nature of the space to increase

access to shelter for squatters. In addition, the planner uses formal planning standards to lay out the space, in which case he is simultaneously deregulating and regulating the space. This "shifting designation of informality" (McFarlane, 2012: 93) constitutes negotiating the value of informality itself. The formal/informal value of both his actions and the KB space are constantly in negotiation.

Further, this deregulating of the space in order to provide shelter contradicts the more mainstream view that deregulation is used to benefit the interests of the elite. Roy (2009a, 2009b, 2011) argues that informality as deregulation is a tool that the political, economic, and legal elite use to suspend planning legislation and regulations for their own development interests in the built environment: however, in the case of KB, deregulation is used to serve the interests of the poor, as it increases access to shelter. In lieu of the deregulation, formal land management processes would have mandated a long, heavily-bureaucratic, prohibitively expensive process of transferring the land to each individual squatter on a leasehold basis. Deregulation suspended these requirements and made shelter more accessible to the squatters.

In presenting these contributions to the literature on the production of slums and informality, my analysis also contributes to the literature on tenure security. First, I show how in Kisumu Ndogo informal actors responsible for planning the space, led by Githua, appropriated formal planning practices to plan an informal space. Nkurunziza (2008) showed in Kampala how this appropriation is intended to increase the perception of tenure security. He argues that the symbols of formal planning and surveying, such as the use of beacons, are used to increase the perception of tenure security. By using Lefebvre's conceptualization of space, I show that while these spatial practices are used to produce tenure security, they also produce the Korogocho space. Thus, these practices fulfil two overlapping objectives: they produce both the informal space and tenure security, making the production of space closely linked to the production of tenure security. While the literature on informal land markets assumes that the practices to produce informal tenure security result in one homogenous informal settlement, I contend that instead these practices may lead to the production of varied spaces. This raises implications for the conceptualization of the production of tenure security that I discuss further in the conclusion of this dissertation.

CHAPTER 5: WHO COUNTS?: ENUMERATION AND ITS (DIS)CONTENTS

5.1. Introduction

This chapter examines the impact of enumeration on certain subpopulations in Korogocho. Enumeration of slum populations is one of the initial steps in slum upgrading projects. In this chapter, I discuss how enumeration in Korogocho used two resident categories – structure owner and long-term tenant – to count the project beneficiaries but that these categories did not go far enough to make the beneficiary population fully legible.[1] I lay out a broader spectrum of the settlement residents and show how enumeration fails to properly capture the most vulnerable group, the long-term tenants. I examine the political dynamics that led to this, before turning to examine the implications of excluding a critical section of the long-term tenant population, the youth, who became a hidden population within this project. I conclude the chapter by discussing the implications of these two findings on the ability for slum upgrading to deliver tenure security.

5.2. Enumeration and its Politics

5.2.1. What is Enumeration?

Enumeration is taken to be the process of the state counting its population within its territory. The idea of counting one's population is very much part of the rise of the construction of the modern state (Appadurai, 2001). Scott (1998) shows how counting its population increases the legibility of the territory, allowing the state to see the population which it governs. Thus, "censuses have been seen as instruments of state power and control over those communities that they seek to control" (Scott 1998: 639). Enumeration of a population, and therefore knowing its population, is a central defining feature, a ritual in a sense, of the transition to a modern state and its quest for control over its territory. Modernist planning is rooted in modernist ideas of counting. Instruments such as statistics, models, surveys, censuses and maps are the primary tools used by planners, tools that, Lefebvre (1991) argues, construct the representational space. However, the representational space reflects only one dimension of space and omits the spatial practices that are just as critical in the production of space.

The process of enumeration is highly political. Marx et al. (2013) claim that slums are sites of extreme policy neglect and one of the reasons for this is that enumerations of these areas are either purposely or mistakenly incorrectly counted. They claim that often the enumeration is distorted towards undercounting to minimise the appearance of urban poverty. In other situations, slum populations are over-counted to create the appearance of a stronger political base. This incorrect picture of the slums distorts the weight assigned to

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[1] "Legibility, as Scott employs the term, includes standardization, simplification, codification, abstraction, and the valorization of procedures deemed to be scientific (that is objective, precise, and universally valid) at the expense of local knowledge" (Adas, 2000).

slum populations. Despite the critiques, though, this legibility allows an area to be seen by a state in a language that it can understand, which essentially makes enumeration a tool that allows a population to move from unseen to seen.

Moving slum populations from unseen to seen was indeed the thinking behind the introduction of self-enumeration of slum populations by civil society. Self-enumeration is the process by which the community conducts the enumeration process and, over the last two decades, techniques of self-enumeration have developed in informal settlement communities (Appadurai, 2012). This arose out of the thinking that governments perceived slum populations as grey areas, as chaos and disorder. In response to this perception, states took the stance of eradicating the disorder and chaos using large-scale demolition tactics. This was particularly so in the 1980s when rural-urban migration increased throughout Africa post colonial independence and the consequent lifting of the ban on movement into urban areas. In reaction to this, civil society sought to present to the state, in a form that the state could understand, that these areas were not actually areas of disorder and chaos but that some order did exist.

Self-enumeration initiatives began in India in the 1990s (Patel et al., 2001) and have since spread to other parts of the world, including Kenya. Self-enumeration is identified as one of the key strategies of Shack/Slum Dwellers International (SDI), the international federation of slum dwellers (McFarlane, 2004). In Kenya, self-enumeration is used extensively today as a way of making these informal residents legible in the eyes of the state and it reflects an evolution in the engagement between the state and slum dwellers (see Weru, 2004 and Karanja, 2010 for descriptions of successful community-driven self-enumerations in Kenya). In the 1990s, engagement with the state was primarily through the mobilization of activists in response to the frequent demolitions and evictions in Nairobi at that time (Weru, 2004). This periodic mobilization created a network of disparate NGOs and activists who would work together to try to prevent the disruption – for example, Kituo cha Sheria and Shelter Afrique to name two of those which remain today. Every time such an eviction took place, this loosely-affiliated group tried to prevent it, sometimes successfully; however, once the immediacy of that particular instance of threat waned, there was no further mobilization. In this sense, the actions of civil society were reactive with limited lasting impact (Weru, 2004). Worse, each marginalized community remained in isolation (Weru, 2004). The decision in the 1990s to go down the path of developing relationships between the organizations of the urban poor and the state was not straightforward. Some of the NGOs and community leaders felt strongly that civil society should focus on social mobilization approaches such as protests, using their collective voice to pressure the state into recognizing the needs of the urban poor for shelter (Weru, 2004). Others felt that developing working relationships with the state would address their needs more effectively. This latter group was influenced by interaction with the Indian and South African chapters of SDI. In these two countries, tools

for community mobilization (such as saving schemes) and for developing partnerships with the state (such as self-enumerations) had been tried with some success. Thus, self-enumeration is a tool that facilitates this engagement between the state and the urban poor. In this way, self-enumeration is recognised as one of the 'weapons of the weak' (Appadurai, 2012).

Self-enumeration by a slum population addresses two concerns of critiques of planning theory and practice. As discussed in the literature review, the literature on planning is concerned with knowledge and power – specifically with the sources of knowledge and the locus of power during the planning intervention. Civil society began using self-enumeration as a way to codify the perceived chaos and present knowledge to the state in a way that is legible. The community does their own enumeration, thus generating and codifying their own knowledge. This exercise is not just about generating information, but generating knowledge. It is through this act of enumerating, says Appadurai (2012), that the community begins to see itself as more than just a collective of individuals. Makau et al. (2012) agree with this in their study of the five-city enumeration in Uganda: "While planning and undertaking an enumeration, it is common for some change in thinking about upgrading solutions to take place within a community. Often, when the data analysis is finished and presented to the community, in some sense it affirms what the community has learnt about itself more informally throughout the process" (Makau et al., 2012: 34). This strategy of producing knowledge has been conceptualized as coproduction (Watson, 2012) where the poor generate the knowledge and then use it to engage concretely for their service delivery needs which can only be provided by the state (for example, water services delivery). This process of self-knowing is important for the community to understand itself as "until that time, it [the community] is a passive, empirical reality vulnerable to definition and manipulation by others" (Appadurai, 2012: 670).

Secondly, self-enumeration changes the locus and readjusts the balance of power. Several researchers argue that the generation of this knowledge that the government lacks and subsequent sharing of it with the authorities begins to realign the balance of power (Rakodi, 2004; Weru, 2004; Farouk & Owusu, 2012; Makau et al., 2012). Authorities that do not have this knowledge, this legibility, often welcome the opportunity to improve the legibility of their slum populations through these self-enumerations. This then, it is argued, is the beginning of a more equal partnership between the state and this population. Thus, self-enumeration is "designed to enable federations to develop detailed information about their communities, which they will then use in *direct* brokering deals with local governments and other formal institutions" (Gasparre, 2011: 791; emphasis in original). Examples can be found of self-enumeration in slum populations in Kenya and elsewhere that have led to positive partnerships between the state and the settlement population. For example, the first self-enumeration conducted in Kenya in the informal Nairobi settlement of Huruma in 1999 led to

a partnership with Nairobi City Council where the extant planning regulations, which were too rigid to enable low-income housing, were suspended to allow owners to build decent housing (Weru, 2004). A best-case scenario is seen in Ghana where the state adopted as official the self-enumeration results of an informal settlement in 2006-07 and a strategy was developed for more collaboration in citywide upgrading plans (Farouk & Owusu, 2012).

Further, self-enumeration is seen a movement that empowers the urban poor. Watson describes self-enumeration as "a growing global self-survey 'movement' amongst poor urban communities" (2012: 90). She highlights that NGOs that follow this strategy of empowerment claim that it is more empowering to the poor than others, including the right to the city. The latter strategy demands rights from the state through their collective voice and demands that the state deliver on the rights; as a result it renders the poor as merely objects or receivers in development (Weru, 2004). In contrast, proponents of self-enumeration argue, self-enumeration gives the urban poor an active role in achieving the rights themselves by generating knowledge through self-enumeration that can be used to more effectively negotiate for the delivery of the right. Indeed, this practice of self-enumeration is part of the larger thinking of changing the conceptualization of the urban poor from simply beneficiaries of development to active participants of development (Gasparre 2011). de Haan and Thorat (2013) encourage a reconceptualization of inclusive growth in terms of a process rather than an outcome, thus providing opportunities for the poor to exercise their agency (de Haan & Thorat, 2013). Further, self-enumeration can be seen as a site of insurgent citizenship where residents give themselves the right to citizenship by making themselves legible/visible in the territory governed by a state (McFarlane, 2004).

This perspective on the advantages of empowerment through self-enumeration does have critics. Similar to the critique of the "tyranny of participation" (Cooke & Kothari, 2000), Gasparre (2011) makes the qualification that as long as an effective community voice can be heard, then the SDI grassroots participation methods may not add much more to the process. However, where there is a big power imbalance and/or community voice is distant, then SDI-type participation would be needed. Here, he warns against using self-enumeration as a silver bullet in the way that participation has been adopted. Others qualify that self-enumeration should not be taken to mean it is a community-only process; for example, Makau et al. (2012) emphasize that bureaucratic and/or political support is needed in order for the self-enumeration to be successful. Lastly, SDI has been accused of being co-opted by technocratic planning as self-enumeration only aligns with the mainstream approach and fails to provide any alternative to the current development discourse. As Li (2007: 275) puts it, "[e]mpowerment is still a relationship of power".

The practice of enumeration has been embraced in the dialogue on slum upgrading by international policymakers. UN-Habitat, in particular, has been active in spreading this

practice as a means to increase security of tenure through legibility, going as far as publishing a handbook, *Count Me In*, that maps out best practices in conducting enumeration of slum populations (UN-Habitat, 2010a). Enumeration is now an initial stage in every slum upgrading project designed by both national and international planning agencies and is now described as participatory enumeration (UN-Habitat, 2010a) as part of a larger development direction towards 'participatory statistics' where the community generates its own statistics, with development practitioners and the state supporting the process (Holland, 2013). Thus, while participatory enumeration in slums is adopted from the practice of self-enumeration, this particular process includes the state during, rather than after, the enumeration process.

5.2.2. Constructing Intelligible Fields

While the categories used in an enumeration may seem self-evident at first glance, they play a major role in outcomes. Firstly, these categories determine how knowledge from the previously unintelligible terrain is collected. Ghertner (2010) and Li (2007) describe these categories as "intelligible fields" (Ghertner, 2010: 186). Thus, the categories determine *how* a previously unintelligible population is seen by the state. Instruments of technocratic planning such as enumeration aim to simplify a complex reality (Legg, 2007), the categories used translating the illegible to legible. Secondly, these intelligible fields must be constructed in such a way that the planned intervention can use them. The mode of gathering the knowledge from the unintelligible terrain is biased by the premise that the resulting intelligible fields must contribute to/help the intervention. Therefore, the objective of the planning intervention already predetermines how the population will be seen by the state. In effect, not only has a complex terrain been simplified but it has been done so in a way that is biased towards a particular intervention.

As slum upgrading is a planning intervention in a settlement, a living space, enumeration of slum populations tends to use two categories to count the population: tenants and landlords. Research and policy tends to discuss tenants and landlords as two homogenous groups and the dynamics between landlords and tenants in informal housing are usually examined and discussed in depth (Lemanski, 2008, 2009). The constructs of landlords and tenants are themselves progress from earlier iterations of slum upgrading in the 1970s. Prior to this, the 'squatter as a self-help builder' was the assumed construct for a settlement dweller. Thus, squatters were also owner-occupiers. It was not until the 1980s that it was understood that the perception of the squatter as owner-occupier did not apply in Kenya. Amis (1984) reported a critical finding in Nairobi that squatter housing was actually not owner-occupier, built by the entrepreneurial self-help urban poor, as popularized by Turner and Fichter (1972), but instead was commercialized housing. Researchers agreed that in Africa "the image of the squatter settlement as the home of the self-builder/owner-occupier needs revision" (Lee-Smith, 1990: 177.

Arising from this declaration of the need for deeper understanding, further research was done in various countries into the dynamics of landlord-tenant relations in informal settlements (Kumar, 1996; Gilbert & Varley, 1990, 2002; Cifuentes, 2011; Lee-Smith, 1990). This research identified that not only was commercialization of these settlements becoming the norm, but that different types of landlords existed. Various categories were identified along a continuum with two types characterizing each end: at one end, petty-capitalist (Kumar, 1996) or entrepreneur-landlords (Aina, 1990) who own a large number of rental units and are absentee landlords (living outside the settlement). At the other end, petty-subsistence (Kumar 1996) or petty-landlords (Lee-Smith, 1990; Aina, 1990) rent out parts of the unit in which they live in the settlement. In the middle are the petty-bourgeois landlords (Kumar, 2001) who are resident in the settlement, are similar to the subsistence landlords in that they own only one land-based property, thus have converted parts of their original living quarters, but the income from these rentals is not essential to meet survival costs

On the ground in Kenya the category 'structure owner' often replaces the category 'landlord'. As early as 1998, activists including Pamoja Trust, an NGO that supports the local slum dwellers federation, *Muungano wa Wanavijiji,* which is affiliated with Slum Dwellers International (SDI), had begun to notice the dynamic of commercialized squatter housing as opposed to owner-occupied housing. Having noticed this dynamic in one of Pamoja Trust's stronghold settlements (Huruma), the activists decided to reject the 'landlord' category and replace it with 'structure owner' to make a strong public statement that the individuals involved in commercializing squatter housing were not landowners but owners of structures built illegally on public land to earn private income. The intention of the activists was to draw attention particularly to the exploitative aspect of the commercialization where the structure owner, often not poor, was benefitting twice, firstly by using public land for free and secondly, by earning tax-free rental income. In subsequent years of self-enumeration these two categories were further sub-divided into resident structure owner and absentee structure owner and the tenants divided into long-term and short-term tenants. Thus, the categories used in the KSUP slum upgrading project were: resident structure owner, absentee structure owner, long-term tenant and short-term tenant.

5.3. Whose Knowledge, Whose Power?: Constructing Korogocho's Population
5.3.1. Enumeration in Korogocho
The enumeration done by the state for the slum upgrading project in Korogocho was not the first time Korogocho had been enumerated. Korogocho has been enumerated twice – in 2000 and in 2008. The first enumeration was done by Pamoja Trust. At that time, enumeration had only recently been introduced to Kenya, the only previous one (which recognized the hitherto unknown dynamic of structure owners and tenants) having taken place in Huruma, as mentioned above. Pamoja Trust intended to use the Korogocho

exercise to determine if indeed the dynamic of more tenants than structure owners existed.[2] The 2000 enumeration process in Korogocho was fraught with issues, mainly because Pamoja Trust insisted that tenants were to be included in the enumeration and structure owners thought that Pamoja Trust wanted to take away their assets. Structure owners, who had organized themselves into an association, the Korogocho Owners Welfare Association (KOWA), did not want the tenants to be included as they felt that their own investment in the settlement should be prioritised. It should be noted that while there were some absentee owners, there were also many resident owners, a large number of whom were female (the history of KB in Chapter Four explains this phenomenon further). This dynamic made for a conflicted situation as one core Pamoja Trust member who participated in the process explained:

> So it's very ironic to be in a situation where...and all their focus was on [name of leader of Pamoja Trust at the time]. [leader's name] is taking away our land. So it's very difficult even if you know you are going to be doing the right thing, you have all these women who are from the community and you are forced to ask yourself then, is this [ok]?[3]

The resistance was strong and in the end, Provincial Administration officials (District Commissioners, District Officers, and chiefs as introduced in Chapter Four) had to be brought in from all over Nairobi to Korogocho to provide security during the tense enumeration process. While the enumeration was completed in all villages, Pamoja Trust was not able to return to the settlement due to threats made by KOWA and the results were not put to any further use.

The second enumeration in 2008, done as part of the socio-economic survey for the slum upgrading project, was more peaceful. To ensure a more peaceful process, the implementing team made sure to "not make the same mistakes as Pamoja Trust".[4] This strategy involved primarily using the village elders, i.e. the community leadership structure, to assist in the enumeration. In this way, the state attempted to incorporate the community power sources to ensure that the enumeration was sufficiently owned by the community. Narratives of the dynamics that went with the enumeration exercise clearly show that the enumeration was conducted in an opaque way. In explaining the enumeration in a similar context, Rigon (2012, 2015) further detailed irregularities that may take place in the enumeration process, including residents providing false information such as incorrect names and enumerators demanding money from residents in exchange for enumerating the resident. As discussed in Section 5.3.4, the enumeration process in Korogocho also had some irregularities.

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[2] KI3-08/08/14
[3] KI3-08/08/14
[4] Interview with member of the KSUP implementing team.

Table 5.1: Results of the Korogocho enumeration exercise

		Grogan A	Korogocho B (KB)	Kisumu Ndogo
Population		2752	3411	4841
Population density		66,052/km^2	44,882/km^2	101,974/km^2
Number of HH		856	1175	1459
Structure owners		533	299	377
	Resident	214	133	102
	Absentee	286	165	272
Tenants		627	1039	1352
	Long-term	234	411	636
	Short-term	393	628	716

Source: KSUP Socio-economic Survey, 2010

The norm in slum upgrading projects in Kenya is that structure owners and long-term tenants are beneficiaries of the project. Based on this norm, I initially prepared my research design using 'structure owner' and 'long-term tenant' as the resident categories that I would engage with in analysing whether and how tenure security has been delivered by KSUP. However, as I learnt more about the settlement, I noticed variations within each of these categories. The findings from my research show that there are variations within each of these resident types, and further, that these variations determine how individuals experience the intended benefits of the slum upgrading project. My research shows that these resident categories of structure owners and long-term tenants were necessary, but did not go far enough. The next two sections lay out the variations that I uncovered. In the following section, I discuss the implications of this blurriness of the categories 'structure owner' and 'long-term tenant' for slum upgrading projects and tenure security interventions more broadly.

5.3.2. Landlord/Structure Owner Types in Korogocho

As discussed in Chapter Four, structure owners are individuals who have put up structures for their own use and/or for rent and where, through thriving informal land markets, they have similar *de facto* rights as *de jure* landowners, including buying and selling. While the land belongs *de jure* to the government, these structure owners have what is essentially *de facto* land ownership (Amis, 1984). I found that my interviewees, across the board, used the words related to structure/room and to land/plot interchangeably – using the words *nyumba* (structure/room) and *ploti* or *shamba* (plot or land) when discussing the same asset. Similarly the words *mwenye ploti* (plot-owner) and *mwenye nyumba* (structure-owner) were also used interchangeably. Yet, the same interviewees also clearly understood that the land on which Korogocho sits is government land and no resident has *de jure* property rights to the land. The use of the term of *mwenye ploti* for a structure owner illustrates there is a *de facto* aspect of land ownership in Korogocho. Thus, the difference between legal property

rights and legitimate use claims on the same piece of land that I discussed in the literature review is evident here.[5]

The structure owner type most discussed in the literature on slums in Nairobi, particularly in Kibera, are the large-scale, absentee structure owners, where these structure owners are understood to be middle-class Kenyans, often working in Kenya's bureaucracy, who have connections that give them access to public land on which to build (Farvaque & McAuslan 1992). These petty-capitalist structure owners make large-scale investments in building rental rooms purely to meet market demand and tend to be absentee structure owners with a large number of rental structures (Kusienya, 2004); they are sometimes referred to as slumlords. In Korogocho, unverified accounts indicate that one structure owner owns about 30% of the structures in Kisumu Ndogo alone. Lee-Smith (1990), who collected data on Korogocho in 1980, describes Kisumu Ndogo (then called Githaa) as a purely tenement-style village. This is still the case and, according to the enumeration exercise carried out by the KSUP, Kisumu Ndogo has the highest proportion of tenants across Korogocho (92%). In addition, an emerging dynamic was revealed in interviews as tenants said their new landlords tended to be investment groups or *chamas*. A c*hama* is an investment group (which may or may not be registered formally) popular in Kenya as a mechanism for individuals and families to pool resources to earn returns, often seeking opportunities where returns are higher and earned faster than through instruments in the formal financial investment market. That *chamas* are becoming involved as structure owners indicates that the slum business has been identified as lucrative and points to an alternative form of large-scale landlord becoming involved in the informal land market that is slums.

While large-scale landlords are evident in Korogocho, my research also identified the existence of other types of structure owners which arise from the histories and consequent physical morphologies discussed in Chapter Four. First, as discussed in Chapter Four, as Grogan A was supposed to be a transitional site, its first residents built small structures and in a non-organised way. Consequently, the village layout that emerged meant that structure owners were not able to expand when they realized they would be staying indefinitely and the structures, therefore, remained small. As Table 5.2 shows, 69% of Grogan A structures are 29m^2 or smaller. Being unable to expand also meant that they could not benefit from adding rental rooms. Thus the ratio of structure owners to tenants is low at 71% compared to other villages. From the enumeration results, also laid out in Table 5.2, the 881 residents in Grogan A share 393 structures, which indicates that on average, each structure is home to 2 residents. With structure sizes averaging 29m^2 and below, this estimation indicates that in the smaller structures the living quarters are very cramped. The population density figure further supports this: the enumeration put the population density of Grogan A at 66,052/km^2.

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[5] Whether and how the slum upgrading project managed to balance legality of rights and legitimacy of these use claims, and those of tenants, is a topic of discussion in Chapter Six.

Thus, the history of Grogan A - and by extension Grogan B and Gitathuru - has determined the assets available to structure owners in these villages today.

Structure owners in KB, again due to the genesis of the village, are better off in terms of quality of asset(s) compared to Grogan A. For one, the median structure size is much larger: about 63% of their structures are above 100m^2. Secondly, the ratio of structures to structure owners is nearly 1:1 which means most structure owners own a structure of more than 100m^2, compared to Grogan where the ratio is also approximately 1:1 but the structure sizes are much smaller. Thirdly, as indicated in Chapter Four, the structure layout allows for seven to eight rooms which gives structure owners the ability to rent out any rooms not used by family. Thus, compared to Grogan, about 88% of the residents are tenants (1,039 of 1,172 residents). Population density is also much lower than Grogan at 44,882/km^2.

Table 5.2 lays out the differences across the three villages. The stark differences in structure sizes between Grogan A on one hand and Kisumu Ndogo and KB on the other, is striking. While 69% of structures in Grogan A are 29m^2 and below, Kisumu Ndogo and KB have only 2% and 10% of structures in this size range respectively. Thus, while across all three villages the ratio of structure to structure owner is nearly 1:1, the asset owned differs greatly.

Table 5.2: Comparing population density, structures and structure owners, Grogan A, KB, and Kisumu Ndogo

	Grogan A	**Korogocho B (KB)**	**Kisumu Ndogo**
Population density	66,052/km^2	44,882/km^2	101,974/km^2
Number of structures	393	259	250
Number of structure owners	533	299	377
Ratio of structures: structure owners	Approx. 1:1 (393:533)	Approx 1:1 (259:299)	Approx 1:1 (250:277)
Median structure size (% of structures)	29m^2 and below (69%)	Above 100m^2 (63%)	Above 100m^2 (50%) Above 90m^2 (83%)
Number of HH	856	1,175	1,459
Total number of residents (resident SOs + tenants)	881 (214 resident SOs+627 tenants)	1,172 (133 resident SOs+1,039 tenants)	1,454 (102 resident SOs+1,352 tenants)
Proportion of tenants	71%	88%	92%

Source: Author based on KSUP Enumeration Report July 2010

The framework developed by Kumar (1996) to analyse forms of landlordism in low-income settlements (acknowledging that it lays out categories of landlords and not of structure owners) provides an interesting framework to analyse the variations in structure owners that I found. Kumar (1996: 321) argues that the types of landlordism fall along a spectrum. At one end of it are subsistence landlords who "unable to meet their housing costs through non-rental incomes are forced into converting space originally produced for its value in self-

consumption to space for its value in exchange". In other words, they rent out parts of their own living quarters as a survival strategy. At the other end of the spectrum are the petty-capitalist landlords who produce housing explicitly to make a profit from its rental and own more than one property. Somewhere in between the two lies the last group, the petty-bourgeois landlords, who are similar to the subsistence landlords in that they own only one land-based property, thus have converted parts of their original living quarters, but the income from these rentals is not essential to meet survival costs.

Prompted by Kumar's (1996) terminology just described in the previous paragraph, then, I lay out the three types of structure owners that emerged from my fieldwork. First, the petty-capitalist structure owners described as 'entrepreneurs' (Fox, 2014; Lee-Smith, 1990). It is estimated that 92% of all households in Nairobi's slums are tenant-occupied (Gulyani & Talukdar, 2008) making these absentee structure owners a formidable force. Gulyani and Talukdar (2008) estimate that slum tenants paid structure owners approximately US$31 million in 2004. As petty-capitalist landlords make up 95% of landlords (Gulyani & Talukdar, 2008), these estimates suggest that this particular group earned approximately US$29 million that year. Ten years later, the amount is almost certainly significantly higher. Second is the petty-bourgeois structure owner, prevalent in KB. Based on my fieldwork findings, petty-bourgeois structure owners live in the structure and have between one to six tenants living in the same structure. They tend to be landlords not only resident in the settlement but also living in the same compound as their tenants. Lastly, and arising from Grogan A's history, are subsistence structure owners who live in the structure and have no tenants. While Kumar (1996) uses the terminology 'subsistence' to mean that these landlords rent out parts of their space as a survival strategy, my usage of the term refers to structure owners who, due to lack of any available space, do not have the option to earn rental income as a strategy.

In Nairobi-level data, Gulyani and Talukdar (2008) estimate that 8% of the households in Nairobi's slums are owner-occupied – a category into which the two structure owner categories, subsistence and petty-bourgeois, would fit. Of this 8%, 60% rent out at least one room (i.e. the petty-bourgeois), making tenantless owner-occupied structure owners (i.e. subsistence structure owners) a very small percentage (3.2% of all households). Due to the broad categories used in the enumeration, it is not possible to determine what proportion of structures in Korogocho is owner-occupied. However, it is likely to be higher than the Nairobi average of 3.2% as Gulyani and Talukdar (2008) indicate that 92% of informal households in Nairobi are renters, while in Korogocho, this number is as low as 71% in Grogan A and 88% in KB (see Table 5.2). Only Kisumu Ndogo meets this Nairobi-level average.

In this section, I have discussed my findings that clarify the category of structure owners. In doing so, I have teased out the different ways, or spatial practices, in which different types of

structure owners use their asset. This differentiation goes unnoticed when the broad category of 'structure owner', constructed by the state for enumeration, is used. The practices I have brought into relief here, and the implications for providing tenure security within slum upgrading, will be addressed further in Chapter Six when I discuss the process and outcome of preparing the Korogocho plan. While all three types could be seen across the three villages that my research focused on, each village seemed to have a different mix of structure owners. Also, the three types of structure owners that I discuss are illustrative and, as Kumar (1996) also qualifies, it is more likely that the structure owner types lie along a continuum than in three distinct categories, at least between the petty-bourgeois and petty-capitalist structure owner categories. My analysis aims to underscore that while informal housing literature, especially on Nairobi, tends to focus on the petty-capitalist structure owners, other types of structure owners exist with implications for providing tenure security.

In the next section, I present a similar analysis of the sub-category of long-term tenants.

5.3.3. Long-term Tenant Types in Korogocho

The sub-category of long-term tenants used in slum upgrading projects is defined by duration of stay in the settlement. Project designers tend to differentiate between long- and short-term tenants as the project usually aims to ensure that long-term tenants capture some of the added social and economic value of the project. In the case of KSUP, long-term tenants were defined as those who had lived in Korogocho for ten years or more.

Table 5.3: Comparing long-term tenants across Grogan A, KB and Kisumu Ndogo

	Grogan A	Korogocho B	Kisumu Ndogo
Total tenants	627	1,039	1,352
Long-term tenants (10+ years)	234 (37% of total tenants)	411 (39% of total tenants)	636 (47% of total tenants)
Average years long-term tenants	19.78	19.68	18.75
Average years (all residents)	12.36	10.9	10.7

Source: KSUP Enumeration Report

My fieldwork also drew out variations within the sub-category of long-term tenants that could not be teased out using duration of stay only. These variations depended on the perception of transience. In my interviews, the question "Where do you consider *ushago* (your place of origin)?" revealed two broad categories of long-term tenants. The rest of this section discusses this finding.

The first group consists of long-term tenants who still feel that their stay in Korogocho is temporary. Responses to my question of "Where do you consider *ushago?*" drew out that

interviewees still identified strongly, and maintained links, with their place of origin (outside Nairobi) from where they had migrated. This response was particularly striking as the Socio-economic Report completed in 2010 shows that the average duration of stay of long-term tenants in Korogocho ranged between 16.72-21.56 years, while the average duration of stay across all Korogocho residents is 17.6 years. These numbers indicate that the population in Korogocho is quite stable compared to higher mobility in other settlements, particularly in Kisumu Ndogo where 47% of tenants had lived in Korogocho for ten years or more. In Nairobi-level data, Gulyani and Talukdar (2008) show that informal settlement residents live in a settlement an average of nine years. Thus, while Korogocho provides a long-term residence for them, this category of tenants do not consider Korogocho their home, 'home' here meaning their place of origin – where they come from.[6]

Despite indicating that Korogocho was not their home, these interviewees still felt part of the Korogocho community. The KSUP Socio-economic Survey indicates that 93% of respondents considered themselves part of the community. Similarly, my interviewees said that while they did not consider Korogocho their home (using the meaning established above), they were unlikely to move anywhere else before retirement. The most common response to why they would not move was *nimezoea* or that they had got used to the place: when I dug deeper, reasons given included having brought up their children in this space, knowing and understanding their neighbours, knowing where to get food cheaply. The same response was given when they responded negatively to my questions on whether they would move to another village within Korogocho. This implies that social ties and awareness of the local 'way of things' play a large role in keeping people comfortable and functioning in the village. One of the main concerns tenants mentioned was security; a common example given was being able to leave your room locked for a few months and to return to find all your belongings as you left them. Additionally, when asked what they liked about living in their village, a number of interviewees mentioned the social ties that allowed one to know that their room was being watched over when they were not around. As one interviewee put it, to move somewhere else would be like starting again in which case he would move back to his *ushago.* Thus, their perception of their home was independent of their duration of stay and while, despite their length of stay they still felt that Korogocho was not home, they did have strong community ties there.

The second group of long-term tenants had the opposite sentiment – rather than seeing Korogocho as a transitory site, they responded that Korogocho was their home, their *ushago.* These tenants had been born and grown up in the settlement, and then moved out of their parents' house as they became adults. This type of long-term tenant has a different connection to Korogocho, a different kind of desire to live there. In the 1980s, when the

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[6] See Kamunyori (2013) for more on this phenomenon where Nairobi residents tend to live in Nairobi on a permanent basis for many years but not consider it home.

outcomes of upgrading projects in Latin America were just beginning to be understood, Doebele (1987: 7) described secure tenure as essential for fulfilling the deep human need for having roots, i.e. the identification with a parcel of land or a home". The sentiments expressed by this group of long-term tenants indicated that they identified with Korogocho for this reason. The Venn diagram in Figure 5.1 illustrates this distinction further; the arrow in the diagram points to the particular section just discussed where youth who considered Korogocho home were classified as long-term tenants. The KSUP Socio-economic Survey reports that about 13% of their respondents said they considered themselves part of Korogocho because they were born there. Thus, this category represents a smaller proportion of long-term tenants in Korogocho than the first category. Despite its smaller proportion, this category is critical as, given that Korogocho as a settlement is about 40 years old, most of this sub-category of long-term tenants fall into the bracket of the youth in Kenya (ages 18-35). The homogenization of long-term tenants leads to implications for the youth in the settlement as far as the slum upgrading project is concerned. These implications are more fully discussed in Section 5.4.

The Venn diagram (Figure 5.1) also makes further distinctions: not all youth are long-term tenants (as will be discussed in Section 5.4), not all youth consider Korogocho home (for example, two youth interviewees indicated that even though they were born in Korogocho, they consider their mother's place of origin outside of Nairobi as theirs) and not all residents who call Korogocho home are youth (two middle-aged interviewees who were not born in Korogocho said they considered it home because they had lost ties with their place of origin).

Figure 5.1. The youth as a sub-category of long-term tenants
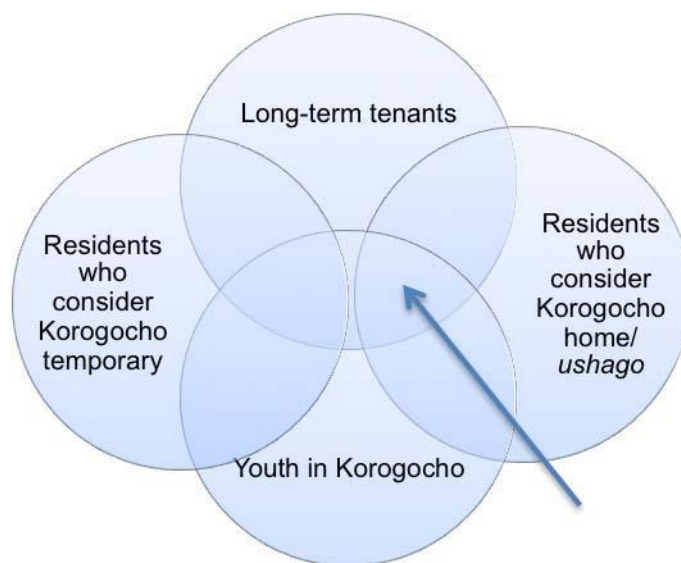
Source: Author

*Note: The sizes of the circles do not represent proportionality. The Venn diagram in this case is used to only show the possible logical relations between the different groups, and to indicate clearly to which subset I refer in this section.

5.3.4. Categories as Power Relations

In the previous section, I showed how the choice of categories used in enumerations has implications for determining whether and how certain subpopulations are seen by the state. Category choice is also important for a second reason – categories can determine the way power plays out in the project. A modernist planning lens may argue that these categories are merely neutral containers, used as a method to group populations with no impact beyond that. Ghertner (2010) disagrees, showing that, in India, by creating the categories of illegal and legal resident during a slum survey, the interests of the slum population as a whole were divided and those categorised as 'legal' were highly unlikely to stand in support of the 'illegals'. Instead, the latter category had the job of proving that they were not illegal while those in the legal category were assured they had been recognised and would be taken care of. Thus, this bifurcation of the slum population based on the legal/illegal categories "reduces the number of residents likely to oppose slum clearance directly" (2010: 193).

In Korogocho, the two main categories used in the slum upgrading project – structure owner and tenant – and the decisions made based on these categories brought into stark relief the power structures with the settlement. The implementing team had decided to use the Minimal Interventions Approach Guidelines (MINA) that laid out principles for in-situ upgrading based on the experiences of the 1990s. As discussed in the introduction chapter, MINA's aim is to create sustainability of the settlement upgrading by reducing the influx of donor funding and focusing on building the capacities of the community. Thus, MINA's starting point is to understand various aspects of the settlement; firstly, to determine what aspects of the existing situation could be built upon and secondly, to reduce as much as possible any disruption of the settlement dynamics. The first principle of the Guidelines is, therefore, to 'appreciate the existing situation' (Government of Kenya, 2004). Following this principle, the government team decided to work with the existing dynamics of *de facto* land ownership and the extant situation of structure owners and tenants.

To better understand these dynamics, the implementing team began the project by conducting a listening survey, an instrument that, through informal unstructured discussions with the residents, teased out the power dynamics in the settlement. The survey was conducted from June 23-24, 2008 and the findings published in a report. The listening survey revealed a huge divide between landlords and tenants in Korogocho. One of the conclusions in the report was that "[w]hile the informal settlement may appear like a homogenous community, there in fact are significant social and economic divisions in the community. The most significant such division is that between land-lords and tenants"

(KSUP:LSR:2008:23). Weru (2004) similarly points out that one of the main stumbling blocks of the slum upgrading project in Nairobi more broadly is the divergent interests of structure owners and tenants. Thus, while the MINA guidelines focus on existing community structures in an attempt to ensure sustainability and reduce disruption, this same principle also reinforced the already tense power dynamics in the settlement, tension that I have also discussed in the introduction chapter as one of the micro-politics of slum upgrading in Nairobi.

The power dynamics were evident in two episodes that Watson (2012) would call two points of encounter, contestation and negotiation between the slum upgrading project and the community. The first point revolved around determining who would benefit from the project's intended outcome of security of tenure. The rationality of international development planning is that beneficiaries of interventions should be the poorest of the poor; therefore, NGO and international donor initiatives tend to focus on providing tenure security to tenants. However, due to their own and other government experiences in Kenya, the government project team knew that the "donor fixation with tenants"[7] would not work. As discussed in the introduction chapter, past projects in Kenya have shown that focusing on tenants at the expense of structure owners usually leads to the project failing to achieve its objective. Structure owners often felt that they should be given more recognition than tenants, that their use rights in the informal setting were more important than those of the tenants, and that this higher level of use rights needed to be maintained even as the land ownership and/or tenure was being formalised. This legitimacy was what the structure owners wanted upheld and they did not understand why, if this project was basically about providing tenure, tenants would be involved.

This contestation became evident during the formation of the Residents' Committee. When the slum upgrading project was started in 2008, the implementing team needed an entity with whom to interact on behalf of the residents of Koch. The structure of this entity was the first thing to be decided. Consultative meetings were held between the government project team and the community leaders, then *barazas* (public meetings) were held and finally the negotiated structure of the Residents' Committee was born. The Residents' Committee (RC) would comprise forty-eight people from the eight villages included in the project. Each village was represented by six people: one representative each from the youth, women and tenants, two from the structure owners, and the village elder. Initially there was resistance to having a tenant representative at all, the accepted compromise being that tenants would have only one representative per village but structure owners would have two. In this way, tenant representation was achieved but, by having a 2:1 ratio, the structure owners felt that their claimed higher use rights were maintained. Also, as the only group with two representatives, this also allowed them to achieve higher visibility in the eyes of the state.

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[7] G1-03/10/15

Further, the RC constitution agreed to allocate 10% of plots in each village to long-term tenants, defined as anyone who had lived in Koch for ten years or more, subject to availability of land.

The second consequence of this power imbalance is seen in the enumeration process which, while intended to make legible the population of Korogocho, in the end caused tenants to sink deeper into illegibility. During the 2008 enumeration, structure owners were concerned about the implications of the survey results. In his analysis of the enumeration process in a similar environment, Rigon (2014) reports that landlords instructed their tenants to provide the enumerators with their landlords' names instead of their own. This dynamic took place in Korogocho as well, and in this way tenants 'disappeared' as they were not captured in the enumeration and, as such, did not officially exist. There were also narratives in my interviews of tenants being evicted by structure owners as the latter did not fully understand the implications of having tenants enumerated on their plot of land; the structure owners did not want tenants to benefit (in their minds) 'unfairly' and some wrongly thought that the tenant, if enumerated, would be allotted the plot on which they lived. Structure owners, the most powerful members of the settlement, became overly seen/overly-legible while tenants disappeared.

Interviewees who were not part of the Residents' Committee had suggestions for how they thought the enumeration *should* have been carried out, in what they claimed would have been both a fairer and more community-owned process. The most common suggestion was that every resident should have stood at the door of the structure they occupied and their presence used as the criterion to enumerate them. Implicit in this suggestion were two dynamics about which residents were upset. Firstly, they resented the fact that absentee landlords were enumerated. There was (and still is) general resentment of absentee structure owners by both resident structure owners and tenants. This resentment stemmed from the perception that absentee structure owners were benefitting twice: firstly, by earning what is seen as pure profit from their exploitation of free land and secondly, that they would get the *de jure* land ownership despite having no real connection to the settlement. Residents pointed out that the structure owners were not present when things went wrong – for example, a fire, yet they were receiving the highest form of tenure security. Secondly, interviewees were also upset that tenants were, in effect, forced to 'disappear'. The community at large, in putting forward these suggestions, was in effect, creating its own desired enumeration ritual. Their reconstruction moves beyond the state's construction of legibility based on the representational space constructed through enumeration and its simplified, predetermined constructs. They reconstructed legibility as being physically visible in their space – what Lefebvre would describe as their spaces of representation, which takes into account the three-dimensional nature of space.

5.4. Youth: The Hidden Population

This section begins by examining the youth subpopulation in Korogocho and how this subpopulation became hidden during the enumeration process. I then borrow from theoretical perspectives on youth, particularly two perspectives from youth sociology to analyse what tenure security would mean for a subpopulation with no intelligible construct under a planning intervention that focuses on housing.

5.4.1. The Legibility of Youth

As discussed earlier, the choice of constructs used in an enumeration can significantly affect the project outcome. Because this is an intervention about land ownership, the categories used were structure owner and tenant. Thus, everyone in the settlement fell into one of these two categories. The youth were, therefore, not constructed as a separate category in need of housing and, by extension, in need of tenure security. Thus, during the enumeration process that kicked off the upgrading project, the youth were enumerated across three groups.

First, if the youth lived with their parents, they were enumerated as a family member – in effect, not enumerated at all (interviewees who were parents mentioned allowing their adult child/children to continue living with them rent-free).[8] Second, the youth might be enumerated as a tenant. This led to a subcategory of long-term tenants who had been born and grown up in the settlement, moving out of their parents' house as they became adults. As discussed in Section 5.3.3, this category was not distinguished from the long-term tenants who had roots elsewhere, and who still considered the slums purely as an economic migrant space. Third, across the three villages, there were some youth who owned structures, usually due to an inheritance. In addition, some parents maintained a strategy of having their youth offspring enumerated as the structure owner: "Some of them do own because their moms gave them some to use as their house. Some even went as far as registering them, like this is his house, I gave him this or I gave her this".[9]

Thus, from the enumeration exercise, the youth subpopulation was spread across three interest groups. If enumerated as a structure owner, ostensibly the individual was represented by the structure owner representations. Similarly, if enumerated as a tenant, he/she was represented by the tenant representative. And youth as 'family members' would not be represented at all.

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[8] K21-08/11/14, K31-08/13/14, K51-08/25/14
[9] K33-08/14/14

Interviewees who were part of the youth discussed this ambiguity in terms of themselves disappearing or not receiving tenure security through plot ownership.

> I was born and grew up in Korogocho but again, I have nothing, you see? We have tenants who are benefitting…What if I don't appear anywhere as a tenant because I'm still under my mum's roof?"[10]

> But in the end we'll be, we'll remain landless. Yes, I'm a youth. I've helped in constructing the roads. I've got some small money. What about after the slum upgrading? After this project is done, people can build their houses now. What happens to me as a youth? You see, there's that thing which people don't see and you will really hear people talking about it. You see? It's quite a challenge. [11]

> So, basically, our youth have a problem with upgrading. Because, majorly, like me, I was born here, I am a tenant maybe in my mother's compound or even elsewhere, and I was born here. I am over 30 now. But I am not given that privilege to get a plot…Now it becomes a problem where *vijana wa mtaani, wale wamezaliwa hapa* [youth of the settlement, those who were born here], they have nothing. They wouldn't say they have no land. *Bado wanaishi na wazazi* [they are still living with their parents].[12]

The ambiguity was also evident in the functions of the Residents' Committees' youth representatives. In the words of one youth representative: "So what am I supposed to do for the youth? Because we mostly focus on jobs for the youth – but what about after jobs? What about after that road is done? What about life after the RC? After everything is accomplished?"

In his mind, this particular youth representative is unclear about his mandate. He felt that his role was to ensure that the youth received long-term benefits but had no sense of what those benefits might be within the current slum upgrading project.

This quandary felt by the youth representatives raises the question of what tenure security means for the youth. I turn to the literature on youth sociology to analyse what tenure security would mean for a subpopulation with no intelligible construct under a planning intervention that focuses on housing.

5.4.2. The Construction of Youth

In policy circles, the definition of youth uses biological markers, specifically age, to define the boundaries around the concept. The United Nations defines youth as all those between the ages of 15-24 (United Nations, 2007), as does the World Bank. The African Union Commission (2006) uses a broader definition, due to context specificities they claim, and defines youth as those aged 15-35. The Constitution of Kenya (2010) defines youth as the "collectivity of all individuals in the Republic who have attained the age of 18 years but have

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[10] K33-08/14/14
[11] K24-08/11/14
[12] K24-08/11/14

not attained the age of 35 years" (Article 260), although other policy documents set the minimum age at 15 and the maximum at 30 (Republic of Kenya, 2007). In the everyday discourse in Kenya on the youth, this definition has acquired some nuances in policy discourse that have implications for my discussion of my findings below: first, youth is often used to refer to males more than to females; secondly, the word is used as singular "youth" versus plural "youths", and finally, while the legal definition defines the youth as having not yet reached the age of 35 (so anyone 18-34), the grouping is usually discussed as being 18-35 years old.

Current debates in the literature on youth sociology are pushing against this construction of youth as a definition that is too static. Researchers have argued for moving beyond seeing youth as a static category defined by age and more as a social process, a transition between childhood and adulthood that takes place at different ages depending on social and cultural factors (White & Wyn, 2013). In this sense, youth is a relational concept which arose out of a specific time in history – the beginnings of the modernist society where time out from adulthood for education was becoming acceptable (Bourdieu, 1993; Jones, 2009; Hansen et al., 2008; Honwana, 2012; White & Wyn, 2013). Bourdieu argues the case strongly by saying "talking about 'the young' as a social unit, a constituted group, with common interests, relating these interests to a biologically defined age is, in itself, an obvious manipulation" (Bourdieu, 1993: 95). Rather than this static definition, the concept of youth as a social process sees this transition from childhood to adulthood as going through a number of milestones: "build, buy or rent a house for themselves, support their relatives, get married, establish families and gain social recognition as adults" (Honwana, 2012: 3).

There is strong agreement in the youth sociology literature that the current youth are undergoing very different experiences than the generation before - and this is blurring what this transition looks like. Unlike earlier generations, the milestones traditionally associated with adult life such as getting a job, leaving home, or becoming a parent no longer occur at a predictable time, if, indeed, they occur at all (White & Wyn, 2013). Characterized as waithood - a portmanteau of "waiting" and "adulthood" (Honwana, 2012) – the crux of this stagnation is unemployment, as young people are unable to find jobs either because they are poorly trained by the education systems for the current labour market needs or because the labour market cannot absorb the numbers of educated and skilled young people entering it every year (Dhillon & Yousef, 2009; Honwana, 2012; World Bank, 2016). Without employment, the other milestones cannot take place and waithood becomes a confusing time when many youth find themselves in limbo, waiting, during the best years of their lives (Dhillon & Yousef, 2009). Although this is a global phenomenon and connects the youth in the North and in the South, it is particularly stark in the South where a state-supported welfare system is either non-existent or weak. 'Waithood' was first conceptualized observing the youth in the Middle East in particular (Dhillon, 2009). Honwana (2012) remarks on the

irony of waithood in the age of modernity where youth are able to observe a broader range of options for themselves, but which are constrained due to this delay. In fact, she claims that more than a delay, this state is becoming a permanent state, perhaps even replacing conventional adulthood.

Along with this delayed transition come questions of how the youth are responding. In examining youth as a social process, researchers argue that three strands need to be kept in mind, what White and Wyn (2013) call the triple helix: the individual's agency in his/her transition into adulthood, the social structures that help or hinder his transition and the identities available to her as a consequence of the degree of support from these social structures. They argue that while identities are actively produced by the youth, these productions depend on the social and institutional structures. Honwana (2012) is more optimistic that the agency of young people is strong enough to overcome, and even overturn, the overarching structures. Depending on the perspective, then, youth tend to be broadly perceived in one of two ways. Either they are seen positively as sources of potential – whether for uprisings in search of justice and fairness (see Honwana, 2012) or for a development purpose (Hansen et al., 2008) – or negatively as either harm-producers (Auyero & de Lara, 2012), perpetrators of crime and participants in political conflict and violence (Abbink & van Kessel, 2005; Katumanga, 2005), or as victims of the system in need of welfare and with little to no agency.

In examining youth as a social process, researchers in youth sociology have also argued that the connectedness of place and people needs to be better understood (White & Wyn, 2013). Hansen et al. (2008) have argued that urban youth are shaped by the built environment, yet this interconnectedness has been underexplored. Research across three cities – Lusaka, Hanoi and Recife – has shown that for urban youth 'home' plays a critical function in the youth transitioning process (Hansen et al., 2008).

In the next section, I examine the spatial practices of the youth in Korogocho using these two lenses; that is examining their practices as part of waithood, while also determining the extent to which their connectedness with place shapes their experience of waithood. I draw primarily on my in-depth interviews with youth and their Residents' Committee representatives – interviews lasted on average about one hour – and from informal discussions with the youth 'guides' that were assigned to me so that I could walk around the settlement safely. In addition, I draw on observations made during my time in the settlement.

5.4.3. Waithood for Korogocho Youth
Youth in Korogocho, like youth around the world, are going through a period of waithood. Country-level data show that the youth unemployment rate is very high. According to a 2014 Vision 2030 report, the national unemployment rate is 10%, while the youth (18-34)

unemployment rate is significantly higher at 35% (UNDP, 2013). Further analysing the unemployment rate by age groups shows an even more varied picture where the highest unemployment rates are for people aged between 20 and 24 (30% unemployed), followed by young people entering the labour market early (i.e. 15/16 year olds who do not complete secondary school) (above 20%) (UNDP, 2013). Further, the working age population increases by some 800,000 each year, but the economy only creates about 50,000 formal wage jobs (World Bank, 2016). It is clear that not only is a large share of the youth in Kenya without formal jobs, but that this number increases every year.

Data from the KSUP Socio-economic Survey for the slum upgrading project report a similar picture for the youth in Korogocho. It found that residents ranked unemployment as their second highest concern after insecurity. Other research has shown that youth unemployment is high in Korogocho: of adults aged 18 and over 3.1% are salaried, 26.3% earning income through businesses, another 38.1% in casual employment and roughly 31% reported as economically inactive (Emina et al., 2011). With this degree of casualised labour, there is little doubt that the youth in Korogocho are feeling waithood keenly.

Similar to the global perspectives, in Korogocho, perceptions of youth from within the settlement fall into one of two categories, categories that are neither mutually exclusive nor exhaustive. First, they are seen as harm-producers (Auyero & de Lara, 2012). The perception of youth as perpetrators of crime is strong. The Socio-economic Survey reports that when residents were asked to name the main perpetrators of crime in Korogocho, 91% of them mentioned the youth. Similarly, in my interviews, both youth and non-youth interviewees perceived crime was committed by the youth in the settlement, including some as young as 14-16 years old.[13] The following quote is representative of what both youth and non-youth interviewees said about the youth – security used to be good before but now the youth who were born here have made it bad: "Lakini sasa wenye wamezaliwa hapa sasa wameharibu" (It is those who were born here now, that have spoilt the place). (Long-term tenant in Kisumu Ndogo, a resident for 27 years).[14]

Three dynamics are of interest here: firstly, the perpetrators commit the crimes on their home ground rather than outside the settlement – meaning that more often than not the victim knows the person who attacks them. Interviewees made it clear that everyone knew the perpetrators and that the perpetrators were born in the village. When I asked why they chose to commit crimes in the settlement, interviewees indicated the chances of getting shot and killed were higher when committing crimes outside the settlement due to a more active police presence. The perpetrators were further protected within the settlement as there was

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[13] K41-08/19/14; K50-08/23/14.
[14] K28-08/12/14.

also a culture of silence whereby the victims would not report the crime because they thought that the perpetrators would retaliate.

Secondly, while youth are the harm-producers, they are also victims of the general perception in the settlement of being harm-producers, particularly in that they are harassed by the police. One youth who resides in KB even though his mother's family is from Grogan said that despite liking his home, Grogan, a lot, he lives in KB because he could go outside without fear of harassment from the police.[15]

> R: …halafu security yangu iko poa, hausumbuliwi na polisi hizi vijiji zingine vijana hawakai na Amani
> S: Kwa nini?
> R: Wanasumbuliwa na askari sana ju secuirity ya huko si poa sana kama Grogon, KA.
>
> M: *Why you don't live outside of KB?*
> R: *[In KB] my security is good, you are not disturbed by police. Youth in other places do not have peace.*
> S: *Why?*
> R: *They are disturbed by the police a lot because the security over there is not good, like Grogan and KA.*[16]

Another youth from Kisumu Ndogo asserted that police harassment was his primary challenge of living in Korogocho.[17]

> R: Hakuna challenges labda ya mapolisi, ndio wanaeza kufuata hata ukitembea wanakushika tu,
> M: Hivyo tu?
> R: Hivyo tu, ….Hao hawatakangi kuona mtu, kijana pingu.
>
> R: *There are no challenges except ,maybe, the police. They are the ones who follow you as you are walking and they arrest you.*
> M: *Just like that?*
> R: *Just like that. They do not want to see anyone; they see a youth – handcuffs.*

However, even as youth are seen as the harm-producers, interviewees made excuses for their behaviour, saying that the youth had no choice and there were no other options as employment was difficult to find:

> Sasa kama wewe ni mzazi na unaendanga pale kwa barabara kuchukua misinji kwa ma-sister unakuja kupanga hapa kuuza, huyu kijana alimaliza shule, standard 7, standard 8, hakuna course ameenda, hakuna kazi anafanya, na anatakiwa akule. Maybe ameoa ako na, amechukua msichana ya mtu na labda wana mtoto, wanatakiwa nyumba kukaa, wanatakiwa kukula, utafanya namna gani? Lazima watafanya hivyo. Kwanza hakuna support kutoka kwa wazazi na wazazi wenyewe hawan msimamo. Yes. Hiyo kitu inakuwa kama chain.
>
> *If you are a parent, and you are selling goods on the road, your child has finished standard 7, standard 8, he has not gone for any course, there is no work he is doing, and he needs to eat. Maybe he has gotten married and he has taken someone else's daughter [as a wife] and maybe they have children. They need a place to stay, they need to eat, what do you*

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[15] K37-08/18/14.
[16] R=respondent; S=Sheila; M=Mark (my research assistant)
[17] K27-08/12/14.

> *do? You must do that. First of all, there is no support from the parents and the parents don't have any standing/ethics/morals. So it is like a chain.[18] (Middle-aged female resident, with adult children, resident of Grogan A)*

Most non-youth interviewees exhibited some sort of understanding of the reasons why youth commit criminal acts, even if in the next breath they lamented the high crime rate and insecurity:

> *M: Na unaweza jua ni kwa nini hao vijana?*
> R: Ok kuna wengine tunasema tu ile kujichocha. Wanaitanga peer pressure. Beshte yangu anafanya pia me nifanye. Unakuta mwingine pia ni orphan. Anafanya juu hana alternative yoyote. Unakuta wengine wako idle. Mtoto amesoma amemaliza form 4 surely na hana mahali pa kuenda. So anakuja anakwambia," Wewe unataka nikule nini? Kama niko na relatives na hawawezi nipea chakula, nitafanya nini?" Pia poverty inacause all these problems.
>
> *M: So do you know why the youth?*
> *R: Ok, there are some that we say are one-upping, as in peer pressure. If my best friend is doing it, then I will also do it. You will find that some are also orphans. He is doing it because he has no other alternative. You find others are idle. A child studies until he finishes Form 4 and surely does not have a place to go. So he comes and he tells you "You want me to eat what? If I have relatives and they cannot give me food, what can I do?" So also poverty is causing all these problems.*
>
> R: tangu hata tuanze kuishi hapa. Sababu ukiona, hawa vijana wanajaribu sana kutafuta kazi hapati sababu Kenya hii lazima uwe na back-up. Kama huna mtu kupata ni ngumu. Halafu sasa anaishi hapa. Unafikiri kijana kama huyu angependa kuishi hapa? Angependa kukaa pahali pazuri. …. Na si ati uko hapa akili haifanyi kazi, lakini ni kama mikono imefungwa.
>
> *R: You see, these young men, they try very hard to find jobs, but they don't find any because in Kenya you must have someone to give you access. If you don't have that person, it is difficult. Then [my son] lives here. You think that a young man like him likes living here? He would like to live in a nice place….. And it's not that you want to be here and your brain is doing no work, but it is like your hands are tied.[19]*

Nor did the youth themselves apologise for committing the crimes. They claimed their inability to get a job meant that they 'had to hurt someone in order to eat'. They argued that even if a young person wanted to change their ways, they were constrained by their environment. One interviewee was a former prison inmate, about 21 years old, and when I asked if he still committed crimes, he replied that he had reformed 60% but not all the way because he had to mug people to survive: but, he said, he had turned around significantly from his former ways as the crimes he committed were less serious than before. Certainly survival was not the only motivator to turn to crime. There were narratives that crime was precipitated by peer pressure, the desire to be notorious/known (*kujilikana)* and for instant gratification, as well as to be able to have enough money to compete for women by impressing them.

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[18] K15-08/05/14.
[19] K15-08/05/14.

The second perception of youth is as unemployed hustlers. Hustling is the way that most youth are able to secure income. An increasingly worldwide experience of unemployed youth across the globe, the casualization of labour has become a major consequence of the changing economic structure brought about by globalization and the deregulation of labour and capital flows. Short-term, unsecured jobs are increasingly the norm. Described as 'kibarua' in Kenya, this kind of casual labour has led to a strategy of getting by, called 'hustling' in Kenya. Hustling is similar to what Honwana (2012) reports the youth call desenrascar a vida (eking out a living) in Mozambique and debrouillage (making do) in Tunisia and Senegal. This hustler identity is similar to that of the "entrepreneurial Self" that Kelly (2006, cited in White and Wyn, 2013) argues is becoming a preferred identity in society, where young people have been socialized to feel that they are responsible for bearing the risks created when the existing social structures put pressure on them to create new identities in scenarios where their options may not have changed (White & Wyn, 2013). This process of individualization is one of the underlying structures that pushed many of today's Korogocho youth into this hustler identity.

Underlying this hustling identity are two elements. Firstly, there is an element of improvisation in an environment where youth find their way around the rigid formal institutions that either are not or cannot be flexible enough to adapt to their needs (Honwana, 2012). Similar to the rest of the continent, youth in Korogocho create work for themselves, particularly in solid and liquid waste management, through means that are mostly legal, sometimes in the grey area between legal and illegal, and sometimes illegal in terms of contravening law. Thieme (2015) describes how urban youth in Mathare, a slum neighbouring Korogocho, form groups in order to hustle, and their decision to take on waste work despite the undesirability of the task. In Korogocho, the income-generating opportunities start with the youth forming youth groups, sometimes with NGO funding, to carry out jobs related to waste management. One youth who resides in KB gave me examples of some of the income-generating tasks his group has carried out to keep them out of crime.[20] The list includes rubbish collection, liquid waste collection, street-sweeping and emptying full pit latrines. In addition, they are sometimes hired to provide transportation back-up in case pregnant women in labour need to go to the hospital in the middle of the night.

Many of my youth interviewees were wearing gumboots (UK: 'wellies'), something I found quite striking because a) it was not the rainy season and b) they are not the cheapest footwear. Further observation in the settlement revealed it was not uncommon to find male youth wearing gumboots. Through informal discussions I learnt that the gumboots indicated that they worked in one of these projects generated by their youth groups, particularly when

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[20] K37-08/18/14.

engaged in emptying pit latrines. The exhauster that carried away the human waste (which is usually a well-covered truck in formal areas) was essentially a cylindrical drum on two wheels covered with a thick plastic sheet, thus they wore boots as a protective measure against spillages.

Second, this strategy of hustling means that everyday efforts are centred on survival each and every day. Calculations of how to earn money *today for today* were mentioned throughout my interviews, and were definitely a preoccupation. One interviewee, a youth who rented a small room in Kisumu Ndogo for KES 700 a month, mentioned how the previous day he had been offered a day's work for KES 300 (US$3); however, he quit at lunchtime because the work of carrying heavy sacks of flour was backbreaking and, he had decided, not worth the KES 150 or so he would have earned net once he had paid his transport costs (about KES100) and lunch (about KES 50). I saw him the day after the interview sitting at one of the *boda-boda* (motorcycle taxi) pickup points along the main through road in Korogocho. He does not own a *piki piki* (motorcycle) but was making himself available to step in for any driver who needed a substitute. Interestingly, this strategy of being seen to be looking for income-generating opportunities plays a huge part in the landlord-tenant relationship that allowed irregular payment of rent. This youth had mentioned in our interview that when a tenant is behind in their rent, landlords would accept non-payment as long as it was known in the neighbourhood that the tenant was actively looking for work. While this particular youth had mentioned having an older brother who lived in a formal low-income neighbourhood and thus may have had sufficient family support to make the choice to cut short his day's work, other youth in the settlement are not likely to be so lucky.

Another youth, a resident of Grogan, mentioned how when things were really bad, he would go to the neighbouring Dandora dumpsite (which serves all of Nairobi) where, through working with the wastepickers, he could earn about KES 200 a day. He said that going to the Dandora dumpsite was a fail-safe strategy of the last resort.[21]

> R: Kuna mahali si(si) huenda kuhustle kama hii dumpsite iko hapa
> Dandora.
> *S: Dandora?*
> R: Eeeh tunaendaga tunahustle halafu tunarudi.
> *M: Na sasa, kama kazi gani yenye unasema, kama yako, kama wewe
> umeongelea chakula, wewe mpato yako ya kila siku unapata aje?*
> R: Ok nikiendaga Dandora sikosangi kutoka na kitu kama 200. That is
> kama kuokota zile, kunakuwanga na papers huwanga zinabuyiwa ama
> cotton, plastics, chuma. Tuanpima. Sasa unatoka na kitu kama 200.
> Mmoja itakusustain for the day mpaka kesho.
> *R: There is a place we go to hustle, like this dumpsite here, Dandora. We
> go there to hustle and then we return.*
> *M: So how do you earn your keep?*
> *R: OK, if I go to Dandora I will definitely leave there with about KES 200.
> That is doing things like collecting things there like papers that are bought*

[21] K50-08/23/14.

or cardboard, plastics, metal. We measure them and then you leave there with about KES 200. One hundred will sustain you for the day until tomorrow.

While old, the following excerpt from The Standard newspaper gives some insight into how income is generated at Dandora dumpsite:

> A lorry arrives at Dandora dumping site full of plastics and bottles. Three young men hop onto it and start offloading the waste. They earn KES100 for the job, which they divide amongst themselves…As soon as the waste is offloaded another group of about five young men descend on it and start sorting it out into the various categories of solid waste including plastics, scrap metals and bottles. Then they sell the sorted solid waste to their 'boss' (a man who has worked at the site for many years before he accumulated enough money to buy solids on the spot from those sorting it out)…The 'boss' in turn sells the sorted material to a broker. The broker then delivers the materials to a factory for recycling. This is how business is conducted daily at the Dandora dump site. (The Standard, Monday September 4, 2006: 12)

The same newspaper article also shows the extent of the hustling done at the site:

> With an average of 90 lorries a day arriving to dispose waste at the site, up to a thousand people work there engaging in various activities such as offloading, sorting waste and hawking food (The Standard, Monday September 4, 2006: 12)

These two examples illustrate some of the individual-level daily tactics Korogocho youth employ to survive on a day to day basis.

5.4.4. The Connection Between Youth and Place

In response to these two perceived identities of the youth – harm-producers and hustlers – the slum upgrading project focused on providing jobs as the one benefit that would accrue to the youth. All unskilled labour, such as carrying sand and stones, that came with the project were to be assigned to the youth of the settlement, defined as anyone between the ages of 18-35. How these jobs were parsed out during road construction and whether they were done fairly has been under debate within the settlement, but clearly the intention was that the youth would benefit from jobs and therefore crime would go down. In this way, the project responded to how the youth were responding to their space – firstly, by providing jobs they were adding opportunities for hustling and secondly, this alternative opportunity for income-generation would reduce the prevalence of crime. Of my interviewees, only one had had direct experience working in one of these jobs and he said that the job had provided him with a steady income but only for a short time. As he pointed out, there is a difference between the jobs that the slum upgrading project was offering and the sort of employment that could lift them out of waithood:

> M:So vijana wanapata job?
> R: Ee vijana wanapata kibarua usiite hii ati job kwa sababu haujaandikwa parmanet, ma kampuni zinkuja contract zikiisha unaacha but wanasaidia sana youths wanaandika vijana, kama mimi ni bebeficiary wa hii mradi, venye waliingia hapa nimewafanyia for one year.

M: So the youth are getting the jobs?
R: Yes, the youth find casual work, but don't call them jobs because they have not been contracted permanently. Companies hire you, but once they are done, you leave. But it has helped the youth here, they hire the youth – like I am a beneficiary of this project and I have been working there for one year. [22]

Researchers in youth sociology argue that research on youth has neglected the connectedness of place and people, a connection that needs to be better understood within the youth as a social process research (White & Wyn, 2013). Hansen et al. (2008) have argued that urban youth are shaped by the built environment, yet this interconnectedness has been underexplored. Based on this, researchers also think that place-based policies are best placed to properly address the way the youth transition can be better supported. In this sense, the slum upgrading project, as a place-based intervention, is the right place to start.

The interconnectedness of the Korogocho space to the youth could be seen in two arenas. Firstly, perceptions of the youth on what Korogocho meant to them were conflicted. To many, Korogocho was home, the only place of roots they had, their *ushago*. Like the rest of Nairobi's newest generation of urban youth, they lack any other rooted connection. This dynamic is very different from earlier urban generations. Studies have shown that for most urban residents, Nairobi is a transitional space where one is a temporary economic migrant (Zulu et al., 2011). Even in Korogocho, this sentiment was expressed by older residents, even those who had lived there for over 20 years. Yet, even as they felt Korogocho was home/their place of origin, youth interviewees talked about Korogocho as their space to go through the dynamics of waithood and as soon as the transition into adulthood was made, they would leave the settlement. Two main reasons were generally provided for this desire to move out of the settlement: they saw no future in the settlement for them and they perceived the environment as non-supportive, where no-one wanted to see you do well and there was bad feeling and jealousy.

The second aspect of space for the youth in Korogocho was the extent to which the physical space supported their income-generating projects. In Korogocho, youth would be encouraged to form groups and then apply for NGO funding. While they might get sponsorships to do various activities, they lacked the physical space to store the relevant equipment. For example, a youth group obtained a water tank to generate income through selling water but could not find a physical location to situate the tank, so in the end they sold it. However, undesirable spaces such as the Dandora dumpsite and those associated with liquid and waste management – pit latrines, rubbish-dumping points – provided opportunities for income-generation.

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[22] K37-08/18/14

Thus, as the youth engage in these practices, the place, Korogocho, was understood as a part of the structures that influenced this delayed transition, sometimes supporting, sometimes constraining their individual agency. So, this then is the lived space into which the slum upgrading intervention entered - a physical space that that was imbued with spatial practices and perceived meanings for the youth.

5.5. Enumeration: Negotiating Being Seen

The adoption of enumeration as an initial critical step in slum upgrading projects has affected how slum populations are perceived by the state. By extending this 'seeing', the state includes these populations within its governable areas. Being enumerated is a trigger point that moves a resident from being unseen to seen, as they have been recognized by the state.

While this adoption by international agencies has mainstreamed enumeration of slum populations (now referred to as participatory enumeration), it has also blurred what enumeration is actually being carried out. In Korogocho, the enumeration was carried out by the state using members of the community in an attempt to maintain the participatory nature of the exercise. The enumerating teams included government employees but were led by community leaders. However, even as the exercise was set up to be participatory, the form of the proposed planning intervention was already known, making the enumeration categories also predetermined. Thus, even as the community led the process, the construction of the community took place in a framework determined by the government planners. Here, enumeration by the state and self-enumeration by the community stand in contrast to each other. While both practices have the same outcome of a population count, *how* the population is counted indicates that these exercises are not interchangeable.

This conflict can be better seen if enumeration is conceptualized as a ritual. On one hand, self-enumeration can be seen as a ritual which the community goes through as a way of defining themselves. Appadurai describes a community as "not only a living, breathing and interacting social force; it is also an abstraction, in the sense that it must exist in the minds of its members as something with social power, moral force and, indeed, some sort of sacred significance" (2012: 640). The strength of self-enumeration, therefore, is that it codifies the community that 'exists in the minds of its members' and brings it to the policymakers and planners so that it exists in their minds too (Appadurai, 2012; Gasparre, 2011). Similar to Lefebvre's description of the lived space as a space with meaning and symbolism, Appadurai uses the phrase "sacred significance" as a characteristic of a community. Through self-enumeration, the community gains significance in the minds of its members and the physical space absorbs this significance, and becomes a lived space. This, then, is the true strength of the knowledge generated from of self-enumeration, imbuing the

community with, as Apparadui says, sacred meaning. Enumeration by the state cannot perform this ritual for the community.

Further, Weru (2004) suggests that enumerations should be seen as negotiation. Seen through this lens, self-enumerations are based on negotiations that culminate in a verification process that is done in the community, by the community. In this verification process, community members discuss and agree whether the data collected on the population represents who they really are. A strong process reduces the likelihood of false information presented by individuals who may be hoping to benefit by false representation. From the dialogue that ensues, the community negotiates and collectively constructs its own composition. Weru (2004) compares this negotiation to enumerations by the state which has a "non-negotiating stance" (Weru, 2004: 54). The data collected in enumerations by the state is not brought back to the community for verification and there is no opportunity for the community to respond to the particular picture of their community that has been drawn.

The absence of negotiation has implications for the effectiveness of slum upgrading to deliver tenure security. On one hand, enumeration by the state generates knowledge that the state can understand and use to make sense of a previously unseen population. On the other hand, self-enumeration allows the community to generate knowledge about itself through a process of dialogue and negotiation. Ghertner (2010) argues that the choice of mechanism used to collect the knowledge determines the epistemology of the government. Due to the differences in knowledge generated, enumeration by the state and self-enumeration would each give rise to different epistemologies in government. Both would influence the form of the intervention, but in different ways.

My findings show that, firstly, landlord and tenant categories still remain important in the current state of the commercialization of slums. As discussed in the literature review, research in this critical area of understanding landlord-tenant dynamics declined about the same time that de Soto (2000) presented his argument that land tenure regularization was the best way to deliver tenure security. This shift in perspective turned researchers' attention away from landlord-tenant dynamics. Since then, discussion on tenure security has tended to be based on the premise that policy and practice should be promoting home ownership. It makes "the assumption that homeownership represents the 'natural' tenure" (Gilbert, 2008:i), a bias that is "ideologically entrenched in a Western privileging of homeownership as the 'natural' or 'superior' tenure" (Campbell, 2013: 459). Due to this preoccupation with home ownership, international housing policy has mostly ignored other tenure types, particularly rental housing, which could also contribute towards ensuring security of tenure for slum residents (Desai & Loftus, 2013; Gilbert, 2008; Handzic, 2010; Kumar, 2001). While there is some research on the rental housing sector in slums, little attention has been paid to analysing and designing programmes and policies that would benefit renters in slums

(Precht, 2005; UN-HABITAT, 2003). With this focus on individual property rights, the intelligible field of the landlord and the variations within it have been put aside in favour of those constructs useful to the individual property rights rationality of slum upgrading – the construct of the structure owner.

My findings also show that, secondly, using only the constructs of structure owner and long-term tenant obscures certain subpopulations within the community. Neither of these categories is monolithic. I illustrate three kinds of structure owners and show how they draw on their asset(s) in different ways. Given the differences in the functional value structure owners draw from their asset(s), the question arises of how the slum upgrading interacts with these different values (this will be further explored in Chapter Six).

Thirdly, my findings show the needs of the youth population are hidden by the constructs of the enumeration process. As Patel (2013) points out, tenure security in informal areas goes beyond just land ownership and title deeds – it has to do with being able to secure jobs. Being deprived of the means that allow young people to feel that they are making their transition into adulthood is a form of social exclusion. Thus, the constructs in this slum upgrading project did not take into account the needs of the youth population. In Korogocho, the constraints of the environment and the state of waithood produce, among others, identities as harm-producers or hustlers. While the slum-upgrading programme provided some jobs, they were short-term and so their impact – and the possibility of getting the individual out of waithood – was limited.

Fourthly, with global and national policy consensus that the state is responsible for facilitating adequate and accessible shelter, the question of *how* to do this, given the transient perception of some of the tenants, arises. Currently, the popular assumption is that the only way to provide tenure security is by providing property titles. Yet, for slum dwellers, rental housing has several advantages: it provides new migrants with an initial foothold in the urban fabric; it supports those migrants who do not intend to settle permanently in the urban areas; and it supports the progression from renting to owning for those who, as in other socioeconomic strata, want to work towards owning (Kumar, 2001). Rental housing provides a cushion for the poorest against economic and social vulnerability. A slum upgrading policy that focuses only on promoting homeownership is providing not only a partial solution, but also a solution that disadvantages low-income tenants and risks further social inequality (Handzic, 2010). More importantly, this solution does not respond to the needs and accommodation patterns of many slum dwellers.

More broadly, by examining these constructs, I show how tenure security is a negotiation not only between state and society, but amongst residents in the settlement themselves. It is a negotiation about achieving visibility both within the community and by the state. Further, it is

not just about achieving visibility but about *how* a subpopulation is seen. Ghertner (2010) argues that the choice of mechanism used to collect the knowledge (enumeration by the state or self-enumeration) determines the epistemology of government due to the differences in knowledge generated. Each method would influence the form of the intervention, but differently. In Korogocho, this negotiation was constrained by technocratic logic – the constructs – and by power dynamics within the community. To better understand how tenure security can be delivered, it remains necessary to revitalize the research of the 1990s that examined the dynamics within the categories. The constructs of structure owner and long-term tenant need to be further unpacked to gain a real understanding of the lived space in Korogocho and other slum settlements.

**CHAPTER 6: SEARCHING FOR TENURE INNOVATION**

6.1. Introduction

In this chapter, I analyse the process and outcome of preparing the physical plan to make Korogocho legible, in particular how the implementing team encountered and negotiated within the two areas of micro-level politics of informal urbanization discussed earlier in this introduction. I trace how the initial project design that assumed that collective tenure would be accepted by the community and that housing would be a priority was revised based on power-laden community participation. With individual titling determined as the agreed tenure option, I show how planners implemented a state of exception (allowing them to reduce plot sizes below the statutory minimum), to meet the demand for individual titles. The planning process increased legibility of the space but also led to a property-shelter conflation where formalizing of space was conflated with formalizing of household, a conflation that constrained the ability of the project to increase tenure security to households.

This next section introduces the planning legislation under which the Korogocho upgrading project was implemented. It also introduces the planning component of the project.

6.2. Sticky Legislation: Introducing Kenya's Planning Legislation

The Kenyan planning legislation context within which the Korogocho upgrading started is infused with the ideology of space. The planning legislation in effect at the time that the plan was being prepared was enshrined in the Physical Planning Act which provides a raft of plans, both long and short-term, to guide the redevelopment of physical space. Long-term or Physical Development Plans (either Regional or Local), are intended to "provid[e] a framework for detailed policies and proposals for subsequent short-term plans for the area" and are prepared to cover a period of 20-30 years (Government of Kenya, 1996). Short-term plans are intended as more immediate and concrete with a shorter timeframe of 3-5 years and any implementation project must prepare a short-term plan which reflects the policies and proposals of the long-term plan. The Physical Planning Act provides for four different types of short-term plans: action, advisory or zoning, subject, and part development (summarized in Figure 6.1). Looking at the descriptions of each plan, the focus on physical space and land use is clear. Kenyan legislation severely limits any type of development other than that on the physical space and built environment.

Figure 6.1 Short-term plans in the Physical Planning Act
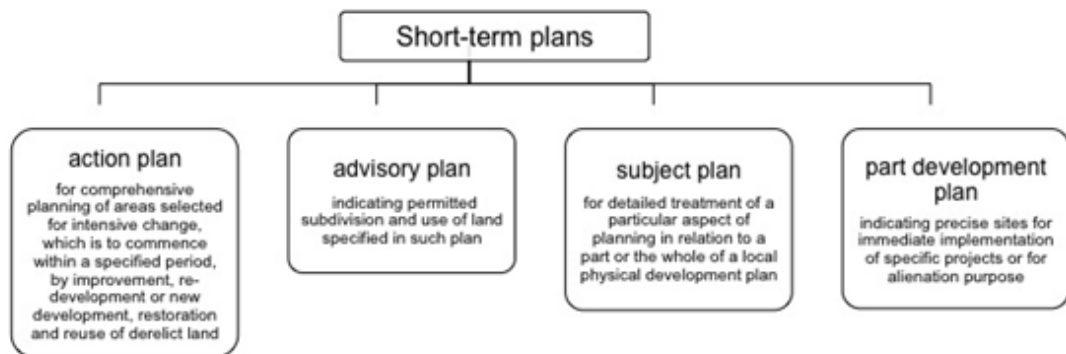
Source: Government of Kenya, Physical Planning Act 1996

Power in colonial Kenya was vested in land and the colonialists developed land administration to empower themselves and disempower Africans. This connection between power and land still continues today. The Physical Planning Act maintained this principle of control where the state owned the land, prepared plans to guide land use and then alienated[1] the land to non-state actors – either individuals or entities – to implement the land use as set out in their plans. In terms of oversight and implementation, the lead government agency is the Department of Physical Planning, part of the ministry in charge of land, currently the Ministry of Land, Housing and Urban Development. The primacy of the ideology of physical space within this department is well-known and lamented and Lefebvre's description of a conceived space as a place "for the practices of social and political power" (1991: 222) aptly describes the lens through which this department conducts its mandate. The Director of Physical Planning and the department planners are the only people authorised to prepare physical plans, all of which must be approved by the Director.

While land use management and planning comes under the jurisdiction of the Department of Physical Planning, the monitoring and enforcement of the plans lies with the local authorities, in the case of this study, the City Council of Nairobi. Two documents guide the City Council of Nairobi in its development control mandate: the Physical Planning Handbook and the Nairobi City Development Ordinances and Zones. As mentioned in Chapter Four, Korogocho (and the three other mostly informal settlements of Mathare, Lower Huruma, and Kariobangi) lie within Nairobi's Zone 7. The development regulations in this zone require a residential development density of not more than 50% of the ground coverage (higher for commercial plots) and a plot ratio of 75 to 100%.[2] It allows for high-density residential units (flats) and informal settlements and while the default minimum plot area is 0.05 ha (500m^2) it also allows smaller sizes in informal settlements.

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[1] In Kenya, alienation refers to the transfer of public land by the government to private owners.
[2] Plot ratio or Floor Area Ratio (FAR) is the ratio of a building's total floor area to the size of the piece of land upon which it is built.

This is the planning legislation environment in which two years and four months from the launch of the project, and about a year behind schedule, planning activities in Korogocho began in September 2010. The terms of reference (TORs) of the planning consultancy state the objectives of the planning process as:

- To prepare a sustainable integrated plan for upgrading Korogocho;
- To prepare an advisory/physical development plan; and
- To provide an appropriate security of tenure option to the residents of Korogocho.

Thus, in the design of the project, two separate plans were to be produced - an approved advisory physical plan and a sustainable integrated plan – as well as a tenure option that could work in Korogocho. The Advisory Physical Plan would be prepared "for a secure and regularization of land tenure" (KSUP:STPDP:FIR, 2011: 37), while the sustainable integrated development plan was perceived as a long-term plan "for the upgrading of Korogocho slum" (KSUP:STPDP:FIR, 2011: 37). Thus, the overall objective stated in the Terms of Reference given to the planning consultancy was "working out a roadmap for the development of the settlement for the coming years as well as a physical advisory plan on which improvements on security of tenure can be based and basic infrastructures/services designed and delivered" (KSUP:TORPPPSIPUK:2010: 2).

Supervision of the implementation of these planning activities was split between the then Ministry of Lands which would oversee the physical plan and UN-Habitat for the sustainable development plan. The two planning activities were later merged into one with UN-Habitat responsible for supervising the consolidated activity.

The planning process was designed as participatory, incorporating community knowledge through the Residents' Committee (RC)[3] elected at the beginning of the project as representatives of the community. The RC engaged with the planning process when the planning consultants were on the ground as well as during the regular Steering Committee meetings. In addition, three community planning workshops were planned to review with the RC the planning outputs produced along the way.

Recognizing that both the then current planning legislation and regulations and Nairobi's development control regulations constrained the provision of housing for the lowest income bracket, there were great hopes that the planning process would address this constraint. As stated in the inception report: "It is hoped that the preparation of the plan should offer opportunity to review and develop more realistic development control regulations" (KSUP:STPDP:FIR, 2011: 20). Similarly, for planning regulations, the report stated "it is expected that the preparation of the plan will therefore grant opportunity for the formulation of more appropriate and innovative regulations applicable to [the] area and other such

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[3] As described in Chapter 1, the RC was set up specifically for the KSUP

similar settlements" (KSUP:STPDP:FIR, 2011:20). The planning exercise was supposed to break new ground:

> The plan should be innovative and thus deviate from standard
> procedures possibly to the extent of setting new standards on how
> planning of informal settlements should be done. The current standards
> as defined in existing regulations cannot be applied in the Korogocho
> area. There's need for the plan to give innovative proposals on standard
> regulations on sizes, setbacks, etc against existing order.
> (KSUP:STPDP:FIR, 2011: 54).

Innovation then, was the name of the game.

As the following three sections will show, this stated desire for innovation quickly collided with the limitations inherent in the preoccupation with physical space.

6.3. The Potential for CLT Explored

When the project began in 2008, the project team assumed that the Community Land Trust (CLT), a community-based tenure model, was most appropriate. This model gives collective ownership to a group rather than individual titling and the government project members had experience in setting up CLTs in other parts of the country through a GTZ-funded Small Towns Development Project (STDP) in the early 1980s. As Jaffer (2000) explains, the CLTs "sought to expand equity by limiting equity" (Jaffer, 2000:176). The model's priority was ensuring that residents' access to and security of shelter was maintained which would be achieved through means that limited individual ownership. In his words, this strategy of limiting equity at the individual level succeeded in "promoting integrated development based on both meanings of "equity" in land and housing allocation" (Jaffer, 2000: 176). As discussed in more depth in the introduction, the project team used their experiences of the STDP design to inform the design of KSUP.

From the perspective of the project team, the CLT model had a number of advantages. First, the donors felt the CLT model would slow down gentrification and maintain the benefits to the intended target group[4] as the CLT model is aimed at protecting the community from a speculative land market (Jaffer, 2000). Second, having a CLT meant that rigid planning regulations could be circumvented. For example, planning regulations require every plot to face a 9m wide road in order to be titled. In a high-density settlement like Korogocho, this regulation would have severely reduced the amount of land available for housing despite the fact that structures already existed on it. A CLT allowed the land to be divided into blocks and the use of 4m wide footpaths rather than 9m wide roads, 'saving' more space.[5] This space saving would have happened in both the lived space sense and the physical space sense – as neighbourhoods and social ties would be saved (i.e. they would not be broken up

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[4] G1-07/25/14; G1-03/10/15; G2-07/25/14; G2-01/06/16
[5] G2-01/06/16

as would be necessary if the normal size requirements were implemented) as well as physical space for building structures.

Thirdly, the project team was keen to maintain a minimum intervention approach, following the Minimum Intervention Guidelines (MINA) which were also from the STDP.[6] These guidelines emphasize the importance of maintaining the socio-political-economic dynamics present pre-intervention. The focus with minimum intervention is to upgrade the space while keeping the spatial dynamics the same. The team felt that using the CLT model would mean little or no disruption to the existing dynamics.

When I asked my interviewees, residents of Korogocho, about the feasibility of a CLT for the settlement, both RC and non-RC members pointed to distrust and suspicion within the community as to why it was not a good idea. The first rhetorical question they would pose was "Who will hold the collective title on behalf of the community?" Interviewees felt strongly that the RC could not be trusted to hold a collective title in trust. In particular, they thought that the RC had registered themselves as a Community Based Organization (CBO) so that they could start selling land, not knowing that this registration was a government requirement as, following the MINA guidelines, government could only interact with a legally recognized entity. A few of the RC members I interviewed, on the other hand, also did not want the responsibility of holding the title in trust to reside in the RC. They felt that residents did not see them as an organizational body but as individuals, so if something went wrong, each village would blame their individual representatives.

6.4. The Demand for Individual Titles

However, from the early stages of the project, it was clear that a CLT would not be easily adopted and that the project team would have to take a step back to determine the tenure options. Individual tenure was floated by the residents before enumeration (KSUP:KPIREM, 2011). By August 2008, less than three months after the project had started, the team were already feeling the pressure from the structure owners (ODPMMLG:KSUP:LAWHWR). Under matters arising, the minutes record:

> It was agreed that the tenure options should remain open to discussion and agreement with the community. In the concept paper, the phrase 'Collective Land Tenure' was replaced with 'appropriate tenure system'. This is because it was noted in previous meeting[s] in the community that the word [sic] "collective land tenure" generated too much heat among the community as it seemed that the type of tenure had already been decided on.

The final concept paper, dated 7 April, 2008, does indeed have the word "collective" replaced by "appropriate" in the summary section. However, "collective" is used elsewhere in the document, for example, in the objective that related to this planning activity, as one of

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[6] G1-07/25/14; G1-03/10/15; G2-07/25/14; G2-01/06/16

the six project objectives, which still reads "To provide collective tenure system to the residents of Korogocho" (GoK:KIDDP:CP:2008: 5).

Members of the project team remarked that the residents' preoccupation with individual tenure could have been tempered if the full range of tenure options had been discussed more fully with the community.[7] In an attempt to move beyond the perception that individual titling is the only form of tenure security, a key objective of the project was to identify an appropriate tenure system and KES 1 million was allocated to this activity. Project documents show that a two-day workshop titled "Alternative Land Tenure Options Sensitisation" was scheduled early in 2009[8] with the RC. Its main purpose was to introduce the 48 representatives to the various land tenure options and build their capacity to lead the community through the upgrading process (GOK:PALTOSW:undated). Two sessions in the proposed workshop agenda were titled 'Community Land Trust' and 'Role of Co-operatives in Slum Upgrading' and indicate that the intention was to introduce and discuss alternative tenure options and that the CLT model and the cooperative model of owning land were the two key alternatives that would be presented. Thus, these documents show the range of collective tenure options that the project team was considering for Korogocho.

While is not clear whether this proposed Alternative Land Tenure Options Sensitization workshop actually took place, a later workshop, the first planning preparation workshop with the RC did; it was held on 20-21 February, 2010 and, as part of a broader agenda, the representative from the Ministry of Lands presented three tenure options: leasehold, the tenure option held under the provisions of the Sectional Properties Act and the CLT, and the cooperative models. However, the minutes of this workshop were not part of the package of project documents I received and without them it is not possible to ascertain whether all these options were properly introduced to and interrogated by the community representatives.

In addition, the team took the RC to Kilifi so that they could see a CLT model that had been implemented.[9] The implementing team tried to use the suspension of the 9m road width requirement within a CLT to convince the RC that they should agree to a CLT but the RC remained adamant on individual titling.[10] What is clear is that the discussion over the first few months of the project narrowed too quickly to individual titling. The abandonment of the idea of a CLT was also the beginning of the abandonment of the MINA principles.[11]

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[7] Interviews G2-01/06/16; G12-01/06/16.
[8] I did not get access to any project documents that definitively state whether or not this workshop actually took place.
[9] Interviews G1-07/25/14; G2-01/06/16; G5-03/11/15.
[10] G2-01/06/16.
[11] G2-01/06/16.

While it may have been possible that the options could have discussed more, it is unlikely that the structure owners would have agreed to give up their individual-level rights as *de facto* landowners. The strong preference for individual titling is unsurprising given that the majority of RC members are from the *de facto* landowning class. As the listening survey pointed out at the beginning of the project, "Landlords/owners…are extremely sensitive about any moves that could jeopardise their ownership claims" (KSUP:LSR:2008:4). They expected that the project would convert their *de facto* land ownership into *de jure*, formalizing their existing rights rather than removing them. This formalization was particularly important to them as there had been disagreements about the true ownership of the land since the early 2000s, and at the time of my fieldwork there were three cases in court involving Korogocho's land ownership.

In other upgrading projects in Nairobi, structure owners have agreed to cede some of their assets under the threat of having them taken away altogether. In Huruma, owners of multiple structures were reduced to having one structure and the additional structures were allocated to tenants, making them structure owners. Similarly, in Mathare 4A, the structure owners were first compensated for the value of their structure(s) and then every resident, whether structure owner or tenant, was allocated one room in a rent-to-purchase scheme. It was reported that the Mathare 4A slum upgrading project left structure owners poorer, with former structure owners saying they would like their structures back (Wanjiru, 2001, p. III).

Thus, given this history and their knowledge of other upgrading projects, the structure owners in Korogocho heavily guarded against any attempts to do anything other than formalize their *de facto* land ownership rights. While the legal owner of the land is the government, the sense of legitimacy in ownership is strong and the RC members were keen to formalize this legitimacy through land tenure regularization. In reality, the politics of ownership within the settlement, and the fact that the RC members were also part of this elite group, had predetermined the tenure choice from the beginning. More broadly, land ownership is a highly valued status in Kenya. An academic heavily involved in the drafting of the National Slum Upgrading Policy emphasized that the government has been very focused on one type of tenure security – that of individual titles – but as discussed in the introduction, individual titling in informal settlements in Nairobi results in adverse effects. Residents want the title deed, not for tenure security, but because they "want a commodity they can exchange in the market".[12]

A major question that remains across this narrative is why the government team felt they had to acquiesce to, and even be led by, the demands of the RC. The responses I received to this question were threefold. Firstly, the donors felt that the emphasis of the project was to keep it participatory and that the community's needs and concerns should remain at the

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[12] Interview with Senior Advisor to the Taskforce of National Slum Upgrading Policy, May 5, 2013.

forefront. Thus, when 'the community' insisted on individual titling, the project team accepted their decision. Linked to this dynamic, and just as important, was the fact that this was the first debt swap (explained in Chapter One) tried in Kenya and the donors and the government were very focused on making it work. Initially, the project implementers felt the KSUP could be an exemplar project that would lead the way for further slum upgrading in Kenya. As time went on, and with all the difficulties they encountered, the implementing team shifted their efforts towards doing what it took to get a satisfactory, rather than an exemplary, outcome.

Constraints in the legislation may also have contributed to the swift adoption of individual titling. The implementing team was constrained by legislation that made alternatives to individual titling difficult (Bassett, 2005). Both Jaffer (2000) and Bassett (2005) argue that the CLT experiment in STDP was implemented in a hostile legal climate. Bassett explains how five different legal steps had to be taken before the CLT model was legally established. Jaffer further argues that the colonial legacy legislation that prohibits land from being taken off the market in perpetuity and the fact that the Kenyan law default position only allows individual titles both added to the hostility. As such, this legal hostility would have brought the question of the implementability of the CLT in Korogocho into question had the idea advanced. As Bassett explains, unless the legal climate is made friendlier to communal ownership, further experiments in CLT in Kenya may not be warranted. Jaffer (1996) adds that for CLT as a community-based tenure model to survive, it would need to be supported by broader tenurial reform as "[t]he CLT cannot be sustained in pockets of 'liberated zones in the midst of stormy seas'" (Jaffer, 1996: 2).

If a CLT had been adopted in Korogocho it may not have been implemented successfully for another reason. Jaffer (1996) highlights that in addition to a receptive government and a committed group of NGOs, a CLT would need the support of a "defined and fairly homogenous community" (1996: 3). Bassett agrees with this assessment in her analysis of the STDP's two pilot projects (Bassett, 2001) where the homogenous community opted for the CLT while the heterogeneous one rejected the idea, choosing individual titling instead. Korogocho is a multi-ethnic settlement, and the largest tribe in it accounts for only approximately 51% of the total population (KSUP:FKSSR, 2010). However, given that the settlement in Korogocho is based largely on ethnic enclaves (Kago, 2009), group structure ownership, where present, tend to be ethnically based.[13] Had the idea gone further, Korogocho could have organically split into a number of CLTs and their memberships would have become ethnically homogenous by default. There are multiple arguments for and against using ethnicity as a basis for tenurial model. As an urban area, Nairobi needs to be developing policies that celebrate its multi-cultural characteristics (Sandercock & Lysiottis, 1998) and models such as these could perpetuate culturally-based divisions in the city. On

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[13] G1-07/25/14.

the other hand, research from economics shows that co-ethnic communities tend to develop faster than multi-ethnic communities (Habyarimana et al., 2007) and that this ethnic-based settlement is prevalent worldwide. However, given the sensitive, volatile nature of ethnicity in Kenya, exacerbated by the 2007 post-election violence, it is doubtful that this idea would have received any political mileage.

At any rate, the idea did not have the chance to move beyond a vague consideration, perhaps only in the minds of a few project team members, as the community representatives remained adamant that the purpose of the slum upgrading project was to legalize their legitimacy as the *de facto* landowners. As will be seen in the rest of the chapter, the choice of tenure was a critical juncture in the project, one that had an impact that rippled through the rest of the plan preparation stage.

6.5. The (In)Flexibility of Planning Regulations and Their Regulators

With the decision to go for individual titling inevitable, the planning activity became an exercise in shaping and reshaping the land to meet the project's objective of secure tenure for all residents. Starting from the minimum plot size stipulated by the zoning regulations for Korogocho – 0.5ha or 500m^2 – it was clear that there would not be enough land for all the estimated number of beneficiaries to receive a plot large enough to qualify for an individual title. In addition, every plot has to face a road with a minimum width of 9m or the plot could not be titled, a regulation that would eat away at already scarce land.[14] The option of buying additional land was pursued vigorously until it became clear that funds would not be available to make this purchase. Returning to the 52.7ha/0.527m^2 size of the project area, how could all the proposed beneficiaries fit in?

In determining the strategy to make this work, the decision was made to first accommodate all the resident structure owners, then the absentee structure owners and finally the long-term tenants.[15] The implementing team's rationale for prioritizing the structure owners was that they had made an investment which somewhat reduced the dire need for low-income housing, and this group needed to be empowered to make the best use of their investment. With this prioritization determined, the implementing team took the number of structure owners – resident and absentee – from the enumeration results and used this rough number to identify ways to divide the land. At the very least, all structure owners had to be accommodated.

The key variable, then, became the minimum plot size. Testing the flexibility of this regulation became the next task and so began a long iterative negotiation between the four actors involved in the decision of minimum plot sizes – the City Council of Nairobi (CCN),

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[14] In an interview with me, a member of the government implementing team couched this regulation as "one thing in planning in Kenya that is really limiting" indicating that it is an issue even beyond informal settlements.

[15] G1-07/25/14; G2-07/25/14.

the Ministry of Lands, the implementing team and the RC. The negotiations started as early as July 2010: minutes of a Steering Committee meeting held on 1 July, 2010 state that "[t]he DPP [Department of Physical Planning] has been consulting with the CCN on sorting out the plot size issue". The discussions intensified in 2011 when the planning consultants were hired. Determining the flexibility of the zoning regulations was a focus of the September 2011 inception meeting of the planning consultancy. From the minutes:

> Still on the zoning regulations, a clarification was sought regarding a minimum plot area of 0.05ha which was considered too big especially for an area like Korogocho. It was explain[ed] that the policy allows for flats in areas with even lower plot sizes [an] example being Jamhuri Estate where plot sizes are as low as 0.02ha. (KSUP:KPIREM: 8)

The CCN basically confirmed that while their zoning regulations stipulated a minimum plot size of 0.05 ha, there was flexibility.

Eventually, it was agreed to reduce the minimum plot size to 10mx10m (100m^2). Interestingly, this measurement is not stipulated anywhere in the regulations despite the assumption of various implementing team members that it was. The zoning regulations for Zone 7 state only that they allow informal settlements to go lower than the minimum stated size. The 10mx10m dimension was actually generated through multiple discussions where the implementing team negotiated with the City Council of Nairobi on one hand and the RC on the other.[16] When the implementing team informed the RC of the smaller plot size needed in order to accommodate every structure owner and the 10% of long-term tenants[17] that were supposed to benefit, it took time and technology, using visuals such as GIS, for the RC to come to terms with the fact that the plot sizes would necessarily have to be that small. At the same time, the CCN maintained that they could not accept anything less than 100m^2, citing functional reasons why anything smaller was not feasible – any structure built on anything smaller would not meet the building codes, that infrastructure for basic services could not be provided due to lack of space, etc.[18] The Department of Physical Planning also opposed the 100m^2 proposal, saying it was too low. Their regulations stipulate that a plot size has to be 40ftx80ft (12mx24m or 288m^2) in order to issue a title. To circumvent this opposition, the implementing team requested that Korogocho be declared a Special Planning Area as provided for in the Physical Planning Act which would exempt it from national planning and zoning regulations (Government of Kenya, 1996). A primary implementing team member emphasized how the negotiation was tough on both fronts – with the RC and with the NCC, and that "we really sweated" to make it happen.

Using this plot size, the project area was able to accommodate all the structure owners and 10% of long-term tenants. My questions about the potential loss of low-income housing for tenants due to market eviction (rents going up due to the upgrading improvements or fewer

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[16] G1-07/25/14; G1-03/10/15; G2-07/25/14; G2-01/06/16.
[17] As discussed in Chapter Five, all structure owners and 10% of long-term tenants were included as beneficiaries of tenure regularization in the project.
[18] G2-01/06/16.

rental structures through loss of physical space), the primary dynamic that had led to the genesis of Korogocho, were answered with assurances that this issue had been discussed in meetings with the RC who had assured the implementing team that the tenants were "our people" and they would ensure that rents would remain affordable for them.[19] Although no formal mechanism was ever established in the project design to ensure this would happen, one implementing team member felt that a controlling variable could be the example of the ninth village, Ngomongo, (which was not included in the project as explained in Chapter 1) where the mainly Luo tenants had collectively refused to pay rent to their Kikuyu structure owners after the 2008 post-election violence. The landlords, most of them petty-capitalists who own between 13-30 rooms had to flee Ngomongo and as late as July 2008 had still not been able to regain control of their assets (Opala, 2008, p. 32). Tenants said they would begin payments only if the rents were halved. A similar situation had arisen earlier, in 2003, in response to a declaration by a Luo politician, Raila Odinga, who was then Minister for Roads, Public Works and Housing. Shortly after the Mathare 4A slum upgrading project commenced, Odinga declared that the rents in Mathare had to remain stable at the pre-upgrading levels of KES 200-1,000 (Shitikho, 2003, p. 5). While the declaration was made in reference to Mathare 4A, Luo tenants in other slums also participated in the boycott.[20] For a long period, the structure owners, who were primarily Kikuyu, received no rental income and some even abandoned their assets. An interviewee from Kisumu Ndogo, discussing landlord-tenant relations in his village with me, mentioned that the Kikuyu structure owners were not as powerful as they used to be because the Luo tenants had increased in number and therefore become a stronger force.[21] It is difficult to know for sure if this tension would be sufficient to ensure that the tenants would not be evicted through market forces (higher rents forcing them out) or more deliberately through loss of space.

Testing the flexibility of the plot sizes was not the only place where the planning team successfully negotiated the boundaries of the regulations. Multiple project documents indicate that three other planning regulations were tested: size of roads and their reserves, the river reserves and the power wayleaves. The National Environment Management Authority (NEMA) was invited to join the team as it was responsible for determining the extent of riparian reserves (KSUP:KPIREM, 2011) Existing laws required that a riparian reserve ranging from 6 to 30m above the high water mark should be observed. The number of structures affected in Grogan A and B, Highridge, Korogocho A, Kisumu Ndogo, and Nyayo – all villages located along either the Gitathuru or Mathare rivers – would depend on the watermark chosen.[22] The requirement of a minimum 9m wide access road with a mandatory 3m of road reserve was seen as a challenge in the densely populated Korogocho

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[19] G2-01/06/16.
[20] Raila Odinga later qualified that his declaration referred to Mathare 4A only (The People's Daily, April 2, 2003).
[21] Interview K28-08/12/14.
[22] A final decision was made in the ITWG meeting on Jan 31, 2012 to create the river reserve to the highest watermark and then use it as a public space.

as "there was the risk of making it a settlement of roads and few structures" (KSUP:KPIREM, 2011). While the City Council of Nairobi was supportive and made it clear that it allowed blanket applications/approvals of smaller road sizes as long as 9m exits for fire engines and other emergency vehicles were provided, objections were raised that "negotiating for narrower roads might be a disservice to the people of Korogocho" (KSUP:KPIREM, 2011). The rationale used to maintain the planning standards was that reducing the reserves would affect the wayleaves for services which needed to be 3m wide. If the 12m of road width and reserve was reduced, the amount of usable carriageway left could be as little as 2m wide. Lastly, enforcing the wayleaves of existing power and sewer lines would affect structures in Grogan A and B that had encroached on them. This was particularly evident in Grogan A where structures had been erected on the 3m wide sewer line wayleave, while in Grogan B many structures have been erected on the 40m wide high voltage power wayleaves. There is evidence that the implementing team tried to identify any 'wiggle room' available for the power line wayleave in Grogan B: minutes of a steering committee meeting indicate that the team "agreed to have a meeting with KPLC to agree on the possible uses of the way leave" (KSUP:MSC, 2010). However, despite the designation as a Special Planning Area, this status did not seem to provide flexibility for these other regulations. Although in one situation in Highridge, the planning consultants were able to revise the planned layout so that a road could run alongside an existing water pipe to minimize displacement, more generally the final plan shows that all these regulations were adhered to before the Department of Physical Planning approved the plan.

Throughout the discussions at the community planning workshops and the ITWG meetings, the displacement impact on the residents when this plan was implemented remained at the forefront. Where would the displaced go? The RC was also watchful:

> The residents complained that [the] way leave in Grogan B was unnecessarily big. They insisted that the power line was 66KV and not 132KV as indicated by the Consultant. The way leave should therefore have been 30m and not 40m as drawn or 50m as written. It was agreed that the Consultant would verify on the voltage of the power line and the way leave to be allocated. (KSUP:PIPDPKWR, 2012).

6.6. The Determination of Equity

Somewhat in parallel, the planning consultants were developing the plan proposal using the proposed minimum plot size of 10mx10m. Their first plan proposal had been presented at a technical working group meeting in early December 2011. This first proposal, which they called the 'existing option' proposal, was based on the principle of minimum movement and displacement. Also known as in-situ planning, it followed the MINA principles of reducing disruption by limiting the amount of demolition and relocation required. This option generally retained the existing structures as much as possible but grouped them within the minimum size plots. When the plan was presented to the implementing team, they rejected it. As the minutes of this meeting are not available, the exact reason for this dislike of the existing

option proposal is not clear. An interview with a project team member indicated that it was because the plot sizes were not standard, they were not enough of them (thus plots would have to be shared) and the layout was not aesthetically pleasing.[23]

In this meeting, the idea of standard plot sizes came up and the planners were asked to prepare a second planning proposal as if the settlement was empty space. In this way, they were exploring how to negotiate the regularization of the land using a tool that assumes a clean slate rather than an existing situation. The resulting proposal, which the planning consultants called the 'complete replanning' option, and presented to the technical working group at their second December 2011 meeting, re-planned the villages "creating equal plots of approximately 100m^2 and then allocates or groups the structure owners" (KSUP:KIDPPR, 2011). According to the report, the replanned plots option was based on the principle of re-planning the whole area and creating relatively equal plots, with the underlying idea of equality for all residents. Both the existing option proposal and the complete replanning proposal were then presented to the RC at the first community planning workshop held on 14-15 December, 2011.

The two options of ensuring minimum displacement versus maximizing order through regularization stood in stark contrast to each other throughout the consultants' presentation to the RC. The planning report lists each village and discusses the implications of the two options they had prepared: the 'existing option' which aimed to create plots of at least 100m^2 with minimal demolition of existing plot structures and involved clustering as much as possible, and the 'complete replanning' option which required complete demolition and replanning of the space in equal plot sizes of 100m^2. According to the meeting report, the advantages of a total replanning exercise were described using words such as 'order' 'harmony' and 'aesthetics', while the major advantage of the 'existing option' proposal was that it "retain[ed] the uniqueness of each village". The associated advantage was minimal displacement and relocation. It was also noted, however, that the complete replanning option would also disrupt the spatial relations within the settlement: the uniqueness of the village would be lost, ties severed and the community left feeling suspended. Thus, the options were presented to the RC as a trade-off between uniqueness with little visual order and homogeneity with visual order.

In the end, the RC voted for the complete replanning option, saying that it would result in the least number of complaints as it produced more plots, with the fewest number of structure owners sharing and would accommodate all the intended beneficiaries (KSUP:KIDPPR, 2011). It is possible that there are alternative explanations for this decision by the RC other than those made public. Ghertner (2010) mentions how the vision of certain aesthetics, in his case that of a modern world-class city, were used to control the behaviour of people in

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[23] G2-01/06/16.

Delhi slums during formalization. People's desire to be part of this clean modern vision reduced resistance to the displacements. This aesthetic value may not be described by Korogocho residents as that of a world-class city, but the vision was evident. When discussing their aspirations with me, interviewees talked of having Korogocho look like the 'ma-estates', the formally planned, neatly and geometrically laid out housing estates, some of which surround Korogocho. Many also talked of having aspirations of moving out of Korogocho to live on such an estate themselves. At the time of the fieldwork, even plots that could pass the aesthetics test, such as those in KB, were scheduled to be disrupted to comply with the homogenization of the whole settlement.

6.7. Space Gone Wrong

With the complete re-planning option of plot sizes of 10mx10m, the implementing team and their planning consultants had to devise a methodology to allocate the beneficiaries to the plots. The complete reshaping of the space meant that everyone would be moved, making it difficult to allocate the new plots based on beneficiaries' current locations. The methodology used mapped one structure to one plot, rather than allocating a plot to an individual or household. The rationale, the implementing team argued, was that in this way "everyone got what they had";[24] the replanning only transferred the extant ownership from structure to plot. For structures with more than one owner, those same co-owners would become joint owners of a plot of land. As the planning legislation does not allow more than five names on a title, all groups of six or more co-owners would be asked to register themselves as a legal entity similar to a cooperative or a self help group (KSUP:ITWG, Feb 2012) and henceforth be treated as a single entity. The rationale here was that "[t]he project implicitly assumes that, those groups of people that have been jointly owning a structure should be able to manage a formal joint ownership" (KSUP:ITWG, Feb 2012).

The second component of the methodology relates to assigning structures of different sizes to equal-sized plots. At the ITWG meeting held on Jan 31, 2012 in preparation for the final workshop with the RC on Feb 14-15, 2012, it was decided that:
1. Equal plots of 100m^2 would be created:
   - Structures already occupying more than 100m^2 would be reduced to 100m^2
   - Structures occupying between 90 to 99m^2 would be upgraded to 100m^2
   - Structures occupying less than 90m^2 would be grouped together to reach 100m; a maximum of five owners could be grouped together, but lower numbers were preferred
2. Each of the additional plots made available for long-term tenants would be owned in groups of five.
3. Plot dimensions were allowed a degree of flexibility but the area had to equal 100m^2 and the frontage had to be a minimum of 7m. (KSUP:ITWG, Feb 2012).

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[24] G5-01/05/16.

Concern was raised about how the methodology blurred the exact number of beneficiaries:

> While it's clear the number of residential plots created in every village, it was still unclear the exact number of beneficiaries that the proposal will be able to accommodate, since the individual and grouped plots indicated in the statistics didn't refer to households but structures numbers. (KSUP:ITWG, Feb, 2012)

The government planning team confirmed this, as noted in the same minutes:

> [The] proposed land tenure data is based on the structures and not on the number of beneficiaries. Therefore plots allocated in the plan as "individual plots" or "grouped plots" will be actually owned by the same number of owners documented during structure numbering. (KSUP:ITWG, Feb, 2012)

This methodology has varying consequences at the village level as it put smaller structure owners at a disadvantage. Table 6.1 below lists the sizes of the existing structures by village. As discussed in Chapter Four, certain villages generally have smaller structures than others due to their histories. Using the villages discussed in the previous chapters as examples, only 7% of structures in Grogan A are larger than $90m^2$: thus 93% of its structures would morph into part of a joint ownership of a plot. KB residents would be better off as more than 70% of its structures are over $90m^2$. Due to the elongated shape of the structures in Kisumu Ndogo (a structure in Kisumu Ndogo has about 10 rooms), less than 20% of the structures are below $90m^2$.

The consequences to the structure owners are seen more clearly in Table 6.2 which shows the proposed mapping of structures onto the plots. It illustrates how many structures are large enough to qualify to be equated to one plot, as per the methodology, and how many would be combined into groups of two, three or four with joint ownership of a plot (only tenants would be grouped into five). Most plots in the congested, haphazard villages would be shared, with Grogan B the most affected as nearly half its structures would be grouped into fours. In contrast, in Kisumu Ndogo around a third of its structures would be grouped into twos, with no groupings of three structures or more.

At the time of fieldwork, the project had not begun the plot allocation process as the surveying had yet to be done; thus it is not clear whether this methodology will be adopted. The methodology was hotly contested by the RC at the final community planning workshop in February 2012 and eventually it was agreed that every village would propose their own allocation criteria "in cognizance of the unique situation of structure owners and tenants in each village" (KSUP:ITWG, Feb, 2012) but the criteria would have to ensure that no fewer than 10% of long-term tenants were allocated plots. However, when this methodology is examined in the context of the socio-economic characteristics of the villages and the perceived structure ownership, it seems that its most likely outcome will either maintain the

extant distribution of assets or possibly even make the situation worse for those structure owners who will be forced into joint ownership.

Some of my interviewees expressed disappointment and suspicion about the way the planning exercise was carried out, based on their own perception of what the criteria to select the beneficiaries of the tenure regularization process should have been. They felt that absentee structure owners should not have been considered as, other than their ownership of structures, they had no social connection to the village(s). They were not around when things went wrong, for example a fire, yet they were considered beneficiaries. The idea that resident structure owners would be sharing with non-resident owners was also not popular. Residents pointed out that they 'did not know' the non-resident owners and there was considerable discomfort at the thought of sharing with someone who had no social ties or networks within the settlement. These concerns underscore how legitimacy is measured differently by the residents and the government. While the government thought that people who had invested should benefit, the residents felt that those who lived in the settlement should have the most legitimacy.

Table 6.1: Existing structures by village

	Grogan A	Grogan B	Gitathuru	Nyayo	KA	KB	Kisumu Ndogo	Highridge	Total
Total number of structures	**393**	**558**	**608**	**222**	**446**	**259**	**250**	**532**	**3268**
Sizes of structures (m2)									
a. Above 100	21	8	70	22	94	164	149	297	
b. 90-100	8	4	26	3	27	13	60	102	
c. 50-89	91	98	274	62	208	62	34	89	
d. 30-49	161	224	198	130	97	23	7	30	
e. 29 to below	112	226	40	5	20	3	0	14	
TOTAL	393	558	608	222	446	259	250	532	
Total no of long-term tenants (Households)	234	204	583	402	495	411	636	852	3817

Source: Korogocho Integrated Physical Development Plan, Final, May 2012

Table 6.2: Proposed allocation of plots

	Grogan A		Grogan B		Gitathuru		Nyayo		KA		KB		Kisumu Ndogo		Highridge		
	No of plots	No of structures	No of plots	No of structures	No of plots	No of structures	No of plots	No of structures	No of plots	No of structures	No of plots	No of structures	No of plots	No of structures	No of plots	No of structures	Total plots
Individual	45	45	40	40	284	281	25	25	202	202	240	240	169	169	532	532	1537
Groups of two	75	150	34	68	164	327	31	62	82	164	23	46	41	82	0	0	450
Groups of three	66	198	75	224			41	123	30	90							182
Groups of four			57	226			3	12									60
Sub Total	141	348	166	518	164	327	75	197	112	164	23	46	41	82	0	0	722
Plots set aside to accommodate long term tenants (10%) in groups of 5	6	23	5	20	9	58	9	40	11	49	8	41	13	64	64	86	125
Subtotal	192	396	211	578	457	666	109	262	325	415	271	327	223	315	596	618	2384

Source: Korogocho Integrated Physical Development Plan, Final, May 2012

6.8. Negotiating For Tenure Innovation

At the beginning of the planning process, the implementing team and its planning consultants had high hopes that the plan would produce an innovative solution to delivering tenure security that would serve as a 'Best Practice' example for future slum upgrades. However, in their search for innovation, the planners were constrained by two types of politics: politics in the community and the politics associated with the limitations of the legislative and regulatory framework of planning.

Given that this project was, in effect, planning in reverse, it is not surprising that the implementing team encountered the micro-level politics associated with a settlement having been established before formal planning had taken place. As shown in Chapters 4 and 5, *de facto* structures and institutions had developed in Korogocho, together with power structures and interest groups. With these structures and institutions in place, use claims existed within the space; specifically those of the structure owners who considered themselves *de facto* landowners and the shelter claims of the tenants who use the space to meet their tenure security needs of accessible housing. Roy (2005: 155) argues that "planners cannot simply be concerned with the land use ordering and exchange value of the right to property. They also have to pay attention to the use value claims that constitute the right to the city". Indeed, the implementing team started the project with the idea of implementing collective tenure through the Community Land Trust (CLT) model to accommodate both these claims. As Jaffer (2000: 176) explains, and mentioned earlier in the chapter, the CLT model "sought to expand equity by limiting equity". The model prioritised ensuring that residents' access to, and security of, shelter was maintained, doing so through means that limited individual ownership, but still allowed certain individual property rights such as selling the land and passing it on as an inheritance. Thus, as Jaffer puts it, the CLT expands equity in the sense of maintaining accessibility to shelter while limiting equity associated with individual property rights. In Korogocho, these were the two types of equity, already taking place *de facto* in the settlement, which the implementing team had to take into account beyond land use ordering.

When the community representatives rejected the CLT model and pushed for individual property rights, the implementing team had to search for ways to meet both of these use claims within the existing legal and regulatory framework governing individual property rights. The process used by the implementing team to navigate their way through the planning terrain to meet these use claims began with testing the flexibility of the planning regulations, specifically the minimum plot size requirement. Here, the team had to negotiate with two agencies – the City Council of Nairobi (CCN) and the Department of Physical Planning in the Ministry of Lands. The CCN was flexible to the point of agreeing to a minimum 10mx10m plot size. The Department of Physical Planning, however, was more reluctant to agree as, according to the planning regulations, plots of this size were too small to qualify for legal titles. The implementing team was then forced to declare a state of

exception in order to step outside of the constraining legislation. A state of exception is when the state steps outside of its own regulatory framework in order to advance urban development. Roy (2005) argues that the state uses states of exceptions as a tool of power to advance the interests of the elite and is a form of informalized planning. In making the Korogocho plan, however, the implementing team had to declare a state of exception, designating Korogocho a Special Planning Area, in order to formalize the informal space. In particular, they had to circumvent the land administration regulations that do not allow titling of plots below a certain size. In this case, the state of exception creates separate regulatory and planning measures for informal areas, exempting them from standards that are costly or otherwise impossible to implement or enforce (Handzic, 2010).

While the plot allocation process had not begun at the time of my fieldwork, it appears possible the outcome of the planning process may not be the achievement of its objective of maintaining the two types of equity. The mapping of structures, rather than households, to plots as the mode of plot allocation, creates a conflation of person and place – essentially structure owners and tenants are turned into structures and it is not clear who will benefit and who will be dispossessed of their right to shelter. Many of the subsistence structure owners will lose their wholly-owned shelter asset, being allocated a shared land-based asset under the new regime (although some long-term tenants will benefit through receipt of a (shared) asset). Gentrification, however, may force many tenants out of the settlement as rents are increased. Thus, implementation of the methodology outlined in the previous section, although resulting in an increase in market equity, the equity based on property rights, will probably be combined with the loss of shelter equity for tenants.

The analysis in this chapter unpacks the elements that help or hinder tenure innovation in the process of delivering tenure security in informal settlements through slum upgrading. In evaluating how tenure regularization of informal settlements has been implemented in three countries – Brazil, India and South Africa, Durand-Lasserve and Royston (2002: 250) suggest that "innovation lies not in new tools, but in the new uses to which existing tools can be put". Appadurai (2012), referencing development in general, distinguishes between development alternatives, i.e. different ways of working within the existing framework of development (his preference), or alternatives to development which involve a complete rethinking of the framework itself; Durand-Lasserve and Royston (2002) agree with his line of thinking and argue that tenure innovation can find space through working within the existing legal and regulations that govern tenure rather than through completely replacing this legal and regulatory framework.

However, searching for innovation within the existing legal and regulatory framework that governs land reform in slum upgrading means having to contend with the limitations of the ideology of space. The ideology of space is the focus of redeveloping the physical space

and the built environment (Roy, 2005). Roy distinguishes between upgrading of space versus upgrading of people's capacities or livelihoods and argues that a focus on the first is done at the expense of the second. By focusing on upgrading the space, she argues, the process of upgrading becomes limited by the limitations inherent in the ideology of space. Additionally, in its focus on redeveloping physical space and the built environment, aesthetics takes precedence and how a space looks may be (mis)taken for rational order. Neat geometric shapes are appealing to the state in its quest to make its spaces legible and they are taken to mean that the urban form is ordered. Scott (1998) points out this ideology in the state's search for rational order and warns that visual order and functional order do not necessarily coexist.

To get around the limitations of the ideology of space, the state of exception can be an avenue to explore. Roy (2005) states that while she had earlier claimed that the state of exception was a tool of power used by the state to maintain control over the land, she now argues that if used strategically and judiciously the state of exception can be used to pursue the dual objectives of ensuring that affordability is not lost and preventing gentrification and displacement while also pursuing formalization (Roy, 2005). We see this in Korogocho where a state of exception was declared in order to formalize rather than to informalize the space.

In this negotiating of the boundaries of informality, two surprising findings emerged where the bureaucracy and the community were not behaving as expected from the literature. First, the implementing team, techno-rational planners, who would have been expected to push for the implementation of property rights, was instead, pushing for a more balanced equity outcome where both the use claims of access to shelter and individual property rights were addressed. It was the community that opted for the individual property rights. In this way, what looked like a neo-liberal based implementation of land tenure regularization, for which state-led slum upgrading is often critiqued, was actually an expressed preference from the community representatives for an orderly upgrading plan which better realized their aspirations for regularized asset control and a higher status environment.

Second, to negotiate these boundaries of informality, the bureaucrats acted in ways quite different to the Weberian type of bureaucrat. Rather than insisting on compliance, the CCN and the implementing team used the discretion within the regulations to negotiate a lower minimum plot size. In this way they followed a more pragmatic approach. Coslovsky et al. (2011), in laying out their argument of the 'pragmatic politics of regulatory enforcement', posit that rather than insisting on compliance, some bureaucrats follow a more pragmatic approach by engaging in exploration of the institutional terrain in order to address immediate issues and to reach mutually satisfying solutions. Here, the CCN and the implementing team had multiple discussions exploring the regulatory terrain until they reached a mutually

acceptable outcome. Pires (2009) calls attention to the notion of 'flexible bureaucracies' where this kind of innovation takes place alongside accountability such that discretion is used to serve development goals rather than individual interests.

This process raises questions about the model of participatory planning and the community representation therein. Roy (2005) argues that paying attention to what she calls "the politics of shit" – logic that takes into account what is actually happening on the ground – "disrupts models of expertise, making it possible to generate knowledge about upgrading and infrastructure from a different set of experts: the residents of informal settlements" (Roy, 2005: 150). Participatory processes were introduced in slum upgrading processes with the intention of generating knowledge from those who are experiencing the upgrading and one of the first tasks for the KSUP implementing team was to develop community structures with which to interact. However, Sikor and Muller point out that while ""Community" has also become a powerful image in social movements for land reform…the concrete meanings attributed to ''community" are highly varied" (2009: 1310). Critiques of participatory planning have been addressed in the literature review. What is pertinent here is how the structure of 'community' turned out in this case. Rather than generating knowledge from the experiences of the community as a whole, the knowledge generated and used came from a specific interest group within it which, at the time of my fieldwork, appeared to have captured the project benefits.

My analysis also illustrates how the concept of tenure security needs to broaden beyond property rights or equity based on individual property rights, to consider rights that prioritize equity in the sense of access to shelter. By focusing on property rights, land tenure regularization misses the full story behind rights to the space by looking at only the physical space. The social and political processes inside this space are part and parcel of the rights bundle, of which the right to shelter has been claimed and implemented by the residents. In addition to imposing formal regulations onto physical space, land tenure regularization is also intervening in existing use claims, particularly those of the use of the space for shelter. The distinction between land and space makes the difference between these rights clearer. As Lefebvre (1991) explains, both the use claims, or the right to the city and the right to property, begin with the physical space. However, the right to the city moves beyond this physical space and looks at space as a social product (Lefebvre, 1991). Seen through this lens, spatial practices are adopted to appropriate the space and shape it to suit the everyday shelter needs of the residents. The right to property, on the other hand, moves away from the physical space and reduces it to spaces of representation, such that it "is tied to the relations of production" (Lefebvre, 1991:33), in this case, to capital. Thus, it shapes the space using legal instruments to make the physical space legible to the market and the state. The difference in the rights is that the right to property uses the land to participate in the market, while the right to the city uses it to provide shelter. The result is that

"[f]ormalisation might therefore be analytically closer to a form of enclosure and dispossession (Harvey, 2003 quoted in Porter et al., 2011: 118) because it ignores the real property use rights already being exercised" (Porter et al., 2011: 118).

Postscript

My fieldwork period ended at the end of August 2014 at which point, the physical plan for Korogocho had been completed, approved and signed by the Minister in charge of planning at that time, Charity Ngilu. After the planning was complete, there were 2,500 plots (excluding schools, roads and public spaces). The beneficiaries were to be approximately 3,000 structure owners plus some of the long-term tenants for whom 10% of the plots (250 plots) had been set aside. Kenya's planning regulations require that, after planning is complete, surveying commences to mark out the parcel boundaries, followed by issuing letters of allotment to the beneficiaries of the plan which, as explained above, consisted primarily of structure owners. The process is completed by the issuance of titles using the letters of allotment as a basis.

My follow-up in November 2016 revealed that until January 2016, there had been no more activity on the project since my fieldwork. On February 1-3, 2016, a workshop was held to explain the cadastral survey process. Present at the workshop were representatives from the Italian Cooperation, the Survey of Kenya (the government agency with the mandate for land surveys and mapping), the RC members, the Project Implementing Team and the consultant contracted to carry out the surveying (KSUP: WRHTETRACSP, February 2016). Shortly afterwards, on March 22-23, 2016, a second workshop was held to conduct the final verification of the list of beneficiaries. The verification of beneficiaries has been an iterative process that has been going on since the plan was approved. According to an informant close to the project, the biggest challenge has been that the list keeps changing. According to the workshop report, some of the reasons why the list could not be verified included the transferral of plots in the informal land market[25] or through inheritance, deceased people being on the list, disputes related to joint ownership of plots and, in some cases, double allocation of plots (MLHUD: KDBLRFEWP, March 2016). From the report, an attempt was made to finalise the list at the workshop but eventually RC members stated that they had to return to their villages to confirm the lists with ground information. Meanwhile, surveying began in March 2016 and, as of November 2016, the surveying of 7 villages had been completed with that of Nyayo Village still on-going[26].

The black box then, is the period from September 2014 (the end of my fieldwork) to January 2016 during which it seems that no progress was made on project implementation. While I

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[25] Unconfirmed sources claim that the price of a 10mx10m plot is now about KES 1 million (US$100,000). Translating to about KES 40 million per acre, this price is about the same as for the neighbouring formal estates. For example, as of October 2015, an acre in Doonholm, a formal estate in the neighbourhood was selling at KES 45.4 million (HassConsult, 2015).
[26] Short discussion with KSUP Project Manager on November 14, 2016.

did make some initial inquiries in November, I realized that to properly answer this question would require a more protracted engagement with interviewees, textual analysis and more field visits[27].

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[27] This postscript was added as part of my minor corrections with no expectations of further fieldwork.

CHAPTER 7: CONCLUSION

7.1. Introduction

Slum upgrading is a planning intervention where the state, in the process of upgrading an informal space, is seen as delivering tenure security to the residents in that space. As discussed in my literature review, the analysis presented in this dissertation to respond to my research question involves a series of conceptual shifts. I developed my theoretical framework by drawing from the literature on informality and urban studies and incorporating this discourse into the classic development planning literature on tenure regularisation and slum upgrading. I presented two conceptual shifts that I proposed could be used to reconceptualise tenure security and its provision. First and foremost is the shift of informality as a binary state – formal/informal – and one that is static towards informality as set of negotiated practices. The second is a shift in seeing space as a physical, objective container to a relational, subjective space where the everyday spatial practices to secure tenure are seen.

Based on these two shifts, I recast slum upgrading as one instance of a formal-informal interaction taking place in subjective space. This formal-informal interaction is conceptualized as a set of negotiated practices rather than two binary states interacting. By using this lens, then, slum upgrading is not simply a one-time, top-down delivery of tenure security where the outcome is a move from insecure to secure tenure – an outcome conceptualized due to the legal underpinnings of tenure security. The UN definition of tenure security uses a legal basis to determine the security. However, as I realized in the process of this research, a concept of tenure security restricted to its legal dimensions only inadequately grasps the complexity of how tenure security is produced and sustained. Instead the delivery of tenure security through slum upgrading is a set of processes where contesting and negotiating reshape the interests and actions of the various actors and the eventual outcome.

Throughout the thesis, I have used this theoretical framework to point out the gaps in the tenure security literature and to propose how my dissertation will contribute to closing these gaps through a reconceptualising of the tenure security discourse. I show the limited range of the international development planning literature in terms of grasping the complex macro and micro politics of slum upgrading programmes, specifically around tenure security. In the next section, I discuss the theoretical implications of my work.

7.2. Theoretical Implications

Following from my theoretical framework, I conceptualise tenure security as the outcome of negotiated practices between planners and informal actors taking place in a particular type of space rather than the outcome of planning practices used by the state to guarantee tenure security or used by urban residents to contest or fight for it. I develop this framework

to analyse my case study, Korogocho, and to examine the processes and practices that have taken place in this space to increase tenure security in terms of accessible housing. As such, two threads run across the analysis in this dissertation. This first thread analyses how formal-informal interaction produces and sustains or reduces and negates tenure security. The second switches from "what is happening on this land" to "what is happening in this space". This switch brings out the spatial practices that residents use to create, maintain and use the Korogocho space and which increase their perception of tenure security. Further, I analyse what happens in the space when slum upgrading, with its processes embedded in technocratic logic, enters into this lived space. The findings help to understand the processes and practices through which tenure security is produced and sustained or reduced and negated.

My findings indicate that in switching to thinking about the lived space as the basis for tenure security, rather than physical space, a different picture unfolds. The rest of this section discusses my findings in this light and concludes with a discussion of the implications of my findings for slum upgrading literature.

7.2.1. Tenure Security as Production of Space

In introducing my case study, Korogocho, I show how three moments in time between 1977 and the present (2016) are responsible for its residents' perceptions of the space and by extension, tenure security. The first moment was the state "planning" action in 1977 in the form of mass relocation of slum dwellers from the centre of Nairobi to its periphery through a one-time, episodic event led to the genesis of Grogan A and KB. The second was and still is, the engagement with the *de facto* urban land management practices that manage the informal land markets to deliver affordable buildable land for shelter. Studies of their focus on the regulatory processes, their enforcement and their sources of legitimacy has contributed a rich understanding of how informal land markets work and how informal tenure security is a product of these markets. The third moment in time consists of the everyday actions where residents use their own resources to negotiate their perception of space in the settlement, specifically ethnicity and keeping themselves safe: residents negotiate their way across all three moments in their everyday interactions within their lived space. These three moments can be conceptualized as planning action: the first as top-down planning action from the state, where the squatters lack agency and are simply recipients of certain state action, while the second and third, participation in the informal land market and the everyday practices, refer to the planning from below school where the appropriation of space by the urban residents using the resources available to them is a means of claiming their right to the use of space in urban areas, where all agency lies in the squatter.

As discussed in the literature review, the production of informal space is depicted as the result of either top-down actions from the state or bottom-up actions from society. Roy's

conceptualization of informality as a mode of urbanization and as negotiated practices (Roy & AlSayyad, 2004) encourages the use of a different lens on this question and prompts Porter et al. (2011:115) to ask "if informality is a mode of urbanisation, then what does it look like in its locally situated manifestations?" My analysis shows that the production of Korogocho is done through continual negotiation between past state action, current dynamics of the informal land market and everyday practices for safety and sense of belonging. I therefore extend this dialogue by showing how the production of informal space is neither solely state action nor society action, but a combination of both. Further, in this production of space, my analysis shows that the residents of Korogocho do not perceive their settlement as one homogenous informal space. Instead, the continual negotiation has resulted in variations in space across the settlement. Dovey indicates that informal settlements "might more aptly be described as a negotiated settlement between informal and formal forces (2012: 354). My analysis contributes to this thinking by showing how various actors and practices, formal and informal, negotiate and produce informal spaces. Through this analysis, therefore, I propose an alternative perspective on the production of slums.

This analysis of the three moments in time and the resulting perceptions of space by the residents have implications for the conceptualization of the production of tenure security in two ways. First, these three moments in time are the boundaries within which Korogocho residents negotiate access to shelter and therefore are the spatial practices used to produce tenure security. By using Lefebvre's conceptualization of space, I show that while these spatial practices are used to produce tenure security, they also produce the Korogocho space. Thus, these practices fulfil two overlapping objectives: they produce the informal space and they produce tenure security, making the production of space closely linked to the production of tenure security. Secondly, the literature on informal land markets does not specifically consider the variations in the outcomes of these practices on tenure security, (this omission suggesting the assumption of one homogenous urban land market), but these practices lead to the production of varied spaces. From the legalist perspective which embeds the formal-informal binary into slum upgrading literature and practice, the tenure security status of Korogocho has only one value – it is informal therefore it is insecure. I argue that this binary conceals a more nuanced picture and show that this value is not homogenous across the settlement. This seemingly monolithic value of "insecure tenure" has been negotiated through a number of practices, some by state actors and some by the residents themselves in their search to increase their perception of tenure security. Thus, these two conceptual shifts move the analysis of Korogocho away from a space with a fixed value of "informal" and therefore "tenure insecure" to investigating the practices that are negotiating to produce tenure security with varied outcomes. By interrogating the residents' perception of their space, and investigating the variables that lead to this perception, I show another way to think about degrees of tenure security that goes beyond legally-based tenure. I argue that these spaces represent different degrees of *de facto* tenure security.

Some progress has been made in the slum upgrading literature in recognizing that informality within settlements is a continuum from formal to informal and that one is more likely to find degrees of formality and degrees of legality (Van Gelder, 2010). Vast amounts of empirical research support this finding by identifying the myriad of degrees of informality in different contexts and underscoring that informality is indeed not homogenous (Razzaz, 1993; Payne, 1997; 2002; Gilbert & Varley, 2002; Fernandes & Varley, 1998). For example, in Argentina, categories of squatters, informal owners (those who said they owned the land but had no proof) and registered owners were identified (Van Gelder, 2009). Reerink & Van Gelder (2010) found three categories of land tenure – formal, semi-formal and informal. Also, documents that show some recognition by the government of some use of the land (Gulyani & Bassett, 2007) add to the blurring of the dichotomy. This highlights the distinction made by Bromley (2008) between the differences in possession/use of an asset and ownership of that asset. This could be seen as a progression from informal types of possession/use towards formally recognized uses, and finally full ownership (Van Gelder, 2010). The categories are dynamic and movement from one to the other is fluid (Van Gelder, 2009) and even economists who are primarily concerned with legalistic solutions have acknowledged that one is more likely to find degrees of informality rather than the formal-informal dichotomy (Durand-Lasserve & Selod, 2009). With this progress, it has been acknowledged that the formal/informal, legal/illegal dichotomy oversimplifies the situation on the ground. This faulty perception of the formal-informal dichotomy has been cited as one of the reasons that government interventions to provide tenure security have not succeeded (Mahadevia, 2010).

Attempts have even been made to negotiate the continuum of informal settlements with the binary formal/informal, legal/nonlegal construct by developing degrees of tenure (in an attempt to move away from the binary tenure). Payne's effort (2002) is the most well-known of these where he mapped out degrees of tenure security according to the type of settlement. With this mapping came the thinking that tenure security is a process, *de facto* tenure security gradually increasing until *de jure* is achieved (Van Gelder, 2010). In some cases, this progression can be seen, as in India where the poor move from informal to *de facto* to *de jure* tenure status (Mahadevia, 2010) and in Bangkok, where residents aspire to move from squatting to rental contract to gaining access to basic services (Savant-Mohit, 2004). This is in contrast to a sudden movement into *de jure*, as happens with land tenure regularization, which, it is claimed, would actually weaken the ability of the property rights institution to provide secure tenure (Monkkonen, 2012: 452). Sudden movements run the risk of forcing informality into an "adaptive state" (Dovey, 2012) where rather than moving from informal to formal, the formal moves elsewhere in the urban system and remains in the same state of informal. Also, Payne (2002) is clear that one of the risks of a sudden move in tenure is that it may result in the exposing vulnerable groups to harm, such as tenants. In

short, there is general agreement that progression towards titling is desirable, but it should first build on what already exists before moving into *de jure* (Fernandes, 2000; Durand-Lasserve & Royston, 2002; Payne, 2002).

However, the research limits the analysis of degrees to those produced by regulatory processes, as does the legal pluralist literature. This is because of researchers' focus on land as the basis of the security and based on this legalist perspective, they have attempted to define degrees within this realm that focus on degrees of tenure from a legal basis, rather than degrees of tenure security. Thus, thinking in terms of degrees of tenure security, not just degrees of tenure, is one way out of the constraints of legalist-based solutions.

7.2.2. Tenure Security as Negotiation

In this dissertation, I examine two processes that took place during a slum upgrading intervention in Korogocho intended to provide tenure security; two 'moves' that are distinctively grounded in modernist planning and in the design of slum upgrading projects: conducting enumeration and preparing a physical plan (Chapters Five and Six respectively). The adoption of enumeration as an initial critical step in slum upgrading projects contributed to how slum populations are perceived by the state. By extending its "seeing", the state includes these populations within its governable areas. Being enumerated is a trigger point that moves a resident from being unseen to being seen, as they have been recognized by the state. The preparing of a plan is aimed at making legible a previously illegible space. Thus, both these processes are seen as important to the modernist state as they move previously unseen parts of its territories to seen, thus extending its reach.

My second argument from my findings is the critical aspect of negotiation in these processes to deliver tenure security. In Chapter Five I analyse the process and outcomes of the enumeration process in the slum upgrading project. Weru (2004) suggests that enumerations should be seen as negotiation. With this lens, self-enumerations are based on negotiations that culminate in a verification process that is done in the community, by the community. From the dialogue that ensues, the community negotiates and collectively constructs its own composition. Thus, self-enumeration is a ritual through which the community defines themselves. Appadurai (2012: 640) describes a community as "not only a living, breathing and interacting social force; it is also an abstraction, in the sense that it must exist in the minds of its members as something with social power, moral force and, indeed, some sort of sacred significance".

The enumeration of Korogocho did not achieve this negotiation ritual which has implications for the potential effectiveness of the slum upgrading project's ability to deliver tenure security. While its adoption by international agencies has mainstreamed enumeration of slum populations, it has also blurred what enumeration is actually being carried out. In Korogocho, the enumeration was carried out by the state using members of the community

in an attempt to maintain the participatory nature of the exercise. The enumerating teams included government employees but were led by community leaders. This formal-informal mix of actors created a hybridized enumeration process that limited the potential of the community to collectively construct themselves for two reasons. First, negotiation between the community and the state was lacking which reduced the ability of the community to influence the nature of the intervention. Even as the exercise was being set up to be participatory, the planning intervention was already known, making the enumeration categories also predetermined. Thus, even as the community led the process, the construction of the community was done in a framework determined by the government planners. Weru describes enumerations by the state as having a "non-negotiating stance" (2004: 54). Not only did having pre-determined categories reduce the ability of the community to negotiate with the state regarding the composition of their community but it also reduced their ability to negotiate amongst themselves on their own composition. Secondly, enumeration is not just about being seen but about *how* a subpopulation is seen. Using only the constructs of structure owner and long-term tenant obscures certain subpopulations within the community. My findings show that neither of these categories is homogenous. Thus, the absence of negotiation resulted in an incomplete picture of the settlement and its residents.

In contrast, the micro-politics described in the introduction meant both the planning process and the actors had to consistently negotiate and reshape their expectations and actions. Given that this project was planning in reverse, it is not surprising that the implementing team encountered the micro-level politics associated with having a settlement established before formal planning had taken place. As shown in Chapters 4 and 5, *de facto* structures and institutions have developed in Korogocho, together with their associated power structures and interest groups. With these structures and institutions in place, use claims already existed within the space; specifically the structure owners who considered themselves *de facto* landowners and the shelter claims of tenants who use the space to meet their tenure security needs of accessible housing. Roy (2005: 155) argues "planners cannot simply be concerned with the land use ordering and exchange value of the right to property. They also have to pay attention to the use value claims that constitute the right to the city". These were the two types of claims, already taking place *de facto* in the settlement, which the implementing team had to contend with: access and security to shelter and individual property ownership.

In addition to the processes, three surprising findings emerged when analysing the actors, specifically the implementing team and the community, during these processes. First, the implementing team, as technocratic planners who might have been expected to push for the implementation of property rights, instead were pushing for a more balanced equity outcome where both the use claims of access to shelter and individual property rights were

addressed. It was the community that opted for individual property rights. In this way, what looked like a neo-liberal based implementation of land tenure regularization, (a common critique of slum upgrading), was actually an expressed preference from the community representatives for an orderly upgrading plan which better realized their aspirations for regularized asset control and a higher status environment. Second, the implementing team as bureaucrats acted in ways quite different to the Weberian type of bureaucrat. Rather than insisting on compliance, the CCN and the implementing team used the discretion within the regulations to negotiate a lower minimum plot size. In this way they followed a more pragmatic approach. Coslovsky et al. (2011), in laying out their argument of the 'pragmatic politics of regulatory enforcement', posit that rather than insisting on compliance, some bureaucrats follow a more pragmatic approach by engaging in the exploration of the institutional terrain in order to address immediate issues and to reach mutually satisfying solutions. Here, the City Council of Nairobi (CCN) and the implementing team had multiple discussions exploring the regulatory terrain until they reached an outcome on which they could both agree. Pires (2009) calls attention to the notion of 'flexible bureaucracies' where this kind of innovation is employed alongside accountability such that discretion is used to serve development goals rather than individual interests.

Third, my analysis of the participatory planning process raises questions about the model of participatory planning and the community representation therein. Roy (2005) argues that paying attention to what she calls "the politics of shit" – logic that takes into account what actually is going on on the ground - "disrupts models of expertise, making it possible to generate knowledge about upgrading and infrastructure from a different set of experts: the residents of informal settlements" (Roy, 2005: 150). This idea of generating knowledge from those who are experiencing the upgrading is the intention behind the introduction of participatory processes in slum upgrades and one of the first tasks for the implementing team was to develop community structures with which to interact. However, Sikor & Muller point out that while ""[c]ommunity" has also become a powerful image in social movements for land reform", it should not be forgotten that "the concrete meanings attributed to "community" are highly varied" (2009: 1310). Critiques of participatory planning have been addressed in the literature review. What is pertinent here is how the structure of 'community' turned out in this case. Rather than generating knowledge from the experiences of the whole community, the knowledge generated and used came from a specific interest group within the community which, at the time of my fieldwork, appeared to have captured the project benefits.

7.2.3. Negotiating the Formal-Informal Divide

As discussed in the literature review, recent thinking on the conceptualization of informality as negotiated practices has begun to investigate the value of informal, not as a static descriptor of a state that is constant, but as a value that is negotiated (Roy & AlSayyad,

2004). Further, this value is not fixed and can shift at any time depending on further negotiations (McFarlane, 2012). While this perspective does not mention who exactly is doing the negotiating, it is a particular turning point as rather than "viewing informality and formality as fixed categories, or as mutually exclusive, the two appear as lines of changing practice and movement, taking place not above or in advance of urban life, but within its unfolding" (McFarlane 2012: 191).

In this dissertation, I extend this dialogue by investigating three instances where our understanding of the boundaries between formal and informal are challenged. First, the analysis of the planning processes that produced the Korogocho space tests the boundaries of what we understand to be formal and informal actions. At first, these processes seem informal because they are not officially regulated by the state. However, by bringing in Lefebvre's concept of space and the concept of informality as a mode of urbanization I remove the static informal value from the actions. While the actors may be acting in an informal capacity, the practices themselves are appropriated from the formal practices of planning. In expanding Roy's conceptualization of informality as a set of practices, McFarlane (2012: 93) suggests that "the distinctions between formal and informal emerge in practice". Using this lens, whether the practice is formal or informal is negotiated at the point of implementation.

The planning practices seen in KB give this negotiation some context. In KB, the planner was a formal actor conducting his formal duties in planning by laying out the space. Yet, his actions would not be considered formally under his remit primarily because he was acting in a space that was unregulated. Thus, by planning the unregulated space of KB, he deregulates the space by stepping outside of the regulations to plan the village and this deregulation suspends the informal nature of the space. However, he uses formal planning standards to lay out the space – so he regulates the space. This "shifting designation of informality" (McFarlane, 2012: 93) constitutes negotiating the value of informal itself. The formal/informal value of both the planner's actions and the KB space are constantly in negotiation.

Second, in making the Korogocho plan, the implementing team had to declare a state of exception, in making Korogocho a Special Planning Area, in order to overcome constraining planning regulations. In particular, they had to address the land administration regulations that do not allow titling of plots below a certain size. In this case, the state of exception creates separate regulatory and planning measures for informal areas, exempting them from standards that are costly or otherwise impossible to implement or enforce (Handzic, 2010). Roy had earlier claimed that the state of exception was a tool of power used by the political, economic, and legal elite to maintain their own interests in development in the built environment. However, she later argued that if used strategically and judiciously the state of exception can be used to pursue the dual objectives of ensuring that affordability is not lost

and preventing gentrification and displacement while also pursuing formalization (Roy, 2005). In Korogocho, deregulating of the space in order to provide shelter contradicts the view that deregulation is used to benefit the interests of the elite; Korogocho's state of exception was declared in order to formalize rather than to informalize the space.

7.2.4. Analysing Lived Space: Lefebvre in the Slums

Thus far, this chapter has summarized my findings on the spatial practices, slum upgrading processes and actors that interact and negotiate within the space to produce, sustain, reduce or negate tenure security. Altrock (2012: 183) argues that "all space has to be considered as negotiated between actors" given that actors and practices are consistently adapting, negotiating or contesting varying elements, particularly with the introduction of the slum upgrading intervention. In this negotiating, a third space is created which, as Hackenbroch (2011) argues, is the result of an intricate negotiation process when statutory and informal spaces meet. Altrock suggests that "spaces are extremely complex" (2012: 183) and points out that viewing them as an entity with multiple dimensions means acknowledging the "sheer number of objects that have to be analysed (individuals, interactions, physical objects and their status, etc)" (2012: 183). For this reason, I do not claim to have identified/analysed all the spatial practices in this space, and certainly not all the practices that residents have generated to improve their perceptions of tenure security. My analysis, however, does point towards the need to look at informal spaces other than as a one-dimensional physical space. By doing so, I signal that there exist key spatial practices, generated in the space, which are important for slum upgrading projects to take into account. I push back on the conceptualization of tenure security as either bestowed by a state or contested or fought for by urban residents. Instead, I argue that tenure security is the outcome of a negotiated, two-sided interaction that is iterative, where formal and informal actions are mutually responsible for transforming the space and transforming perceptions of tenure security. As such, tenure security should be seen as produced and not delivered.

Throughout this dissertation, I use Lefebvre's triad of space to bring to light two tensions in the search for tenure security. First, access to land and access to shelter have interacted, sometimes in harmony as in my examination of the spatial practices in Chapter Four, sometimes in contestation as in my analysis of the planning process in Chapter Six. The second is the tension between upgrading the people's capacities and upgrading the physical space. The underlying reason for these tensions lies in the differences in the way providing rights to the space is conceptualized. On one hand, slum upgrading considers the physical space primary in its intervention to provide tenure security and thus focuses on property rights as tenure security. On the other hand, my analysis using a spatial lens, illustrates how the spatial practices within the physical space, and the use claims they produce, are just as important. These use value claims include the other uses of the space which go beyond claims of *de facto* ownership. The formalization process in slum upgrading that moves *de facto* land ownership to *de jure* affects the other use claims, and the spatial practices. While

de jure tenure security is increased for some residents, the *de facto* tenure security is reduced.

From my analysis above, I argue that slum upgrading misses the full story behind rights to the space by looking at only the physical space. The social and political processes inside this space are part and parcel of the rights bundle, of which the right to shelter has been claimed and implemented by the residents. In addition to imposing formal regulations onto physical space, land tenure regularization is also intervening in existing use claims, particularly those of the use of the space for shelter. The distinction between physical space and lived space makes the difference between these rights clearer. As Lefebvre explains, both the use claims, or right to the city, and the right to property begin with the physical space. However, the right to the city moves from this physical space and looks at space as a social product (Lefebvre, 1991). Seen through this lens, spatial practices are adopted to appropriate the space and shape it to suit the everyday shelter needs of the residents. The right to property, on the other hand, moves from the physical space and reduces it to spaces of representation, such that it "is tied to the relations of production" (Lefebvre, 1991:33), in this case, to capital. Thus, it shapes the space using legal instruments to make the physical space legible to the market. The difference in the rights is that the right to property is setting up the land to participate in the market, while the right to the city sets it up to provide shelter.

By focusing on physical space as the basis of tenure security, and therefore property rights, slum upgrading conflates upgrading the individual's capacities with upgrading land tenure. The assumption here is that formalizing the land tenure is the same thing as 'formalizing' the individual or the household. The conflation of the individual with space explains how providing property rights, i.e. regularizing the space, is assumed to regularize the individual such that they can participate in formal markets now that their space has been formalized. Payne (2002), in his oft-cited depiction of tenure categories, or degrees of tenure, tends to mix the tenure characteristic of the informal settlement with the characteristic of the individual. His continuum starts off describing the individual or household but as the degree of formal tenure increases, the description shifts to that of place. His depiction is constrained by the predetermination that the solution is narrowly confined to the provision of title deeds to *individuals.* While a valiant effort from Payne, the key message coming through in this dissertation is that the rights assigned to the two types of space – physical space and lived space – cannot be conflated.

An obsession with land and regularisation has obscured the need to think more holistically about tenure security as access to shelter, particularly in the urban context where tenants (as opposed to owner/occupier/builders) constitute a large proportion of the 'market'. Any discussion on tenure security has tended to be based on the premise that policy and practice should be promoting ownership of land. Jaffer (2000) argues that none of the

upgrading efforts in Kenya have focused on shelter as a basic human right. Informal settlements provide low-income shelter, thus these spaces have functional value. Further, as discussed in the literature review the argument that land tenure regularization leads to economic inclusion is not well substantiated. In addition, in critiquing de Soto's argument, Roy (2005) makes the distinction between wealth transfer and wealth legalization. She states that the seduction of de Soto's idea is that "it talks of the latter while promising the former". Durand-Lasserve & Royston (2002: 251) have pointed out that the Habitat Global Plan for Action 1996 state that "a contradiction exists between the two stated objectives] of 'ensuring access to land for all' and 'enabling the housing market to work'". As the development community switched our focus from housing to land, and focused on critiquing the tool – tenure regularization – used to enable access to land, the core issue of housing Africa's urban poor is no longer directly addressed.

Switching the focus from applying *rights to the use of property/asset/land to secure place* to applying *rights to the use of the space to secure people* may be a way out of this dilemma. Rather than having interventions that only deal with the physical space, in this case regularizing the land tenure, slum upgrading needs to consider the three components of space to properly deliver tenure security. My findings show that beyond the *de facto* landowner there are multiple types of residents whose tenure security may be produced other than by land titling. To illustrate, I briefly discuss three other types of residents. First, in all these dynamics, tenants are the most vulnerable interest group within the settlement political economy yet any discussion of tenure security is based on the premise that policy and practice should be promoting homeownership. It makes "the assumption that homeownership represents the 'natural' tenure" (Gilbert, 2008: i), a bias that is "ideologically entrenched in a Western privileging of homeownership as the 'natural' or 'superior' tenure" (Campbell, 2013: 459). With this obsession with home ownership, international housing policy has mostly ignored other tenure types, particularly rental housing, which could also contribute towards ensuring security of tenure for slum residents (Desai & Loftus, 2013; Gilbert, 2008; Handzic, 2010; Kumar, 2001). Yet, for slum dwellers, rental housing has several merits; it provides new migrants with an initial foothold into the urban fabric; it supports those who do not intend to settle permanently in the urban area; and it supports the progression from renting to owning for those, as in other socioeconomic strata, who need to work towards owning (Kumar, 2001). In short, rental housing provides a cushion for the poorest against economic and social vulnerability. Thus, housing policy that focuses only on promoting homeownership is providing a solution that is not only partial at best, but also disadvantages low-income tenants and risks further social inequality (Handzic, 2010). Further, this solution does not respond to the needs and accommodation patterns of many slum dwellers who perceive their stay in Nairobi as purely transient.

Second, the question of *how* to respond to the needs of the youth is raised. My findings show that the needs of the youth population are hidden by the constructs of the enumeration process. As Patel (2013) points out, tenure security in informal areas goes beyond just land ownership and title deeds – it has to do with being able to secure jobs. Being deprived of the means that allows young people to feel that they are making their transition into adulthood is a form of social exclusion. Further, Auyero & de Lara (2012) suggests living in neighbourhoods where crime is the norm – being in harm's way – where people have to actively and constantly work to avoid this harm, is a form of social exclusion (Auyero & de Lara, 2012). Thus, the constructs in this slum upgrading programme did not take into account the needs of the youth population. In Korogocho, the constraints of the environment and the state of waithood produce, among others, identities as harm-producers or hustlers. While the slum-upgrading programme provided some jobs, their impact was short-term and their efficacy in moving the individual out of waithood was limited.

Third, while subsistence structure owner types are acknowledged in the literature, very little is known about them or their particular needs in relation to tenure security. While the plot allocation process in the Korogocho slum upgrading project had not begun at the time of my fieldwork, the outcome of the planning process may mean that many of the subsistence structure owners will be deprived of their shelter asset, receiving in exchange a shared land-based asset. Thus, should the methodology outlined in the previous section be implemented, an increase in market equity, the equity based on property rights, is likely to be combined with the loss of equity to shelter.

To address this gap in the slum upgrading literature, I argue that a return to a particular set of debates in the 1990s will be useful. To better understand how tenure security can be delivered in the current commercialized context, it is necessary to revitalize the research of the 1990s that examined the dynamics within the categories of residents. The constructs of structure owner and long-term tenant need to be further unpacked to gain the real legibility of the space. More broadly, a return to the focus on the research that unpacked the residents within the settlement and their practices in relation to secure tenure is needed. The literature on informal land markets and informal housing markets is discussed in the literature review and is particularly illustrative here. The end of the 1990s and the beginning of the 2000s was a period of reflection when these findings and suggestions from the research could have been taken up by the policy and international development world. But, as discussed in the literature review, research in these two areas that helped unpack our understanding of practice related to informal tenure security declined about the same time that de Soto (2000) captured the international community's imagination with his argument that land tenure regularization was the best means of delivering tenure security. This shift in perspective turned researchers' attention away from further research into residents and their dynamics and towards the current focus on land tenure regularization. A fork in the road

materialized in possible options in slum upgrading and the international development community set off down the path which, I argue, led in the wrong direction.

In 1990, Amis and Lloyd noted that "researchers liberated from 'self-help' or 'consolidators' were finding tenants, landlords and commercial relations everywhere" (1990: 23). I propose that similarly in today's slum upgrading research researchers need to be liberated from the 'land tenure regularization' fixation. This way we will see the spatial practices happening that have relevance for effective tenure security. To this work, my dissertation makes the following additional contributions. First, it adds to the landlord-tenants research to show that the youth are not properly captured. Second, it adds to the literature on structure owners by highlighting the types of structure owners that can be found in settlements. Third, it adds to the informal land markets literature by showing how the processes within this market produce different degrees of tenure security.

7.6. Policy Implications

To put the contribution of my research to the slum upgrading policy and practice in its proper context, I take a step back and reassess the state of slum upgrading interventions and return to the question posed in the introduction: how can slum upgrading deliver tenure security within the current commercialization dynamics of slums in Nairobi? Appadurai (2012) presents the options by distinguishing between on one hand development alternatives, i.e. working within the existing framework of development, and on the other alternatives to development which involves a complete rethinking of the framework itself. Through my analysis I contribute to the former by pointing to possible interstices in the current slum upgrading design where practitioners can begin to think about development alternatives. I borrow from Ferguson's notion of identifying neoliberal moves, and similarly have identified and focused on moves that are embedded in modernist logic as well as neoliberal logic. The processes within slum upgrading project designs tend to follow either modernist or neoliberal logic. If we are to work with Ferguson's rationale that alternatives within the current development framework can be found by appropriating existing logic, then it makes sense to focus primarily on the 'moves' that *look* like they follow these sets of logic.

This research is important at a policy level because approaches used thus far to enhance tenure security have limitations in the Nairobi context. Nairobi's low-quality, high-cost equilibrium is static (Gulyani & Talukdar, 2008) and identifying ways to 'unstick' the equilibrium are needed. This need has been confirmed by the recommendation of the author of the Land Tenure Regularization Guidelines, which were adopted in 2012 by the then Ministry of Lands, that "more than one tenure security solution may be needed". Ameliorating the inhumane living conditions of slums is the responsibility of the state, and in response to this responsibility Kenyan policymakers are currently formulating the National Slum Upgrading Policy. This research will contribute towards identifying policy measures to enhancing tenure security through development alternatives.

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APPENDIX 1: List of Interviewees
1. Settlement Residents

| Korogocho				
Date	**Interview**	**Village**	**Status**	**Gender**
Jun 7, 2014	K1-06/07/14	Village removed to preserve anonymity	RC officer	Male
Jul 23, 2014	K2-07/23/14	Village removed to preserve anonymity	RC officer	Male
Jul 23, 2014	K3-07/23/14	Village removed to preserve anonymity	RC officer	Male
Jul 23, 2014	K4-07/23/14	Kisumu Ndogo	Tenant	Female
Jul 23, 2014	K5-07/23/14	Village removed to preserve anonymity	RC officer	Male
Jul 24, 2014	K6-07/24/14	Village removed to preserve anonymity	RC officer	Female
Jul 24, 2014	K7-07/24/14	Village removed to preserve anonymity	RC officer	Male
Jul 24, 2014	K8-07/24/14	Village removed to preserve anonymity	RC officer	Male
Jul 29, 2014	K9-07/29/14	Village removed to preserve anonymity	RC officer	Male
Jul 29, 2014	K10-07/29/14	Kisumu Ndogo	SO	Male
Jul 29, 2014	K11-07/29/14	Kisumu Ndogo	Tenant	Male
Aug 2, 2014	K12-08/02/14	Village removed to preserve anonymity	RC officer	1 male, 1 female
Aug 4, 2014	K13-08/04/14	Village removed to preserve anonymity	RC officer	Male
Aug 4, 2014	K14-08/04/14	Grogan A	SO	Male
Aug 5, 2014	K15-08/05/14	Grogan A	SO	Female
Aug 5, 2014	K16-08/05/14	Grogan A	SO	Female
Aug 5, 2015	K17-08/05/14	KB	SO	Male
Aug 6, 2014	K18-08/06/14	Grogan A	SO	Female
Aug 6, 2014	K19-08/06/14	Grogan A	SO	Female
Aug 6, 2014	K20-08/06/14	Kisumu Ndogo	SO	Male
Aug 11, 2014	K21-08/11/14	KB	SO	Female
Aug 11, 2014	K22-08/11/14	Kisumu Ndogo	Tenant	Male
Aug 11, 2014	K23-08/11/14	Kisumu Ndogo	SO	Male
Aug 11, 2014	K24-08/11/14	KB	Tenant	Male
Aug 12, 2014	K25-08/12/14	Village removed to preserve anonymity	RC officer	Male
Aug 12, 2014	K26-08/12/14	Kisumu Ndogo	Tenant	Female
Aug 12, 2014	K27-08/12/14	Kisumu Ndogo	Tenant	Male
Aug 12, 2014	K28-08/12/14	Kisumu Ndogo	Tenant	Male
Aug 12, 2014	K29-08/12/14	Kisumu Ndogo	Tenant	Male
Aug 13, 2014	K31-08/13/14	Grogan A	Tenant	Female
Aug 13, 2014	K32-08/13/14	Village removed to preserve anonymity	RC officer	Male
Aug 14, 2014	K33-08/14/14	Village removed to preserve anonymity	RC officer	Male
Aug 16, 2014	K34-08/16/14	Grogan A	Tenant	Female
Aug 18, 2014	K36-08/18/14	KB	SO	Female
Aug 18, 2014	K37-08/18/14	KB	Tenant	Male
Aug 18, 2014	K38-08/18/14	KB	Tenant	Male
Aug 18, 2014	K39-08/18/14	KB	Tenant	Female
Aug 18, 2014	K40-08/18/14	KB	Tenant	Male

Aug 19, 2014	K41-08/19/14	KB	Tenant	Female
Aug 19, 2014	K42-08/19/14	KB	Tenant	Male
Aug 19, 2014	K43-08/19/14	KB	SO	Female
Aug 19, 2014	K44-08/19/14	KB	Tenant	Male
Aug 20, 2014	K45-08/20/14	KB	Tenant	Female
Aug 20, 2014	K46-08/20/14	KB	Tenant	Female
Aug 23, 2014	K47-08/23/14	Grogan A	Tenant	Female
Aug 23, 2014	K48-08/23/14	Grogan A	Tenant	Female
Aug 23, 2014	K49-08/23/14	Grogan A	Tenant	Female
Aug 23, 2014	K50-08/23/14	Grogan A	SO	Male
Aug 25, 2014	K51-08/25/14	Grogan A	Tenant	Male
Aug 25, 2014	K52-08/25/14	Grogan A	Tenant	Male
Aug 26, 2014	K56-08/26/14	Grogan A	Tenant	Female

2. Interviews with Implementing Team

Date	Interview	Elite
July 25, 2014, March 10, 2015	G1-07/25/14 G1-03/10/15	Implementing team member
July 25, 2014 Jan 6, 2016	G2-07/25/14 G2-01/06/16	Implementing team member
Aug 15, 2014	G4-08/15/14	Implementing team member
March 15, 2015 Jan 05, 2016	G5-03/11/15 G5-01/05/16	Implementing team member
Jun 11, 2014, Nov 10, 2014	G6-06/11/14 G6-11/10/14	Implementing team member
Jan 6, 2016	G7-01/06/16	Implementing team member

3. Key informants

Date	Interview label	Informant
Aug 1, 2014	KI6-08/01/14	Former resident. Currently involved in Koch indirectly as activist.
Aug 7, 2014	KI7-08/07/14	Former resident. Currently involved in Koch indirectly as activist.
Aug 8, 2014	KI8-08/08/14	Former resident. Currently involved indirectly as activist.
Aug 23,2014	KI9-08/23/14	Non-resident. Works in the settlement at the community radio station.
Aug 16, 2014	KI10-08/16/14	Former resident. Works in the settlement at the community radio station.
Aug 13, 2014	KI12-08/13/14	Resident, and local activist
Aug 8, 2014	KI3-08/08/14	Non-resident. Currently involved in Koch indirectly as activist.
Jun 2014-Jun 2015	K14-periodically	University professor with ties to settlement
Jun 2014-Jun 2015	K15-periodically	University professor with policy responsibilities

APPENDIX 2: Structure of semi-structured sessions*
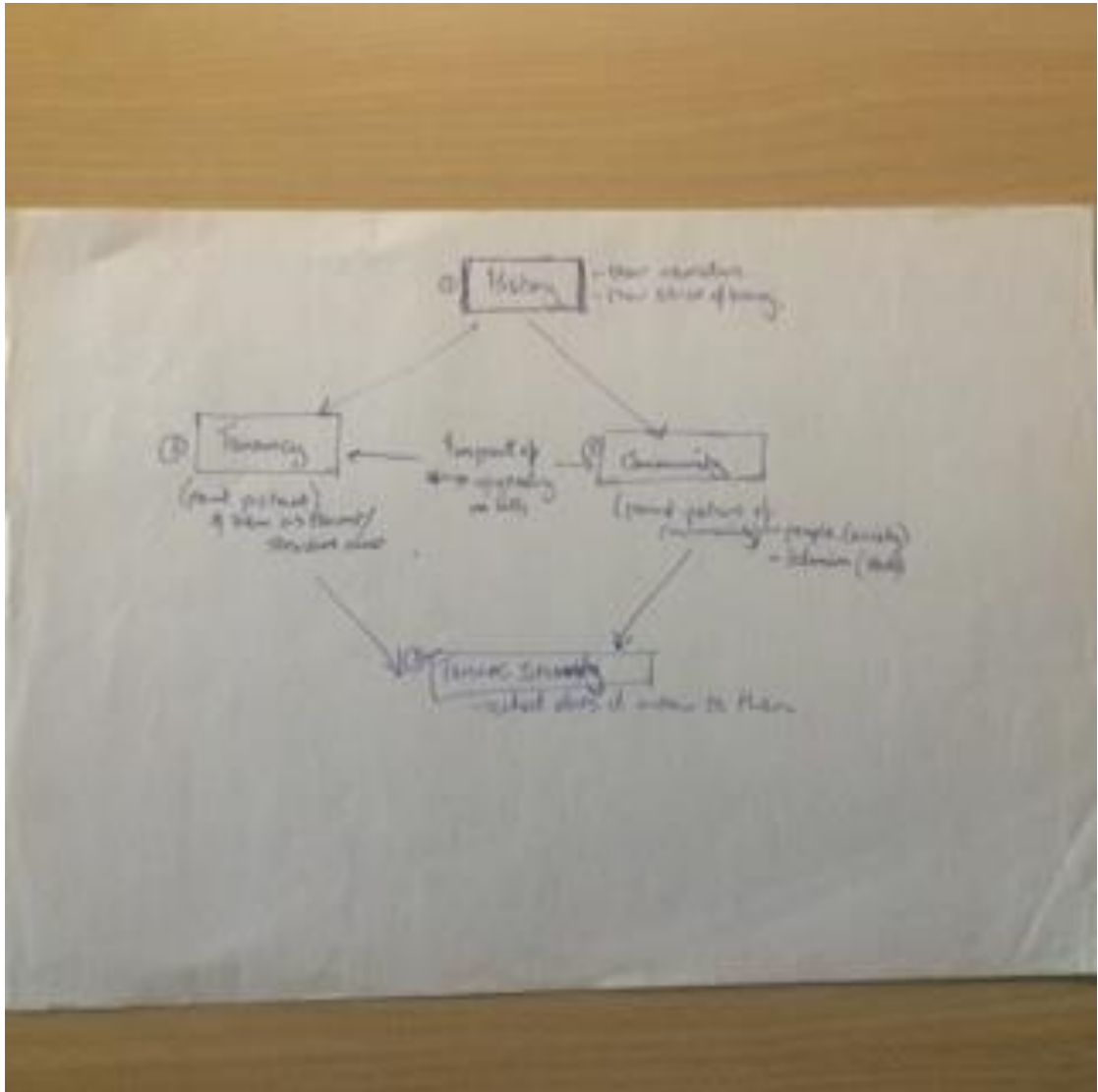
*questions focused on four topics – history of individual, community, tenancy, tenure security - and if there has been any impact of slum upgrading on any of these four areas.**

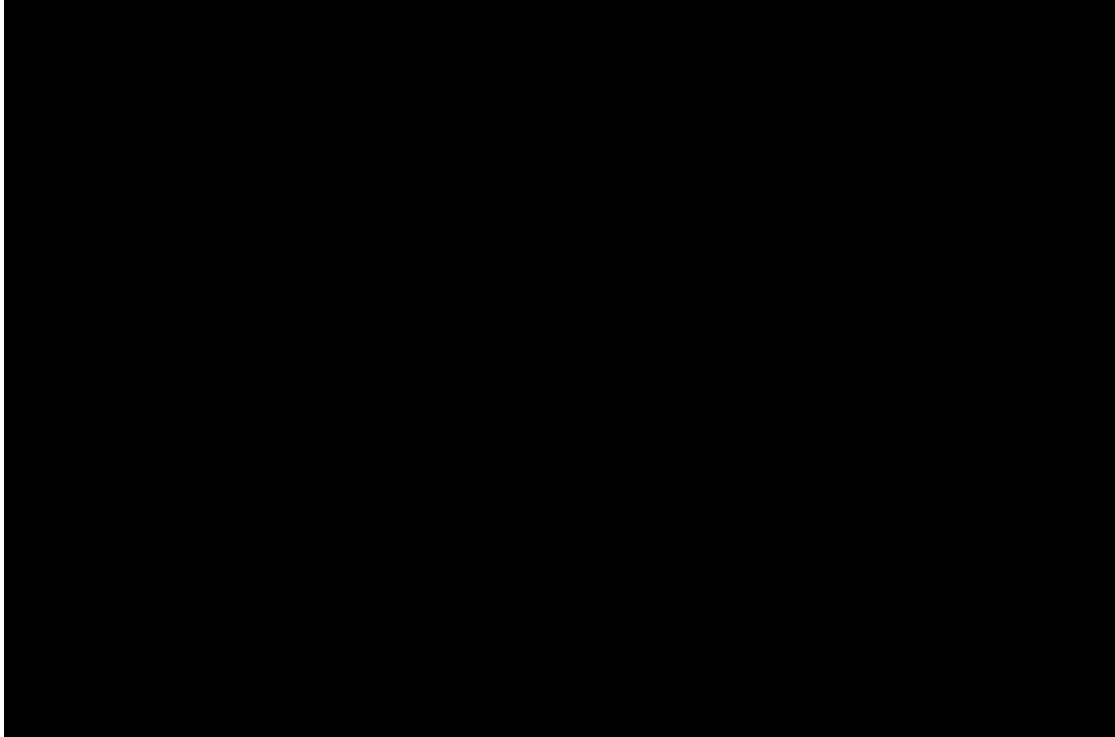**APPENDIX 3: Examples of map used to maximize geographic distribution of interviewees**

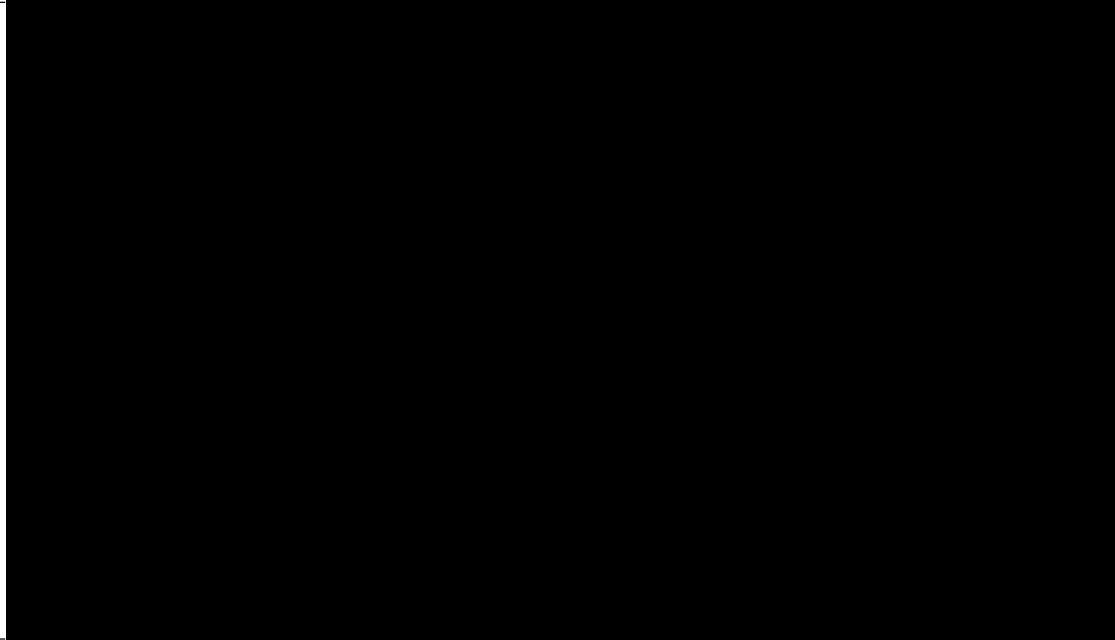
KB hand-drawn map (above); Grogan A hand-drawn map (below)
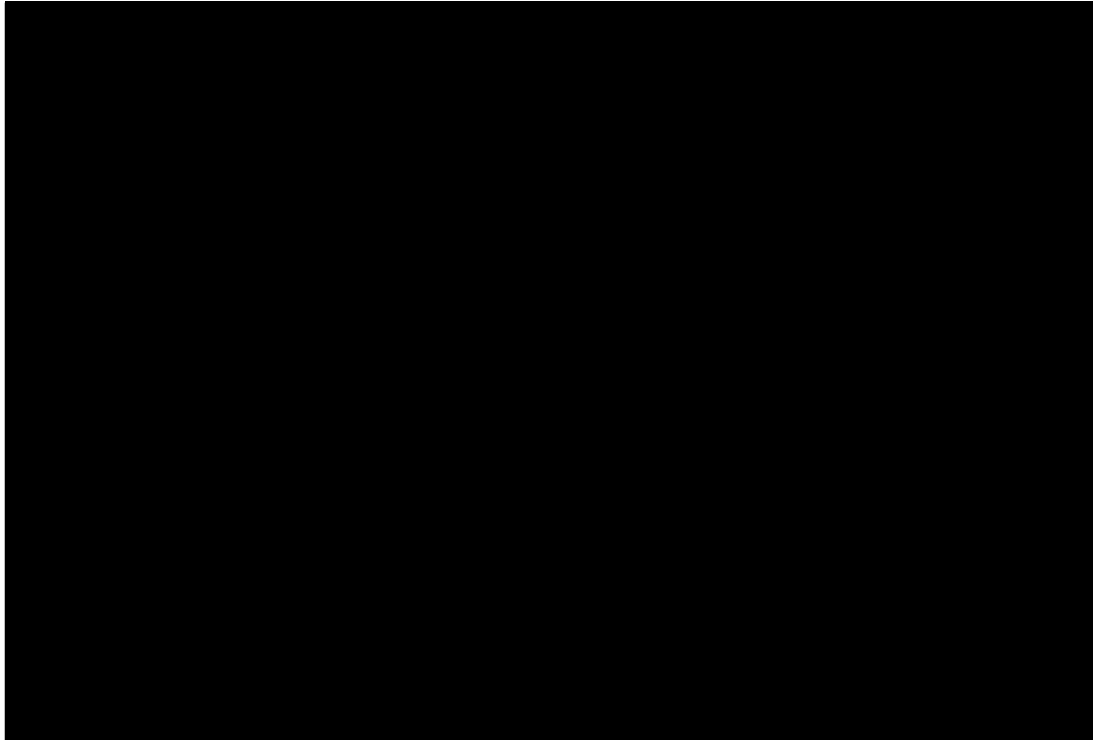
APPENDIX 4: Photos of the Three Villages

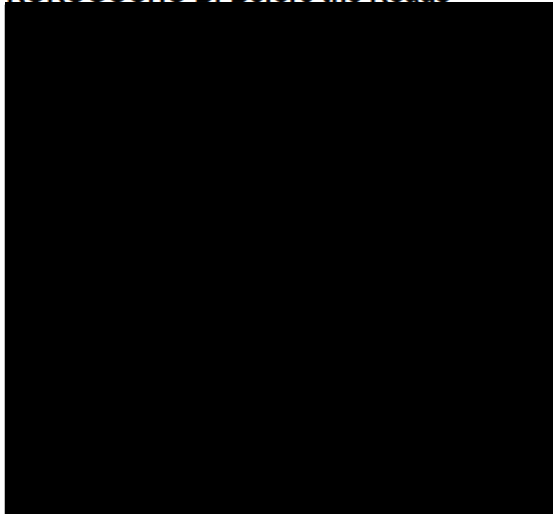**GROGAN A**

Source: KSUP project files

GROGAN A - Rooftops

Source: https://ghettomirrorkenya.wordpress.com/2013/09/30/korogocho-slums/

KOROGOCHO B

Source: KSUP project files

KOROGOCHO B: Before the Roads

Source: https://www.ijm.org/news/ijm-kenya-hosts-focus-group-pastors-working-nairobi-slum
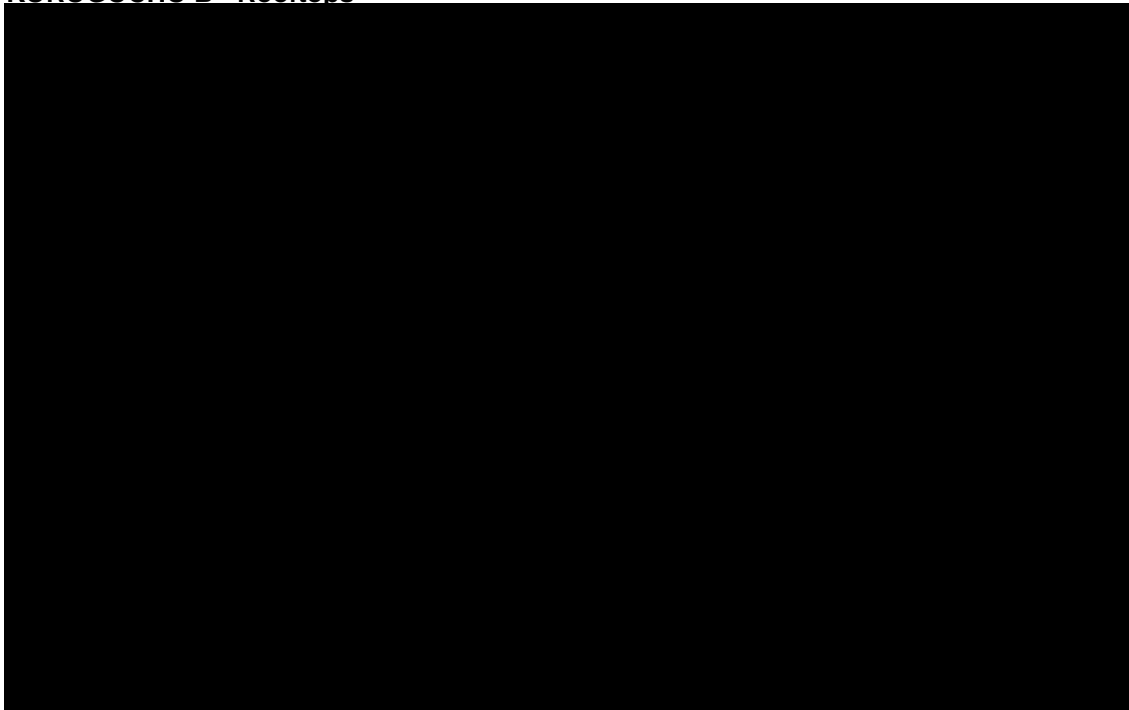
KOROGOCHO B: After the Roads

Source: Author (2014)
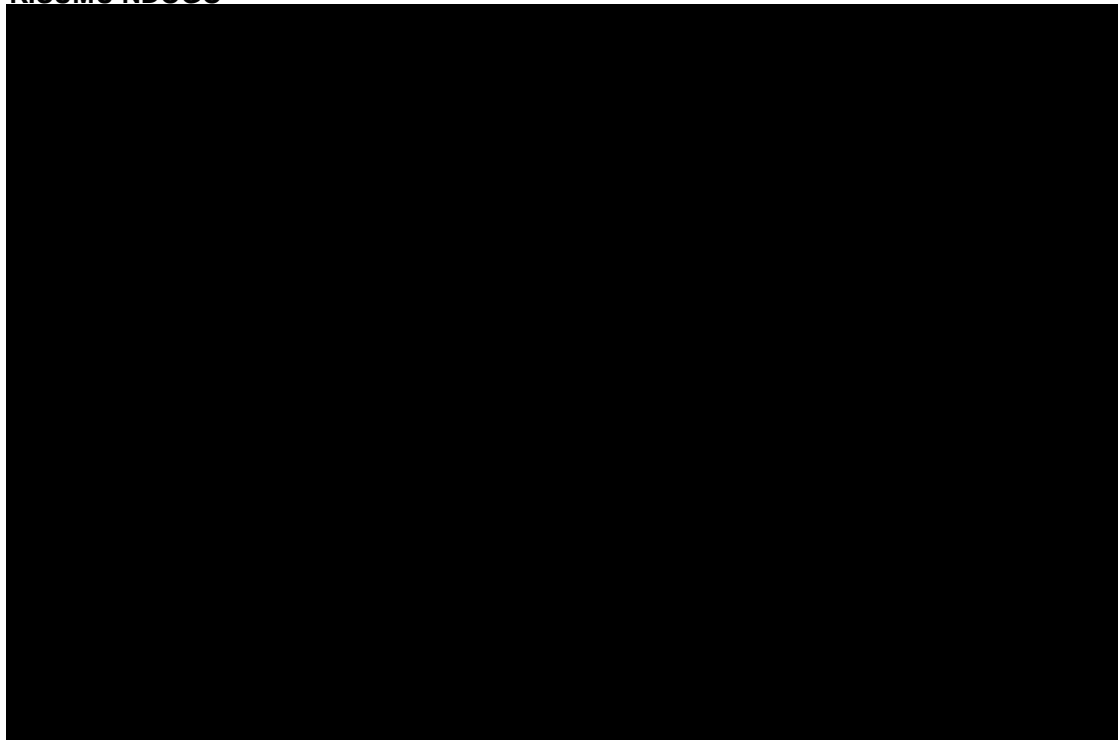
KOROGOCHO B: Inside the Village

Source: Author (2014)

KOROGOCHO B - Rooftops

Source: http://www.concernusa.org/story/a-new-tool-for-understanding-urban-emergencies/

KISUMU NDOGO

Source: KSUP project files

KISUMU NDOGO – Inside the alleys

Source: Author (2014)

KISUMU NDOGO – one toilet for the two rows (approx. 10 rooms)

Source: Author (2014)